

**Stricken language would be deleted from and underlined language would be added to the law as it existed
prior to this session of the General Assembly.
Act 363 of the Regular Session**

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

SENATE BILL 444

5 By: Senators Luker, Elliott, Faris, B. Johnson, D. Johnson, Madison, T. Smith
6 By: Representatives Harrelson, Cash, Flowers, Garner, Hardy, House, Powers, Rainey, L. Smith, Tyler,
7 Wills, Woods
8
9

For An Act To Be Entitled

11 AN ACT TO ALLOW MERITORIOUS GOOD TIME FOR PERSONS
12 SENTENCED UNDER THE SEVENTY-PERCENT RULE
13 REGARDLESS OF THE DATE OF THE OFFENSE; AND FOR
14 OTHER PURPOSES.
15

Subtitle

16 TO ALLOW MERITORIOUS GOOD TIME FOR
17 PERSONS SENTENCED UNDER THE SEVENTY-
18 PERCENT RULE REGARDLESS OF THE DATE OF
19 THE OFFENSE.
20
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code § 16-93-611 is amended to read as follows:
26 16-93-611. Class Y felonies.

27 (a)(1) Notwithstanding any law allowing the award of meritorious good
28 time or any other law to the contrary, any person who is found guilty of or
29 pleads guilty or nolo contendere to subdivisions (a)(1)(A)-(G) of this
30 section shall not be eligible for parole or community punishment transfer,
31 except as provided in subdivision (a)(3) or subsection (c) of this section,
32 until the person serves seventy percent (70%) of the term of imprisonment to
33 which the person is sentenced, including a sentence prescribed under § 5-4-
34 501:

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



1 (B) Kidnapping, Class Y felony, § 5-11-102;
 2 (C) Aggravated robbery, § 5-12-103;
 3 (D) Rape, § 5-14-103;
 4 (E) Causing a catastrophe, § 5-38-202(a);
 5 (F) Manufacture of methamphetamine, § 5-64-401(a)(1); or
 6 (G) Possession of drug paraphernalia with the intent to
 7 manufacture methamphetamine, § 5-64-403(c)(5).

8 (2)(A) The seventy percent (70%) provision of subdivision (a)(1)
 9 of this section has no application to any person who is found guilty of or
 10 pleads guilty or nolo contendere to kidnapping, Class B felony, § 5-11-102,
 11 regardless of the date of the offense.

12 (B) The provisions of this section shall apply
 13 retroactively to all persons presently serving a sentence for kidnapping,
 14 Class B felony, § 5-11-102.

15 (3)(A)(i) ~~For offenses committed on or after August 12, 2005~~
 16 Regardless of the date of the offense, the seventy-percent provision under
 17 subdivision (a)(1) of this section shall include credit for the award of
 18 meritorious good time under § 12-29-201 to any person who is found guilty of
 19 or pleads guilty or nolo contendere to manufacture of methamphetamine under §
 20 5-64-401(a)(1) or possession of drug paraphernalia with the intent to
 21 manufacture methamphetamine under § 5-64-403(c)(5).

22 (ii) ~~For offenses committed on or after August 12,~~
 23 ~~2005~~ Regardless of the date of the offense, the seventy-percent provision
 24 under subdivision (a)(1) of this section may include credit for the award of
 25 meritorious good time under § 12-29-202 to any person who is found guilty of
 26 or pleads guilty or nolo contendere to manufacture of methamphetamine under §
 27 5-64-401(a)(1) or possession of drug paraphernalia with the intent to
 28 manufacture methamphetamine under § 5-64-403(c)(5), unless the person is
 29 sentenced to a term of life imprisonment.

30 (B) In no event shall the time served by any person who is
 31 found guilty of or pleads guilty or nolo contendere to manufacture of
 32 methamphetamine under § 5-64-401(a)(1) or possession of drug paraphernalia
 33 with the intent to manufacture methamphetamine under § 5-64-403(c)(5) be
 34 reduced to less than fifty percent (50%) of the person's original sentence.

35 (4)(A) When any person sentenced under subdivision (a)(3) of
 36 this section becomes eligible for parole, the Department of Community

1 Correction shall send a notice of the parole hearing to the Prosecuting
2 Attorney of the judicial district or districts in which the person was found
3 guilty or pleaded guilty or nolo contendere to an offense listed in
4 subdivision (a)(1) of this section.

5 (B) The notice shall contain the following language in 12-
6 point capital letters bold type: INMATE SENTENCED UNDER ARKANSAS CODE § 16-
7 93-611.

8 (b) A jury may be instructed pursuant to § 16-97-103 regarding the
9 awarding of meritorious good time under subdivision (a)(3) of this section.

10 (c) The sentencing judge, in his or her discretion, may waive
11 subsection (a) of this section under the following circumstances:

- 12 (1) The defendant was a juvenile at the time of the offense;
- 13 (2) The juvenile was merely an accomplice to the offense; and
- 14 (3) The offense occurred on or after July 28, 1995.

15 (d) In no event shall the awarding of meritorious good time under §
16 12-29-201 or § 12-29-202 be applicable to persons sentenced under
17 subdivisions (a)(1)(A)-(E) of this section.

18
19 **APPROVED: 3/10/2009**

20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36