

State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

SENATE BILL 366

By: Senator J. Bryant

## For An Act To Be Entitled

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

## Subtitle

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

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

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

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

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

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



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

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

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

**APPROVED: 4/11/23**