

1 State of Arkansas As Engrossed: S3/3/21 S3/15/21 S3/18/21

2 93rd General Assembly

A Bill

3 Regular Session, 2021

SENATE BILL 300

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5 By: Senators J. Dismang, Gilmore, T. Garner, *K. Hammer, B. Johnson, D. Sullivan, Hill*

6 By: Representatives Slape, Beaty Jr., Watson, Crawford, C. Cooper, *Bentley, Christiansen, Hollowell,*

7 *Clowney, Cavanaugh, McNair, Fortner, Nicks, Jean, Shepherd, Lynch, Evans, B. Smith, D. Garner,*

8 *Dalby, Milligan, Cloud, Underwood*

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For An Act To Be Entitled

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AN ACT PROHIBITING PAROLE FOR A PERSON CONVICTED OF
12 THE OFFENSE OF POSSESSION OF A FIREARM BY CERTAIN
13 PERSONS UNDER CERTAIN CIRCUMSTANCES; TO DECLARE AN
14 EMERGENCY; AND FOR OTHER PURPOSES.

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Subtitle

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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SECTION 1. Arkansas Code § 16-93-609 is amended to read as follows:

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16-93-609. Effect of more than one conviction for certain felonies –

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Definition.

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

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(b)(1) Any person who commits a violent felony offense or any felony



1 sex offense subsequent to August 13, 2001, and who has previously been found
2 guilty of or pleaded guilty or nolo contendere to any violent felony offense
3 or any felony sex offense shall not be eligible for release on parole by the
4 board.

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

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

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

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

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

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

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/s/J. Dismang