



SARAH HUCKABEE SANDERS
GOVERNOR

ARKANSAS DEPARTMENT OF CORRECTIONS

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OFFICE OF THE
SECRETARY

Statement of Emergency for Proposed Amendment to 16 C.A.R. pt. 11

The Protect Arkansas Act provides new thresholds for release eligibility for felony offenses. Those offenses for which an offender is required to serve 100% and 85% of his or her sentence are set out in statute. The Sentencing Commission is responsible for categorizing those remaining offenses as being required to serve either 50% or 25%. The initial adoption of this rule was completed in 2024, with an effective date of January 1, 2025- to coincide with the effective date of the new release eligibility laws. The rule provides that offenses without a designation one way or the other are subject to the 50% serving requirements.

During the 2025 legislative session, there were several new felony offenses identified by Commission staff which needed to be categorized. Many of these offenses become effective in August of this year. Release eligibility is determined based on the law in effect at the time the offense is committed- which means that without an expedited adoption of this rule, there would be several offenses which are subject to 50% serving requirements for a short period of time while this rule is going through permanent promulgation, and then 25% once the final rule is adopted. One statutory duty of the Arkansas Sentencing Commission is to support public safety through efficient use of public safety resources. Proper classification of offenses is paramount to this goal.

The proposed amendment should result in cost savings to the state. A majority of the new offenses will actually be required to serve a shorter percentage of the sentence imposed by the sentencing court under the proposed amendment than they would under the current rule, which defaults them all to 50%.

Upon permission to proceed, staff will work diligently to enact permanent promulgation of this amendment. Thank you for your consideration of this request.

**QUESTIONNAIRE FOR FILING PROPOSED RULES WITH
THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT Corrections
BOARD/COMMISSION Arkansas Sentencing Commission
BOARD/COMMISSION DIRECTOR Elaine Lee
CONTACT PERSON Trent Rigdon
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PHONE NO. (479) 746-1138 EMAIL trent.rigdon@doc.arkansas.gov
NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING
Tawnie Rowell and Elaine Lee
PRESENTER EMAIL(S) tawnie.rowell@doc.arkansas.gov and elaine.lee@doc.arkansas.gov

INSTRUCTIONS

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, miller-ricer@blr.arkansas.gov, for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, garritym@blr.arkansas.gov, for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

1. What is the official title of this rule?
Eligibility for Transfer to Post Release Supervision
2. What is the subject of the proposed rule? Eligibility for Transfer to Post Release Supervision
3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes ☒ No ☐

If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes ☒ No ☐

4. Is this rule being filed for permanent promulgation? Yes ☐ No ☒

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes ☐ No ☐

If yes, what was the effective date of the emergency rule? _____

On what date does the emergency rule expire? _____

5. Is this rule required to comply with a *federal* statute, rule, or regulation? Yes ☐ No ☒

If yes, please provide the federal statute, rule, and/or regulation citation.

6. Is this rule required to comply with a *state* statute or rule? Yes ☒ No ☐

If yes, please provide the state statute and/or rule citation.

[A.C.A. § 16-93-1804](#)

7. Are two (2) rules being repealed in accord with Executive Order 23-02? Yes ☐ No ☒

If yes, please list the rules being repealed.

If no, please explain.

[The Sentencing Commission only has two administrative rules and both are required by law.](#)

8. Is this a new rule? Yes ☐ No ☒

Does this repeal an existing rule? Yes ☐ No ☒

If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? Yes ☒ No ☐

If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup.

9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s).

[A.C.A. § 16-90-802](#)

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?
Yes ☒ No ☐

If yes, please provide the year of the act(s) and act number(s).

[2025 Acts which created new felony offenses](#)

11. What is the reason for this proposed rule? Why is it necessary?

[The Protect Arkansas Act sets out eligibility for transfer to post-release supervision in four \(4\) "buckets". 100% offenses and 85% offenses are set out in statute. 25% and 50% offenses are set out in rule promulgated by the Sentencing Commission. The General Assembly created new felony offenses in the 2025 regular session, and these offenses have to be categorized as either 25% of 50% offenses.](#)

12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).

<https://doc.arkansas.gov/rule-filings/>

13. Will a public hearing be held on this proposed rule? Yes ☐ No ☒

If yes, please complete the following:

Date: _____

Time: _____

Place: [Only if requested](#) _____

Please be sure to advise Bureau Staff if this information changes for any reason.

14. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. _____

15. What is the proposed effective date for this rule? [08/15/2025](#) _____

16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.

17. Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).

18. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.

[None anticipated](#)

19. Is the rule expected to be controversial? Yes ☐ No ☒

If yes, please explain.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT Corrections

BOARD/COMMISSION Arkansas Sentencing Commission

PERSON COMPLETING THIS STATEMENT Tawnie Rowell

TELEPHONE NO. (501) 682-3309 **EMAIL** tawnie.rowell@doc.arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

TITLE OF THIS RULE Eligibility for Transfer to Post Release Supervision

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes ☐ No ☒
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes ☒ No ☐
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes ☒ No ☐

If no, please explain:

(a) how the additional benefits of the more costly rule justify its additional cost;

(b) the reason for adoption of the more costly rule;

(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:
 - (a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total \$0.00 _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total \$0.00 _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total \$0.00 _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total \$0.00 _____

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

Current Fiscal Year

\$ 0.00 _____

Next Fiscal Year

\$ 0.00 _____

6. What is the total estimated cost by fiscal year to a state, county, or municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ 0.00 _____

Next Fiscal Year

\$ 0.00 _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes ☐ No ☒

If yes, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

Stricken language would be deleted from and underlined language would be added to the Code of Arkansas Rules.

Proposed Rulemaking

Title

Promulgated by:
Arkansas Sentencing Commission

Title 16. Practice, Procedure, and Courts

Chapter II. Arkansas Sentencing Commission, Department of Corrections

Subchapter A. Generally

Part 11. Eligibility for Transfer to Post-Release Supervision

Subpart 1. Generally

16 CAR § 11-101. Applicability.

(a) Eligibility for earned release credits pursuant to this part is subject to requirements set forth in the Arkansas Code.

(b) In the event this part conflicts with the Arkansas Code, any restrictions or limitations on eligibility for earned release credits shall be based on statute.

16 CAR § 11-102. Policy.

(a) Application.

(1)(A) This part is governed by Arkansas Code § 16-93-1804(4).

(B) Any person falling under these provisions is eligible for transfer to post-release supervision when the term of confinement and his or her earned release credit equals or exceeds one hundred percent (100%) of the term of imprisonment imposed by the sentencing court.

(2)(A) The maximum amount of earned release credits that can be accrued and granted by the Post-Prison Transfer Board is fifty percent (50%) or seventy-five

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percent (75%) of the term of imprisonment based on the seriousness determination set out in subsections (b) and (c) of this section.

(B) The maximum amount of earned release credits that may be accrued and granted by the board for offenses omitted in this part is fifty percent (50%) of the term of imprisonment.

(b) Felonies for which earned release credits may not exceed fifty percent (50%) of imposed term of confinement include the following, including an attempt, solicitation, or conspiracy to commit one of the below offenses:

- (1) Physician-assisted suicide, Arkansas Code § 5-10-106;
- (2) Robbery, Arkansas Code § 5-12-102;
- (3) Abuse of an athletic contest official, Arkansas Code § 5-13-209, if a Class B felony;

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(4) Introduction of a controlled substance into the body of another person, Arkansas Code § 5-13-210, if a Class Y felony;

(5) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, Arkansas Code § 5-13-211, if a Class Y felony;

(6) Knowingly exposing another person to fentanyl in the first and second degree, Arkansas Code § 5-13-214;

(7) Sexual assault in the second degree, Arkansas Code § 5-14-125;

(8) Unlawful solicitation for the relinquishment of parental rights, Arkansas Code § 5-26-204, if a Class A felony;

(9) Abuse of an endangered or impaired person, Arkansas Code § 5-28-103, if a Class B felony;

(10) Arson, Arkansas Code § 5-38-301, if a Class A felony;

(11) Residential burglary, Arkansas Code § 5-39-201(a);

(12) Using prohibited articles, Arkansas Code § 5-54-119(d);

(13) Possession of fentanyl with the purpose to deliver, Arkansas Code § 5-64-421(b);

(14) Delivery of methamphetamine, heroin, or cocaine, Arkansas Code § 5-64-422, if a Class B or Y felony;

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(15) Manufacture of methamphetamine, heroin, or cocaine, Arkansas Code § 5-64-423, if a Class B, A, or Y felony;

(16) Delivery of a Schedule VI controlled substance, Arkansas Code § 5-64-438, if a Class A felony;

(17) Manufacture of a Schedule VI controlled substance, Arkansas Code § 5-64-439, if a Class A felony;

(18) Possession or use for offensive or aggressive purposes unlawful, Arkansas Code § 5-73-204;

(19) Perpetrating or attempting crime, Arkansas Code § 5-73-211;

(20) Engaging in a continuing criminal gang, organization, or enterprise in the first degree, Arkansas Code § 5-74-104(a), if a Class Y or A felony;

(21) Engaging in a continuing criminal gang, organization, or enterprise in the second degree, Arkansas Code § 5-74-104(b), if a Class Y felony;

(22) Simultaneous possession of drugs and firearms, Arkansas Code § 5-74-106;

(23) Unlawful discharge of a firearm from a vehicle in the second degree, Arkansas Code § 5-74-107(b); and

(24) Soliciting a minor to join a gang, Arkansas Code § 5-74-203, if a Class B felony;

(25) Fleeing, Arkansas Code § 5-54-125, if a Class A felony; and

(26) Coerced abortion by fraud, Arkansas Code § 5-61-103.

(c) Felonies for which earned release credits may not exceed seventy-five percent (75%) of imposed term of confinement include the following, including an attempt, solicitation, or conspiracy to commit one of the below offenses:

(1) Violation of the Arkansas Public Grain Warehouse Law, Arkansas Code § 2-17-204;

(2) Violation of the Arkansas Grain Dealers Act, Arkansas Code § 2-24-108;

(3) Knowingly furnishing or selling to a minor, Arkansas Code § 3-3-202;

(4) Social hosts — criminal liability, Arkansas Code § 3-3-219;

(5) Manufacture, possession, and transportation, Arkansas Code § 3-3-402;

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(6) Sales or furnishing place for sale in dry territory prohibited — penalty, Arkansas Code § 3-8-209;

(7) Sales, barter, or possession for sale or barter in dry area — penalties, Arkansas Code § 3-8-312;

(8) Unlawful acts relating to secured interests on certain farm products, Arkansas Code § 4-56-102;

(9) Issuance of bill for goods not received, Arkansas Code § 4-59-301;

(10) Remission to acquirer of record of sale not made by remitter, Arkansas Code § 4-59-502;

(11) Solicitation of merchant to remit record of sale not made by merchant, Arkansas Code § 4-59-503;

(12) Misleading and fraudulent schemes — penalty — prosecutions, Arkansas Code § 4-72-207;

(13) Counterfeits — criminal penalties, Arkansas Code § 4-88-1205;

(14) Violation of odometer rules, Arkansas Code § 4-90-203;

(15) Violation of the Arkansas Mail and Telephone Consumer Product Promotion Fair Practices Act, Arkansas Code § 4-95-103;

(16) Soliciting prospective purchasers on behalf of unregistered telephonic seller prohibited — violation, Arkansas Code § 4-99-110;

(17) Violation of motor vehicle transfer law, Arkansas Code § 4-100-102;

(18) Method of execution, Arkansas Code § 5-4-617;

(19) Negligent homicide, Arkansas Code § 5-10-105, if a Class D felony;

(20) False imprisonment in the first degree, Arkansas Code § 5-11-103;

(21) Vehicular piracy, Arkansas Code § 5-11-105;

(22) Permanent detention or restraint, Arkansas Code § 5-11-106;

(23) Battery in the second degree, Arkansas Code § 5-13-202;

(24) Aggravated assault, Arkansas Code § 5-13-204;

(25) Abuse of an athletic contest official, Arkansas Code § 5-13-209, if a Class C felony;

(26) Introduction of a controlled substance into the body of another person, Arkansas Code § 5-13-210, if a Class B or C felony;

(27) Aggravated assault against a certified law enforcement officer or employee of a correctional facility, Arkansas Code § 5-13-211, if a Class D felony;

(28) Fertility treatment abuse, Arkansas Code § 5-13-212;

(29) Aggravated assault against a first responder, Arkansas Code § 5-13-213;

(30) Terroristic threatening, Arkansas Code § 5-13-301;

(31) Threatening to commit an act of mass violence on school property, Arkansas Code § 5-13-302;

(32) Indecent exposure, Arkansas Code § 5-14-112;

(33) Sexual assault in the third degree, Arkansas Code § 5-14-126;

(34) Sexual assault in the fourth degree, Arkansas Code § 5-14-127;

(35) Registered offender living near a school, public park, youth center, daycare, or church or other place of worship prohibited, Arkansas Code § 5-14-128;

(36) Registered offender working with children prohibited, Arkansas Code § 5-14-129;

(37) Registered offender — incorrect permanent physical address on identification cards or driver's license prohibited, Arkansas Code § 5-14-130;

(38) Registered offender living near victim or having contact with victim prohibited, Arkansas Code § 5-14-131;

(39) Registered offender prohibited from entering upon school campus — exception, Arkansas Code § 5-14-132;

(40) Registered offender prohibited from entering a water park owned or operated by a local government, Arkansas Code § 5-14-133;

(41) Registered offender prohibited from entering a swimming area or children's playground contained within an Arkansas State Park, Arkansas Code § 5-14-134;

(42) Registered offender prohibited from participating in certain Halloween-related activities, Arkansas Code § 5-14-135;

(43) Registered offender prohibited from recording person under fourteen (14) years of age — unlawful use of recording online, Arkansas Code § 5-14-137;

(44) Registered offender prohibited from purchasing, owning, possessing, using, or operating unmanned aircraft, Arkansas Code § 5-14-138;

(45) Crime of video voyeurism, Arkansas Code § 5-16-101, if a Class D felony;

(46) Voyeurism, Arkansas Code § 5-16-102, if a Class D felony;

(47) Communicating a death threat concerning a school employee or student, Arkansas Code § 5-17-101;

(48) Incest, Arkansas Code § 5-26-202;

(49) Concealing birth, Arkansas Code § 5-26-203;

(50) Unlawful solicitation for the relinquishment of parental rights, Arkansas Code § 5-26-204, if a Class C or D felony;

(51) Domestic battering in the second degree, Arkansas Code § 5-26-304;

(52) Domestic battering in the third degree, Arkansas Code § 5-26-305;

(53) Aggravated assault on a family or household member, Arkansas Code § 5-26-306, unless under Arkansas Code § 5-26-306(a)(3);

(54) Nonsupport, Arkansas Code § 5-26-401;

(55) Interference with visitation, Arkansas Code § 5-26-501;

(56) Interference with court-ordered custody, Arkansas Code § 5-26-502;

(57) Interference with custody, Arkansas Code § 5-26-503;

(58) Endangering the welfare of an incompetent person in the first degree, Arkansas Code § 5-27-201;

(59) Endangering the welfare of a minor in the first degree, Arkansas Code § 5-27-205;

(60) Rehoming of an adopted minor, Arkansas Code § 5-27-211;

(61) Permitting child abuse, Arkansas Code § 5-27-221, if a Class D felony;

(62) Soliciting money or property to incompetents, Arkansas Code § 5-27-229;

(63) Manufacturing or altering personal identification document unlawful, Arkansas Code § 5-27-502;

- (64) Distributing, possessing, or viewing of any matter depicting sexually explicit conduct involving a child, Arkansas Code § 5-27-602;
- (65) Possession or use of child sexual abuse material, Arkansas Code § 5-27-603;
- (66) Unlawful doxxing of a minor on a social media platform, Arkansas Code § 5-27-610;
- (67) Criminal penalties for abuse of an endangered or impaired person, Arkansas Code § 5-28-103, if a Class C or D felony;
- (68) Making a false notification by the Adult and Long-Term Care Facility Resident Maltreatment Act, Arkansas Code § 5-28-110(b);
- (69) Abuse of a vulnerable person, Arkansas Code § 5-29-203;
- (70) Neglect of a vulnerable person, Arkansas Code § 5-29-204;
- (71) Exploitation of a vulnerable person, Arkansas Code § 5-29-205;
- (72) Theft of property, Arkansas Code § 5-36-103;
- (73) Theft of services, Arkansas Code § 5-36-104;
- (74) Theft of property lost, mislaid, or delivered by mistake, Arkansas Code § 5-36-105;
- (75) Theft by receiving, Arkansas Code § 5-36-106;
- (76) Operating a chop shop — dealing in stolen or forged motor vehicle parts, Arkansas Code § 5-36-109;
- (77) Theft of leased, rented, or entrusted personal property — false report of wealth or credit, Arkansas Code § 5-36-115;
- (78) Theft of scrap metal, Arkansas Code § 5-36-123;
- (79) Theft by receiving of scrap metal, Arkansas Code § 5-36-124;
- (80) Unlawful transfer of stolen property to a pawn shop or pawnbroker, Arkansas Code § 5-36-125;
- (81) Theft of a catalytic converter — unauthorized possession of a catalytic converter, Arkansas Code § 5-36-126;
- (82) Theft of public benefits, Arkansas Code § 5-36-202;
- (83) Theft of wireless service, Arkansas Code § 5-36-303;

- (84) Facilitating theft of wireless service by manufacture, distribution, or possession of devices for theft of wireless services, Arkansas Code § 5-36-304;
- (85) Unlawful use of a theft detection shielding device, Arkansas Code § 5-36-401;
- (86) Unlawful possession of a theft detection shielding device, Arkansas Code § 5-36-402;
- (87) Unlawful possession of a theft detection device remover, Arkansas Code § 5-36-403;
- (88) Unlawful removal of a theft detection device, Arkansas Code § 5-36-404;
- (89) Forgery, Arkansas Code § 5-37-201;
- (90) Defrauding a secured creditor, Arkansas Code § 5-37-203;
- (91) Fraud in insolvency, Arkansas Code § 5-37-204;
- (92) Fraudulent use of a credit card or debit card, Arkansas Code § 5-37-207;
- (93) Criminal impersonation, Arkansas Code § 5-37-208;
- (94) Criminal possession of a forgery device, Arkansas Code § 5-37-209;
- (95) Obtaining a signature by deception, Arkansas Code § 5-37-210;
- (96) Defrauding a judgment creditor, Arkansas Code § 5-37-211;
- (97) Unlawfully using a slug, Arkansas Code § 5-37-212;
- (98) Criminal simulation, Arkansas Code § 5-37-213;
- (99) Fraudulently filing a Uniform Commercial Code, Arkansas Code § 4-1-101 et seq., financing statement, Arkansas Code § 5-37-215;
- (100) Defrauding a prospective adoptive parent, Arkansas Code § 5-27-216;
- (101) Healthcare fraud, Arkansas Code § 5-37-217;
- (102) Unlawful possession of a skimmer, Arkansas Code § 5-37-219;
- (103) Fertility treatment fraud, Arkansas Code § 5-37-220;
- (104) Filing instruments affecting title or interest in real property, Arkansas Code § 5-37-226;
- (105) Financial identity fraud — nonfinancial identity fraud — restitution — venue, Arkansas Code § 5-37-227;
- (106) Unlawful acts, Arkansas Code § 5-37-302;

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(107) Theft of communication services — unlawful communication and access devices, Arkansas Code § 5-37-402;

(108) Animals — marking, branding, or altering brands, Arkansas Code § 5-37-502;

(109) Insurance fraud by use of a procurer, Arkansas Code § 5-37-505;

(110) Prohibited activity by a procurer or provider, Arkansas Code § 5-37-506;

(111) Software and other devices and mechanisms used to falsify electronic records, Arkansas Code § 5-37-507;

(112) Unauthorized copying or sale of recordings, Arkansas Code § 5-37-510;

(113) Farm implements — removal or alteration of serial number, Arkansas Code § 5-37-521;

(114) Fraud in the acquisition of authorization to provide motor vehicle transportation of property, Arkansas Code § 5-37-524;

(115) Defrauding a materialman, Arkansas Code § 5-37-525;

(116) Threatening to cause a catastrophe, Arkansas Code § 5-38-202(b);

(117) Criminal mischief in the first degree, Arkansas Code § 5-38-203;

(118) Criminal mischief in the second degree, Arkansas Code § 5-38-204;

(119) Impairing the operation of a vital public facility, Arkansas Code § 5-38-205;

(120) Damaging wires and other fixtures of telephone, cable, and electric power companies, Arkansas Code § 5-38-206;

(121) Destruction or removal of a cemetery or grave marker, Arkansas Code § 5-38-207;

(122) Arson, Arkansas Code § 5-38-301, if a Class B, C, or D felony;

(123) Reckless burning, Arkansas Code § 5-38-302;

(124) Unlawful burning — miscellaneous felonies, Arkansas Code § 5-38-311;

(125) Commercial burglary, Arkansas Code § 5-39-201(b);

(126) Breaking or entering, Arkansas Code § 5-39-202;

(127) Criminal trespass, Arkansas Code § 5-39-203;

(128) Cemeteries — mining and other unlawful entries, Arkansas Code § 5-39-211;

(129) Criminal trespass on premises located in an unincorporated area, Arkansas Code § 5-39-305;

(130) Computer fraud, Arkansas Code § 5-41-103;

(131) Computer trespass, Arkansas Code § 5-41-104;

(132) Unlawful acts involving a computer, Arkansas Code § 5-41-202;

(133) Unlawful interference with access to computers — unlawful use or access to computers, Arkansas Code § 5-41-203;

(134) Unlawful use of encryption, Arkansas Code § 5-41-204;

(135) Unlawful act involving electronic mail, Arkansas Code § 5-41-205;

(136) Computer password disclosure, Arkansas Code § 5-41-206;

(137) Criminal use of property or laundering criminal proceeds, Arkansas Code § 5-42-204;

(138) Usurping office, Arkansas Code § 5-51-203;

(139) Usurping, overturning, or seizing government, Arkansas Code § 5-51-204;

(140) Intentional injury to or interference with government property, Arkansas Code § 5-51-303;

(141) Intentionally defective workmanship, Arkansas Code § 5-51-304;

(142) Abuse of public trust, Arkansas Code § 5-52-101;

(143) Abuse of office, Arkansas Code § 5-52-107;

(144) Perjury generally, Arkansas Code § 5-53-102;

(145) Witness bribery, Arkansas Code § 5-53-108;

(146) Intimidating a witness, Arkansas Code § 5-53-109;

(147) Tampering, Arkansas Code § 5-53-110;

(148) Tampering with physical evidence, Arkansas Code § 5-53-111;

(149) Retaliation against a witness, an informant, or a juror, Arkansas Code § 5-53-112;

(150) Juror bribery, Arkansas Code § 5-53-113;

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(151) Intimidating a juror, a witness, or an informant, Arkansas Code § 5-53-114;

(152) Jury tampering, Arkansas Code § 5-53-115;

(153) Frivolous, groundless, or malicious prosecutions, Arkansas Code § 5-53-131;

(154) Violation of an order of protection, Arkansas Code § 5-53-134;

(155) Threatening a judicial official or juror — penalty, Arkansas Code § 5-53-202;

(156) Interference with a law enforcement or code enforcement officer, Arkansas Code § 5-54-104;

(157) Hindering apprehension or prosecution, Arkansas Code § 5-54-105;

(158) Aiding consummation of offense, Arkansas Code § 5-54-106;

(159) Compounding, Arkansas Code § 5-54-107;

(160) Second degree escape, Arkansas Code § 5-54-111;

(161) Third degree escape, Arkansas Code § 5-54-112;

(162) Permitting escape in the first degree, Arkansas Code § 5-54-113;

(163) Aiding an unauthorized departure, Arkansas Code § 5-54-116;

(164) Assisting in or furnishing an implement for escape, Arkansas Code § 5-54-117;

(165) Furnishing implement for unauthorized departure, Arkansas Code § 5-54-118;

(166) Furnishing a prohibited article, Arkansas Code § 5-54-119(b);

(167) Possessing a prohibited article, Arkansas Code § 5-54-119(c);

(168) Delivering a prohibited article, Arkansas Code § 5-54-119(e);

(169) Failure to appear, Arkansas Code § 5-54-120;

(170) Tampering with a public record, Arkansas Code § 5-54-121;

(171) Filing a false report with a law enforcement agency, Arkansas Code § 5-54-122;

(172) Fleeing, Arkansas Code § 5-54-125, if a Class C or D felony;

(173) Killing or injuring animals used by law enforcement or search and rescue dogs, Arkansas Code § 5-54-126;

(174) Absconding, Arkansas Code § 5-54-131;

(175) Disarming an officer, Arkansas Code § 5-54-134;

(176) Unlawful acts — classification, Arkansas Code § 5-55-103;

(177) Records, Arkansas Code § 5-55-104;

(178) Traffic in illegal food coupons or vouchers, Arkansas Code § 5-55-201;

(179) Illegal presentation of food coupons or vouchers for payment, Arkansas Code § 5-55-203;

(180) Penalty — notice — prosecution, Arkansas Code § 5-55-301;

(181) Lottery fraud, Arkansas Code § 5-55-501;

(182) Petition fraud, Arkansas Code § 5-55-601;

(183) Criminal impersonation in an election, Arkansas Code § 5-55-602;

(184) Abuse of a corpse, Arkansas Code § 5-60-101;

(185) Obstruction or interference with emergency medical personnel or first responder, Arkansas Code § 5-60-123;

(186) Abortion only by licensed physician, Arkansas Code § 5-61-101;

(187) Unlawful abortion, Arkansas Code § 5-61-102;

(188) Violation of the Arkansas Human Life Protection Act, Arkansas Code § 5-61-304;

(189) Violation of the Arkansas Unborn Child Protection Act, Arkansas Code § 5-61-404;

(190) Offense of cruelty to animals, Arkansas Code § 5-62-103;

(191) Offense of aggravated cruelty to a dog, cat, or equine — definition, Arkansas Code § 5-62-104;

(192) Unlawful animal fighting, Arkansas Code § 5-62-120;

(193) Unlawful bear exploitation, Arkansas Code § 5-62-124;

(194) Automated telephone solicitation, Arkansas Code § 5-63-204;

(195) Misleading caller identification information — exemptions — penalties, Arkansas Code § 5-63-205;

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(196) Controlled substances — offenses relating to records, maintaining premises, etc., Arkansas Code § 5-64-402;

(197) Controlled substances — fraudulent practices, Arkansas Code § 5-64-403;

(198) Use of a communication device, Arkansas Code § 5-64-404;

(199) Drug precursors, Arkansas Code § 5-64-415;

(200) Possession of a controlled substance, Arkansas Code § 5-64-419;

(201) Possession of methamphetamine, heroin, or cocaine with the purpose to deliver, Arkansas Code § 5-64-420;

(202) Possession of fentanyl, Arkansas Code § 5-64-421(a);

(203) Delivery of methamphetamine, heroin, or cocaine, Arkansas Code § 5-64-422, if a Class C felony;

(204) Manufacture of methamphetamine, heroin, or cocaine, Arkansas Code § 5-64-423, if a Class C felony;

(205) Possession of a Schedule I or Schedule II controlled substance that is not methamphetamine, fentanyl, heroin, or cocaine with the purpose to deliver, Arkansas Code § 5-64-424;

(206) Delivery of a Schedule I or Schedule II controlled substance that is not methamphetamine, fentanyl, heroin, or cocaine, Arkansas Code § 5-64-426;

(207) Manufacture of a Schedule I or Schedule II controlled substance that is not methamphetamine, fentanyl, heroin, or cocaine, Arkansas Code § 5-64-427;

(208) Possession of a Schedule III controlled substance with the purpose to deliver, Arkansas Code § 5-64-428;

(209) Delivery of a Schedule III controlled substance, Arkansas Code § 5-64-430;

(210) Manufacture of a Schedule III controlled substance, Arkansas Code § 5-64-431;

(211) Possession of a Schedule IV or Schedule V controlled substance with the purpose to deliver, Arkansas Code § 5-64-432;

(212) Delivery of a Schedule IV or Schedule V controlled substance, Arkansas Code § 5-64-434;

(213) Manufacture of a Schedule IV or Schedule V controlled substance, Arkansas Code § 5-64-435;

(214) Possession of a Schedule VI controlled substance with the purpose to deliver, Arkansas Code § 5-64-436;

(215) Delivery of a Schedule VI controlled substance, Arkansas Code § 5-64-438, if a Class D, C, or B felony;

(216) Manufacture of a Schedule VI controlled substance, Arkansas Code § 5-64-439, if a Class D, C, or B felony;

(217) Possession of a counterfeit substance, Arkansas Code § 5-64-441;

(218) Possession with the purpose to deliver, delivery, or manufacture of a counterfeit substance, Arkansas Code § 5-64-442;

(219) Possession of drug paraphernalia, Arkansas Code § 5-64-443;

(220) Drug paraphernalia — delivery to a minor, Arkansas Code § 5-64-444;

(221) Advertisement of a counterfeit substance or drug paraphernalia, Arkansas Code § 5-64-445;

(222) Illegal drug paraphernalia business, Arkansas Code § 5-64-802;

(223) Possession — penalty, Arkansas Code § 5-64-1101;

(224) Possession with purpose to manufacture — unlawful distribution, Arkansas Code § 5-64-1102;

(225) Sales limits, Arkansas Code § 5-64-1103;

(226) Possession of anhydrous ammonia in unlawful container, Arkansas Code § 5-64-1301;

(227) Driving or boating while intoxicated, Arkansas Code § 5-65-111, if an unclassified felony;

(228) Keeping a gambling house, Arkansas Code § 5-66-103;

(229) Sports or games — bribery of participants, Arkansas Code § 5-66-115;

(230) Horseracing — agency service wagering, Arkansas Code § 5-66-117;

(231) Lottery, etc. — tickets, Arkansas Code § 5-66-118;

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(232) Lottery — promotion through sales, Arkansas Code § 5-66-119;
(233) Obscene films, Arkansas Code § 5-68-203;
(234) Promoting obscene materials, Arkansas Code § 5-68-303;
(235) Promoting obscene performance, Arkansas Code § 5-68-304;
(236) Obscene performance at a live public show, Arkansas Code § 5-68-305;
(237) Public display of hard-core sexual conduct, Arkansas Code § 5-68-307;
(238) Possession, sale, or distribution, Arkansas Code § 5-68-405;
(239) Pipelines and pipeline facilities, Arkansas Code § 5-69-103;
(240) Promoting prostitution in the first degree, Arkansas Code § 5-70-104, if
a Class D felony;
(241) Sexual solicitation of a minor, Arkansas Code § 5-70-107;
(242) Aggravated riot, Arkansas Code § 5-71-202;
(243) Inciting riot, Arkansas Code § 5-71-203;
(244) Communicating a false alarm, Arkansas Code § 5-71-210;
(245) Threatening a fire or bombing, Arkansas Code § 5-71-211;
(246) Defacing or damaging a public building or an object of public respect,
Arkansas Code § 5-71-215;
(247) Stalking, Arkansas Code § 5-71-229;
(248) Promoting civil disorder in the first degree, Arkansas Code § 5-71-302;
(249) Injuring levees, Arkansas Code § 5-72-109;
(250) Possession of firearms by certain persons, Arkansas Code § 5-73-103, if
a Class D felony;
(251) Criminal use of prohibited weapons, Arkansas Code § 5-73-104, if a
Class D felony;
(252) Defacing a firearm, Arkansas Code § 5-73-106;
(253) Possession of a defaced firearm, Arkansas Code § 5-73-107;
(254) Furnishing a deadly weapon to a minor, Arkansas Code § 5-73-109;
(255) Unlawful procurement of a firearm, Arkansas Code § 5-73-111;
(256) Handguns — possession by a minor or possession on school property,
Arkansas Code § 5-73-119;

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(257) Booby traps, Arkansas Code § 5-73-126;

(258) Furnishing a handgun or prohibited weapon to a felon, Arkansas Code § 5-73-129;

(259) Sale, rental, or transfer of a firearm to a person prohibited from possessing firearms, Arkansas Code § 5-73-132;

(260) Possession of a taser stun gun, Arkansas Code § 5-73-133;

(261) Engaging in a continuing criminal gang, organization, or enterprise in the first degree, Arkansas Code § 5-74-104(a), if a Class B felony;

(262) Engaging in a continuing criminal gang, organization, or enterprise in the second degree, Arkansas Code § 5-74-104(b), if a Class A, B, or C felony;

(263) Unauthorized use of another person's property to facilitate certain crimes, Arkansas Code § 5-74-105;

(264) Soliciting or recruiting a minor to join or to remain a member of a criminal gang, organization, or enterprise, Arkansas Code § 5-74-203, if a Class C felony;

(265) Operation of aircraft while intoxicated, Arkansas Code § 5-75-102;

(266) Unlawful possession, purchase, sale, or transfer of a blue light or blue lens cap, Arkansas Code § 5-77-201;

(267) Law enforcement insignia sales, Arkansas Code § 5-77-202;

(268) Criminal possession of body armor, Arkansas Code § 5-79-101;

(269) Powers and duties — definition, Arkansas Code § 6-13-701;

(270) Reports by mandated reporters — failure to notify by mandated reporter — making a false report, Arkansas Code § 6-18-110;

(271) Violation of ethical guidelines, Arkansas Code § 6-24-115;

(272) Miscellaneous election felonies, Arkansas Code § 7-1-104;

(273) Destruction of a ballot or ballot materials — prohibited — definitions, Arkansas Code § 7-1-112;

(274) Political practices pledge — penalty for falsification, Arkansas Code § 7-6-102;

(275) Contributions — limitations — acceptance or solicitation — use as personal income — disposition, Arkansas Code § 7-6-203;

(276) Form of verification — penalty for false statement, Arkansas Code § 7-9-109;

(277) Violation of the Arkansas Hazardous Waste Management Act of 1979, Arkansas Code § 8-7-204;

(278) Persons required to consent to adoption — consideration for relinquishing minor for adoption, Arkansas Code § 9-9-206;

(279) Violation of child labor law, Arkansas Code § 11-6-103;

(280) Penalties for misrepresentation, Arkansas Code § 11-9-106;

(281) Penalties for discrimination for filing claim, Arkansas Code § 11-9-107;

(282) Special rules regarding transfers of experience and assignment of rates — definitions, Arkansas Code § 11-10-723;

(283) Confidentiality of certain law enforcement records — definitions, Arkansas Code § 12-6-701;

(284) Release or disclosure to unauthorized person — penalty, Arkansas Code § 12-12-212;

(285) Failure to comply with registration and reporting requirements — refusal to cooperate with assessment process, Arkansas Code § 12-12-904;

(286) Duty to register or verify registration generally — review of requirements with offenders, Arkansas Code § 12-12-906;

(287) Electronic monitoring of sex offenders, Arkansas Code § 12-12-923;

(288) Violation of criminal history information and reporting standards, Arkansas Code § 12-12-1002;

(289) Procedures of withdrawal, collection, and transmission of DNA samples, Arkansas Code § 12-12-1110;

(290) Prohibition against disclosure, Arkansas Code § 12-12-1115;

(291) Prohibition against disclosure for pecuniary gain, Arkansas Code § 12-12-1116;

(292) False reporting of adult abuse, Arkansas Code § 12-12-1720(d);

(293) Making a false report under the Child Maltreatment Act, Arkansas Code § 12-18-203;

(294) Selling or trading position, working condition, or promotion, Arkansas Code § 12-29-110;

(295) Unauthorized removal or willful mutilation of library materials, Arkansas Code § 13-2-803;

(296) State archeological landmarks — penalty for disturbing, Arkansas Code § 13-6-306;

(297) Digging up or removing artifact without permission — penalty, Arkansas Code § 13-6-307;

(298) Vandalism of archeological sites and artifacts — penalty, Arkansas Code § 13-6-308;

(299) Trade or collection of remains, Arkansas Code § 13-6-406;

(300) Display of remains, Arkansas Code § 13-6-407;

(301) Desecration of burial grounds and burial furniture, Arkansas Code § 13-6-408;

(302) Timber theft, Arkansas Code § 15-32-603;

(303) Unauthorized practice of law, Arkansas Code § 16-22-501;

(304) Violation of bail bond agent law, Arkansas Code § 16-84-114;

(305) Certificate of indigency, Arkansas Code § 16-87-213;

(306) Probation — first time offenders — penalties, Arkansas Code § 16-93-302;

(307) Escape — penalty, Arkansas Code § 16-95-105;

(308) Violation of the Appraisal Management Company Registration Act, Arkansas Code § 17-14-411;

(309) Violation of the Uniform Athlete Agents Act, Arkansas Code § 17-16-115;

(310) Violation of barber law, Arkansas Code § 17-20-308;

(311) Violation of buyers of precious metals law, Arkansas Code § 17-23-103;

(312) Unlawful to perform body art on a person under eighteen (18) years of age — documentation and consent, Arkansas Code § 17-26-602;

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(313) Department of Health to license, regulate, and inspect for health hazards, Arkansas Code § 17-26-603;

(314) Violation of counseling law, Arkansas Code § 17-27-104;

(315) Violation of embalmers and funeral directors law, Arkansas Code § 17-29-401;

(316) Violation of engineers law, Arkansas Code § 17-30-102;

(317) Violation of private investigator and private security agency law, Arkansas Code § 17-40-104;

(318) Violation of real estate license law, Arkansas Code § 17-42-105;

(319) Violation of scrap metal dealer law, Arkansas Code § 17-44-102;

(320) Buyer of used catalytic converter, Arkansas Code § 17-44-109;

(321) Dental license required — penalty, Arkansas Code § 17-82-301;

(322) Land ownership by prohibited foreign-party-controlled business prohibited — definitions, Arkansas Code § 18-11-110;

(323) Interest in agricultural land owned by prohibited foreign parties — exceptions — penalty, Arkansas Code § 18-11-804;

(324) Violation of unused property law, Arkansas Code § 18-29-204;

(325) Penalty for failure to discharge lien after payment, Arkansas Code § 18-44-132;

(326) Penalty for intentional violation of Arkansas procurement laws, Arkansas Code § 19-11-270;

(327) Violation of the Arkansas Physician Order for Life-Sustaining Treatment Act, Arkansas Code § 20-6-310;

(328) Violation of the Prescription Drug Monitoring Program Act, Arkansas Code § 20-7-611;

(329) Qualifications to perform an abortion, Arkansas Code § 20-16-606;

(330) Violation of human cloning law, Arkansas Code § 20-16-1002;

(331) Violation of the Pain-Capable Unborn Child Protection Act, Arkansas Code § 20-16-1405;

(332) Violation of the Cherish Act, Arkansas Code § 20-16-2006;

(333) Violation of the Down Syndrome Discrimination by Abortion Prohibition Act, Arkansas Code § 20-16-2104;

(334) Violation of the Cemetery Act for Perpetually Maintained Cemeteries, Arkansas Code § 20-17-1018;

(335) Inspectors — failure to perform duties, Arkansas Code § 20-23-403;

(336) Violation of disposal of commercial medical waste law, Arkansas Code § 20-32-103;

(337) Violation of the Arkansas Meat and Meat Products Inspection Act, Arkansas Code § 20-60-205;

(338) Violation of the Uniform Narcotic Drug Act, Arkansas Code § 20-64-220;

(339) Violation of the Arkansas Drug Abuse Control Act, Arkansas Code § 20-64-304;

(340) Violation of law regulating state employment of constitutional officers and their spouses, Arkansas Code § 21-1-405;

(341) Wrongful possession, concealment, or destruction of software or hardware — criminal offense, Arkansas Code § 21-14-312;

(342) Violation of the Arkansas State Capitol and Historical Monument Protection Act, Arkansas Code § 22-3-2106;

(343) Misleading conduct or use of words “credit union”, Arkansas Code § 23-35-801;

(344) Violation of prohibition of advanced fee loan brokerage, Arkansas Code § 23-39-405;

(345) Violation of the Fair Mortgage Lending Act, Arkansas Code § 23-39-516;

(346) Violation of the Arkansas Prepaid Funeral Benefits Law, Arkansas Code § 23-40-106;

(347) Violation of the Arkansas Securities Act, Arkansas Code § 23-42-104;

(348) Embezzlement, misuse of funds, etc., by officer, director, etc., Arkansas Code § 23-50-105;

(349) Violation of the Uniform Money Services Act, Arkansas Code § 23-55-806;

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(350) Penalty for false or misleading statements, Arkansas Code § 23-60-109;

(351) Unauthorized insurance transactions prohibited, Arkansas Code § 23-65-101;

(352) Violation of fraudulent insurance acts prevention law, Arkansas Code § 23-66-512;

(353) Maintenance of home office and records — definitions, Arkansas Code § 23-69-134;

(354) Violation of the Amusement Ride and Amusement Attraction Safety Insurance Act, Arkansas Code § 23-89-504;

(355) Violation of used motor vehicle buyers protection law, Arkansas Code § 23-112-603;

(356) False statement on license application, Arkansas Code § 23-115-903;

(357) Examination of office, Arkansas Code § 25-16-614;

(358) Attempt to evade or defeat tax, Arkansas Code § 26-18-201;

(359) Failure to pay or file return, Arkansas Code § 26-18-202;

(360) False or fraudulent reports, Arkansas Code § 26-18-203;

(361) False answers to questions or affidavits, Arkansas Code § 26-18-204;

(362) Failure to obey summons, Arkansas Code § 26-18-205;

(363) Distribution of funds — definition, Arkansas Code § 26-37-205;

(364) Counterfeiting of stamps unlawful — penalty, Arkansas Code § 26-57-240;

(365) Reuse of containers unlawful — penalty, Arkansas Code § 26-57-241;

(366) Unstamped products or products with unpaid taxes — criminal offense — deceptive trade practice, Arkansas Code § 26-57-245;

(367) Cigarette inputs — cigarette rolling machines, Arkansas Code § 26-57-263;

(368) False evidence of title or registration, Arkansas Code § 27-14-307;

(369) Vehicles or engines without manufacturer's numbers, Arkansas Code § 27-14-2210;

(370) Altering or changing engine or other numbers, Arkansas Code § 27-14-2211;

(371) Mutilation of serial numbers, Arkansas Code § 27-14-2212;

(372) Violation of the Arkansas Online Insurance Verification System Act, Arkansas Code § 27-22-210;

(373) Racing or observing a drag race as a spectator on a public highway — definitions, Arkansas Code § 27-50-309;

(374) Penalty for interference with devices in construction areas, Arkansas Code § 27-52-102;

(375) Requirements in accidents involving death or personal injuries — definitions, Arkansas Code § 27-53-101;

(376) Accidents involving damage only to vehicle or personal property of another person — removal of vehicle, Arkansas Code § 27-53-102;

(377) Duty to give information, remain at the scene of an accident, and render aid, Arkansas Code § 27-53-103;

(378) Contracts between commission and employees, Arkansas Code § 27-65-132;

(379) Corruption in office, Arkansas Code § 27-65-133;

(380) Boating equipment without boat identification number, Arkansas Code § 27-101-703;

(381) Altering or changing boating identification numbers, Arkansas Code § 27-101-704;

(382) Mutilation of boating identification numbers, Arkansas Code § 27-101-705; ~~and~~

(383) Operation of a prohibited aircraft, Arkansas Code § 27-116-502-;

(384) Aggravated assault upon a healthcare worker, Arkansas Code § 5-13-215;

(385) Unlawful creation or distribution of deepfake visual material, Arkansas Code § 5-14-139;

(386) Unlawful use of a communication device during the commission of a human trafficking offense, Arkansas Code § 5-18-108;
(387) Unlawful distribution of an intimate image, Arkansas Code § 5-26-314;
(388) Harboring an endangered runaway minor, Arkansas Code § 5-27-234;
(399) Possession, manufacture, transport, or distribution of a child sex doll; Arkansas Code § 5-27-308;
(400) Organized retail theft, Arkansas Code § 5-36-127;
(401) Mail theft, Arkansas Code § 5-36-127;
(402) Theft or unauthorized reproduction of a mail receptacle key or lock, Arkansas Code § 5-36-128;
(403) Gift card fraud, Arkansas Code § 5-37-229;
(404) ATM Impairment, Arkansas Code § 5-38-208;
(405) Penalties associated with sexual solicitation, Arkansas Code § 5-70-103;
(406) Prohibitions related to trade secrets, Arkansas Code § 6-60-1613;
(407) Penalties for violations related to intellectual property, Arkansas Code § 6-60-1614; and
(408) Tampering with rail infrastructure, Arkansas Code § 23-12-808.

Proposed Rulemaking

Title

Promulgated by:
Arkansas Sentencing Commission

Title 16. Practice, Procedure, and Courts

Chapter II. Arkansas Sentencing Commission, Department of Corrections

Subchapter A. Generally

Part 11. Eligibility for Transfer to Post-Release Supervision

Subpart 1. Generally

16 CAR § 11-101. Applicability.

(a) Eligibility for earned release credits pursuant to this part is subject to requirements set forth in the Arkansas Code.

(b) In the event this part conflicts with the Arkansas Code, any restrictions or limitations on eligibility for earned release credits shall be based on statute.

16 CAR § 11-102. Policy.

(a) Application.

(1)(A) This part is governed by Arkansas Code § 16-93-1804(4).

(B) Any person falling under these provisions is eligible for transfer to post-release supervision when the term of confinement and his or her earned release credit equals or exceeds one hundred percent (100%) of the term of imprisonment imposed by the sentencing court.

(2)(A) The maximum amount of earned release credits that can be accrued and granted by the Post-Prison Transfer Board is fifty percent (50%) or seventy-five

percent (75%) of the term of imprisonment based on the seriousness determination set out in subsections (b) and (c) of this section.

(B) The maximum amount of earned release credits that may be accrued and granted by the board for offenses omitted in this part is fifty percent (50%) of the term of imprisonment.

(b) Felonies for which earned release credits may not exceed fifty percent (50%) of imposed term of confinement include the following, including an attempt, solicitation, or conspiracy to commit one of the below offenses:

- (1) Physician-assisted suicide, Arkansas Code § 5-10-106;
- (2) Robbery, Arkansas Code § 5-12-102;
- (3) Abuse of an athletic contest official, Arkansas Code § 5-13-209, if a Class B felony;
- (4) Introduction of a controlled substance into the body of another person, Arkansas Code § 5-13-210, if a Class Y felony;
- (5) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, Arkansas Code § 5-13-211, if a Class Y felony;
- (6) Knowingly exposing another person to fentanyl in the first and second degree, Arkansas Code § 5-13-214;
- (7) Sexual assault in the second degree, Arkansas Code § 5-14-125;
- (8) Unlawful solicitation for the relinquishment of parental rights, Arkansas Code § 5-26-204, if a Class A felony;
- (9) Abuse of an endangered or impaired person, Arkansas Code § 5-28-103, if a Class B felony;
- (10) Arson, Arkansas Code § 5-38-301, if a Class A felony;
- (11) Residential burglary, Arkansas Code § 5-39-201(a);
- (12) Using prohibited articles, Arkansas Code § 5-54-119(d);
- (13) Possession of fentanyl with the purpose to deliver, Arkansas Code § 5-64-421(b);
- (14) Delivery of methamphetamine, heroin, or cocaine, Arkansas Code § 5-64-422, if a Class B or Y felony;

(15) Manufacture of methamphetamine, heroin, or cocaine, Arkansas Code § 5-64-423, if a Class B, A, or Y felony;

(16) Delivery of a Schedule VI controlled substance, Arkansas Code § 5-64-438, if a Class A felony;

(17) Manufacture of a Schedule VI controlled substance, Arkansas Code § 5-64-439, if a Class A felony;

(18) Possession or use for offensive or aggressive purposes unlawful, Arkansas Code § 5-73-204;

(19) Perpetrating or attempting crime, Arkansas Code § 5-73-211;

(20) Engaging in a continuing criminal gang, organization, or enterprise in the first degree, Arkansas Code § 5-74-104(a), if a Class Y or A felony;

(21) Engaging in a continuing criminal gang, organization, or enterprise in the second degree, Arkansas Code § 5-74-104(b), if a Class Y felony;

(22) Simultaneous possession of drugs and firearms, Arkansas Code § 5-74-106;

(23) Unlawful discharge of a firearm from a vehicle in the second degree, Arkansas Code § 5-74-107(b); and

(24) Soliciting a minor to join a gang, Arkansas Code § 5-74-203, if a Class B felony;

(25) Fleeing, Arkansas Code § 5-54-125, if a Class A felony; and

(26) Coerced abortion by fraud, Arkansas Code § 5-61-103.

(c) Felonies for which earned release credits may not exceed seventy-five percent (75%) of imposed term of confinement include the following, including an attempt, solicitation, or conspiracy to commit one of the below offenses:

(1) Violation of the Arkansas Public Grain Warehouse Law, Arkansas Code § 2-17-204;

(2) Violation of the Arkansas Grain Dealers Act, Arkansas Code § 2-24-108;

(3) Knowingly furnishing or selling to a minor, Arkansas Code § 3-3-202;

(4) Social hosts — criminal liability, Arkansas Code § 3-3-219;

(5) Manufacture, possession, and transportation, Arkansas Code § 3-3-402;

- (6) Sales or furnishing place for sale in dry territory prohibited — penalty, Arkansas Code § 3-8-209;
- (7) Sales, barter, or possession for sale or barter in dry area — penalties, Arkansas Code § 3-8-312;
- (8) Unlawful acts relating to secured interests on certain farm products, Arkansas Code § 4-56-102;
- (9) Issuance of bill for goods not received, Arkansas Code § 4-59-301;
- (10) Remission to acquirer of record of sale not made by remitter, Arkansas Code § 4-59-502;
- (11) Solicitation of merchant to remit record of sale not made by merchant, Arkansas Code § 4-59-503;
- (12) Misleading and fraudulent schemes — penalty — prosecutions, Arkansas Code § 4-72-207;
- (13) Counterfeits — criminal penalties, Arkansas Code § 4-88-1205;
- (14) Violation of odometer rules, Arkansas Code § 4-90-203;
- (15) Violation of the Arkansas Mail and Telephone Consumer Product Promotion Fair Practices Act, Arkansas Code § 4-95-103;
- (16) Soliciting prospective purchasers on behalf of unregistered telephonic seller prohibited — violation, Arkansas Code § 4-99-110;
- (17) Violation of motor vehicle transfer law, Arkansas Code § 4-100-102;
- (18) Method of execution, Arkansas Code § 5-4-617;
- (19) Negligent homicide, Arkansas Code § 5-10-105, if a Class D felony;
- (20) False imprisonment in the first degree, Arkansas Code § 5-11-103;
- (21) Vehicular piracy, Arkansas Code § 5-11-105;
- (22) Permanent detention or restraint, Arkansas Code § 5-11-106;
- (23) Battery in the second degree, Arkansas Code § 5-13-202;
- (24) Aggravated assault, Arkansas Code § 5-13-204;
- (25) Abuse of an athletic contest official, Arkansas Code § 5-13-209, if a Class C felony;

- (26) Introduction of a controlled substance into the body of another person, Arkansas Code § 5-13-210, if a Class B or C felony;
- (27) Aggravated assault against a certified law enforcement officer or employee of a correctional facility, Arkansas Code § 5-13-211, if a Class D felony;
- (28) Fertility treatment abuse, Arkansas Code § 5-13-212;
- (29) Aggravated assault against a first responder, Arkansas Code § 5-13-213;
- (30) Terroristic threatening, Arkansas Code § 5-13-301;
- (31) Threatening to commit an act of mass violence on school property, Arkansas Code § 5-13-302;
- (32) Indecent exposure, Arkansas Code § 5-14-112;
- (33) Sexual assault in the third degree, Arkansas Code § 5-14-126;
- (34) Sexual assault in the fourth degree, Arkansas Code § 5-14-127;
- (35) Registered offender living near a school, public park, youth center, daycare, or church or other place of worship prohibited, Arkansas Code § 5-14-128;
- (36) Registered offender working with children prohibited, Arkansas Code § 5-14-129;
- (37) Registered offender — incorrect permanent physical address on identification cards or driver's license prohibited, Arkansas Code § 5-14-130;
- (38) Registered offender living near victim or having contact with victim prohibited, Arkansas Code § 5-14-131;
- (39) Registered offender prohibited from entering upon school campus — exception, Arkansas Code § 5-14-132;
- (40) Registered offender prohibited from entering a water park owned or operated by a local government, Arkansas Code § 5-14-133;
- (41) Registered offender prohibited from entering a swimming area or children's playground contained within an Arkansas State Park, Arkansas Code § 5-14-134;
- (42) Registered offender prohibited from participating in certain Halloween-related activities, Arkansas Code § 5-14-135;

- (43) Registered offender prohibited from recording person under fourteen (14) years of age — unlawful use of recording online, Arkansas Code § 5-14-137;
- (44) Registered offender prohibited from purchasing, owning, possessing, using, or operating unmanned aircraft, Arkansas Code § 5-14-138;
- (45) Crime of video voyeurism, Arkansas Code § 5-16-101, if a Class D felony;
- (46) Voyeurism, Arkansas Code § 5-16-102, if a Class D felony;
- (47) Communicating a death threat concerning a school employee or student, Arkansas Code § 5-17-101;
- (48) Incest, Arkansas Code § 5-26-202;
- (49) Concealing birth, Arkansas Code § 5-26-203;
- (50) Unlawful solicitation for the relinquishment of parental rights, Arkansas Code § 5-26-204, if a Class C or D felony;
- (51) Domestic battering in the second degree, Arkansas Code § 5-26-304;
- (52) Domestic battering in the third degree, Arkansas Code § 5-26-305;
- (53) Aggravated assault on a family or household member, Arkansas Code § 5-26-306, unless under Arkansas Code § 5-26-306(a)(3);
- (54) Nonsupport, Arkansas Code § 5-26-401;
- (55) Interference with visitation, Arkansas Code § 5-26-501;
- (56) Interference with court-ordered custody, Arkansas Code § 5-26-502;
- (57) Interference with custody, Arkansas Code § 5-26-503;
- (58) Endangering the welfare of an incompetent person in the first degree, Arkansas Code § 5-27-201;
- (59) Endangering the welfare of a minor in the first degree, Arkansas Code § 5-27-205;
- (60) Rehoming of an adopted minor, Arkansas Code § 5-27-211;
- (61) Permitting child abuse, Arkansas Code § 5-27-221, if a Class D felony;
- (62) Soliciting money or property to incompetents, Arkansas Code § 5-27-229;
- (63) Manufacturing or altering personal identification document unlawful, Arkansas Code § 5-27-502;

- (64) Distributing, possessing, or viewing of any matter depicting sexually explicit conduct involving a child, Arkansas Code § 5-27-602;
- (65) Possession or use of child sexual abuse material, Arkansas Code § 5-27-603;
- (66) Unlawful doxxing of a minor on a social media platform, Arkansas Code § 5-27-610;
- (67) Criminal penalties for abuse of an endangered or impaired person, Arkansas Code § 5-28-103, if a Class C or D felony;
- (68) Making a false notification by the Adult and Long-Term Care Facility Resident Maltreatment Act, Arkansas Code § 5-28-110(b);
- (69) Abuse of a vulnerable person, Arkansas Code § 5-29-203;
- (70) Neglect of a vulnerable person, Arkansas Code § 5-29-204;
- (71) Exploitation of a vulnerable person, Arkansas Code § 5-29-205;
- (72) Theft of property, Arkansas Code § 5-36-103;
- (73) Theft of services, Arkansas Code § 5-36-104;
- (74) Theft of property lost, mislaid, or delivered by mistake, Arkansas Code § 5-36-105;
- (75) Theft by receiving, Arkansas Code § 5-36-106;
- (76) Operating a chop shop — dealing in stolen or forged motor vehicle parts, Arkansas Code § 5-36-109;
- (77) Theft of leased, rented, or entrusted personal property — false report of wealth or credit, Arkansas Code § 5-36-115;
- (78) Theft of scrap metal, Arkansas Code § 5-36-123;
- (79) Theft by receiving of scrap metal, Arkansas Code § 5-36-124;
- (80) Unlawful transfer of stolen property to a pawn shop or pawnbroker, Arkansas Code § 5-36-125;
- (81) Theft of a catalytic converter — unauthorized possession of a catalytic converter, Arkansas Code § 5-36-126;
- (82) Theft of public benefits, Arkansas Code § 5-36-202;
- (83) Theft of wireless service, Arkansas Code § 5-36-303;

- (84) Facilitating theft of wireless service by manufacture, distribution, or possession of devices for theft of wireless services, Arkansas Code § 5-36-304;
- (85) Unlawful use of a theft detection shielding device, Arkansas Code § 5-36-401;
- (86) Unlawful possession of a theft detection shielding device, Arkansas Code § 5-36-402;
- (87) Unlawful possession of a theft detection device remover, Arkansas Code § 5-36-403;
- (88) Unlawful removal of a theft detection device, Arkansas Code § 5-36-404;
- (89) Forgery, Arkansas Code § 5-37-201;
- (90) Defrauding a secured creditor, Arkansas Code § 5-37-203;
- (91) Fraud in insolvency, Arkansas Code § 5-37-204;
- (92) Fraudulent use of a credit card or debit card, Arkansas Code § 5-37-207;
- (93) Criminal impersonation, Arkansas Code § 5-37-208;
- (94) Criminal possession of a forgery device, Arkansas Code § 5-37-209;
- (95) Obtaining a signature by deception, Arkansas Code § 5-37-210;
- (96) Defrauding a judgment creditor, Arkansas Code § 5-37-211;
- (97) Unlawfully using a slug, Arkansas Code § 5-37-212;
- (98) Criminal simulation, Arkansas Code § 5-37-213;
- (99) Fraudulently filing a Uniform Commercial Code, Arkansas Code § 4-1-101 et seq., financing statement, Arkansas Code § 5-37-215;
- (100) Defrauding a prospective adoptive parent, Arkansas Code § 5-27-216;
- (101) Healthcare fraud, Arkansas Code § 5-37-217;
- (102) Unlawful possession of a skimmer, Arkansas Code § 5-37-219;
- (103) Fertility treatment fraud, Arkansas Code § 5-37-220;
- (104) Filing instruments affecting title or interest in real property, Arkansas Code § 5-37-226;
- (105) Financial identity fraud — nonfinancial identity fraud — restitution — venue, Arkansas Code § 5-37-227;
- (106) Unlawful acts, Arkansas Code § 5-37-302;

- (107) Theft of communication services — unlawful communication and access devices, Arkansas Code § 5-37-402;
- (108) Animals — marking, branding, or altering brands, Arkansas Code § 5-37-502;
- (109) Insurance fraud by use of a procurer, Arkansas Code § 5-37-505;
- (110) Prohibited activity by a procurer or provider, Arkansas Code § 5-37-506;
- (111) Software and other devices and mechanisms used to falsify electronic records, Arkansas Code § 5-37-507;
- (112) Unauthorized copying or sale of recordings, Arkansas Code § 5-37-510;
- (113) Farm implements — removal or alteration of serial number, Arkansas Code § 5-37-521;
- (114) Fraud in the acquisition of authorization to provide motor vehicle transportation of property, Arkansas Code § 5-37-524;
- (115) Defrauding a materialman, Arkansas Code § 5-37-525;
- (116) Threatening to cause a catastrophe, Arkansas Code § 5-38-202(b);
- (117) Criminal mischief in the first degree, Arkansas Code § 5-38-203;
- (118) Criminal mischief in the second degree, Arkansas Code § 5-38-204;
- (119) Impairing the operation of a vital public facility, Arkansas Code § 5-38-205;
- (120) Damaging wires and other fixtures of telephone, cable, and electric power companies, Arkansas Code § 5-38-206;
- (121) Destruction or removal of a cemetery or grave marker, Arkansas Code § 5-38-207;
- (122) Arson, Arkansas Code § 5-38-301, if a Class B, C, or D felony;
- (123) Reckless burning, Arkansas Code § 5-38-302;
- (124) Unlawful burning — miscellaneous felonies, Arkansas Code § 5-38-311;
- (125) Commercial burglary, Arkansas Code § 5-39-201(b);
- (126) Breaking or entering, Arkansas Code § 5-39-202;
- (127) Criminal trespass, Arkansas Code § 5-39-203;

- (128) Cemeteries — mining and other unlawful entries, Arkansas Code § 5-39-211;
- (129) Criminal trespass on premises located in an unincorporated area, Arkansas Code § 5-39-305;
- (130) Computer fraud, Arkansas Code § 5-41-103;
- (131) Computer trespass, Arkansas Code § 5-41-104;
- (132) Unlawful acts involving a computer, Arkansas Code § 5-41-202;
- (133) Unlawful interference with access to computers — unlawful use or access to computers, Arkansas Code § 5-41-203;
- (134) Unlawful use of encryption, Arkansas Code § 5-41-204;
- (135) Unlawful act involving electronic mail, Arkansas Code § 5-41-205;
- (136) Computer password disclosure, Arkansas Code § 5-41-206;
- (137) Criminal use of property or laundering criminal proceeds, Arkansas Code § 5-42-204;
- (138) Usurping office, Arkansas Code § 5-51-203;
- (139) Usurping, overturning, or seizing government, Arkansas Code § 5-51-204;
- (140) Intentional injury to or interference with government property, Arkansas Code § 5-51-303;
- (141) Intentionally defective workmanship, Arkansas Code § 5-51-304;
- (142) Abuse of public trust, Arkansas Code § 5-52-101;
- (143) Abuse of office, Arkansas Code § 5-52-107;
- (144) Perjury generally, Arkansas Code § 5-53-102;
- (145) Witness bribery, Arkansas Code § 5-53-108;
- (146) Intimidating a witness, Arkansas Code § 5-53-109;
- (147) Tampering, Arkansas Code § 5-53-110;
- (148) Tampering with physical evidence, Arkansas Code § 5-53-111;
- (149) Retaliation against a witness, an informant, or a juror, Arkansas Code § 5-53-112;
- (150) Juror bribery, Arkansas Code § 5-53-113;

- (151) Intimidating a juror, a witness, or an informant, Arkansas Code § 5-53-114;
- (152) Jury tampering, Arkansas Code § 5-53-115;
- (153) Frivolous, groundless, or malicious prosecutions, Arkansas Code § 5-53-131;
- (154) Violation of an order of protection, Arkansas Code § 5-53-134;
- (155) Threatening a judicial official or juror — penalty, Arkansas Code § 5-53-202;
- (156) Interference with a law enforcement or code enforcement officer, Arkansas Code § 5-54-104;
- (157) Hindering apprehension or prosecution, Arkansas Code § 5-54-105;
- (158) Aiding consummation of offense, Arkansas Code § 5-54-106;
- (159) Compounding, Arkansas Code § 5-54-107;
- (160) Second degree escape, Arkansas Code § 5-54-111;
- (161) Third degree escape, Arkansas Code § 5-54-112;
- (162) Permitting escape in the first degree, Arkansas Code § 5-54-113;
- (163) Aiding an unauthorized departure, Arkansas Code § 5-54-116;
- (164) Assisting in or furnishing an implement for escape, Arkansas Code § 5-54-117;
- (165) Furnishing implement for unauthorized departure, Arkansas Code § 5-54-118;
- (166) Furnishing a prohibited article, Arkansas Code § 5-54-119(b);
- (167) Possessing a prohibited article, Arkansas Code § 5-54-119(c);
- (168) Delivering a prohibited article, Arkansas Code § 5-54-119(e);
- (169) Failure to appear, Arkansas Code § 5-54-120;
- (170) Tampering with a public record, Arkansas Code § 5-54-121;
- (171) Filing a false report with a law enforcement agency, Arkansas Code § 5-54-122;
- (172) Fleeing, Arkansas Code § 5-54-125, if a Class C or D felony;

(173) Killing or injuring animals used by law enforcement or search and rescue dogs, Arkansas Code § 5-54-126;

(174) Absconding, Arkansas Code § 5-54-131;

(175) Disarming an officer, Arkansas Code § 5-54-134;

(176) Unlawful acts — classification, Arkansas Code § 5-55-103;

(177) Records, Arkansas Code § 5-55-104;

(178) Traffic in illegal food coupons or vouchers, Arkansas Code § 5-55-201;

(179) Illegal presentation of food coupons or vouchers for payment, Arkansas Code § 5-55-203;

(180) Penalty — notice — prosecution, Arkansas Code § 5-55-301;

(181) Lottery fraud, Arkansas Code § 5-55-501;

(182) Petition fraud, Arkansas Code § 5-55-601;

(183) Criminal impersonation in an election, Arkansas Code § 5-55-602;

(184) Abuse of a corpse, Arkansas Code § 5-60-101;

(185) Obstruction or interference with emergency medical personnel or first responder, Arkansas Code § 5-60-123;

(186) Abortion only by licensed physician, Arkansas Code § 5-61-101;

(187) Unlawful abortion, Arkansas Code § 5-61-102;

(188) Violation of the Arkansas Human Life Protection Act, Arkansas Code § 5-61-304;

(189) Violation of the Arkansas Unborn Child Protection Act, Arkansas Code § 5-61-404;

(190) Offense of cruelty to animals, Arkansas Code § 5-62-103;

(191) Offense of aggravated cruelty to a dog, cat, or equine — definition, Arkansas Code § 5-62-104;

(192) Unlawful animal fighting, Arkansas Code § 5-62-120;

(193) Unlawful bear exploitation, Arkansas Code § 5-62-124;

(194) Automated telephone solicitation, Arkansas Code § 5-63-204;

(195) Misleading caller identification information — exemptions — penalties, Arkansas Code § 5-63-205;

- (196) Controlled substances — offenses relating to records, maintaining premises, etc., Arkansas Code § 5-64-402;
- (197) Controlled substances — fraudulent practices, Arkansas Code § 5-64-403;
- (198) Use of a communication device, Arkansas Code § 5-64-404;
- (199) Drug precursors, Arkansas Code § 5-64-415;
- (200) Possession of a controlled substance, Arkansas Code § 5-64-419;
- (201) Possession of methamphetamine, heroin, or cocaine with the purpose to deliver, Arkansas Code § 5-64-420;
- (202) Possession of fentanyl, Arkansas Code § 5-64-421(a);
- (203) Delivery of methamphetamine, heroin, or cocaine, Arkansas Code § 5-64-422, if a Class C felony;
- (204) Manufacture of methamphetamine, heroin, or cocaine, Arkansas Code § 5-64-423, if a Class C felony;
- (205) Possession of a Schedule I or Schedule II controlled substance that is not methamphetamine, fentanyl, heroin, or cocaine with the purpose to deliver, Arkansas Code § 5-64-424;
- (206) Delivery of a Schedule I or Schedule II controlled substance that is not methamphetamine, fentanyl, heroin, or cocaine, Arkansas Code § 5-64-426;
- (207) Manufacture of a Schedule I or Schedule II controlled substance that is not methamphetamine, fentanyl, heroin, or cocaine, Arkansas Code § 5-64-427;
- (208) Possession of a Schedule III controlled substance with the purpose to deliver, Arkansas Code § 5-64-428;
- (209) Delivery of a Schedule III controlled substance, Arkansas Code § 5-64-430;
- (210) Manufacture of a Schedule III controlled substance, Arkansas Code § 5-64-431;
- (211) Possession of a Schedule IV or Schedule V controlled substance with the purpose to deliver, Arkansas Code § 5-64-432;

(212) Delivery of a Schedule IV or Schedule V controlled substance, Arkansas Code § 5-64-434;

(213) Manufacture of a Schedule IV or Schedule V controlled substance, Arkansas Code § 5-64-435;

(214) Possession of a Schedule VI controlled substance with the purpose to deliver, Arkansas Code § 5-64-436;

(215) Delivery of a Schedule VI controlled substance, Arkansas Code § 5-64-438, if a Class D, C, or B felony;

(216) Manufacture of a Schedule VI controlled substance, Arkansas Code § 5-64-439, if a Class D, C, or B felony;

(217) Possession of a counterfeit substance, Arkansas Code § 5-64-441;

(218) Possession with the purpose to deliver, delivery, or manufacture of a counterfeit substance, Arkansas Code § 5-64-442;

(219) Possession of drug paraphernalia, Arkansas Code § 5-64-443;

(220) Drug paraphernalia — delivery to a minor, Arkansas Code § 5-64-444;

(221) Advertisement of a counterfeit substance or drug paraphernalia, Arkansas Code § 5-64-445;

(222) Illegal drug paraphernalia business, Arkansas Code § 5-64-802;

(223) Possession — penalty, Arkansas Code § 5-64-1101;

(224) Possession with purpose to manufacture — unlawful distribution, Arkansas Code § 5-64-1102;

(225) Sales limits, Arkansas Code § 5-64-1103;

(226) Possession of anhydrous ammonia in unlawful container, Arkansas Code § 5-64-1301;

(227) Driving or boating while intoxicated, Arkansas Code § 5-65-111, if an unclassified felony;

(228) Keeping a gambling house, Arkansas Code § 5-66-103;

(229) Sports or games — bribery of participants, Arkansas Code § 5-66-115;

(230) Horseracing — agency service wagering, Arkansas Code § 5-66-117;

(231) Lottery, etc. — tickets, Arkansas Code § 5-66-118;

(232) Lottery — promotion through sales, Arkansas Code § 5-66-119;
(233) Obscene films, Arkansas Code § 5-68-203;
(234) Promoting obscene materials, Arkansas Code § 5-68-303;
(235) Promoting obscene performance, Arkansas Code § 5-68-304;
(236) Obscene performance at a live public show, Arkansas Code § 5-68-305;
(237) Public display of hard-core sexual conduct, Arkansas Code § 5-68-307;
(238) Possession, sale, or distribution, Arkansas Code § 5-68-405;
(239) Pipelines and pipeline facilities, Arkansas Code § 5-69-103;
(240) Promoting prostitution in the first degree, Arkansas Code § 5-70-104, if
a Class D felony;
(241) Sexual solicitation of a minor, Arkansas Code § 5-70-107;
(242) Aggravated riot, Arkansas Code § 5-71-202;
(243) Inciting riot, Arkansas Code § 5-71-203;
(244) Communicating a false alarm, Arkansas Code § 5-71-210;
(245) Threatening a fire or bombing, Arkansas Code § 5-71-211;
(246) Defacing or damaging a public building or an object of public respect,
Arkansas Code § 5-71-215;
(247) Stalking, Arkansas Code § 5-71-229;
(248) Promoting civil disorder in the first degree, Arkansas Code § 5-71-302;
(249) Injuring levees, Arkansas Code § 5-72-109;
(250) Possession of firearms by certain persons, Arkansas Code § 5-73-103, if
a Class D felony;
(251) Criminal use of prohibited weapons, Arkansas Code § 5-73-104, if a
Class D felony;
(252) Defacing a firearm, Arkansas Code § 5-73-106;
(253) Possession of a defaced firearm, Arkansas Code § 5-73-107;
(254) Furnishing a deadly weapon to a minor, Arkansas Code § 5-73-109;
(255) Unlawful procurement of a firearm, Arkansas Code § 5-73-111;
(256) Handguns — possession by a minor or possession on school property,
Arkansas Code § 5-73-119;

- (257) Booby traps, Arkansas Code § 5-73-126;
- (258) Furnishing a handgun or prohibited weapon to a felon, Arkansas Code § 5-73-129;
- (259) Sale, rental, or transfer of a firearm to a person prohibited from possessing firearms, Arkansas Code § 5-73-132;
- (260) Possession of a taser stun gun, Arkansas Code § 5-73-133;
- (261) Engaging in a continuing criminal gang, organization, or enterprise in the first degree, Arkansas Code § 5-74-104(a), if a Class B felony;
- (262) Engaging in a continuing criminal gang, organization, or enterprise in the second degree, Arkansas Code § 5-74-104(b), if a Class A, B, or C felony;
- (263) Unauthorized use of another person's property to facilitate certain crimes, Arkansas Code § 5-74-105;
- (264) Soliciting or recruiting a minor to join or to remain a member of a criminal gang, organization, or enterprise, Arkansas Code § 5-74-203, if a Class C felony;
- (265) Operation of aircraft while intoxicated, Arkansas Code § 5-75-102;
- (266) Unlawful possession, purchase, sale, or transfer of a blue light or blue lens cap, Arkansas Code § 5-77-201;
- (267) Law enforcement insignia sales, Arkansas Code § 5-77-202;
- (268) Criminal possession of body armor, Arkansas Code § 5-79-101;
- (269) Powers and duties — definition, Arkansas Code § 6-13-701;
- (270) Reports by mandated reporters — failure to notify by mandated reporter — making a false report, Arkansas Code § 6-18-110;
- (271) Violation of ethical guidelines, Arkansas Code § 6-24-115;
- (272) Miscellaneous election felonies, Arkansas Code § 7-1-104;
- (273) Destruction of a ballot or ballot materials — prohibited — definitions, Arkansas Code § 7-1-112;
- (274) Political practices pledge — penalty for falsification, Arkansas Code § 7-6-102;

(275) Contributions — limitations — acceptance or solicitation — use as personal income — disposition, Arkansas Code § 7-6-203;

(276) Form of verification — penalty for false statement, Arkansas Code § 7-9-109;

(277) Violation of the Arkansas Hazardous Waste Management Act of 1979, Arkansas Code § 8-7-204;

(278) Persons required to consent to adoption — consideration for relinquishing minor for adoption, Arkansas Code § 9-9-206;

(279) Violation of child labor law, Arkansas Code § 11-6-103;

(280) Penalties for misrepresentation, Arkansas Code § 11-9-106;

(281) Penalties for discrimination for filing claim, Arkansas Code § 11-9-107;

(282) Special rules regarding transfers of experience and assignment of rates — definitions, Arkansas Code § 11-10-723;

(283) Confidentiality of certain law enforcement records — definitions, Arkansas Code § 12-6-701;

(284) Release or disclosure to unauthorized person — penalty, Arkansas Code § 12-12-212;

(285) Failure to comply with registration and reporting requirements — refusal to cooperate with assessment process, Arkansas Code § 12-12-904;

(286) Duty to register or verify registration generally — review of requirements with offenders, Arkansas Code § 12-12-906;

(287) Electronic monitoring of sex offenders, Arkansas Code § 12-12-923;

(288) Violation of criminal history information and reporting standards, Arkansas Code § 12-12-1002;

(289) Procedures of withdrawal, collection, and transmission of DNA samples, Arkansas Code § 12-12-1110;

(290) Prohibition against disclosure, Arkansas Code § 12-12-1115;

(291) Prohibition against disclosure for pecuniary gain, Arkansas Code § 12-12-1116;

(292) False reporting of adult abuse, Arkansas Code § 12-12-1720(d);

(293) Making a false report under the Child Maltreatment Act, Arkansas Code § 12-18-203;

(294) Selling or trading position, working condition, or promotion, Arkansas Code § 12-29-110;

(295) Unauthorized removal or willful mutilation of library materials, Arkansas Code § 13-2-803;

(296) State archeological landmarks — penalty for disturbing, Arkansas Code § 13-6-306;

(297) Digging up or removing artifact without permission — penalty, Arkansas Code § 13-6-307;

(298) Vandalism of archeological sites and artifacts — penalty, Arkansas Code § 13-6-308;

(299) Trade or collection of remains, Arkansas Code § 13-6-406;

(300) Display of remains, Arkansas Code § 13-6-407;

(301) Desecration of burial grounds and burial furniture, Arkansas Code § 13-6-408;

(302) Timber theft, Arkansas Code § 15-32-603;

(303) Unauthorized practice of law, Arkansas Code § 16-22-501;

(304) Violation of bail bond agent law, Arkansas Code § 16-84-114;

(305) Certificate of indigency, Arkansas Code § 16-87-213;

(306) Probation — first time offenders — penalties, Arkansas Code § 16-93-302;

(307) Escape — penalty, Arkansas Code § 16-95-105;

(308) Violation of the Appraisal Management Company Registration Act, Arkansas Code § 17-14-411;

(309) Violation of the Uniform Athlete Agents Act, Arkansas Code § 17-16-115;

(310) Violation of barber law, Arkansas Code § 17-20-308;

(311) Violation of buyers of precious metals law, Arkansas Code § 17-23-103;

(312) Unlawful to perform body art on a person under eighteen (18) years of age — documentation and consent, Arkansas Code § 17-26-602;

(313) Department of Health to license, regulate, and inspect for health hazards, Arkansas Code § 17-26-603;

(314) Violation of counseling law, Arkansas Code § 17-27-104;

(315) Violation of embalmers and funeral directors law, Arkansas Code § 17-29-401;

(316) Violation of engineers law, Arkansas Code § 17-30-102;

(317) Violation of private investigator and private security agency law, Arkansas Code § 17-40-104;

(318) Violation of real estate license law, Arkansas Code § 17-42-105;

(319) Violation of scrap metal dealer law, Arkansas Code § 17-44-102;

(320) Buyer of used catalytic converter, Arkansas Code § 17-44-109;

(321) Dental license required — penalty, Arkansas Code § 17-82-301;

(322) Land ownership by prohibited foreign-party-controlled business prohibited — definitions, Arkansas Code § 18-11-110;

(323) Interest in agricultural land owned by prohibited foreign parties — exceptions — penalty, Arkansas Code § 18-11-804;

(324) Violation of unused property law, Arkansas Code § 18-29-204;

(325) Penalty for failure to discharge lien after payment, Arkansas Code § 18-44-132;

(326) Penalty for intentional violation of Arkansas procurement laws, Arkansas Code § 19-11-270;

(327) Violation of the Arkansas Physician Order for Life-Sustaining Treatment Act, Arkansas Code § 20-6-310;

(328) Violation of the Prescription Drug Monitoring Program Act, Arkansas Code § 20-7-611;

(329) Qualifications to perform an abortion, Arkansas Code § 20-16-606;

(330) Violation of human cloning law, Arkansas Code § 20-16-1002;

(331) Violation of the Pain-Capable Unborn Child Protection Act, Arkansas Code § 20-16-1405;

(332) Violation of the Cherish Act, Arkansas Code § 20-16-2006;

(333) Violation of the Down Syndrome Discrimination by Abortion Prohibition Act, Arkansas Code § 20-16-2104;

(334) Violation of the Cemetery Act for Perpetually Maintained Cemeteries, Arkansas Code § 20-17-1018;

(335) Inspectors — failure to perform duties, Arkansas Code § 20-23-403;

(336) Violation of disposal of commercial medical waste law, Arkansas Code § 20-32-103;

(337) Violation of the Arkansas Meat and Meat Products Inspection Act, Arkansas Code § 20-60-205;

(338) Violation of the Uniform Narcotic Drug Act, Arkansas Code § 20-64-220;

(339) Violation of the Arkansas Drug Abuse Control Act, Arkansas Code § 20-64-304;

(340) Violation of law regulating state employment of constitutional officers and their spouses, Arkansas Code § 21-1-405;

(341) Wrongful possession, concealment, or destruction of software or hardware — criminal offense, Arkansas Code § 21-14-312;

(342) Violation of the Arkansas State Capitol and Historical Monument Protection Act, Arkansas Code § 22-3-2106;

(343) Misleading conduct or use of words “credit union”, Arkansas Code § 23-35-801;

(344) Violation of prohibition of advanced fee loan brokerage, Arkansas Code § 23-39-405;

(345) Violation of the Fair Mortgage Lending Act, Arkansas Code § 23-39-516;

(346) Violation of the Arkansas Prepaid Funeral Benefits Law, Arkansas Code § 23-40-106;

(347) Violation of the Arkansas Securities Act, Arkansas Code § 23-42-104;

(348) Embezzlement, misuse of funds, etc., by officer, director, etc., Arkansas Code § 23-50-105;

(349) Violation of the Uniform Money Services Act, Arkansas Code § 23-55-806;

(350) Penalty for false or misleading statements, Arkansas Code § 23-60-109;
(351) Unauthorized insurance transactions prohibited, Arkansas Code § 23-65-101;
(352) Violation of fraudulent insurance acts prevention law, Arkansas Code § 23-66-512;
(353) Maintenance of home office and records — definitions, Arkansas Code § 23-69-134;
(354) Violation of the Amusement Ride and Amusement Attraction Safety Insurance Act, Arkansas Code § 23-89-504;
(355) Violation of used motor vehicle buyers protection law, Arkansas Code § 23-112-603;
(356) False statement on license application, Arkansas Code § 23-115-903;
(357) Examination of office, Arkansas Code § 25-16-614;
(358) Attempt to evade or defeat tax, Arkansas Code § 26-18-201;
(359) Failure to pay or file return, Arkansas Code § 26-18-202;
(360) False or fraudulent reports, Arkansas Code § 26-18-203;
(361) False answers to questions or affidavits, Arkansas Code § 26-18-204;
(362) Failure to obey summons, Arkansas Code § 26-18-205;
(363) Distribution of funds — definition, Arkansas Code § 26-37-205;
(364) Counterfeiting of stamps unlawful — penalty, Arkansas Code § 26-57-240;
(365) Reuse of containers unlawful — penalty, Arkansas Code § 26-57-241;
(366) Unstamped products or products with unpaid taxes — criminal offense — deceptive trade practice, Arkansas Code § 26-57-245;
(367) Cigarette inputs — cigarette rolling machines, Arkansas Code § 26-57-263;
(368) False evidence of title or registration, Arkansas Code § 27-14-307;
(369) Vehicles or engines without manufacturer's numbers, Arkansas Code § 27-14-2210;

(370) Altering or changing engine or other numbers, Arkansas Code § 27-14-2211;

(371) Mutilation of serial numbers, Arkansas Code § 27-14-2212;

(372) Violation of the Arkansas Online Insurance Verification System Act, Arkansas Code § 27-22-210;

(373) Racing or observing a drag race as a spectator on a public highway — definitions, Arkansas Code § 27-50-309;

(374) Penalty for interference with devices in construction areas, Arkansas Code § 27-52-102;

(375) Requirements in accidents involving death or personal injuries — definitions, Arkansas Code § 27-53-101;

(376) Accidents involving damage only to vehicle or personal property of another person — removal of vehicle, Arkansas Code § 27-53-102;

(377) Duty to give information, remain at the scene of an accident, and render aid, Arkansas Code § 27-53-103;

(378) Contracts between commission and employees, Arkansas Code § 27-65-132;

(379) Corruption in office, Arkansas Code § 27-65-133;

(380) Boating equipment without boat identification number, Arkansas Code § 27-101-703;

(381) Altering or changing boating identification numbers, Arkansas Code § 27-101-704;

(382) Mutilation of boating identification numbers, Arkansas Code § 27-101-705;

(383) Operation of a prohibited aircraft, Arkansas Code § 27-116-502;

(384) Aggravated assault upon a healthcare worker, Arkansas Code § 5-13-215;

(385) Unlawful creation or distribution of deepfake visual material, Arkansas Code § 5-14-139;

(386) Unlawful use of a communication device during the commission of a human trafficking offense, Arkansas Code § 5-18-108;

(387) Unlawful distribution of an intimate image, Arkansas Code § 5-26-314;

(388) Harboring an endangered runaway minor, Arkansas Code § 5-27-234;

(399) Possession, manufacture, transport, or distribution of a child sex doll; Arkansas Code § 5-27-308;

(400) Organized retail theft, Arkansas Code § 5-36-127;

(401) Mail theft, Arkansas Code § 5-36-127;

(402) Theft or unauthorized reproduction of a mail receptacle key or lock, Arkansas Code § 5-36-128;

(403) Gift card fraud, Arkansas Code § 5-37-229;

(404) ATM Impairment, Arkansas Code § 5-38-208;

(405) Penalties associated with sexual solicitation, Arkansas Code § 5-70-103;

(406) Prohibitions related to trade secrets, Arkansas Code § 6-60-1613;

(407) Penalties for violations related to intellectual property, Arkansas Code §6-60-1614; and

(408) Tampering with rail infrastructure, Arkansas Code § 23-12-808.



STATE OF ARKANSAS BUREAU OF LEGISLATIVE RESEARCH

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MEMORANDUM

TO: Members, ALC – Executive Subcommittee

CC: Marty Garrity, Director, Bureau of Legislative Research

FROM: Grant Wise, Legislative Attorney, Administrative Rules Review Section, Legal Services Division

FOR: August 14, 2025 Meeting of the ALC – Executive Subcommittee

SUBJECT: Legal Authorization for the Emergency Promulgation of Proposed Amendments to Eligibility for Transfer to Post-Release Supervision, 16 CAR pt. 11, by the Department of Corrections, Arkansas Sentencing Commission

The Arkansas Sentencing Commission of the Department of Corrections seeks legislative review and approval of the emergency promulgation of proposed amendments to its rules concerning Eligibility for Transfer to Post-Release Supervision, 16 CAR pt. 11. The proposed amendments categorize new felony offenses that were created by the General Assembly during the 2025 legislative session as either 25% or 50% offenses for purposes of eligibility for transfer to post-release supervision. Arkansas law provides that the commission's powers and duties include determining transfer eligibility. *See* Ark. Code Ann. § 16-90-802(d)(8)(A). Pursuant to Arkansas Code § 16-90-802(d)(1)(B), the commission shall set the percentage of time within parameters set by law to be served for offenses at each seriousness level before any type of transfer or release.