

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

A Bill

HOUSE BILL 1474

5 By: Representatives Lowery, Farrer
6 By: Senators B. King, E. Williams
7

For An Act To Be Entitled

9 AN ACT TO ESTABLISH MURDER IN THE SECOND DEGREE AS A
10 SEVENTY-PERCENT CRIME; AND FOR OTHER PURPOSES.
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Subtitle

12 TO ESTABLISH MURDER IN THE SECOND DEGREE
13 AS A SEVENTY-PERCENT CRIME.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 16-93-612(e), concerning applicable dates
21 for parole eligibility for certain offenses, is amended to read as follows:

22 (e) For an offender serving a sentence for a felony committed on or
23 after January 1, 1994, § 16-93-614 governs that person's parole eligibility,
24 unless otherwise ~~noted~~ provided and except:

25 (1) If the felony is murder in the first degree, § 5-10-102,
26 kidnapping, if a Class Y felony, § 5-11-102(b)(1), aggravated robbery, § 5-
27 12-103, rape, § 5-14-103, or causing a catastrophe, § 5-38-202(a), and the
28 offense occurred after July 28, 1995, § 16-93-618 governs that person's
29 parole eligibility; ~~or~~

30 (2) If the felony is manufacturing methamphetamine, § 5-64-
31 423(a) or the former § 5-64-401, or possession of drug paraphernalia with the
32 intent to manufacture methamphetamine, the former § 5-64-403(c)(5), and the
33 offense occurred after April 9, 1999, § 16-93-618 governs that person's
34 parole eligibility; or

35 (3) If the felony is murder in the second degree, § 5-10-103,
36 and the offense occurred after the effective date of this act, § 16-93-618



1 governs that person's parole eligibility.

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 3 SECTION 2. Arkansas Code § 16-93-618(a), concerning which criminal
 4 offenses are seventy-percent offenses, is amended to read as follows:

5 (a)(1) Notwithstanding any law allowing the award of meritorious good
 6 time or any other law to the contrary, any person who is found guilty of or
 7 pleads guilty or nolo contendere to subdivisions (a)(1)(A)-~~(H)~~(I) of this
 8 section ~~shall not be~~ is not eligible for parole or community ~~punishment~~
 9 correction transfer, except as provided in subdivision (a)(3) of this section
 10 or subsection (c) of this section, until the person serves seventy percent
 11 (70%) of the term of imprisonment to which the person is sentenced, including
 12 a sentence prescribed under § 5-4-501:

13 (A) Murder in the first degree, § 5-10-102;

14 (B) Murder in the second degree, § 5-10-103;

15 ~~(B)~~(C) Kidnapping, Class Y felony, § 5-11-102;

16 ~~(C)~~(D) Aggravated robbery, § 5-12-103;

17 ~~(D)~~(E) Rape, § 5-14-103;

18 ~~(E)~~(F) Causing a catastrophe, § 5-38-202(a);

19 ~~(F)~~(G) Manufacturing methamphetamine, § 5-64-423(a) or the
 20 former § 5-64-401;

21 ~~(G)~~(H) Trafficking methamphetamine, § 5-64-440(b)(1); or

22 ~~(H)~~(I) Possession of drug paraphernalia with the purpose
 23 to manufacture methamphetamine, the former § 5-64-403(c)(5).

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