

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

SENATE BILL 631

5 By: Senator B. Davis
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS LAW CONCERNING HEARINGS ON
10 THE REVOCATION OF PROBATION OR SUSPENSION; AND FOR
11 OTHER PURPOSES.
12
13

Subtitle

14 TO AMEND ARKANSAS LAW CONCERNING
15 HEARINGS ON THE REVOCATION OF PROBATION
16 OR SUSPENSION.
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 16-93-307 is amended to read as follows:
22 16-93-307. Probation generally – Revocation hearings.

23 (a)(1) A defendant arrested for violation of suspension or probation
24 is entitled to a preliminary hearing to determine whether there is reasonable
25 cause to believe that he or she has violated a condition of suspension or
26 probation.

27 (2) ~~The~~ Except as provided in subsection (e) of this section,
28 the preliminary hearing shall be conducted by a court having original
29 jurisdiction to try a criminal matter as soon as practicable after arrest and
30 reasonably near the place of the alleged violation or arrest.

31 (3) The defendant shall be given prior notice of the:
32 (A) Time and place of the preliminary hearing;
33 (B) Purpose of the preliminary hearing; and
34 (C) Condition of suspension or probation the defendant is
35 alleged to have violated.

36 (4) Except as provided in subsection (c) of this section, the



1 defendant has the right to hear and controvert evidence against him or her
2 and to offer evidence in his or her own behalf.

3 (5)(A) If the court conducting the preliminary hearing finds
4 that there is reasonable cause to believe that the defendant has violated a
5 condition of suspension or probation, it may order the defendant to be
6 detained or it may return the defendant to supervision and may consider
7 imposing one (1) or more intermediate sanctions in the sanctioning grid
8 pending further revocation proceedings before the court that originally
9 suspended imposition of sentence on the defendant or placed him or her on
10 probation.

11 (B)(i) If the court conducting the preliminary hearing
12 does not find reasonable cause, it shall order the defendant released from
13 custody.

14 (ii) However, a release under subdivision
15 (a)(5)(B)(i) of this section does not bar the court that suspended imposition
16 of sentence on the defendant or placed him or her on probation from holding a
17 hearing on the alleged violation of suspension or probation or from ordering
18 that the defendant appear before it.

19 (6) The court conducting the preliminary hearing shall prepare
20 and furnish to the court that suspended imposition of sentence on the
21 defendant or placed him or her on probation a summary of the preliminary
22 hearing, including the responses of the defendant and the substance of the
23 documents and evidence given in support of revocation.

24 (b)(1) A suspension or probation shall not be revoked except after a
25 revocation hearing.

26 (2) ~~The~~ Except as provided in subsection (e) of this section,
27 the revocation hearing shall be conducted by the court that suspended
28 imposition of sentence on the defendant or placed him or her on probation
29 within a reasonable period of time after the defendant's arrest, not to
30 exceed sixty (60) days.

31 (3) The defendant shall be given prior written notice of the:

32 (A) Time and place of the revocation hearing;

33 (B) Purpose of the revocation hearing; and

34 (C) Condition of suspension or probation the defendant is
35 alleged to have violated.

36 (4) Except as provided in subsection (c) of this section, the

1 defendant has the right to:

- 2 (A) Hear and controvert evidence against him or her;
- 3 (B) Offer evidence in his or her own defense; and
- 4 (C) Be represented by counsel.

5 (5) If suspension or probation is revoked, the court shall
6 prepare and furnish to the defendant a written statement of the evidence
7 relied on and the reasons for revoking suspension or probation.

8 (c) At a preliminary hearing pursuant to subsection (a) of this
9 section or a revocation hearing pursuant to subsection (b) of this section:

10 (1) The defendant has the right to counsel and to confront and
11 cross-examine an adverse witness unless the court specifically finds good
12 cause for not allowing confrontation; and

13 (2) The court may permit the introduction of any relevant
14 evidence of the alleged violation, including a letter, affidavit, and other
15 documentary evidence, regardless of its admissibility under the rules
16 governing the admission of evidence in a criminal trial.

17 (d) A preliminary hearing pursuant to subsection (a) of this section
18 is not required if:

19 (1) The defendant waives the preliminary hearing;

20 (2) The revocation is based on the defendant's commission of an
21 offense for which he or she has been tried and found guilty in an independent
22 criminal proceeding; or

23 (3) The revocation hearing pursuant to subsection (b) of this
24 section is held promptly after the arrest and in the judicial district where
25 the alleged violation occurred or where the defendant was arrested.

26 (e) If a defendant on probation or a suspended imposition of sentence
27 is subsequently arrested and charged with a felony that constitutes a felony
28 involving violence under § 5-4-501(d)(2) and the felony offense is filed in a
29 county or judicial district other than the county or judicial district where
30 the defendant is on probation or suspended imposition of sentence, the
31 proceedings under this section may be brought in the county where the
32 defendant was arrested and charged with a felony that constitutes a felony
33 involving violence under § 5-4-501(d)(2) if the court which placed the
34 defendant on probation or suspended imposition of sentence files a written
35 consent agreeing to the proceedings under this section being brought in the
36 county where the defendant was arrested and charged with a felony that

1 constitutes a felony involving violence under § 5-4-501(d)(2).

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36