

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4
5 By: Senator D. Sanders

A Bill

SENATE BILL 257

For An Act To Be Entitled

8 AN ACT TO REVISE THE PAROLE STATUTES; TO REQUIRE THAT
9 A PERSON ON PAROLE WHO VIOLATES HIS OR HER PAROLE DUE
10 TO COMMITTING A PARTICULAR SUBSEQUENT FELONY OFFENSE
11 SERVE THE ENTIRE REMAINDER OF HIS OR HER ORIGINAL
12 SENTENCE; AND FOR OTHER PURPOSES.

Subtitle

16 TO REVISE THE PAROLE STATUTES; TO REQUIRE
17 THAT A PERSON ON PAROLE WHO VIOLATES HIS
18 OR HER PAROLE DUE TO COMMITTING A
19 PARTICULAR SUBSEQUENT FELONY OFFENSE
20 SERVE THE REMAINDER OF HIS OR HER
21 ORIGINAL SENTENCE.

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

26 SECTION 1. Arkansas Code § 16-93-615(b)(1), regarding certain
27 discretionary transfers of inmates to the Department of Community Correction
28 by the Parole Board, is amended to read as follows:

29 (b)(1) An inmate under sentence for one (1) of the following felonies
30 ~~shall be~~ is eligible for discretionary transfer to the Department of
31 Community Correction by the Parole Board after having served one-third (1/3)
32 or one-half ($\frac{1}{2}$) of his or her sentence, with credit for meritorious good
33 time, depending on the seriousness determination made by the Arkansas
34 Sentencing Commission, or one-half ($\frac{1}{2}$) of the time to which his or her
35 sentence is commuted by executive clemency, with credit for meritorious good
36 time:



1 ~~(A) Any homicide, §§ 5-10-101—5-10-105, unless the~~
2 ~~offense is listed under § 16-93-612(e)(1);~~

3 ~~(B) Sexual assault in the first degree, § 5-14-124;~~

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

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

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

7 ~~(F) The following Class Y felonies:~~

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

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

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

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

16 ~~(G) Engaging in a continuing criminal enterprise, § 5-64-~~
17 ~~405; or~~

18 ~~(H) Simultaneous possession of drugs and firearms, § 5-74-~~
19 ~~106.~~

20 (A) Unless the offense is listed under § 16-93-612(e)(1),
21 the following homicide offenses:

22 (i) Capital murder, § 5-10-101, or attempted capital
23 murder;

24 (ii) Murder in the first degree, § 5-10-102, or
25 attempted murder in the first degree;

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

27 (iv) Manslaughter, § 5-10-104;

28 (v) Negligent homicide, § 5-10-105; or

29 (vi) An offense under § 5-54-201 et seq.;

30 (B) Unless the offense is listed under § 16-93-612(e)(1),
31 the following Class Y felonies:

32 (i) Kidnapping, § 5-11-102;

33 (ii) Aggravated robbery, § 5-12-103;

34 (iii) Terroristic act, § 5-13-310;

35 (iv) Causing a catastrophe, § 5-38-202(a);

36 (v) Arson, § 5-38-301;

1 (vi) Aggravated residential burglary, § 5-39-204, or
2 attempted aggravated robbery; or

3 (vii) Unlawful discharge of a firearm from a
4 vehicle, § 5-74-107;

5 (C) An offense for which the person is required to
6 register as a sex offender under the Sex Offender Registration Act of 1997, §
7 12-12-901 et seq., unless the offense is listed under § 16-93-612(e)(1);

8 (D) Battery in the first degree, § 5-13-201;

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

10 (F) Engaging in a continuing criminal enterprise, § 5-64-
11 405; or

12 (G) Simultaneous possession of drugs and firearms, § 5-74-
13 106.

14 SECTION 2. Arkansas Code § 16-93-615(b), regarding certain
15 discretionary transfers of inmates to the Department of Community Correction
16 by the Parole Board, is amended to add a new subdivision to read as follows:

17 (7) A person transferred to community correction under
18 subdivision (b)(1) of this section shall serve the remainder of his or her
19 original sentence without the possibility of parole if the person has his or
20 her parole revoked for committing one (1) or more of the following felony
21 offenses while on parole:

22 (A) A felony involving violence as defined under § 5-4-
23 501(d)(2);

24 (B) An offense for which the person is required to
25 register as a sex offender under the Sex Offender Registration Act of 1997, §
26 12-12-901 et seq.; or

27 (C) A felony listed under 16-93-615(b)(1).

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