

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1043

By: Representative M. Berry
By: Senator G. Stubblefield

For An Act To Be Entitled

AN ACT TO AMEND PENALTIES FOR OFFENSES INVOLVING
FENTANYL; TO ENHANCE SENTENCES FOR CERTAIN OFFENSES
INVOLVING FENTANYL; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND PENALTIES FOR OFFENSES INVOLVING
FENTANYL; AND TO ENHANCE SENTENCES FOR
CERTAIN OFFENSES INVOLVING FENTANYL.

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

SECTION 1. Arkansas Code § 5-64-421(c) and (d), concerning offenses involving fentanyl within the Uniform Controlled Substances Act, are amended to read as follows:

(c)(1) Except as provided by this chapter, it is unlawful for a person to deliver fentanyl.

(2) A person who violates subdivision (c)(1) of this section upon conviction is guilty of a Class Y felony and is subject to a minimum sentence of:

(A) Thirty (30) years; or

(B) Life with eligibility for parole after serving thirty (30) years without credit for meritorious good time, if the offense causes the death of a person.

(d)(1) Except as provided by this chapter, it is unlawful for a person to manufacture fentanyl.

(2) A person who manufactures fentanyl upon conviction is guilty



of a Class Y felony and is subject to a minimum sentence of:

(A) Thirty (30) years; or

(B) Life with eligibility for parole after serving thirty (30) years without credit for meritorious good time, if the offense causes the death of a person.

SECTION 2. Arkansas Code § 5-64-440(c), concerning trafficking a controlled substance, is amended to read as follows:

(c) Trafficking a controlled substance is a Class Y felony with a minimum sentence of:

(1) Thirty (30) years; or

(2) Life with eligibility for parole after serving thirty (30) years without credit for meritorious good time, if the offense causes the death of a person.

SECTION 3. Arkansas Code § 16-93-621(a)(2)(A), concerning parole eligibility and a person who was a minor at the time of committing an offense, is amended to read as follows:

(2)(A) A minor who was convicted and sentenced to the department or the division for an offense committed before he or she was eighteen (18) years of age, in which the death of another person occurred, and that was committed before, on, or after March 20, 2017, is eligible for release on parole no later than after twenty-five (25) years of incarceration if he or she was convicted of murder in the first degree, § 5-10-102, or no later than after thirty (30) years of incarceration if he or she was convicted of capital murder, § 5-10-101, delivery of fentanyl, § 5-64-421(c)(1), manufacturing of fentanyl, § 5-64-421(d)(1), or trafficking of fentanyl, § 5-64-440(b)(2), including any applicable sentencing enhancements, unless by law the minor is eligible for earlier parole eligibility.

SECTION 4. Arkansas Code § 16-93-621(a)(3), concerning parole eligibility and a person who was a minor at the time of committing an offense, is amended to read as follows:

(3) Credit for meritorious good time shall not be applied to calculations of time served under this subsection for minors convicted and sentenced for capital murder, § 5-10-101(c), delivery of fentanyl, § 5-64-

421(c)(1), manufacturing of fentanyl, § 5-64-421(d)(1), or trafficking of fentanyl, § 5-64-440(b)(2), or when a life sentence is imposed for murder in the first degree, § 5-10-102.