

State of Arkansas  
91st General Assembly  
Regular Session, 2017

# A Bill

HOUSE BILL 1713

By: Representative Lowery

## 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 is amended to read as follows:  
16-93-612. Parole eligibility – Date of offense.

(a) A person's parole eligibility shall be determined by the laws in effect at the time of the offense for which he or she is sentenced to the Department of Correction.

(b) For ~~an offender~~ a person serving a sentence for a felony committed before April 1, 1977, § 16-93-601 governs that person's parole eligibility.

(c) For ~~an offender~~ a person serving a sentence for a felony committed between April 1, 1977, and April 1, 1983, § 16-93-604 governs that person's parole eligibility.

(d) For ~~an offender~~ a person serving a sentence for a felony committed on or after April 1, 1983, but before January 1, 1994, § 16-93-607 governs that person's parole eligibility.

(e) For ~~an offender~~ a person 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;

(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 battery in the second degree, § 5-13-202, aggravated assault, § 5-13-204, terroristic threatening, § 5-13-301, domestic battering in the second degree, § 5-26-304, or residential burglary, § 5-39-201, and the offense occurred on or after April 1, 2015, § 16-93-620 governs that person's parole eligibility; or

(4) 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.

(f) For ~~an offender~~ a person serving a sentence for a felony committed on or after January 1, 1994, § 16-93-615 governs that person's parole eligibility procedures.

SECTION 2. Arkansas Code § 16-93-618(a)(1), 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, a person who is found guilty of or pleads guilty or nolo contendere to subdivisions ~~(a)(1)(A)-(I)~~ (a)(1)(A)-(J) of this section shall not be eligible for parole or community correction transfer, except as provided in subdivision (a)(3) 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) Trafficking of persons, Class Y felony, § 5-18-103;

~~(F)~~(G) Causing a catastrophe, § 5-38-202(a);  
~~(G)~~(H) Manufacturing methamphetamine, § 5-64-423(a) or the  
former § 5-64-401;  
~~(H)~~(I) Trafficking methamphetamine, § 5-64-440(b)(1); or  
~~(I)~~(J) Possession of drug paraphernalia with the purpose  
to manufacture methamphetamine, former § 5-64-403(c)(5).