

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

SENATE BILL 378

5 By: Senators Elliott, G. Leding
6 By: Representatives M. Hodges, V. Flowers, F. Allen, Blake, Burch, Cavanaugh, Clowney, A. Collins,
7 Fielding, D. Garner, Glover, Godfrey, Love, McCullough, Murdock, Nicks, Richardson, Richey, Scott,
8 Walker, D. Whitaker
9

For An Act To Be Entitled

11 AN ACT TO BE KNOWN AS "THE EQUITY IN SENTENCING ACT";
12 AND FOR OTHER PURPOSES.
13
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Subtitle

15 TO BE KNOWN AS "THE EQUITY IN SENTENCING
16 ACT".
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. DO NOT CODIFY. Legislative findings.

23 The General Assembly finds that:

24 (1) The revised sentencing provisions of Acts 2011, No. 570,
25 have resulted in extreme differences between sentences imposed before the
26 enactment of Acts 2011, No. 570, and those imposed for the same conduct after
27 the enactment of Acts 2011, No. 570;

28 (2) The inequitable sentences have created certain
29 administrative difficulties for the staff of the Department of Correction;

30 (3) Sentencing provisions before the enactment of Acts 2011, No.
31 570, can no longer be imposed, and therefore have no deterrent value; and

32 (4) Continued enforcement of sentences imposed before the
33 enactment of Acts 2011, No. 570, serves a questionable or no useful purpose.
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35 SECTION 2. DO NOT CODIFY. Temporary language.

36 (a) Upon petition to the sentencing court by a person convicted of an



1 offense under the Uniform Controlled Substances Act before the effective date
2 of Acts 2011, No. 570, all punishments imposed upon the petitioner that
3 exceed the maximum sentence permitted under Acts 2011, No. 570, shall be
4 reduced by the sentencing court to the maximum punishment permitted under
5 Acts 2011, No. 570, for the type and amount of controlled substance involved
6 in the petitioner's conviction.

7 (b) If the sentencing court determines that the punishment imposed
8 upon the petitioner exceeds the maximum punishment allowed under Acts 2011,
9 No. 570, for the kind and amount of the controlled substance involved in the
10 petitioner's conviction, the sentencing court shall order a reduction in the
11 petitioner's sentence to the maximum allowed under Acts 2011, No. 570.

12 (c) A petitioner who files a petition under this act bears the burden
13 of establishing by a preponderance of the evidence the kind and amount of
14 controlled substance involved in his or her conviction.

15 (d) Notwithstanding the provisions of any statute, rule, or judicial
16 convention to the contrary, a court has the authority and jurisdiction to act
17 upon and implement this act.

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