

ARKANSAS SENATE
91st General Assembly - Regular Session, 2017
Amendment Form

Subtitle of Senate Bill No. 294

CONCERNING THE SENTENCING OF A PERSON UNDER EIGHTEEN YEARS OF AGE; AND
ESTABLISHING THE FAIR SENTENCING OF MINORS ACT OF 2017.

Amendment No. 1 to Senate Bill No. 294

Amend Senate Bill No. 294 as originally introduced:

Add Representative Petty as a cosponsor of the bill

AND

Page 1, delete lines 10 and 11, and substitute the following:
"SENTENCING OF MINORS ACT OF 2017; TO DECLARE AN EMERGENCY; AND FOR OTHER
PURPOSES."

AND

Delete the subtitle in its entirety and substitute:
"CONCERNING THE SENTENCING OF A PERSON
UNDER EIGHTEEN YEARS OF AGE; TO DECLARE
AN EMERGENCY; AND ESTABLISHING THE FAIR
SENTENCING OF MINORS ACT OF 2017."

AND

Page 2, delete lines 31 through 36

AND

Page 3, delete lines 1 and 2, and substitute the following:
"committed the capital murder or treason he or she shall be sentenced to:
~~(1) Life imprisonment without parole under § 5-4-606; or~~
~~(2) Life~~ life imprisonment with the possibility of parole after
serving a minimum of ~~twenty eight (28)~~ thirty (30) years' imprisonment."

AND

Page 3, delete lines 27 through 32, and substitute the following:
"(C) If the defendant was less than eighteen (18) years of



age at the time of the offense, then a hearing under subdivision (3)(A) of this section is not required;"

AND

Delete SECTION 6 in its entirety

AND

Page 4, delete lines 24 through 35, and substitute the following:

"(B) If the defendant was younger than eighteen (18) years of age at the time he or she committed the capital murder+,

(i) ~~Life imprisonment without parole as it is defined in § 5-4-606; or~~

(ii) ~~Life~~ life imprisonment with the possibility of parole after serving a minimum of ~~twenty-eight (28)~~ thirty (30) years' imprisonment."

AND

Page 5, line 12, delete "thirty (30)" and substitute "twenty-five (25)"

AND

Page 7, delete lines 27 through 36

AND

Page 8, delete lines 1 through 10, and substitute the following:

"(a)(1) A minor who was convicted and sentenced to the department for an offense committed before he or she was eighteen (18) years of age and in which the death of another person did not occur is eligible for release on parole no later than after twenty (20) years of incarceration, including any applicable sentencing enhancements, and including an instance in which multiple sentences are to be served consecutively or concurrently, unless by law the minor is eligible for earlier parole eligibility.

(2)(A) A minor who was convicted and sentenced to the department for an offense committed before he or she was eighteen (18) years of age, in which the death of another person occurred, and that was committed before, on, or after the effective date of this act is eligible for release on parole no later than after twenty-five (25) years of incarceration if he or she was convicted of murder in the first degree, § 5-10-102, or no later than after thirty (30) years of incarceration if he or she was convicted of capital murder, § 5-10-101, including any applicable sentencing enhancements, unless by law the minor is eligible for earlier parole eligibility.

(B) Subsection (a)(2)(A) of this section applies retroactively to a minor whose offense was committed before he or she was eighteen (18) years of age, including minors serving sentences of life, regardless of the original sentences that were imposed."

AND

Page 9, line 16, add the following:

"(c)(1)(A) The Parole Board shall notify a victim of the crime before the board reviews parole eligibility under this section for an inmate convicted of the crime and provide information regarding victim input meetings, as well as state and national victim resource information.

(B) If the victim is incapacitated or deceased, the notice under subdivision (c)(1)(A) of this section shall be given to the victim's family.

(C) If the victim is less than eighteen (18) years of age, the notice under subdivision (c)(1)(A) of this section shall be given to the victim's parent or guardian.

(2) Victim notification under this subsection shall include:

(A) The location, date, and time of parole review; and

(B) The name and phone number of the individual to contact for additional information."

AND

Immediately following SECTION 14, add an additional section to read as follows:

"SECTION 15. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that in light of recent United States Supreme Court decisions in Miller v. Alabama and Montgomery v. Louisiana, more than one hundred persons in Arkansas are entitled to relief under those decisions; and that this act is immediately necessary in order to make those persons eligible for parole in order to be in compliance with Montgomery v. Louisiana. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

AND

Appropriately renumber the subsequent SECTIONS of the bill.

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator Irvin

BPG/TDW - 02-22-2017 16:52:47

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Secretary