

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

A Bill

SENATE BILL 366

5 By: Senator J. Bryant
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For An Act To Be Entitled

8 AN ACT AMENDING THE LAW CONCERNING VIOLENT FELONY
9 OFFENSES FOR PURPOSES OF PAROLE; TO CLARIFY THAT
10 RESIDENTIAL BURGLARY IS CONSIDERED A VIOLENT FELONY
11 FOR OFFENSES COMMITTED ON OR AFTER APRIL 1, 2015; AND
12 FOR OTHER PURPOSES.
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Subtitle

15 AMENDING THE LAW CONCERNING VIOLENT
16 FELONY OFFENSES FOR PURPOSES OF PAROLE;
17 AND TO CLARIFY THAT RESIDENTIAL BURGLARY
18 IS CONSIDERED A VIOLENT FELONY FOR
19 OFFENSES COMMITTED ON OR AFTER APRIL 1,
20 2015.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. DO NOT CODIFY. Legislative findings and intent.

27 (a) The General Assembly finds that § 16-93-609 is a parole
28 eligibility statute and not a sentencing statute.

29 (b) It is the intent of the General Assembly that this act apply
30 solely to the recalculation of parole eligibility for the affected persons
31 and not create a right to a resentencing proceeding, a new trial, other
32 remedy, or cause of action that did not exist before the effective date of
33 this act.
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35 SECTION 2. Arkansas Code § 16-93-609(b), concerning the effect of more
36 than one conviction of certain felonies, is amended to read as follows:



1 (b)(1) Any person who commits a violent felony offense or any felony
2 sex offense subsequent to August 13, 2001, and who has previously been found
3 guilty of or pleaded guilty or nolo contendere to any violent felony offense
4 or any felony sex offense shall not be eligible for release on parole by the
5 board.

6 (2)(A) As used in this subsection, "a violent felony offense or
7 any felony sex offense" means those offenses listed in § 5-4-501(d)(2).

8 (B) Unless the sentencing order expressly designates that
9 the defendant was sentenced under this section, "a violent felony offense or
10 any felony sex offense" does not include residential burglary, § 5-39-201,
11 committed before April 1, 2015, unless the defendant was sentenced on or
12 after May 24, 2022.

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15 **APPROVED: 4/11/23**
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