

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

SENATE BILL 682

By: Senator K. Ingram
By: Representative Richey

For An Act To Be Entitled

AN ACT CONCERNING THE SENTENCING AND PAROLE
ELIGIBILITY OF A DEFENDANT WHO ENTERS INTO A
NEGOTIATED PLEA WITH THE STATE; CONCERNING THE DUTIES
OF THE PROSECUTING ATTORNEY; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE SENTENCING AND PAROLE
ELIGIBILITY OF A DEFENDANT WHO ENTERS
INTO A NEGOTIATED PLEA WITH THE STATE;
AND CONCERNING THE DUTIES OF THE
PROSECUTING ATTORNEY.

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

SECTION 1. Arkansas Code § 16-21-106(b), concerning the responsibilities of the prosecuting attorney when assisting a victim of a crime, is amended to read as follows:

(b)(1)(A) Prosecuting attorneys shall confer and explain his or her rationale with the victim before amending or dismissing a charge or agreeing to pretrial diversion.

(B) The prosecuting attorney or his or her deputy shall explain to a victim of a crime and his or her family the sentencing and parole ramifications of a negotiated plea entered into between the state and a defendant before agreeing to a negotiated plea ~~or pretrial diversion~~ with the defendant.

(2) Failure of the prosecuting attorney to confer with or



explain to the victim does not affect the validity of an agreement between the prosecuting attorney and the defendant or of an amendment, dismissal, negotiated plea, pretrial diversion, or other disposition.

SECTION 2. Arkansas Code § 16-93-612, concerning the date of the offense pertaining to a person's parole eligibility, is amended to add an additional subsection to read as follows:

(g) For an offender serving a sentence for a felony offense that resulted from a negotiated plea of guilty or nolo contendere on or after the effective date of this act, § 16-93-622 governs that person's parole eligibility.

SECTION 3. Arkansas Code Title 16, Chapter 93, Subchapter 6, is amended to add an additional section to read as follows:

16-93-622. Parole eligibility - Negotiated plea.

A person is not eligible for parole if the person enters into a negotiated plea with the state to plead guilty or nolo contendere to a felony offense that includes incarceration in the Department of Correction as a part of the sentence and the sentence is not probation or a suspended imposition of sentence.