

1 State of Arkansas  
2 89th General Assembly  
3 Regular Session, 2013  
4

# A Bill

HOUSE BILL 1309

5 By: Representative Williams  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND THE TERMINOLOGY USED TO REFERENCE  
9 INMATES IN PRISONS AND JAILS; AND FOR OTHER PURPOSES.  
10

### Subtitle

11 TO AMEND THE TERMINOLOGY USED TO  
12 REFERENCE INMATES IN PRISONS AND JAILS.  
13

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16  
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
18

19 SECTION 1. Arkansas Code § 12-29-105 is amended to read as follows:  
20 12-29-105. Clergy.

21 (a) All clergy of every denomination shall be admitted free to a  
22 Department of Correction prison or may visit any ~~convict~~ inmate confined  
23 therein, subject to such rules as may be necessary to the good government and  
24 discipline of the prison, and may administer the rites and ceremonies of the  
25 church to which the clergy belong if the ~~convict~~ inmate desires it.

26 (b) The Director of the Department of Correction shall afford every  
27 facility to a clergy to visit a ~~convict~~ an inmate and to administer rites,  
28 ceremonies, and spiritual consolation to a ~~convict~~ inmate within the rules of  
29 the prison.  
30

31 SECTION 2. Arkansas Code § 12-29-106 is amended to read as follows:  
32 12-29-106. Mail to or from inmates.

33 (a)(1) ~~No~~ A person without the consent of the Director of the  
34 Department of Correction shall not bring into or carry out of a prison any  
35 letter or writing to or from any ~~convict~~ inmate.

36 (2) Whoever shall violate the provisions of this section shall



1 be guilty of a misdemeanor and shall on conviction be fined not exceeding one  
 2 hundred dollars (\$100) or imprisoned in the county jail not exceeding thirty  
 3 (30) days, or both fined and imprisoned.

4 (b) However, all ~~convicts~~ inmates shall have the privilege, under the  
 5 proper supervision and inspection of the director or his or her employees, to  
 6 write and receive letters from their relations and friends.

7  
 8 SECTION 3. Arkansas Code § 12-29-115 is amended to read as follows:  
 9 12-29-115. Combination to escape – Authority of guards.

10 (a) The officers and guards of the Department of Correction shall use  
 11 all lawful and suitable means to defend themselves, secure the persons of  
 12 offenders, and prevent attempted violence and escape whenever two (2) or more  
 13 ~~convicts~~ inmates shall combine for the following purposes or whenever one (1)  
 14 or more ~~convicts~~ inmates shall:

- 15 (1) Offer violence to any officer, guard, or ~~convict~~ inmate;
- 16 (2) Do or attempt to do any injury to any building, workshop, or  
 17 appurtenance thereto;
- 18 (3) Attempt to escape; or
- 19 (4) Resist any lawful demand.

20 (b) If any of the officers or guards employed in the department shall,  
 21 in the attempt to prevent the escape of any ~~convict~~ inmate, any attempt to  
 22 retake any ~~convict~~ inmate who may have escaped, or in the attempt to suppress  
 23 any riot, revolt, or insurrection, take the life of any ~~convict~~ inmate, the  
 24 officer or guard shall not be held responsible therefor unless it is done  
 25 unnecessarily or wantonly.

26  
 27 SECTION 4. Arkansas Code § 12-29-116 is amended to read as follows:  
 28 12-29-116. Authority of director in case of alarm or danger.

29 The Director of the Department of Correction shall have the authority  
 30 of a county sheriff over the power of the county in which a Department of  
 31 Correction's prison or ~~convict~~ inmate camp is situated in all cases of alarm  
 32 or danger at the prison or camp, in the absence of the county sheriff or the  
 33 county sheriff's inability to act.

34  
 35 SECTION 5. The catchline for Arkansas Code § 12-29-403, concerning  
 36 disabled inmates, is amended to read as follows:

1 12-29-403. Disabled ~~convicts~~ inmates – Duty of physician.

2  
 3 SECTION 6. Arkansas Code § 12-30-308(b)(1), concerning the lease or  
 4 rental of land by the Board of Corrections, is amended to read as follows:

5 (b)(1) The board, in its discretion and with the Governor’s approval,  
 6 may rent or lease additional lands for the planting and cultivation of crops  
 7 by ~~convicts~~ inmates.

8  
 9 SECTION 7. Arkansas Code § 12-42-101 is amended to read as follows:  
 10 12-42-101. Definition.

11 As used in §§ 12-42-109, 12-42-110, 12-42-112, 12-42-113, and 12-42-  
 12 115, “county ~~convicts~~ inmates” means persons convicted of misdemeanors or  
 13 petty offenses and committed to jail in default of the payment of the fine  
 14 and costs adjudged against them.

15  
 16 SECTION 8. Arkansas Code § 12-42-106 is amended to read as follows:  
 17 12-42-106. Contracts with other counties, cities, or towns –

18 Liability.

19 (a)(1) The county court or the county judge thereof in vacation, or  
 20 the mayor of any city or incorporated town, when authorized to do so by an  
 21 ordinance duly adopted by the city or town council or other governing body of  
 22 the municipality, is authorized and empowered to make a contract with any  
 23 other county, city, or town for the maintenance, safekeeping, and working of  
 24 ~~prisoners~~ inmates committed to county or city jails except ~~prisoners~~ inmates  
 25 awaiting trial.

26 (2) The county court, county judge, or mayor may make such  
 27 contract as deemed in the best interests of the county, city, or incorporated  
 28 town.

29 (b) For the purpose of making a contract to effectuate the provisions  
 30 of this section and §§ 12-42-102, 12-42-104, 12-42-105, and 12-42-107, the  
 31 county court or county judge of any county, and the mayor, with the approval  
 32 of the city or town council, or other governing body of any municipality, is  
 33 vested with plenary power.

34 (c) Any county, city, or town contracting for the safekeeping of  
 35 ~~prisoners~~ inmates under the provisions of this section and §§ 12-42-102, 12-  
 36 42-104, 12-42-105, and 12-42-107, shall obligate itself to furnish the

1 ~~convicts~~ inmates with good and wholesome food, comfortable clothing, and  
 2 medicine when sick and shall not require them to work at unreasonable hours  
 3 or for a longer time during any one (1) day than other laborers doing the  
 4 same kind of labor are accustomed to do.

5 (d) ~~No~~ A county sheriff, constable, mayor, or other officer to whom a  
 6 person is committed for imprisonment to serve a sentence imposed for  
 7 misdemeanor or petty offense or in default of the payment of fine and costs  
 8 therefor shall not be responsible for the health, safety, or welfare of the  
 9 person if the county sheriff, constable, mayor, or other officer shall  
 10 deliver the person to any county, city, or town other than that of which the  
 11 former is an officer, pursuant to a contract for the maintenance,  
 12 safekeeping, and working of ~~prisoners~~ inmates authorized by statute.

13  
 14 SECTION 9. Arkansas Code § 12-42-109 is amended to read as follows:

15 12-42-109. Management of ~~convicts~~ inmates not hired.

16 (a) Unless the ~~convicts~~ inmates are immediately hired out, the  
 17 management and control of the county ~~convicts~~ inmates shall be confined to  
 18 county courts either in term time or in vacation by the county judge.

19 (b) The county court or county judge shall always have the right to  
 20 require the aid of the county sheriff and constables of their respective  
 21 counties. All lawful orders or process necessary to be issued and executed  
 22 shall be executed by the county sheriff or constable.

23  
 24 SECTION 10. Arkansas Code § 12-42-110 is amended to read as follows:

25 12-42-110. Labor on public works restricted.

26 ~~No~~ A county ~~convict~~ inmate shall not be allowed to work on any public  
 27 work or improvement whenever there may be danger of his or her escape, nor  
 28 shall he or she be compelled to labor at any kind of business or in any  
 29 avocation that would tend to impair his or her health or strength.

30  
 31 SECTION 11. Arkansas Code § 12-42-113 is amended to read as follows:

32 12-42-113. Warrants for costs.

33 When ~~convicts~~ inmates employed on public works or improvements or in  
 34 public workhouses shall have paid the full amount of their fines and costs by  
 35 their labor, then the county court shall issue a warrant in favor of each  
 36 officer to whom costs may be due, for the amount of his or her costs, on the

1 county treasurer, and it shall be paid if there are sufficient funds in the  
 2 county treasury.

3  
 4 SECTION 12. Arkansas Code § 12-42-115 is amended to read as follows:

5 12-42-115. Records of ~~convicts~~ inmates.

6 (a) The county court shall cause a record of all its proceedings under  
 7 §§ 12-42-101, 12-42-109, 12-42-110, 12-42-112, 12-42-113, and this section to  
 8 be recorded in a well-bound book to be provided for that purpose. The record  
 9 shall contain:

- 10 (1) A descriptive list of all persons known as county ~~convicts~~  
 11 inmates;
- 12 (2) How the ~~convict~~ inmate has been or is employed;
- 13 (3) The name of the party or parties hiring the ~~convict~~ inmate;
- 14 (4) The time when and the price at which the ~~convict~~ inmate has  
 15 been employed;
- 16 (5) The amount paid or allowed for the employed or hired ~~convict~~  
 17 inmate;
- 18 (6) The amount due by the ~~convict~~ inmate as fine and costs; and
- 19 (7) Such other information as may be necessary and required  
 20 under the rules adopted by the court.

21 (b) It shall be the duty of the contractor or superintendent to keep a  
 22 record in which shall be stated the name of the prisoner, his or her height,  
 23 race, age, complexion, color of eyes and hair, time of commitment, and the  
 24 punishment adjudged by the court or justice, as well as the number of days  
 25 the ~~convict~~ inmate may be held to labor and a record of the days worked by  
 26 the prisoner.

27  
 28 SECTION 13. Arkansas Code Title 27, Chapter 66, Subchapter 6, is  
 29 amended to read as follows:

30 Subchapter 6

31 - Employment of ~~Convicts~~ Inmates

32  
 33 27-66-601. State ~~convicts~~ inmates working on roads.

34 (a) The State Highway Commission shall employ and work as many of the  
 35 state ~~convicts~~ inmates on the public roads as may not be otherwise employed  
 36 by the Department of Correction.

1 (b) State ~~convicts~~ inmates working on roads shall be under the care  
 2 and custody of wardens or other officers named by the Department of  
 3 Correction, with the approval of the Governor.

4 (c)(1) The commission shall determine the work to be done by ~~such~~  
 5 ~~convicts~~ inmates, the time, place, and manner of the work, and the number of  
 6 ~~convicts~~ inmates to work.

7 (2) The work shall be under the direct supervision of the  
 8 Arkansas State Highway and Transportation Department.

9 (3) The ~~department~~ Arkansas State Highway and Transportation  
 10 Department shall determine the number of ~~convicts~~ inmates needed and shall  
 11 prescribe the rules and regulations under which they shall work.

12 (d) The pay of the wardens or other officers and the cost of  
 13 maintenance, including clothing, food, and housing for the state ~~convicts~~  
 14 inmates while working on roads shall be paid out of the State Highway and  
 15 Transportation Department Fund.

16 (e) The Department of Correction is to receive no profits for working  
 17 the ~~convicts~~ inmates on state roads.

18 (f) The pay of the wardens or other officers and the cost of clothing  
 19 state ~~convicts~~ inmates while on the public roads shall be borne by the state.

20 (g) The cost of feeding and housing such ~~convicts~~ inmates shall be  
 21 borne by the county or improvement district where they may be worked.

22  
 23 27-66-602. County ~~convicts~~ inmates working on roads.

24 (a)(1) It shall be lawful to provide in any highway charter for  
 25 working the male county ~~convicts~~ inmates of any county on the public roads  
 26 and highways of that county.

27 (2) But if the county ~~convicts~~ inmates are to be worked in any  
 28 district which is not coextensive with the county from which they came, then  
 29 the working of ~~convicts~~ inmates shall have to be approved by the county court  
 30 having jurisdiction thereof, which approval shall rest in the sound  
 31 discretion of the court, irrespective of any vote or endorsement by the  
 32 electors of the district.

33 (b)(1) Every charter providing for working county ~~convicts~~ inmates  
 34 shall provide for the appointment of proper overseers, guards, physicians,  
 35 and other officers and employees necessary and convenient for the control and  
 36 well-being of the ~~convicts~~ inmates.

