

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

As Engrossed: S3/3/21

# A Bill

SENATE BILL 300

5 By: Senators J. Dismang, Gilmore, T. Garner  
6 By: Representatives Slape, Beaty Jr., *Watson, Crawford*  
7

## For An Act To Be Entitled

9 AN ACT PROHIBITING PAROLE FOR A PERSON CONVICTED OF  
10 THE OFFENSE OF POSSESSION OF A FIREARM BY CERTAIN  
11 PERSONS UNDER CERTAIN CIRCUMSTANCES; TO DECLARE AN  
12 EMERGENCY; AND FOR OTHER PURPOSES.  
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## Subtitle

15 PROHIBITING PAROLE FOR A PERSON CONVICTED  
16 OF THE OFFENSE OF POSSESSION OF A FIREARM  
17 BY CERTAIN PERSONS UNDER CERTAIN  
18 CIRCUMSTANCES; AND TO DECLARE AN  
19 EMERGENCY.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code § 16-93-609 is amended to read as follows:  
26 16-93-609. Effect of more than one conviction for certain felonies –  
27 Definition.

28 (a) Any person who commits murder in the first degree, § 5-10-102,  
29 rape, § 5-14-103, or aggravated robbery, § 5-12-103, subsequent to March 24,  
30 1983, and who has previously been found guilty of or pleaded guilty or nolo  
31 contendere to murder in the first degree, § 5-10-102, rape, § 5-14-103, or  
32 aggravated robbery, § 5-12-103, shall not be eligible for release on parole  
33 by the Parole Board.

34 (b)(1) Any person who commits a violent felony offense or any felony  
35 sex offense subsequent to August 13, 2001, and who has previously been found  
36 guilty of or pleaded guilty or nolo contendere to any violent felony offense



1 or any felony sex offense shall not be eligible for release on parole by the  
2 board.

3 (2) As used in this subsection, “a violent felony offense or any  
4 felony sex offense” means those offenses listed in § 5-4-501(d)(2).

5 (c) A person who commits the offense of possession of firearms by  
6 certain persons, § 5-73-103, in which the offense is under § 5-73-103(c)(1),  
7 after the effective date of this act, is not eligible for parole.

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9 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
10 General Assembly of the State of Arkansas that Arkansas is in the top six  
11 states concerning the crime rate and violent crime rate as per the Federal  
12 Bureau of Investigation and National Incident-Based Reporting System; that  
13 the Arkansas Criminal Code is currently not equipped with an effective method  
14 to punish those persons who are convicted felons and are prohibited by law  
15 from possessing a firearm who decide to ignore the law and use a firearm to  
16 commit violent offenses; that law enforcement in Arkansas has had to use the  
17 offices of the United States Department of Justice and the United States  
18 district courts to prosecute crimes covered by this act in order to get  
19 commensurate sentences and length of incarceration; that this act eliminates  
20 parole for those bad actors and will serve as a more effective deterrent  
21 against further violent criminal acts; and that this act is immediately  
22 necessary because the safety of the public and the ability of law enforcement  
23 to establish the deterrent effect of this act needs to occur as soon as  
24 possible. Therefore, an emergency is declared to exist, and this act being  
25 immediately necessary for the preservation of the public peace, health, and  
26 safety shall become effective on:

27 (1) The date of its approval by the Governor;

28 (2) If the bill is neither approved nor vetoed by the Governor,  
29 the expiration of the period of time during which the Governor may veto the  
30 bill; or

31 (3) If the bill is vetoed by the Governor and the veto is  
32 overridden, the date the last house overrides the veto.

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35 /s/J. Dismang  
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