

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1029

By: Representative S. Meeks

For An Act To Be Entitled

AN ACT TO AUTHORIZE DELAYED RELEASE FROM PRISON FOR CERTAIN SEX OFFENDERS UNTIL THE SEX OFFENDER HAS SERVED AT LEAST EIGHTY PERCENT (80%) OF HIS OR HER SENTENCE; AND FOR OTHER PURPOSES.

Subtitle

TO AUTHORIZE DELAYED RELEASE FROM PRISON FOR CERTAIN SEX OFFENDERS UNTIL THE SEX OFFENDER HAS SERVED AT LEAST EIGHTY PERCENT (80%) OF HIS OR HER SENTENCE.

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

SECTION 1. Arkansas Code Title 5, Chapter 4, Subchapter 4, is amended to add an additional section to read as follows:

5-4-406. Delayed release for certain sex offenders.

(a) As used in this section:

(1) "Delayed release" means that a person who receives a sentence of imprisonment is not eligible for parole unless the person has served at least eighty percent (80%) of his or her sentence;

(2) "Minor" means a person less than eighteen (18) years of age;
and

(3) "Sex offense" means the following offenses if the victim of the offense is a minor:

(A) Rape, § 5-14-103;

(B) Sexual indecency with a child, § 5-14-110;

(C) Sexual extortion, § 5-14-113;



- (D) Sexual assault in the first degree, § 5-14-124;
(E) Sexual assault in the second degree, § 5-14-125;
(F) Sexual assault in the third degree, § 5-14-126;
(G) Sexual assault in the fourth degree, § 5-14-127, if a
Class D felony;
- (H) Patronizing a victim of human trafficking, § 5-18-104;
(I) Grooming a minor for future sex trafficking, § 5-18-
106;
- (J) Traveling for the purpose of an unlawful sex act with
a minor, § 5-18-107;
- (K) Incest, § 5-26-202;
(L) Engaging children in sexually explicit conduct for use
in visual or print medium, § 5-27-303;
- (M) Pandering or possessing visual or print medium
depicting sexually explicit conduct involving a child, § 5-27-304;
- (N) Transportation of minors for prohibited sexual
conduct, § 5-27-305;
- (O) Internet stalking of a child, § 5-27-306;
(P) Sexually grooming a child, § 5-27-307, if a Class D
felony;
- (Q) Employing or consenting to use of a child in sexual
performance, § 5-27-402;
- (R) Producing, directing, or promoting a sexual
performance by a child, § 5-27-403;
- (S) Promoting prostitution in the first degree, § 5-70-
104; or
- (T) An attempt, solicitation, or conspiracy to commit any
of the offenses enumerated in this subdivision (a)(3) if the attempt,
solicitation, or conspiracy itself is a felony.

(b) A person who commits a sex offense is subject to delayed release.

SECTION 2. Arkansas Code § 16-93-612(g), concerning parole eligibility and the date of offense, is amended to read as follows:

(g) Notwithstanding any law allowing the award of meritorious good time or any other law to the contrary, if the felony is an offense that is subject to delayed release under § 5-4-405 and was committed on or after July

28, 2021, or under § 5-4-406 and was committed on or after the effective date of this act, the person shall not be eligible for parole or community correction transfer until the person serves a minimum of eighty percent (80%) of the term of imprisonment to which the person is sentenced.

SECTION 3. The introductory language of Arkansas Code § 16-93-613(a), concerning parole eligibility related to Class Y, Class A, or Class B felonies, is amended to read as follows:

(a) Except for those persons subject to delayed release under § 5-4-405 or § 5-4-406, a person who commits a Class Y felony, Class A felony, or Class B felony, except those drug offenses addressed in § 16-93-618 or those Class Y felonies addressed in § 5-4-104(c)(2), § 16-93-614, or § 16-93-618, and who shall be convicted and incarcerated for that felony, shall be eligible for release on parole as follows:

SECTION 4. The introductory language of Arkansas Code § 16-93-618(a)(1), concerning the parole eligibility for individuals who commit seventy-percent offenses, is amended to read as follows:

(a)(1) Notwithstanding any law allowing the award of meritorious good time or any other law to the contrary, and subject to delayed release under § 5-4-405 or § 5-4-406, a person who is found guilty of or pleads guilty or nolo contendere to subdivisions (a)(1)(A)-(I) of this section shall not be eligible for parole or community correction transfer, except as provided in subdivision (a)(3) or subsection (c) of this section, until the person serves seventy percent (70%) of the term of imprisonment to which the person is sentenced, including a sentence prescribed under § 5-4-501: