

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: S2/12/13
A Bill

SENATE BILL 257

By: Senator D. Sanders

For An Act To Be Entitled

AN ACT TO REVISE THE PAROLE STATUTES; TO REQUIRE THAT A PERSON ON PAROLE WHO VIOLATES HIS OR HER PAROLE DUE TO COMMITTING A PARTICULAR SUBSEQUENT FELONY OFFENSE SERVE THE ENTIRE REMAINDER OF HIS OR HER ORIGINAL SENTENCE; AND FOR OTHER PURPOSES.

Subtitle

TO REVISE THE PAROLE STATUTES; TO REQUIRE THAT A PERSON ON PAROLE WHO VIOLATES HIS OR HER PAROLE DUE TO COMMITTING A PARTICULAR SUBSEQUENT FELONY OFFENSE SERVE THE REMAINDER OF HIS OR HER ORIGINAL SENTENCE.

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

SECTION 1. Arkansas Code § 16-93-615(b)(1), regarding certain discretionary transfers of inmates to the Department of Community Correction by the Parole Board, 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 ($\frac{1}{2}$) 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 ($\frac{1}{2}$) 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);~~
- ~~(B) Sexual assault in the first degree, § 5-14-124;~~
- ~~(C) Sexual assault in the second degree, § 5-14-125;~~
- ~~(D) Battery in the first degree, § 5-13-201;~~
- ~~(E) Domestic battering in the first degree, § 5-26-303; or~~
- ~~(F) 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) Aggravated robbery, § 5-12-103, unless the offense is listed under § 16-93-612(e)(1); or~~
- ~~(iv) Causing a catastrophe, § 5-38-202(a), unless the offense is listed under § 16-93-612(e)(1);~~
- ~~(G) Engaging in a continuing criminal enterprise, § 5-64-405; or~~
- ~~(H) Simultaneous possession of drugs and firearms, § 5-74-106.~~

(A) Unless the offense is listed under § 16-93-612(e)(1), the following homicide offenses:

- (i) Capital murder, § 5-10-101, or attempted capital murder;
- (ii) Murder in the first degree, § 5-10-102, or attempted murder in the first degree;
- (iii) Murder in the second degree, § 5-10-103;
- (iv) Manslaughter, § 5-10-104;
- (v) Negligent homicide, § 5-10-105; or
- (vi) An offense under § 5-54-201 et seq.;

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

- (i) Kidnapping, § 5-11-102;
- (ii) Aggravated robbery, § 5-12-103, or attempted aggravated robbery;
- (iii) Terroristic act, § 5-13-310;
- (iv) Causing a catastrophe, § 5-38-202(a);

- (v) Arson, § 5-38-301;
- (vi) Aggravated residential burglary, § 5-39-204; or
- (vii) Unlawful discharge of a firearm from a vehicle, § 5-74-107;
- (C) An offense for which the person is required 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);
- (D) Battery in the first degree, § 5-13-201;
- (E) Domestic battering in the first degree, § 5-26-303;
- (F) Engaging in a continuing criminal enterprise, § 5-64-405; or
- (G) Simultaneous possession of drugs and firearms, § 5-74-106.

SECTION 2. Arkansas Code § 16-93-615(b), regarding certain discretionary transfers of inmates to the Department of Community Correction by the Parole Board, is amended to add a new subdivision to read as follows:

(7) A person transferred to community correction under subdivision (b)(1) of this section shall serve the remainder of his or her original sentence without the possibility of parole if the person has his or her parole revoked for committing one (1) or more of the following felony offenses while on parole:

- (A) A felony involving violence as defined under § 5-4-501(d)(2);
- (B) An offense for which the person is required to register as a sex offender under the Sex Offender Registration Act of 1997, § 12-12-901 et seq.; or
- (C) A felony listed under 16-93-615(b)(1).

/s/D. Sanders