

State of Arkansas
91st General Assembly
Regular Session, 2017

A Bill

HOUSE BILL 1542

By: Representative Shepherd

By: Senator J. Hutchinson

For An Act To Be Entitled

AN ACT ADDRESSING THE SEALING OF A PERSON'S FELONY
RECORD WHEN THE PERSON IS A FIRST-TIME FELONY
OFFENDER; AND FOR OTHER PURPOSES.

Subtitle

ADDRESSING THE SEALING OF A PERSON'S
FELONY RECORD WHEN THE PERSON IS A FIRST-
TIME FELONY OFFENDER.

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

SECTION 1. Arkansas Code § 16-93-303(a)(1), concerning probation for a first-time felony offender, is amended to read as follows:

(a)(1)(A)(i) ~~Whenever~~ When an accused enters a plea of guilty or nolo contendere prior to an adjudication of guilt, ~~the judge of~~ the circuit court or district court, in the case of a defendant who previously has not been convicted of a felony, without making a finding of guilt or entering a judgment of guilt and with the consent of the defendant, may defer further proceedings and place the defendant on probation for a period of not less than one (1) year, under such terms and conditions as may be set by the circuit court or district court.

(ii) A sentence of a fine not exceeding three thousand five hundred dollars (\$3,500) or an assessment of court costs against a defendant does not negate the benefits provided by this section or cause the probation placed on the defendant under this section to constitute a conviction except under subsections (c)-(e) of this section.



(iii) A serious felony involving violence or a felony involving violence as provided in § 5-4-501 ~~shall not be~~ is not eligible for sealing of the record under this subchapter.

(B) However, a person who is found guilty of or pleads guilty or nolo contendere to a ~~sexual offense as defined by § 5-14-101 et seq. and §§ 5-26-202, 5-27-602, 5-27-603, and 5-27-605~~ one (1) or more of the following offenses is not eligible for sealing of the record under this subchapter.:

(i) An offense that requires the person to register as a sex offender under the Sex Offender Registration Act of 1997, § 12-12-901 et seq.;

(ii) Public sexual indecency, § 5-14-111;

(iii) Indecent exposure, § 5-14-112;

(iv) Bestiality, § 5-14-122; or

(v) Exposing another person to the human immunodeficiency virus, § 5-14-123.

APPROVED: 03/27/2017