

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H3/12/03

A Bill

Act 1031 of 2003
HOUSE BILL 2181

5 By: Representatives Goss, Elliott, Lamoureux, Ledbetter
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For An Act To Be Entitled

9 AN ACT TO REQUIRE THE SUBMISSION OF REPORTS ON
10 THE CRIMINAL JUSTICE PROCESS BY APPROPRIATE STATE
11 AGENCIES; AND FOR OTHER PURPOSES.
12

Subtitle

14 AN ACT TO REQUIRE THE SUBMISSION OF
15 REPORTS ON THE CRIMINAL JUSTICE PROCESS
16 BY APPROPRIATE STATE AGENCIES.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Intent.

22 (a) Ethnic minorities appear to be over represented in the population
23 of persons who are involved in the criminal justice system, charged as
24 defendants, convicted, and incarcerated throughout the United States criminal
25 justice systems.

26 (b) It is the responsibility of criminal justice agencies and the
27 courts in the State of Arkansas to ensure that all actions taken are based
28 upon reasons other than the race of the defendant.

29 (c) In order to allow the General Assembly to conduct a thorough
30 review of the Arkansas criminal justice process, information on actions taken
31 by criminal justice agencies and the courts must be reported in a timely,
32 uniform, and consistent manner.
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34 SECTION 2. (a) Beginning July 31, 2003, and on July 31st of each year
35 thereafter, the Arkansas Crime Information Center shall submit an annual
36 report to the Arkansas Legislative Council and the Commission on Disparity in



1 Sentencing showing the number of persons arrested for each criminal offense
2 classification, comparing the state and each individual reporting agency.

3 (b) The report shall include a breakdown by race of all persons
4 arrested in each criminal offense classification.

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6 SECTION 3. (a) Beginning July 31, 2003, and on July 31st of each year
7 thereafter, the Administrative Office of the Courts shall submit an annual
8 report to the Arkansas Legislative Council and the Commission on Disparity in
9 Sentencing showing the number of persons charged in circuit court for each
10 criminal offense classification, comparing the state and each judicial
11 district.

12 (b) The report shall include a breakdown by race of all persons
13 charged in each criminal offense classification.

14 (c) The report shall include the same data for those cases in which a
15 final disposition has been entered by the court.

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17 SECTION 4. (a)(1) Beginning July 31, 2003, and on July 31st of each
18 year thereafter, the Department of Community Correction shall submit an
19 annual report to the Arkansas Legislative Council and the Commission on
20 Disparity in Sentencing showing the number of persons sentenced or
21 transferred to the department during the fiscal year for each criminal
22 offense classification.

23 (2) Persons sentenced or transferred for multiple offenses shall
24 be noted in the report.

25 (b) The report shall include a breakdown by race of all persons
26 sentenced in each criminal offense classification.

27 (c) The Department of Community Correction shall cooperate with, and
28 upon request, make presentations and provide various reports, to the extent
29 the agency's budget will allow, to the Arkansas Legislative Council and the
30 Commission on Disparity in Sentencing concerning department policy and
31 criteria on discretionary offender programs and services.

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33 SECTION 5. (a)(1) Beginning July 31, 2003, and on July 31st of each
34 year thereafter, the Department of Correction shall submit an annual report
35 to the Arkansas Legislative Council and the Commission on Disparity in
36 Sentencing showing the number of persons sentenced to the department during

1 the fiscal year for each criminal offense classification.

2 (2) Persons sentenced for multiple offenses shall be noted in
3 the report.

4 (b) The report shall include a breakdown by race of all persons
5 sentenced in each criminal offense classification.

6 (c) The Department of Correction shall cooperate with, and on request,
7 make presentations and provide various reports, to the extent the agency's
8 budget will allow, to the Arkansas Legislative Council and the Commission on
9 Disparity in Sentencing concerning department policy and criteria on
10 discretionary offender programs and services.

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12 SECTION 6. (a)(1) Beginning July 31, 2003, and on July 31st of each
13 year thereafter, the Post Prison Transfer Board shall submit an annual report
14 to the Arkansas Legislative Council and the Commission on Disparity in
15 Sentencing showing the number of persons who make application for parole, and
16 those who are granted or denied parole during the fiscal year for each
17 criminal offense classification.

18 (2) The report shall include a breakdown by race of all persons
19 sentenced in each criminal offense classification.

20 (b) The Post Prison Transfer Board shall cooperate with, and on
21 request, make presentations and provide various reports, to the extent the
22 agency's budget will allow, to the Arkansas Legislative Council and the
23 Commission on Disparity in Sentencing concerning board policy and criteria on
24 discretionary offender programs and services.

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27 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the
28 General Assembly of the State of Arkansas that the "Task Force to Study the
29 Disparity in Sentencing for Persons Convicted of Non-violent Crimes" has
30 found that it appears that some Arkansas citizens do not receive equitable
31 sentences under the law; that it is necessary to compile statistical
32 sentencing information in order to determine if disparities exist; and that
33 this act is immediately necessary to allow the compiling of the needed
34 statistical information in the first quarter of 2003. Therefore, an emergency
35 is declared to exist and this act being immediately necessary for the
36 preservation of the public peace, health, and safety shall become effective

1 on:

2 (1) The date of its approval by the Governor;

3 (2) If the bill is neither approved nor vetoed by the Governor,
4 the expiration of the period of time during which the Governor may veto the
5 bill; or

6 (3) If the bill is vetoed by the Governor and the veto is
7 overridden, the date the last house overrides the veto.

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/s/ Goss, et al

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APPROVED: 4/2/2003