

ARKANSAS REGISTER

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DEC 6 1991

J. "BILL" McCuen

SECRETARY OF STATE

State Capitol Rm. 010

Little Rock, Arkansas 72201-1094

For Office

Use Only:

Effective Date

12/25/91

Code Number

004.00.91--025

Name of Agency Arkansas Department of Correction

Department of Correction

Contact Person A. L. Lockhart, Director

Statutory Authority for Promulgating Rules Act 50 of 1968, First Extraordinary Session, as amended

Intended Effective Date

Administrative Regulation 1305-Pardons and Commutation of Sentences

Date

☐ Emergency

Legal Notice Published 9/11-17/91

☐ 20 Days After Filing

Final Date for Public Comment Sept. 30, 1991

☒ Other

Filed With Legislative Council Sept. 6, 1991

Please Use December 25, 1991 as the effective date.

Reviewed by Legislative Council Oct. 03, 1991

Adopted by State Agency Dec. 4, 1991

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 As Amended.

A handwritten signature in cursive script, appearing to read "A. L. Lockhart".

Signature

Director

Title

December 4, 1991

Date



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
DEPARTMENT OF CORRECTION

Section Number

1305

Page Number

1 of 2

Board of Correction Approval Date:

12/4/91

Supersedes:

Dated:

Attorney General
Review Date:

12/4/91

Date Filed
Secy. of State:

12/5/91

SUBJECT: Pardons and Commutations of Sentences

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I. AUTHORITY:

W. J. "BILL" McCUEN
 SECRETARY OF STATE

By

The authority to promulgate this Administrative Regulation is vested in Act 50 of 1968, First Extraordinary Session, as amended; and Act 706 of 1991, Regular Session.

II. PURPOSE:

To provide notice to victim(s) and victim(s') next of kin and an opportunity for them to be heard when considering requests for pardons and commutations of sentences.

III. APPLICABILITY:

To Field Services staff and any other employees involved in the processing of pardons and commutations.

IV. DEFINITIONS:

A. Pardon: The deliverance of a convicted person from punishment dealt by the courts and restoration of their civil rights by order of the Governor of the State of Arkansas.

B. Commutation: A reduction in a convicted person's penalty (i.e., length of sentence) to a less severe penalty.

V. POLICY:

The pardon or commutation of a person convicted of Capital Murder or of a Class Y, Class A, or Class B felony may be granted only after proper notification has been ensured.

VI. PROCEDURES:

When considering the pardons or commutations of persons convicted of Capital Murder or a Class Y, Class A, or Class B felony, the following procedures shall be followed:



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A. Filing of Application

Copies of applications shall be filed with:

1. Secretary of State;
2. Attorney General;
3. Sheriff of the county in which the offense was committed;
4. Prosecuting attorney of the judicial district in which the applicant was found guilty and sentenced;
5. Circuit judge presiding over the proceedings at which the applicant was found guilty and sentenced; and
6. Victim of the crime or the victim's next of kin, if he or she files a request for notice with the prosecuting attorney.

B. Legal Notice

If the application involves a conviction for Capital Murder, the application shall be published by two insertions, separated by a minimum of seven days, in a newspaper of general circulation in the county(ies) in which the offense(s) of the applicant were committed.

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