

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

State of Arkansas *As Engrossed: S3/3/21 S3/15/21 S3/18/21 H4/21/21*

93rd General Assembly

A Bill

Regular Session, 2021

SENATE BILL 300

By: Senators J. Dismang, Gilmore, T. Garner, *K. Hammer, B. Johnson, D. Sullivan, Hill*

By: Representatives Slape, Beaty Jr., Watson, Crawford, C. Cooper, *Bentley, Christiansen, Hollowell, Cavanaugh, McNair, Fortner, Nicks, Jean, Shepherd, Lynch, Evans, B. Smith, D. Garner, Dalby, Milligan, Cloud, Underwood*

For An Act To Be Entitled

AN ACT PROHIBITING PAROLE FOR A PERSON CONVICTED OF THE OFFENSE OF POSSESSION OF A FIREARM BY CERTAIN PERSONS UNDER CERTAIN CIRCUMSTANCES; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

PROHIBITING PAROLE FOR A PERSON CONVICTED OF THE OFFENSE OF POSSESSION OF A FIREARM BY CERTAIN PERSONS UNDER CERTAIN CIRCUMSTANCES; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 16-93-609 is amended to read as follows:

16-93-609. Effect of more than one conviction for certain felonies –
Definition.

(a) Any person who commits murder in the first degree, § 5-10-102, rape, § 5-14-103, or aggravated robbery, § 5-12-103, subsequent to March 24, 1983, and who has previously been found guilty of or pleaded guilty or nolo contendere to murder in the first degree, § 5-10-102, rape, § 5-14-103, or aggravated robbery, § 5-12-103, shall not be eligible for release on parole by the Parole Board.

(b)(1) Any person who commits a violent felony offense or any felony



sex offense subsequent to August 13, 2001, and who has previously been found guilty of or pleaded guilty or nolo contendere to any violent felony offense or any felony sex offense shall not be eligible for release on parole by the board.

(2) As used in this subsection, "a violent felony offense or any felony sex offense" means those offenses listed in § 5-4-501(d)(2).

(c) A person who commits the offense of possession of firearms by certain persons, § 5-73-103, in which the offense is under § 5-73-103(c)(1), after the effective date of this act, is not eligible for parole.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that Arkansas is in the top six states concerning the crime rate and violent crime rate as per the Federal Bureau of Investigation and National Incident-Based Reporting System; that the Arkansas Criminal Code is currently not equipped with an effective method to punish those persons who are convicted felons and are prohibited by law from possessing a firearm who decide to ignore the law and use a firearm to commit violent offenses; that law enforcement in Arkansas has had to use the offices of the United States Department of Justice and the United States district courts to prosecute crimes covered by this act in order to get commensurate sentences and length of incarceration; that this act eliminates parole for those bad actors and will serve as a more effective deterrent against further violent criminal acts; and that this act is immediately necessary because the safety of the public and the ability of law enforcement to establish the deterrent effect of this act needs to occur as soon as possible. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/J. Dismang