



## ARKANSAS SENTENCING COMMISSION

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### Impact Assessment for HB1630 Sponsored by Representative Gazaway

**Subtitle** TO AMEND ARKANSAS CODE ANNOTATED § 5-10-101, CAPITAL MURDER

**Impact Summary**<sup>1</sup> Cannot be determined. The proposed bill modifies an existing felony criminal offense for which the likely number of occurrences is unknown.

**Change from Current Law**<sup>2</sup> Amends Title 5 of Arkansas Code Annotated (A.C.A.) § 5-10-101, Capital murder, by amending an existing course of conduct. Under the proposed bill, A.C.A. § 5-10-101(a)(1)(A)(x) is modified by removing the felony requirement for a violation of the Uniform Controlled Substances Act, §§ 5-64-101-5-64-508, involving an actual delivery of a controlled substance. Under current law, the unlawful conduct must be a felony violation of the Uniform Controlled Substances Act, §§ 5-64-101-5-64-508, involving an actual delivery of a controlled substance. Capital murder is a Class Y felony.

**Impact Information** The proposed bill amends an existing course of conduct, the likely number of occurrences of which cannot be determined. The following data is for informational purposes only.

The Administrative Office of the Courts (AOC) reports that for the three (3) year period beginning January 1, 2022 and ending December 31, 2024, there were one hundred and seven (107) convictions for a violation of A.C.A. § 5-10-101, Capital murder. AOC data does not differentiate between the multiple courses of conduct in A.C.A. § 5-10-101, Capital murder.

The AOC reports that for the three (3) year period beginning January 1, 2022 and ending December 31, 2024, there were eleven (11) misdemeanor convictions for a violation of A.C.A. § 5-64-438(b)(1)(A), Delivery of a Schedule VI controlled substance, a Class A misdemeanor. It is important to note that misdemeanors are often disposed of in District Court, and that not all district courts report data to the AOC. For this reason, the number of misdemeanor convictions is likely higher than reported.

The Division of Correction (ADC) reports that there are currently five hundred and ninety-six (596) offenders serving a sentence for A.C.A. § 5-10-101, Capital murder, and eighty-three (83) offenders serving a sentence under A.C.A. § 41-1501 (repealed), Capital murder, as the most serious offense.

The likely number of occurrences with the amendment to an existing unlawful course of conduct is unknown. For this reason, the potential impact on correctional resources cannot be determined.

<sup>1</sup> This impact assessment was prepared 3/10/2025 12:50 PM by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Department of Corrections and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used: “minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC costs; and “major” = would require budgetary increases for ADC costs and construction costs for additional beds.

<sup>2</sup> Standard punishment ranges:

Class Y 10-40 years or life  
Class A 6-30 years; up to \$15,000  
Class B 5-20 years; up to \$15,000

Class C 3-10 years; up to \$10,000  
Class D 0-6 years; up to \$10,000  
Unclassified As specified in statute

Misdemeanors  
Class A Up to 1 year; up to \$2,500  
Class B Up to 90 days; up to \$1,000  
Class C Up to 30 days; up to \$500