Act 678 of the Regular Session

1   State of Arkansas

2   85th General Assembly

A Bill

3   Regular Session, 2005   SENATE BILL 384

4

5   By: Senator Luker

6   By: Representatives Bond, D. Johnson

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9   **For An Act To Be Entitled**

10   AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF

11   TRANSITIONAL HOUSING FACILITIES; TO REDUCE THE

12   RECIDIVISM RATE OF OFFENDERS INCARCERATED IN THE

13   STATE OF ARKANSAS; TO PROVIDE ADDITIONAL

14   PROTECTION TO THE CITIZENS OF THE STATE OF

15   ARKANSAS; AND FOR OTHER PURPOSES.

16

17   **Subtitle**

18   AN ACT TO PROVIDE FOR THE ESTABLISHMENT

19   OF TRANSITIONAL HOUSING FACILITIES; TO

20   REDUCE THE RECIDIVISM RATE OF OFFENDERS;

21   AND TO PROVIDE ADDITIONAL PROTECTION TO

22   THE CITIZENS OF THE STATE OF ARKANSAS.

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

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27   SECTION 1. Legislative intent. It is the intent of the General

28   Assembly to:

29   (a) Establish rules for facilities that house offenders who have been

30   transferred, paroled, or placed on probation through the Arkansas criminal

31   justice system in order to promote, protect, and improve the health, safety,

32   and welfare of the citizens of the State of Arkansas; and

33   (b) Establish these rules in order to help reduce recidivism in our

34   criminal justice system and to provide regulations to protect the individuals

35   in the programs and to protect the neighborhoods and communities in which the

1   programs and facilities are located.

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3   SECTION 2. Arkansas Code Title 16, Chapter 93 is amended to add an

4   additional subchapter to read as follows:

5   Subchapter 16 - Transitional Housing Facilities.

6   16-93-1601. Definitions.

7   As used in this subchapter:

8   (1) "Applicant" means any individual, business, or organization

9   that has applied to receive an Arkansas Transitional Housing Facility

10 License;

11   (2) "License" means Arkansas Transitional Housing Facility

12 License; and

13   (3) "Transitional housing" means a program that provides housing

14 for one (1) or more offenders who have either been transferred or paroled

15 from the Department of Correction by the Post Prison Transfer Board or placed

16 on probation by a circuit or district court. An offender's home or the

17 residence of an offender's family member shall not be considered a

18 transitional housing facility for purposes of this subchapter.

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20   16-93-1602. Powers and duties of the Board of Corrections.

21   (a) The Board of Corrections shall promulgate rules that will set

22 minimum standards for all transitional housing facilities in the State of

23 Arkansas.

24   (b) All of the standards set by the rules described in subsection (a)

25 of this section must be established prior to the Post Prison Transfer Board

26 or a district or circuit court releasing a transferee, parolee, or

27 probationer to a transitional housing facility as a resident.

28   (c) The rules described in subsection (a) of this section shall

29 include at least the following:

30   (1) Compliance with any local health and safety codes, including

31 housing codes, fire codes, plumbing codes, and electrical codes, set by the

32 jurisdiction or jurisdictions in which the facility is located;

33   (2) Compliance with any local zoning ordinances;

34   (3) Compliance with any state and federal health and safety

35 codes;

36   (4) Allowable ratio of facility square footage to residents; and

1   (5) Allowable ratio of bathing and restroom facilities to

2   residents.

3   (d)(1) The rules described in subsection (a) of this section shall be

4   promulgated on or before January 1, 2006.

5   (2) The Board of Corrections is authorized to make additions,

6   amendments, changes, or alterations to the rules in accordance with the

7   Arkansas Administrative Procedure Act, § 25-15-201 et seq.

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9   16-93-1603. Powers and duties of the Department of Community

10   Correction.

11   (a) The Department of Community Correction shall implement the rules

12   described in § 16-93-1602 on or before July 1, 2006.

13   (b)(1) The Department of Community Correction shall be responsible for

14   the enforcement of the rules established by the Board of Corrections under §

15   16-93-1602.

16   (2) The Department of Community Correction shall establish all

17   procedures and forms it deems necessary to implement the rules, and the

18   procedures shall include, but not be limited to, the following:

19   (A) Creating a state-issued Arkansas Transitional Housing

20   Facility License for applicant facilities that have met the standards

21   established by the rules of the Board of Corrections;

22   (B) Establish the process to be followed by individuals,

23   businesses, or organizations in making application to the Department of

24   Community Correction to receive a state-issued license to operate an approved

25   transitional housing facility, which will include a reasonable application

26   fee to be established by the Board of Corrections;

27   (C) Establish procedures for the Department of Community

28   Correction to accept applications for facilities wishing to obtain a license

29   to operate a transitional housing facility and to investigate whether

30   applicants meet the standards established by the rules of the Board of

31   Corrections;

32   (D) Establish procedures for the Department of Community

33   Correction to notify an applicant when its application has been approved or

34   denied. All denials shall specify in writing the reason for the

35   application's denial;

36   (E) Establish procedures to investigate complaints that a

1 licensed facility is in violation of the standards established by the rules

2 of the Board of Corrections; and

3   (F) Establish procedures for the Department of Community

4 Correction to suspend or revoke licenses when a license holder is no longer

5 in compliance with or violates the rules of the Board of Corrections.

6   (c) The Director and staff of the Department of Community Correction

7 shall provide administrative support to the Board of Corrections.

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10   **APPROVED: 3/09/2005**

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