

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4  
5 By: Senator J. Bryant  
6

# A Bill

SENATE BILL 366

## For An Act To Be Entitled

8 AN ACT AMENDING THE LAW CONCERNING VIOLENT FELONY  
9 OFFENSES FOR PURPOSES OF PAROLE; TO CLARIFY THAT  
10 RESIDENTIAL BURGLARY IS CONSIDERED A VIOLENT FELONY  
11 FOR OFFENSES COMMITTED ON OR AFTER APRIL 1, 2015; AND  
12 FOR OTHER PURPOSES.

## Subtitle

16 AMENDING THE LAW CONCERNING VIOLENT  
17 FELONY OFFENSES FOR PURPOSES OF PAROLE;  
18 AND TO CLARIFY THAT RESIDENTIAL BURGLARY  
19 IS CONSIDERED A VIOLENT FELONY FOR  
20 OFFENSES COMMITTED ON OR AFTER APRIL 1,  
21 2015.

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23  
24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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26 SECTION 1. DO NOT CODIFY. Legislative findings and intent.

27 (a) The General Assembly finds that § 16-93-609 is a parole  
28 eligibility statute and not a sentencing statute.

29 (b) It is the intent of the General Assembly that this act apply  
30 solely to the recalculation of parole eligibility for the affected persons  
31 and not create a right to a resentencing proceeding, a new trial, other  
32 remedy, or cause of action that did not exist before the effective date of  
33 this act.

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35 SECTION 2. Arkansas Code § 16-93-609(b), concerning the effect of more  
36 than one conviction of certain felonies, is amended to read as follows:



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

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

8 (B) Unless the sentencing order expressly designates that  
9 the defendant was sentenced under this section, "a violent felony offense or  
10 any felony sex offense" does not include residential burglary, § 5-39-201,  
11 committed before April 1, 2015, unless the defendant was sentenced on or  
12 after May 24, 2022.