

State of Arkansas  
89th General Assembly  
Regular Session, 2013

# A Bill

HOUSE BILL 1474

By: Representatives Lowery, Farrer  
By: Senators B. King, E. Williams

## For An Act To Be Entitled

AN ACT TO ESTABLISH MURDER IN THE SECOND DEGREE AS A  
SEVENTY-PERCENT CRIME; AND FOR OTHER PURPOSES.

### Subtitle

TO ESTABLISH MURDER IN THE SECOND DEGREE  
AS A SEVENTY-PERCENT CRIME.

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

SECTION 1. Arkansas Code § 16-93-612(e), concerning applicable dates for parole eligibility for certain offenses, is amended to read as follows:

(e) For an offender serving a sentence for a felony committed on or after January 1, 1994, § 16-93-614 governs that person's parole eligibility, unless otherwise ~~noted~~ provided and except:

(1) If the felony is murder in the first degree, § 5-10-102, kidnapping, if a Class Y felony, § 5-11-102(b)(1), aggravated robbery, § 5-12-103, rape, § 5-14-103, or causing a catastrophe, § 5-38-202(a), and the offense occurred after July 28, 1995, § 16-93-618 governs that person's parole eligibility; ~~or~~

(2) If the felony is manufacturing methamphetamine, § 5-64-423(a) or the former § 5-64-401, or possession of drug paraphernalia with the intent to manufacture methamphetamine, the former § 5-64-403(c)(5), and the offense occurred after April 9, 1999, § 16-93-618 governs that person's parole eligibility; or

(3) If the felony is murder in the second degree, § 5-10-103, and the offense occurred after the effective date of this act, § 16-93-618



governs that person's parole eligibility.

SECTION 2. Arkansas Code § 16-93-618(a), concerning which criminal offenses are seventy-percent offenses, is amended to read as follows:

(a)(1) Notwithstanding any law allowing the award of meritorious good time or any other law to the contrary, any person who is found guilty of or pleads guilty or nolo contendere to subdivisions (a)(1)(A)-~~(H)~~(I) of this section ~~shall not be~~ is not eligible for parole or community ~~punishment~~ correction transfer, except as provided in subdivision (a)(3) of this section or subsection (c) of this section, until the person serves seventy percent (70%) of the term of imprisonment to which the person is sentenced, including a sentence prescribed under § 5-4-501:

(A) Murder in the first degree, § 5-10-102;

(B) Murder in the second degree, § 5-10-103;

~~(B)~~(C) Kidnapping, Class Y felony, § 5-11-102;

~~(C)~~(D) Aggravated robbery, § 5-12-103;

~~(D)~~(E) Rape, § 5-14-103;

~~(E)~~(F) Causing a catastrophe, § 5-38-202(a);

~~(F)~~(G) Manufacturing methamphetamine, § 5-64-423(a) or the former § 5-64-401;

~~(G)~~(H) Trafficking methamphetamine, § 5-64-440(b)(1); or

~~(H)~~(I) Possession of drug paraphernalia with the purpose to manufacture methamphetamine, the former § 5-64-403(c)(5).