

State of Arkansas
76th General Assembly
Regular Session, 1987
By: Representative Mahony

HOUSE BILL 1898

"AN ACT TO AMEND SUBSECTION (c) OF SECTION 28 OF ACT 50 OF THE FIRST EXTRAORDINARY SESSION OF 1968, AS AMENDED, RELATING TO ELIGIBILITY FOR PAROLE FOR INDIVIDUALS SERVING A TERM OF YEARS IN THE STATE PENITENTIARY; AND FOR OTHER PURPOSES."

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

SECTION 1. Subsection (c) of Section 28 of Act 50 of the First Extraordinary Session of 1968, as amended, the same being Ark. Stats. Ann. Sec. 43-2807(c) is hereby amended to read as follows:

"(c) Sentence of Years. Individuals sentenced to a term of years in the State Penitentiary, after February 11, 1976 and before April 1, 1977, shall be eligible for release on parole after having served the following terms:

(1) Individuals sentenced to a term of years for other than a class Y felony, who shall be confined in the State Penitentiary for the second (2nd) time, shall be eligible for release on parole after having served one third (1/3) of the time for which sentenced with credit for good time allowances or one third (1/3) of the time to which sentence is commuted by executive clemency, with credit for good time allowance; provided however, a judge may require one half (|) of the sentence as imposed, or one half (|) of the sentence as commuted by executive clemency to be served with credit for good time allowances.

(2) Individuals sentenced to a term of years who shall be confined in The State Penitentiary and who have pled guilty or been convicted of a class Y felony or who have previously been confined in the State Penitentiary two (2) or more times shall be eligible for release on parole after having served one half (|) of the time to which such sentence is commuted by executive clemency with credit for good time allowance."

SECTION 2. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 3. It is hereby found and determined by the General Assembly that because of the case Ricarte v. State, CR 86-31, a question has arisen over the validity of Act 1161 of the Extended Session of 1976; that this Act is a reenactment of the former law; and that the immediate passage of this Act is necessary to clarify the state of the law on this issue. Therefore, an emergency is hereby declared to exist, and this Act being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

