

State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

HOUSE BILL 1758

By: Representatives Gazaway, Achor

By: Senator Gilmore

## For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING COMMERCIAL  
BURGLARY; TO CREATE AN ENHANCED PENALTY FOR  
COMMERCIAL BURGLARY OF A PHARMACY; AND FOR OTHER  
PURPOSES.

## Subtitle

TO AMEND THE LAW CONCERNING COMMERCIAL  
BURGLARY; AND TO CREATE AN ENHANCED  
PENALTY FOR COMMERCIAL BURGLARY OF A  
PHARMACY.

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

SECTION 1. Arkansas Code § 5-39-201(b), concerning commercial burglary, is amended to add an additional subdivision to read as follows:

(3)(A) A person who commits commercial burglary in which the commercial occupiable structure is a pharmacy as defined in § 17-92-101 is subject to an enhanced sentence of an additional term of imprisonment of five (5) years.

(B) To seek the enhanced sentence established in this subdivision (b)(3), a prosecuting attorney shall notify the defendant in writing that the defendant is subject to the enhanced sentence.

(C) If the defendant is charged by information or indictment, the prosecuting attorney may include the written notice required under subdivision (b)(3)(B) of this section in the information or indictment.

(D) An enhanced sentence imposed under this subdivision



(b)(3) is consecutive to any other sentence imposed.

(E) A person convicted under this subdivision (b)(3) is ineligible to receive earned release credits for the enhanced portion of the sentence.

**APPROVED: 4/13/23**