

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

As Engrossed: S3/3/21 S3/15/21

A Bill

SENATE BILL 300

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