

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: S2/7/13

A Bill

SENATE BILL 150

5 By: Senator J. Dismang
6 By: Representatives Gillam, Biviano
7

For An Act To Be Entitled

9 AN ACT TO AMEND PAROLE ELIGIBILITY FOR PERSONS
10 CONVICTED OF A FELONY SEX OFFENSE; AND FOR OTHER
11 PURPOSES.
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Subtitle

15 TO AMEND PAROLE ELIGIBILITY FOR PERSONS
16 CONVICTED OF A FELONY SEX OFFENSE.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 16-93-615(b)(1), regarding an inmate who is
22 subject to discretionary transfer to the Department of Community Correction
23 by the Parole Board after having served one-third (1/3) or one-half (½) of
24 his or her sentence, is amended to read as follows:

25 (b)(1) An inmate under sentence for one (1) of the following felonies
26 ~~shall be~~ is eligible for discretionary transfer to the Department of
27 Community Correction by the Parole Board after having served one-third (1/3)
28 or one-half (½) of his or her sentence, with credit for meritorious good
29 time, depending on the seriousness determination made by the Arkansas
30 Sentencing Commission, or one-half (½) of the time to which his or her
31 sentence is commuted by executive clemency, with credit for meritorious good
32 time:

33 (A) ~~Any homicide, §§ 5-10-101—5-10-105, unless the~~
34 ~~offense is listed under § 16-93-612(e)(1);~~ Unless the offense is listed under
35 § 16-93-612(e)(1), the following homicide offenses:

36 (i) Capital murder, § 5-10-101;



1 (ii) Murder in the first degree, § 5-10-102;

2 (iii) Murder in the second degree, § 5-10-103;

3 (iv) Manslaughter, § 5-10-104; or

4 (v) Negligent homicide, § 5-10-105;

5 ~~(B) Sexual assault in the first degree, § 5-14-124~~ An
6 offense for which the inmate is required upon release to register as a sex
7 offender under the Sex Offender Registration Act of 1997, § 12-12-901 et
8 seq., unless the offense is listed under § 16-93-612(e)(1);

9 ~~(C) Sexual assault in the second degree, § 5-14-125;~~

10 ~~(D)(C) Battery in the first degree, § 5-13-201;~~

11 ~~(E)(D) Domestic battering in the first degree, § 5-26-303;~~

12 ~~or~~

13 ~~(F)(E) The~~ Unless the offense is listed under § 16-93-
14 612(e)(1), the following Class Y felonies:

15 (i) Kidnapping, § 5-11-102, ~~unless the offense is~~
16 ~~listed under § 16-93-612(e)(1);~~

17 ~~(ii) Rape, § 5-14-103, unless the offense is listed~~
18 ~~under § 16-93-612(e)(1);~~

19 ~~(iii)(ii) Aggravated robbery, § 5-12-103, unless the~~
20 ~~offense is listed under § 16-93-612(e)(1); or~~

21 ~~(iv)(iii) Causing a catastrophe, § 5-38-202(a),~~
22 ~~unless the offense is listed under § 16-93-612(e)(1);~~

23 ~~(G)(F) Engaging in a continuing criminal enterprise, § 5-~~
24 ~~64-405; or~~

25 ~~(H)(G) Simultaneous possession of drugs and firearms, § 5-~~
26 ~~74-106.~~

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28 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
29 General Assembly of the State of Arkansas that certain sex offenses qualify
30 for mandatory parole under the current parole laws; that sex offenses are
31 very serious crimes and parole for those offenses should be discretionary;
32 and that this act is immediately necessary because those persons who will be
33 required to register as sex offenders upon release from the Department of
34 Correction should first serve a meaningful sentence in prison before being
35 eligible for mandatory parole. Therefore, an emergency is declared to exist,
36 and this act being immediately necessary for the preservation of the public

1 peace, health, and safety shall become effective on:

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

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

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

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/s/J. Dismang

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