

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1758

5 By: Representatives Gazaway, Achor
6 By: Senator Gilmore
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING COMMERCIAL
10 BURGLARY; TO CREATE AN ENHANCED PENALTY FOR
11 COMMERCIAL BURGLARY OF A PHARMACY; AND FOR OTHER
12 PURPOSES.
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Subtitle

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16 TO AMEND THE LAW CONCERNING COMMERCIAL
17 BURGLARY; AND TO CREATE AN ENHANCED
18 PENALTY FOR COMMERCIAL BURGLARY OF A
19 PHARMACY.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 5-39-201(b), concerning commercial
25 burglary, is amended to add an additional subdivision to read as follows:

26 (3)(A) A person who commits commercial burglary in which the
27 commercial occupiable structure is a pharmacy as defined in § 17-92-101 is
28 subject to an enhanced sentence of an additional term of imprisonment of five
29 (5) years.

30 (B) To seek the enhanced sentence established in this
31 subdivision (b)(3), a prosecuting attorney shall notify the defendant in
32 writing that the defendant is subject to the enhanced sentence.

33 (C) If the defendant is charged by information or
34 indictment, the prosecuting attorney may include the written notice required
35 under subdivision (b)(3)(B) of this section in the information or indictment.

36 (D) An enhanced sentence imposed under this subdivision



1 (b)(3) is consecutive to any other sentence imposed.

2 (E) A person convicted under this subdivision (b)(3) is
3 ineligible to receive earned release credits for the enhanced portion of the
4 sentence.

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7 **APPROVED: 4/13/23**
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