

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

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

As Engrossed: S4/2/19  
**A Bill**

SENATE BILL 378

By: Senators Elliott, G. Leding

By: Representatives M. Hodges, V. Flowers, F. Allen, Blake, Burch, Cavanaugh, Clowney, A. Collins, Fielding, D. Garner, Glover, Godfrey, Love, McCullough, Murdock, Nicks, Richardson, Richey, Scott, Walker, D. Whitaker

### **For An Act To Be Entitled**

*AN ACT TO ALLOW THE PAROLE BOARD AT ITS DISCRETION TO MODIFY THE CALCULATION OF PAROLE ELIGIBILITY OF CERTAIN INMATES IN THE DEPARTMENT OF CORRECTION WHO WERE SENTENCED FOR CONTROLLED SUBSTANCE-RELATED FELONIES; AND FOR OTHER PURPOSES.*

### **Subtitle**

*TO BE KNOWN AS THE "PAROLE EQUITY ACT."*

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

*SECTION 1. DO NOT CODIFY. Legislative findings.*

*The General Assembly finds that:*

*(1) The revised sentencing provisions of Acts 2011, No. 570, have resulted in extreme differences between the parole eligibility dates of inmates sentenced before the enactment of Acts 2011, No. 570, and those sentenced for the same conduct after the enactment of Acts 2011, No. 570; and*

*(2) The Parole Board and its staff have the necessary training and experience to determine on a case-by-case basis when it is appropriate to modify the calculation of the parole eligibility date of an inmate sentenced for a controlled substance offense before the enactment of Acts 2011, No. 570.*

*SECTION 2. DO NOT CODIFY. Temporary language.*



(a) When calculating the parole eligibility date for an inmate who is serving a sentence for violating a former section in § 5-64-401 et seq. or any other offense for possession, distribution, sale, or manufacture of a controlled substance that was committed before the effective date of this act, the Parole Board may base the calculation on the maximum term of years of imprisonment currently allowed by law for the type and amount of the controlled substance involved in the inmate's conviction.

(b) Notwithstanding § 16-93-612, when determining parole eligibility for an inmate serving a sentence for an offense described in subsection (a) of this section, the board may evaluate the nature of the offense, including the type and amount of the controlled substance involved, and determine the parole eligibility as if the inmate were sentenced under a currently comparable offense under §§ 5-64-402 – 5-64-444.

(c) In an application for parole, the inmate shall bear the burden of establishing the type and amount of the controlled substance involved in his or her conviction.

(d) The board shall promulgate rules to implement this section.

SECTION 3. DO NOT CODIFY. Temporary language.

(a) When adopting the initial rules to implement this act, the final rule shall be filed with the Secretary of State for adoption under § 25-15-204(f):

(1) On or before December 31, 2019; or

(2) If approval under § 10-3-309 has not occurred by December 31, 2019, as soon as practicable after approval under 10-3-309.

(b) The Parole Board shall file the proposed rule with the Legislative Council under § 10-3-309(c) sufficiently in advance of December 31, 2019, so that the Legislative Council may consider the rule for approval before December 31, 2019.

/s/Elliott