

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

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

HOUSE BILL 1741

By: Representative C. Douglas

For An Act To Be Entitled

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

Subtitle

CONCERNING THE GOVERNOR'S ABILITY TO
PARDON, COMMUTE A SENTENCE, OR GRANT
CLEMENCY WHEN A CONVICTED FELON HAS A
TERMINAL MEDICAL DIAGNOSIS.

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

SECTION 1. Arkansas Code § 5-4-607 is amended to add an additional subsection to read as follows:

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

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

SECTION 2. Arkansas Code § 16-93-204(a)(3), concerning executive clemency, is amended to read as follows:

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



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

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

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