

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: S2/7/13
A Bill

SENATE BILL 150

By: Senator J. Dismang
By: Representatives Gillam, Biviano

For An Act To Be Entitled

AN ACT TO AMEND PAROLE ELIGIBILITY FOR PERSONS
CONVICTED OF A FELONY SEX OFFENSE; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND PAROLE ELIGIBILITY FOR PERSONS
CONVICTED OF A FELONY SEX OFFENSE.

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

SECTION 1. Arkansas Code § 16-93-615(b)(1), regarding an inmate who is subject to discretionary transfer to the Department of Community Correction by the Parole Board after having served one-third (1/3) or one-half (½) of his or her sentence, is amended to read as follows:

(b)(1) An inmate under sentence for one (1) of the following felonies ~~shall be~~ is eligible for discretionary transfer to the Department of Community Correction by the Parole Board after having served one-third (1/3) or one-half (½) of his or her sentence, with credit for meritorious good time, depending on the seriousness determination made by the Arkansas Sentencing Commission, or one-half (½) of the time to which his or her sentence is commuted by executive clemency, with credit for meritorious good time:

(A) ~~Any homicide, §§ 5-10-101—5-10-105, unless the offense is listed under § 16-93-612(e)(1);~~ Unless the offense is listed under § 16-93-612(e)(1), the following homicide offenses:

(i) Capital murder, § 5-10-101;



- (ii) Murder in the first degree, § 5-10-102;
- (iii) Murder in the second degree, § 5-10-103;
- (iv) Manslaughter, § 5-10-104; or
- (v) Negligent homicide, § 5-10-105;

~~(B) Sexual assault in the first degree, § 5-14-124~~ An offense for which the inmate is required upon release to register as a sex offender under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., unless the offense is listed under § 16-93-612(e)(1);

~~(C) Sexual assault in the second degree, § 5-14-125;~~

~~(D)(C) Battery in the first degree, § 5-13-201;~~

~~(E)(D) Domestic battering in the first degree, § 5-26-303;~~

~~or~~

~~(F)(E) The~~ Unless the offense is listed under § 16-93-612(e)(1), the following Class Y felonies:

~~(i) Kidnapping, § 5-11-102, unless the offense is listed under § 16-93-612(e)(1);~~

~~(ii) Rape, § 5-14-103, unless the offense is listed under § 16-93-612(e)(1);~~

~~(iii)(ii) Aggravated robbery, § 5-12-103, unless the offense is listed under § 16-93-612(e)(1); or~~

~~(iv)(iii) Causing a catastrophe, § 5-38-202(a), unless the offense is listed under § 16-93-612(e)(1);~~

~~(G)(F) Engaging in a continuing criminal enterprise, § 5-64-405; or~~

~~(H)(G) Simultaneous possession of drugs and firearms, § 5-74-106.~~

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that certain sex offenses qualify for mandatory parole under the current parole laws; that sex offenses are very serious crimes and parole for those offenses should be discretionary; and that this act is immediately necessary because those persons who will be required to register as sex offenders upon release from the Department of Correction should first serve a meaningful sentence in prison before being eligible for mandatory parole. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public

peace, health, and safety shall become effective on:

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

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

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

/s/J. Dismang

APPROVED: 02/20/2013