

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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