

As Engrossed: 2/11/91 2/14/91 3/7/91

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

A Bill ACT 568 OF 1991
HOUSE BILL 1569

4 **By: Representatives Shaver, Foster, Blair, and Jones**

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For An Act To Be Entitled

8 "AN ACT TO CREATE THE CORRECTIONS RESOURCES COMMISSION;
9 AND FOR OTHER PURPOSES."

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

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13 SECTION 1. (a) There is hereby created a commission to be known as the
14 Corrections Resources Commission.

15 (b) *The commission shall consist of the following seventeen (17)*
16 *members:*

- 17 (1) *the President Pro Tempore of the Arkansas Senate,*
18 (2) *the Speaker of the Arkansas House of Representatives,*
19 (3) *the Director of the Arkansas Department of Correction,*
20 (4) *the Lieutenant Governor, or appointed designee,*
21 (5) *the Arkansas Attorney General, or appointed designee,*
22 (6) *the chair of the State Board of Parole and Community*
23 *Rehabilitation,*
24 (7) *the Director of the Arkansas Adult Probation Commission,*
25 (8) *the Chief Justice of the Arkansas Supreme Court, or designated*
26 *Associate Justice of the Arkansas Supreme Court,*
27 (9) *two (2) circuit judges to be appointed by the Governor,*
28 (10) *one prosecuting attorney to be appointed by the Governor,*
29 (11) *one public defender to be appointed by the Governor,*
30 (12) *one county judge to be appointed by the Governor, and*
31 (13) *one county sheriff to be appointed by the Governor, and*
32 (14) *three (3) members of the general public to be appointed by*
33 *the Governor.*

34 (c) All members shall serve for a term of two (2) years.

35 (d) Members of the commission shall not be entitled to compensation for

1 their services but shall be eligible to receive reimbursement for mileage and
2 other expenses incurred in performance of their duties in accordance with the
3 rates and standards for reimbursement to State employees.

4 (e) The commission shall hold its initial meeting within forty-five (45)
5 days of the effective date of this act and shall hold monthly meetings
6 thereafter.

7 (f) *The Governor shall designate a chair of the commission from the*
8 *commission membership.*

9 (g) The commission is established for a two (2) year period and shall
10 report to the General Assembly concerning the feasibility of maintaining and
11 funding the commission beyond its initial period.

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13 SECTION 2. The Corrections Resources Commission shall have the
14 following three primary duties relating to the development of a more balanced
15 correctional system which operates within the limits of an established
16 institutional capacity, and emphasizes the appropriate function of community-
17 based punishment for certain low-risk offenders:

18 (1) *The commission shall develop guidelines for presentation to the*
19 *General Assembly for use by a sentencing court in determining the most*
20 *appropriate sanction to be imposed for all criminal offenses.*

21 (A) The guidelines shall include a determination whether to impose
22 probation, intensive supervision, residential confinement, electronic
23 monitoring, incarceration, or other available option.

24 (B) The sentencing policy proposed will be consistent with the
25 planned institutional capacity of the State.

26 (C) In developing guidelines, the commission should be guided by
27 the following principles:

28 (i) The primary purpose of a criminal sanction is to punish
29 the offender and enhance the public's protection.

30 (ii) Punishment refers to a process through which the
31 offender makes restitution or pays back the victim or the community monetarily
32 or through work service or through incarceration.

33 (iii) The offender's liberty is controlled until restitution
34 occurs.

35 (iv) Determination of the sanctions should include
36 consideration of the seriousness of the offense, the criminal history of the

1 offender, and aggravating and mitigating circumstances.

2 (v) Guidelines are intended to coordinate and enhance,
3 rather than diminish, judicial discretion.

4 (vi) Efficient use of correctional resources requires a
5 balanced consideration of all available correction options at the point of
6 sentencing.

7 (vii) A sentencing policy should be consistent with the
8 limited availability of institutional capacity.

9 (2) The commission shall develop a proposed Community Corrections Act
10 for presentation to the General Assembly, which will establish a formal State
11 and local partnership in corrections through which the State will provide
12 monetary incentives to local governments for the operation of local
13 corrections programs which assist in alleviating prison crowding. The
14 proposed act will authorize the establishment of local boards to control the
15 operation of programs and statewide criteria to ensure maximum participation
16 and compliance.

17 (3) (A) *The commission may recommend revision of existing laws for*
18 *presentation to the General Assembly which enable and define the*
19 *organizations, structures and authorities of the Department of Correction*
20 *(community-based programs only), the Board of Parole and Community*
21 *Rehabilitation and the Adult Probation Commission, and their relationships to*
22 *each other and other State correction units.*

23 (B) The commission is authorized to hold public hearings and to seek the
24 assistance and services of any State or local criminal justice agency and to
25 conduct, under contract with an outside organization, a professional
26 independent review of Arkansas probation laws and policies.

27 (C) Based on the professional independent review, the commission
28 will establish a policy to redefine the structure, function, and
29 organizational position of Arkansas probation laws and policies in a manner
30 designed to ensure the maximization of community-based punishment and
31 corrections options.

32 (4) *Where appropriate, the commission shall give due consideration to*
33 *the encouragement of rehabilitative programs for offenders.*

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35 SECTION 3. The commission may employ such staff and consultants as

1 authorized by law and fix their compensation, duties, authority, and
2 responsibilities.

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4 SECTION 4. All provisions of this act of a general and permanent nature
5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
6 Revision Commission shall incorporate the same in the Code.

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8 SECTION 5. If any provision of this act or the application thereof to
9 any person or circumstance is held invalid, such invalidity shall not affect
10 other provisions or applications of the act which can be given effect without
11 the invalid provision or application, and to this end the provisions of this
12 act are declared to be severable.

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14 SECTION 6. All laws and parts of laws in conflict with this act are
15 hereby repealed.

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17 SECTION 7. EMERGENCY. *It is hereby found and determined by the General
18 Assembly that there is an urgent need to establish a more balanced corectional
19 system in the State to permit more effective utilization of the current
20 correctional facilities; that this act is designed to establish a commission
21 to work toward this goal and should be given effect immediately to enable the
22 commission to start its work as early as practical. Therefore, an emergency
23 is hereby declared to exist and this act being necessary for the preservation
24 of the public peace, health and safety shall be in full force and effect from
25 and after its passage and approval.*

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27 /s/ Jim Shaver et al

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29 APPROVED: 3-15-91

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