

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

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

SENATE BILL 517

By: Senator Bond

For An Act To Be Entitled

AN ACT CONCERNING LIFE SENTENCES IMPOSED FOR
NONVIOLENT FELONY OFFENSES INVOLVING A CONTROLLED
SUBSTANCE; CONCERNING CRIMINAL SENTENCES;
ESTABLISHING RETROACTIVE APPLICABILITY FOR CERTAIN
SENTENCES; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING LIFE SENTENCES IMPOSED FOR
NONVIOLENT FELONY OFFENSES INVOLVING A
CONTROLLED SUBSTANCE; CONCERNING CRIMINAL
SENTENCES; ESTABLISHING RETROACTIVE
APPLICABILITY FOR CERTAIN SENTENCES.

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

SECTION 1. Arkansas Code § 5-4-401 is amended to read as follows:
5-4-401. Sentence.

(a) A defendant convicted of a felony shall receive a determinate sentence according to the following limitations:

(1) ~~For~~ Except as provided in subsection (c) of this section,
for a Class Y felony, the sentence shall be not less than ten (10) years and
not more than forty (40) years, or life;

(2) For a Class A felony, the sentence shall be not less than
six (6) years nor more than thirty (30) years;

(3) For a Class B felony, the sentence shall be not less than
five (5) years nor more than twenty (20) years;

(4) For a Class C felony, the sentence shall be not less than



three (3) years nor more than ten (10) years;

(5) For a Class D felony, the sentence shall not exceed six (6) years; and

(6) For an unclassified felony, the sentence shall be in accordance with a limitation of the statute defining the felony.

(b) A defendant convicted of a misdemeanor may be sentenced according to the following limitations:

(1) For a Class A misdemeanor, the sentence shall not exceed one (1) year;

(2) For a Class B misdemeanor, the sentence shall not exceed ninety (90) days;

(3) For a Class C misdemeanor, the sentence shall not exceed thirty (30) days; and

(4) For an unclassified misdemeanor, the sentence shall be in accordance with a limitation of the statute defining the misdemeanor.

(c) A defendant convicted of one (1) or more of the following Class Y felonies shall receive a determinate sentence of not less than ten (10) years and not more than forty (40) years:

(1) Delivery of methamphetamine or cocaine, § 5-64-422;

(2) Manufacture of methamphetamine – Manufacture of cocaine, § 5-64-423;

(3) Trafficking a controlled substance, § 5-64-440; and

(4) Simultaneous possession of drugs and firearms, § 5-74-106.

SECTION 2. DO NOT CODIFY. Retroactivity.

(a) A person who was convicted of a nonviolent controlled substance offense and who was sentenced to life shall immediately be eligible for resentencing.

(b) A person eligible for resentencing under this section may file a petition in the sentencing court and may be resentenced in the same manner as the person was originally sentenced.

(c) A person who is resentenced under this section:

(1) Shall be resentenced under § 5-5-401(c), as amended by this act; and

(2) Carries forward all accumulated good time credit, retains his or her parole eligibility, when applicable, and is eligible for a

recalculation of his or her parole eligibility date.