

State of Arkansas  
95th General Assembly  
Regular Session, 2025

# A Bill

SENATE BILL 631

By: Senator B. Davis

## For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS LAW CONCERNING HEARINGS ON  
THE REVOCATION OF PROBATION OR SUSPENSION; AND FOR  
OTHER PURPOSES.

## Subtitle

TO AMEND ARKANSAS LAW CONCERNING  
HEARINGS ON THE REVOCATION OF PROBATION  
OR SUSPENSION.

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

SECTION 1. Arkansas Code § 16-93-307 is amended to read as follows:  
16-93-307. Probation generally – Revocation hearings.

(a)(1) A defendant arrested for violation of suspension or probation is entitled to a preliminary hearing to determine whether there is reasonable cause to believe that he or she has violated a condition of suspension or probation.

(2) ~~The~~ Except as provided in subsection (e) of this section, the preliminary hearing shall be conducted by a court having original jurisdiction to try a criminal matter as soon as practicable after arrest and reasonably near the place of the alleged violation or arrest.

(3) The defendant shall be given prior notice of the:  
(A) Time and place of the preliminary hearing;  
(B) Purpose of the preliminary hearing; and  
(C) Condition of suspension or probation the defendant is alleged to have violated.

(4) Except as provided in subsection (c) of this section, the



defendant has the right to hear and controvert evidence against him or her and to offer evidence in his or her own behalf.

(5)(A) If the court conducting the preliminary hearing finds that there is reasonable cause to believe that the defendant has violated a condition of suspension or probation, it may order the defendant to be detained or it may return the defendant to supervision and may consider imposing one (1) or more intermediate sanctions in the sanctioning grid pending further revocation proceedings before the court that originally suspended imposition of sentence on the defendant or placed him or her on probation.

(B)(i) If the court conducting the preliminary hearing does not find reasonable cause, it shall order the defendant released from custody.

(ii) However, a release under subdivision (a)(5)(B)(i) of this section does not bar the court that suspended imposition of sentence on the defendant or placed him or her on probation from holding a hearing on the alleged violation of suspension or probation or from ordering that the defendant appear before it.

(6) The court conducting the preliminary hearing shall prepare and furnish to the court that suspended imposition of sentence on the defendant or placed him or her on probation a summary of the preliminary hearing, including the responses of the defendant and the substance of the documents and evidence given in support of revocation.

(b)(1) A suspension or probation shall not be revoked except after a revocation hearing.

(2) ~~The~~ Except as provided in subsection (e) of this section, ~~the~~ revocation hearing shall be conducted by the court that suspended imposition of sentence on the defendant or placed him or her on probation within a reasonable period of time after the defendant's arrest, not to exceed sixty (60) days.

(3) The defendant shall be given prior written notice of the:

- (A) Time and place of the revocation hearing;
- (B) Purpose of the revocation hearing; and
- (C) Condition of suspension or probation the defendant is alleged to have violated.

(4) Except as provided in subsection (c) of this section, the

defendant has the right to:

- (A) Hear and controvert evidence against him or her;
- (B) Offer evidence in his or her own defense; and
- (C) Be represented by counsel.

(5) If suspension or probation is revoked, the court shall prepare and furnish to the defendant a written statement of the evidence relied on and the reasons for revoking suspension or probation.

(c) At a preliminary hearing pursuant to subsection (a) of this section or a revocation hearing pursuant to subsection (b) of this section:

(1) The defendant has the right to counsel and to confront and cross-examine an adverse witness unless the court specifically finds good cause for not allowing confrontation; and

(2) The court may permit the introduction of any relevant evidence of the alleged violation, including a letter, affidavit, and other documentary evidence, regardless of its admissibility under the rules governing the admission of evidence in a criminal trial.

(d) A preliminary hearing pursuant to subsection (a) of this section is not required if:

(1) The defendant waives the preliminary hearing;

(2) The revocation is based on the defendant's commission of an offense for which he or she has been tried and found guilty in an independent criminal proceeding; or

(3) The revocation hearing pursuant to subsection (b) of this section is held promptly after the arrest and in the judicial district where the alleged violation occurred or where the defendant was arrested.

(e) If a defendant on probation or a suspended imposition of sentence is subsequently arrested and charged with a felony that constitutes a felony involving violence under § 5-4-501(d)(2) and the felony offense is filed in a county or judicial district other than the county or judicial district where the defendant is on probation or suspended imposition of sentence, the proceedings under this section may be brought in the county where the defendant was arrested and charged with a felony that constitutes a felony involving violence under § 5-4-501(d)(2) if the court which placed the defendant on probation or suspended imposition of sentence files a written consent agreeing to the proceedings under this section being brought in the county where the defendant was arrested and charged with a felony that

constitutes a felony involving violence under § 5-4-501(d)(2).