

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1043

5 By: Representative M. Berry
6 By: Senator G. Stubblefield
7

For An Act To Be Entitled

9 AN ACT TO AMEND PENALTIES FOR OFFENSES INVOLVING
10 FENTANYL; TO ENHANCE SENTENCES FOR CERTAIN OFFENSES
11 INVOLVING FENTANYL; AND FOR OTHER PURPOSES.
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Subtitle

15 TO AMEND PENALTIES FOR OFFENSES INVOLVING
16 FENTANYL; AND TO ENHANCE SENTENCES FOR
17 CERTAIN OFFENSES INVOLVING FENTANYL.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 5-64-421(c) and (d), concerning offenses
23 involving fentanyl within the Uniform Controlled Substances Act, are amended
24 to read as follows:

25 (c)(1) Except as provided by this chapter, it is unlawful for a person
26 to deliver fentanyl.

27 (2) A person who violates subdivision (c)(1) of this section upon
28 conviction is guilty of a Class Y felony and is subject to a minimum sentence
29 of:

30 (A) Thirty (30) years; or

31 (B) Life with eligibility for parole after serving thirty
32 (30) years without credit for meritorious good time, if the offense causes
33 the death of a person.

34 (d)(1) Except as provided by this chapter, it is unlawful for a person
35 to manufacture fentanyl.

36 (2) A person who manufactures fentanyl upon conviction is guilty



1 of a Class Y felony and is subject to a minimum sentence of:

2 (A) Thirty (30) years; or

3 (B) Life with eligibility for parole after serving thirty
 4 (30) years without credit for meritorious good time, if the offense causes
 5 the death of a person.

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 7 SECTION 2. Arkansas Code § 5-64-440(c), concerning trafficking a
 8 controlled substance, is amended to read as follows:

9 (c) Trafficking a controlled substance is a Class Y felony with a
 10 minimum sentence of:

11 (1) Thirty (30) years; or

12 (2) Life with eligibility for parole after serving thirty (30)
 13 years without credit for meritorious good time, if the offense causes the
 14 death of a person.

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 16 SECTION 3. Arkansas Code § 16-93-621(a)(2)(A), concerning parole
 17 eligibility and a person who was a minor at the time of committing an
 18 offense, is amended to read as follows:

19 (2)(A) A minor who was convicted and sentenced to the department
 20 or the division for an offense committed before he or she was eighteen (18)
 21 years of age, in which the death of another person occurred, and that was
 22 committed before, on, or after March 20, 2017, is eligible for release on
 23 parole no later than after twenty-five (25) years of incarceration if he or
 24 she was convicted of murder in the first degree, § 5-10-102, or no later than
 25 after thirty (30) years of incarceration if he or she was convicted of
 26 capital murder, § 5-10-101, delivery of fentanyl, § 5-64-421(c)(1),
 27 manufacturing of fentanyl, § 5-64-421(d)(1), or trafficking of fentanyl, § 5-
 28 64-440(b)(2), including any applicable sentencing enhancements, unless by law
 29 the minor is eligible for earlier parole eligibility.

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 31 SECTION 4. Arkansas Code § 16-93-621(a)(3), concerning parole
 32 eligibility and a person who was a minor at the time of committing an
 33 offense, is amended to read as follows:

34 (3) Credit for meritorious good time shall not be applied to
 35 calculations of time served under this subsection for minors convicted and
 36 sentenced for capital murder, § 5-10-101(c), delivery of fentanyl, § 5-64-

1 421(c)(1), manufacturing of fentanyl, § 5-64-421(d)(1), or trafficking of
2 fentanyl, § 5-64-440(b)(2), or when a life sentence is imposed for murder in
3 the first degree, § 5-10-102.

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