

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1866

By: Representative Petty
By: Senator K. Hammer

For An Act To Be Entitled

AN ACT CONCERNING EXECUTIVE CLEMENCY, PARDON, AND
COMMUTATION OF SENTENCE; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING EXECUTIVE CLEMENCY, PARDON,
AND COMMUTATION OF SENTENCE.

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

SECTION 1. Arkansas Code § 16-93-204(a), concerning an application for executive clemency, is amended to read as follows:

(a)(1)(A) All applications for pardon, commutation of sentence, reprieve, respite, or remission of a fine or forfeiture shall be signed by the applicant under oath.

(B) For purposes of § 5-53-102, the application shall be deemed an official proceeding.

(2) An applicant shall obtain and include with his or her application a certified copy of the applicant's judgment and commitment order or comparable document.

(3) Applications shall be referred to the Parole Board for investigation.

(4) A person is not eligible to file an application for pardon for a period of five (5) years from the discharge date of the sentence for which pardon is sought.

SECTION 2. Arkansas Code § 16-93-204(e) and (f), concerning notice of



the Parole Board's recommendation that executive clemency be granted, are amended to read as follows:

(e) ~~At least thirty (30) days before~~ Before submitting to the Governor a recommendation that an application for pardon, commutation of sentence, or remission of a fine or forfeiture be granted or denied, the board shall+

~~(1) Issue a public notice of its intention to make such a recommendation; and~~

~~(2) Send notice of its intention to the circuit judge who presided over the applicant's trial, the prosecuting attorney, and the county sheriff of the county in which the applicant was convicted and, if applicable, to the victim or the victim's next of kin if the victim or the victim's next of kin registered for notification with the prosecuting attorney under § 16-21-106(e).~~

~~(f) Whether the board recommends that an application for pardon, commutation of sentence, or remission of fine or forfeiture be granted or denied by the Governor, the board shall issue public notice of each the recommendation.~~

SECTION 3. Arkansas Code § 16-93-207(c)(1), concerning the application for a pardon, commutation of sentence, or remission of a fine or forfeiture, is amended to read as follows:

(c)(1)~~(A)~~ Except as provided ~~in~~ under subdivision (c)(3) and subsection (d) of this section, if an application for pardon, commutation of sentence, or remission of a fine or forfeiture is denied in writing by the Governor, the person filing the application ~~shall not be~~ is not eligible to file a new application for pardon, commutation of sentence, or remission of a fine or forfeiture related to the same offense for a period of four (4) years from the date of ~~filing the application that was denied~~ the denial.

~~(B) Any person who made an application for pardon, commutation of sentence, or remission of fine or forfeiture that was denied on or after July 1, 2004, shall be eligible to file a new application four (4) years after the date of filing the application that was denied.~~