

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

As Engrossed: S2/12/13

A Bill

SENATE BILL 259

5 By: Senator D. Sanders
6

For An Act To Be Entitled

8 AN ACT TO INCLUDE SEXUAL OFFENSES AND OTHER SERIOUS
9 FELONIES AS OFFENSES NOT ELIGIBLE FOR MANDATORY
10 PAROLE; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 TO INCLUDE SEXUAL OFFENSES AND OTHER
14 SERIOUS FELONIES AS OFFENSES NOT ELIGIBLE
15 FOR MANDATORY PAROLE.
16
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

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

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

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

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

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

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



- 1 ~~(E) Domestic battering in the first degree, § 5-26-303; or~~
 2 ~~(F) The following Class Y felonies:~~
 3 ~~(i) Kidnapping, § 5-11-102, unless the offense is~~
 4 ~~listed under § 16-93-612(e)(1);~~
 5 ~~(ii) Rape, § 5-14-103, unless the offense is listed~~
 6 ~~under § 16-93-612(e)(1);~~
 7 ~~(iii) Aggravated robbery, § 5-12-103, unless the~~
 8 ~~offense is listed under § 16-93-612(e)(1); or~~
 9 ~~(iv) Causing a catastrophe, § 5-38-202(a), unless~~
 10 ~~the offense is listed under § 16-93-612(e)(1);~~
 11 ~~(G) Engaging in a continuing criminal enterprise, § 5-64-~~
 12 ~~405; or~~
 13 ~~(H) Simultaneous possession of drugs and firearms, § 5-74-~~
 14 ~~106.~~
- 15 (A) Unless the offense is listed under § 16-93-612(e)(1),
 16 the following homicide offenses:
 17 (i) Capital murder, § 5-10-101, or attempted capital
 18 murder;
 19 (ii) Murder in the first degree, § 5-10-102, or
 20 attempted murder in the first degree;
 21 (iii) Murder in the second degree, § 5-10-103;
 22 (iv) Manslaughter, § 5-10-104;
 23 (v) Negligent homicide, § 5-10-105; or
 24 (vi) An offense under § 5-54-201 et seq.;
- 25 (B) Unless the offense is listed under § 16-93-612(e)(1),
 26 the following Class Y felonies:
 27 (i) Kidnapping, § 5-11-102;
 28 (ii) Aggravated robbery, § 5-12-103, or attempted
 29 aggravated robbery;
 30 (iii) Terroristic act, § 5-13-310;
 31 (iv) Causing a catastrophe, § 5-38-202(a);
 32 (v) Arson, § 5-38-301;
 33 (vi) Aggravated residential burglary, § 5-39-204; or
 34 (vii) Unlawful discharge of a firearm from a
 35 vehicle, § 5-74-107;
 36 (C) Unless the offense is listed under § 16-93-612(e)(1),

1 an offense for which the inmate is required upon release to register as a sex
2 offender under the Sex Offender Registration Act of 1997, § 12-12-901 et
3 seq.;

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

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

6 (F) Engaging in a continuing criminal enterprise, § 5-64-
7 405; or

8 (G) Simultaneous possession of drugs and firearms, § 5-74-
9 106.

10

11 */s/D. Sanders*

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36