

As Engrossed: 2/7/91, 2/11/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A BILL ACT 545 OF 1991
SENATE BILL 234

4 **By: Senators Bookout, Canada, Fitch, Ross and Luelf**

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 16-93-1001 ET SEQ. TO
9 PROVIDE FOR STATE RESPONSIBILITY FOR MEDICAL AND LEGAL
10 COSTS FOR WORK RELEASE INMATES; AND FOR OTHER PURPOSES."

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13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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15 *SECTION 1. Arkansas Code 16-93-1004(b) is hereby amended to read as*
16 *follows:*

17 *"(b) The sentencing court may suspend imposition of the offender's*
18 *sentence for a period not to exceed the period of years that is the maximum*
19 *penalty for the offense for which convicted upon condition that the defendant*
20 *be incarcerated in a county detention facility to participate in a community*
21 *work project. In order for the defendant to participate in this program,*
22 *space must be available in the county detention facility as certified by the*
23 *county sheriff to the Arkansas Department of Correction. The length of such*
24 *community work project service and incarceration shall not exceed eighteen*
25 *(18) months on a felony with work incentive credit or, in the case of a*
26 *misdemeanor, the maximum length of incarceration provided for the misdemeanor*
27 *reduced by the work incentive credit."*

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29 *SECTION 2. Arkansas Code 16-93-1004 is hereby amended to add the*
30 *following:*

31 *"(f) Medical Treatment Costs.*

32 *The State shall be responsible for the cost of medical treatment of an*
33 *eligible offender sentenced pursuant to the felony provisions of this*
34 *subchapter:*

35 *(1) that is the result of injuries sustained on the work site or*
36 *during transportation to and from the work site by a governmental agency; or*

1 (2) that is the result of illness or injuries sustained by
2 persons committed to the county jail and who are assigned to a community work
3 project; provided, however, that the Department of Correction may transfer any
4 inmate committed to jail pursuant to this subchapter to a medical or treatment
5 facility it deems appropriate for said treatment.

6 (g) Legal Liability.

7 The State shall be responsible for any liability incurred as the result
8 of implementation and execution of this subchapter involving persons sentenced
9 as eligible offenders for felony offenses who, pursuant to this subchapter,
10 (A.C.A. 16-93-1001 et seq.) may be injured while on a community work project
11 or while being transported to or from a community work project by a
12 governmental agency.

13 (h) Housing Reimbursement.

14 The State shall reimburse the counties for housing inmates sentenced
15 pursuant to the felony provisions of this subchapter at a rate to be
16 determined by the Arkansas Board of Correction."

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18 SECTION 3. If any provision of this Act or the application thereof to
19 any person or circumstance is held invalid, such invalidity shall not affect
20 other provisions or applications of the Act which can be given effect without
21 the invalid provision or application, and to this end the provisions of this
22 Act are declared to be severable.

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24 SECTION 4. All provisions of this Act of a general and permanent nature
25 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
26 Revision Commission shall incorporate the same in the Code.

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28 SECTION 5. GENERAL REPEALER. All laws and parts of laws in conflict
29 with this Act are hereby repealed.

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31 SECTION 6. EMERGENCY. It is hereby found by the General Assembly that
32 work release programs are not being utilized due to county and city officials'
33 concerns over legal liability and medical costs for inmates who may be placed
34 in these programs. It is further found by the General Assembly of the State
35 of Arkansas that work release programs where persons convicted of felonies

1 and/or misdemeanors are put to work for the community's benefit are in the
2 best interest of the State and of the inmates so diverted from the Arkansas
3 Department of Correction and that provisions should be made for their medical
4 treatment and for any legal liability costs that arise and that passage of
5 this Act will remedy this problem. It is further stated that work release
6 programs are necessary to relieve prison congestion in this State and to allow
7 non-violent offenders to pay back society for the costs of their crimes
8 through public service. Therefore, an emergency is hereby declared to exist
9 and this Act being immediately necessary for the preservation of the public
10 peace, health and safety shall be in full force and effect from and after its
11 passage and approval.

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/s/Bookout et al

APPROVED: 3-14-91