

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: S4/2/19

A Bill

SENATE BILL 378

5 By: Senators Elliott, G. Leding
6 By: Representatives M. Hodges, V. Flowers, F. Allen, Blake, Burch, Cavanaugh, Clowney, A. Collins,
7 Fielding, D. Garner, Glover, Godfrey, Love, McCullough, Murdock, Nicks, Richardson, Richey, Scott,
8 Walker, D. Whitaker
9

For An Act To Be Entitled

11 AN ACT TO ALLOW THE PAROLE BOARD AT ITS DISCRETION TO
12 MODIFY THE CALCULATION OF PAROLE ELIGIBILITY OF
13 CERTAIN INMATES IN THE DEPARTMENT OF CORRECTION WHO
14 WERE SENTENCED FOR CONTROLLED SUBSTANCE-RELATED
15 FELONIES; AND FOR OTHER PURPOSES.
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Subtitle

18 TO BE KNOWN AS THE "PAROLE EQUITY ACT."
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. DO NOT CODIFY. Legislative findings.

25 The General Assembly finds that:

26 (1) The revised sentencing provisions of Acts 2011, No. 570,
27 have resulted in extreme differences between the parole eligibility dates of
28 inmates sentenced before the enactment of Acts 2011, No. 570, and those
29 sentenced for the same conduct after the enactment of Acts 2011, No. 570; and

30 (2) The Parole Board and its staff have the necessary training
31 and experience to determine on a case-by-case basis when it is appropriate to
32 modify the calculation of the parole eligibility date of an inmate sentenced
33 for a controlled substance offense before the enactment of Acts 2011, No.
34 570.
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36 SECTION 2. DO NOT CODIFY. Temporary language.



1 (a) When calculating the parole eligibility date for an inmate who is
2 serving a sentence for violating a former section in § 5-64-401 et seq. or
3 any other offense for possession, distribution, sale, or manufacture of a
4 controlled substance that was committed before the effective date of this
5 act, the Parole Board may base the calculation on the maximum term of years
6 of imprisonment currently allowed by law for the type and amount of the
7 controlled substance involved in the inmate's conviction.

8 (b) Notwithstanding § 16-93-612, when determining parole eligibility
9 for an inmate serving a sentence for an offense described in subsection (a)
10 of this section, the board may evaluate the nature of the offense, including
11 the type and amount of the controlled substance involved, and determine the
12 parole eligibility as if the inmate were sentenced under a currently
13 comparable offense under §§ 5-64-402 – 5-64-444.

14 (c) In an application for parole, the inmate shall bear the burden of
15 establishing the type and amount of the controlled substance involved in his
16 or her conviction.

17 (d) The board shall promulgate rules to implement this section.

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19 SECTION 3. DO NOT CODIFY. Temporary language.

20 (a) When adopting the initial rules to implement this act, the final
21 rule shall be filed with the Secretary of State for adoption under § 25-15-
22 204(f):

23 (1) On or before December 31, 2019; or

24 (2) If approval under § 10-3-309 has not occurred by December
25 31, 2019, as soon as practicable after approval under 10-3-309.

26 (b) The Parole Board shall file the proposed rule with the Legislative
27 Council under § 10-3-309(c) sufficiently in advance of December 31, 2019, so
28 that the Legislative Council may consider the rule for approval before
29 December 31, 2019.

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32 /s/Elliott