

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1741

5 By: Representative C. Douglas
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For An Act To Be Entitled

8 AN ACT CONCERNING THE GOVERNOR'S ABILITY TO PARDON,
9 COMMUTE A SENTENCE, OR GRANT CLEMENCY WHEN A
10 CONVICTED FELON HAS A TERMINAL MEDICAL DIAGNOSIS; AND
11 FOR OTHER PURPOSES.
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Subtitle

14 CONCERNING THE GOVERNOR'S ABILITY TO
15 PARDON, COMMUTE A SENTENCE, OR GRANT
16 CLEMENCY WHEN A CONVICTED FELON HAS A
17 TERMINAL MEDICAL DIAGNOSIS.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 5-4-607 is amended to add an additional
24 subsection to read as follows:

25 (g)(1) The requirements for a pardon or a commutation of a sentence
26 under this section and the prohibition under subsection (d) of this section
27 are not applicable if the Governor pardons a person or commutes a person's
28 sentence because the person has received a terminal medical diagnosis.

29 (2) As used in this subsection, "terminal medical diagnosis"
30 means that according to a person's medical records and in the opinion of his
31 or her attending physician, the person has an incurable medical condition and
32 has less than one (1) year left to live.
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34 SECTION 2. Arkansas Code § 16-93-204(a)(3), concerning executive
35 clemency, is amended to read as follows:

36 (3)(A) Applications Unless otherwise provided under this



1 subsection, an application for a pardon, commutation of sentence, reprieve,
2 respite, or remission of fine or forfeiture shall be referred to the Parole
3 Board for investigation.

4 (B)(i) The requirement for an application to the board
5 under subdivision (a)(3)(A) of this section is not applicable if the Governor
6 pardons a person or commutes a person's sentence because the person has
7 received a terminal medical diagnosis.

8 (ii) As used in this subdivision (a)(3)(B),
9 "terminal medical diagnosis" means that according to a person's medical
10 records and in the opinion of his or her attending physician, the person has
11 an incurable medical condition and has less than one (1) year left to live.