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4

A Bill

HOUSE BILL 1423

5 By: Representative Shepherd
6 By: Senator Rapert
7

For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 12 OF
10 THE ARKANSAS CODE CONCERNING LAW ENFORCEMENT,
11 EMERGENCY MANAGEMENT, AND MILITARY AFFAIRS; AND FOR
12 OTHER PURPOSES.
13

Subtitle

14
15
16 TO MAKE TECHNICAL CORRECTIONS TO TITLE 12
17 OF THE ARKANSAS CODE CONCERNING LAW
18 ENFORCEMENT, EMERGENCY MANAGEMENT, AND
19 MILITARY AFFAIRS.
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 12-8-102(b), concerning the Arkansas State
25 Police Commission, is amended to remove obsolete language and to read as
26 follows:

27 (b)(1) The commission shall be composed of seven (7) members to be
28 appointed by the Governor for terms of seven (7) years, by and with the
29 advice and consent of the Senate.

30 (2)(A) Four (4) members shall be appointed from each of the four
31 (4) congressional districts and three (3) shall be appointed from the state
32 at large.

33 (B) However, no more than two (2) members shall be
34 appointed from any congressional district.

35 ~~(3) The members of the commission in office on July 30, 1999,~~
36 ~~shall continue to serve their regular terms. As terms expire and vacancies~~



1 ~~occur, appointments to the commission shall be made in such a manner as to~~
 2 ~~assure the commission members represent the different areas of the state as~~
 3 ~~required by this subsection.~~

4
 5 SECTION 2. Arkansas Code § 12-9-103(b)(2), concerning the Arkansas
 6 Commission on Law Enforcement Standards and Training, is amended to clarify
 7 its application and to read as follows:

8 (2)(A) One (1) member shall not be actively engaged in or
 9 retired from law enforcement.

10 (B) The member under subdivision (b)(2)(A) of this section
 11 shall be:

12 (i) ~~Sixty (60)~~ At least sixty (60) years of age and
 13 shall represent the elderly;

14 (ii) Appointed from the state at large subject to
 15 confirmation by the Senate; and

16 (iii) A full voting member.

17
 18 SECTION 3. Arkansas Code § 12-12-212 is amended to make stylistic
 19 changes and to read as follows:

20 12-12-212. Release or disclosure to unauthorized person – Penalty.

21 (a) A person is guilty of a Class A misdemeanor upon conviction if the
 22 person knowingly:

23 (1) ~~Knowingly accesses~~ Accesses information or willfully obtains
 24 information collected and maintained under this subchapter for a purpose not
 25 specified by this subchapter; or

26 (2) ~~Knowingly releases~~ Releases or discloses information
 27 maintained under this subchapter to another person who lacks authority to
 28 receive the information.

29 (b) A person is guilty of a Class D felony upon conviction if the
 30 person violates subsection (a) of this section for the purpose of:

31 (1) Furthering the commission of a misdemeanor offense or felony
 32 offense by the person or another person;

33 (2) Enhancing or assisting a person's position in a legal
 34 proceeding in this state or influencing the outcome of a legal proceeding in
 35 this state for the benefit of the person or a member of the person's family;

36 (3) Causing a pecuniary or professional gain for the person or a

1 member of the person's family; or

2 (4) Political purposes for the person or a member of the
3 person's family.

4
5 SECTION 4. Arkansas Code § 12-12-402(e), concerning procedures
6 governing medical treatment in sexual assault cases, is amended to clarify
7 its application, correct references, and to read as follows:

8 (e) The victim shall not be transferred to another medical facility
9 unless:

10 (1)~~(A)~~ The victim or a parent or guardian of a victim under
11 eighteen (18) years of age requests the transfer; or

12 ~~(B)~~ A a physician, or other qualified medical personnel
13 when a physician is not available, has signed a certification that the
14 benefits to the ~~patient's~~ victim's health would outweigh the risks to the
15 ~~patient's~~ victim's health as a result of the transfer; and

16 (2) The transferring medical facility or licensed ~~health-care~~
17 healthcare provider provides all necessary medical records and ensures that
18 appropriate transportation is available.

19
20 SECTION 5. Arkansas Code § 12-12-1002 is amended to conform to the
21 mental state required for a criminal offense with § 5-2-202, to make
22 stylistic changes, and to read as follows:

23 12-12-1002. Penalties.

24 (a) Upon conviction, any criminal justice agency or official subject
25 to fingerprinting or reporting requirements under this subchapter that
26 knowingly fails to comply with such reporting requirements is guilty of a
27 Class B misdemeanor.

28 (b) A person is guilty of a Class A misdemeanor upon conviction if the
29 person knowingly:

30 (1) ~~Knowingly accesses~~ Accesses information or willfully obtains
31 information collected and maintained under this subchapter for a purpose not
32 specified by this subchapter; or

33 (2) ~~Knowingly releases~~ Releases or discloses information
34 maintained under this subchapter to another person who lacks authority to
35 receive the information.

36 (c) A person is guilty of a Class D felony upon conviction if the

1 person violates subsection (a) of this section for the purpose of:

2 (1) Furthering the commission of a misdemeanor offense or felony
3 offense by the person or another person;

4 (2) Enhancing or assisting a person's position in a legal
5 proceeding in this state or influencing the outcome of a legal proceeding in
6 this state for the benefit of the person or a member of the person's family;

7 (3) Causing a pecuniary or professional gain for the person or a
8 member of the person's family; or

9 (4) Political purposes for the person or a member of the
10 person's family.

11 (d) A person convicted of violating subsection (c) of this section is
12 subject to an additional fine of not more than five hundred thousand dollars
13 (\$500,000).

14
15 SECTION 6. Arkansas Code § 12-12-1404(d), concerning training on
16 racial profiling, is amended to remove obsolete language and to read as
17 follows:

18 (d)(1) ~~By January 1, 2006, the~~ The commission shall promulgate rules
19 that ~~will~~ set significant standards for all training required in this
20 section.

21 (2) The commission may make additions, amendments, changes, or
22 alterations to the rules in accordance with the Arkansas Administrative
23 Procedure Act, § 25-15-201 et seq.

24 (3) The commission may review and recommend changes to the
25 racial profiling policy of any law enforcement agency.

26 (4) Upon request, the racial profiling policy of any law
27 enforcement agency shall be made available to the commission for the purpose
28 described in subdivision (d)(3) of this section.

29 (5) The commission may establish a toll-free hotline and an
30 email address to receive complaints concerning racial profiling.

31
32 SECTION 7. Arkansas Code § 12-12-1405 is amended to remove obsolete
33 language and to read as follows:

34 12-12-1405. Racial profiling hotline.

35 (a)(1) The Attorney General shall establish and publish procedures to
36 receive complaints concerning racial profiling.

1 (2) The procedures shall include the operation of a toll-free
 2 hotline and may include procedures to receive written complaints through the
 3 mail, email, or facsimile.

4 (b) The Attorney General shall maintain statewide statistics on
 5 complaints received concerning racial profiling.

6 (c) The Attorney General annually shall report statewide statistics on
 7 complaints concerning racial profiling received under this section during a
 8 year no later than October 1 of the next year to the Legislative Council ~~and~~
 9 ~~the Task Force on Racial Profiling.~~

10 (d) If the Attorney General suspects that a violation of law has
 11 occurred, the Attorney General shall refer the matter to the appropriate
 12 prosecuting attorney or other appropriate legal authority.

13
 14 SECTION 8. Arkansas Code § 12-12-1720(b), concerning the Adult and
 15 Long-Term Care Facility Resident Maltreatment Act, is amended to clarify a
 16 criminal offense and to read as follows:

17 (b)(1) A person commits the offense of failure to report in the second
 18 degree if he or she:

19 (A) Is a mandated reporter under § 12-12-1708;

20 (B) Has observed or has reasonable cause to suspect that
 21 an endangered person or impaired person has been subjected to conditions or
 22 circumstances that constitute adult maltreatment or long-term care facility
 23 resident maltreatment; and

24 (C) ~~(i)~~ Knowingly fails to make a report or cause a report
 25 to be made in the manner and time provided in this subchapter to the adult
 26 and long-term care facility resident maltreatment hotline.

27 ~~(ii) Knowingly fails to cause a report to be made in~~
 28 ~~the manner and time provided in this subchapter to the adult and long-term~~
 29 ~~care facility resident maltreatment hotline.~~

30 (2) Failure to report in the second degree is a Class C
 31 misdemeanor.

32
 33 SECTION 9. Arkansas Code § 12-12-1803(b), concerning use of automatic
 34 license plate reader systems, is amended to correct a reference and to read
 35 as follows:

36 (b) An automatic license plate reader system may be used:

1 (1) By a state, county, or municipal law enforcement agency for
 2 the comparison of captured plate data with data held by the Office of Motor
 3 Vehicle, the Arkansas Crime Information Center, the National Crime
 4 Information Center, a database created by law enforcement for the purposes of
 5 an ongoing investigation, and the Federal Bureau of Investigation for any
 6 lawful purpose;

7 (2) By parking enforcement entities for regulating the use of
 8 parking facilities;

9 (3) For the purpose of controlling access to secured areas; or

10 (4)(A) By the Arkansas Highway Police Division of the Arkansas
 11 State Highway and Transportation Department for the electronic verification
 12 of registration, logs, and other compliance data to provide more efficient
 13 movement of commercial vehicles on a state highway.

14 (B) An automatic license plate reader system used under
 15 subdivision (b)(4)(A) of this section shall be installed at an entrance ramp
 16 at a weigh station facility for the review of a commercial motor vehicle
 17 entering the weigh station facility.

18
 19 SECTION 10. Arkansas Code § 12-18-103, concerning definitions under
 20 the Child Maltreatment Act, is amended to add a definition of a term that was
 21 defined in multiple places in the chapter and to read as follows:

22 (27) "Died suddenly and unexpectedly" means a child death that
 23 was not caused by a known disease or illness for which the child was under a
 24 physician's care at the time of death, including without limitation a child
 25 death as a result of the following:

- 26 (A) Sudden infant death syndrome;
- 27 (B) Sudden unexplained infant death;
- 28 (C) An accident;
- 29 (D) A suicide;
- 30 (E) A homicide; or
- 31 (F) Other undetermined circumstance.

32
 33 SECTION 11. Arkansas Code § 12-18-303(a), concerning minimum
 34 requirements for a report to be accepted under the Child Maltreatment Act, is
 35 amended to correct a reference and to read as follows:

36 (a) Except as otherwise provided in this section, the Child Abuse

1 Hotline shall accept a report if:

2 (1) The report is of:

3 (A) An allegation of child maltreatment or suspected child
4 maltreatment, that if found to be true, would constitute child maltreatment
5 as defined under this chapter;

6 (B) The death of a child ~~that:~~

7 ~~(i) Is sudden and unexpected; and~~

8 ~~(ii) Was not caused by a known disease or illness~~
9 ~~for which the child was under a physician's care at the time of death who~~
10 ~~died suddenly and unexpectedly; or~~

11 (C) The death of a child reported by a coroner or county
12 sheriff under § 20-15-502;

13 (2) Sufficient identifying information is provided to identify
14 and locate the child or the child's family; and

15 (3) The child or the child's family is present in Arkansas or
16 the incident occurred in Arkansas.

17
18 SECTION 12. Arkansas Code § 12-18-402(a), concerning mandated
19 reporters under the Child Maltreatment Act, is amended to remove language
20 that is being codified at § 12-18-103 and to read as follows:

21 (a) An individual listed as a mandated reporter under subsection (b)
22 of this section shall immediately notify the Child Abuse Hotline if he or
23 she:

24 (1) Has reasonable cause to suspect that a child has:

25 (A) Been subjected to child maltreatment;

26 (B) Died as a result of child maltreatment; or

27 (C) ~~(i) Died suddenly and unexpectedly;~~

28 ~~(ii) As used in subdivision (a)(1)(C)(i) of this~~
29 ~~section, "died suddenly and unexpectedly" means a child death that was not~~
30 ~~caused by a known disease or illness for which the child was under a~~
31 ~~physician's care at the time of death, including without limitation child~~
32 ~~deaths as a result of the following:~~

33 ~~(a) Sudden infant death syndrome;~~

34 ~~(b) Sudden unexplained infant death;~~

35 ~~(c) An accident;~~

36 ~~(d) A suicide;~~

~~(e) A homicide; or~~

~~(f) Other undetermined circumstance; or~~

(2) Observes a child being subjected to conditions or circumstances that would reasonably result in child maltreatment.

SECTION 13. Arkansas Code § 12-18-602(b), concerning an investigative proceeding under the Child Maltreatment Act, is amended to remove language that is being codified at § 12-18-103 and to read as follows:

(b)(1) All investigations shall begin within seventy-two (72) hours.

(2) However, the investigation shall begin within twenty-four (24) hours if:

(A) The allegation is severe maltreatment, excluding an allegation of:

(i) Sexual abuse if the most recent allegation of sexual abuse was more than one (1) year ago or the alleged victim does not currently have contact with the alleged offender;

(ii) Abandonment and the child is in a facility; or

(iii) Cuts, welts, bruises, or suffocation if the most recent allegation was more than one (1) year ago and the alleged victim is in the custody of the Department of Human Services;

(B) The allegation is that a child has been subjected to neglect as defined in § 12-18-103(14)(B); or

(C)~~(i)~~ A child has died suddenly and unexpectedly.

~~(ii) As used in subdivision (b)(1)(C)(i) of this section, "died suddenly and unexpectedly" means a child death that was not caused by a known disease or illness for which the child was under a physician's care at the time of death, including without limitation child deaths as a result of the following:~~

~~(a) Sudden infant death syndrome;~~

~~(b) Sudden unexplained infant death;~~

~~(c) An accident;~~

~~(d) A suicide;~~

~~(e) A homicide; or~~

~~(f) Other undetermined circumstance.~~

SECTION 14. Arkansas Code § 12-18-620(d), concerning the release of

1 information on pending investigations under the Child Maltreatment Act, is
 2 amended to correct references and to read as follows:

3 (d) The department may provide information, including protected health
 4 information, to a person or agency that provides services such as medical
 5 examination of, an assessment interview with, or diagnosis of, care for,
 6 treatment of, or supervision of a victim of child maltreatment, a juvenile
 7 offender, or an underaged juvenile ~~aggressor~~ offender.

8
 9 SECTION 15. Arkansas Code § 12-18-623(a), concerning no-merit
 10 investigations under the Child Maltreatment Act, is amended to read as
 11 follows:

12 (a) A Department of Arkansas State Police investigator may close an
 13 investigation of a report of child maltreatment as unsubstantiated without
 14 complying with the requirements of this subchapter if:

15 (1) The child identified as the victim:

16 (A) Has been:

17 (i) Interviewed ~~separate~~ separately and apart from
 18 the alleged offender or any representative or attorney for the alleged
 19 offender when the child is of the age or ability to be interviewed; or

20 (ii) Observed ~~separate~~ separately and apart from the
 21 alleged offender or any representative or attorney for the alleged offender
 22 when the child is not of the age or ability to be interviewed; and

23 (B) Credibly denies the allegation of child maltreatment;

24 (2) The child identified as the victim does not have the
 25 physical injuries or physical conditions that were alleged in the report of
 26 child maltreatment;

27 (3) The person identified as the alleged offender has been
 28 interviewed and credibly denies the allegation of child maltreatment;

29 (4) The person identified as the alleged offender resides in the
 30 home or is a family member of the child identified as the victim, and the
 31 Department of Arkansas State Police investigator has ascertained the
 32 environment in which the child resides and determined there is no merit to
 33 the report of child maltreatment as it pertains to the home environment;

34 (5) The Department of Arkansas State Police investigator:

35 (A) Has ~~interviewed~~;

36 (i) Interviewed the person who made the report to

1 the Child Abuse Hotline; or

2 ~~(B) Has made~~ (ii) Made a good faith effort to
3 contact the person who made the report to the hotline but is unable to
4 interview the person; and

5 ~~(C)(B)~~ Has not identified another maltreatment or health
6 or safety factor regarding the ~~victim~~ child identified as the victim; and

7 (6) The Department of Arkansas State Police investigator
8 interviewed a collateral witness and reviewed medical, school, and mental
9 health records that are related to the allegations when the child identified
10 as the victim was unable to effectively communicate.

11
12 SECTION 16. Arkansas Code § 12-18-909(e), concerning availability of
13 true reports on the Child Maltreatment Central Registry, is amended to
14 correct a reference and to read as follows:

15 (e)(1) The Department of Human Services and the Department of Arkansas
16 State Police may provide information, including protected health information,
17 to a person or agency that provides services such as medical examination of,
18 an assessment interview with, or diagnosis of, care for, treatment of, or
19 supervision of a victim of child maltreatment, a juvenile offender, or an
20 underaged juvenile ~~aggressor~~ offender.

21 (2) This information may include:

22 (A) The investigative determination or the investigation
23 report; and

24 (B) The services offered and provided.

25
26 SECTION 17. Arkansas Code § 12-26-106 is amended to correct a
27 reference and to read as follows:

28 12-26-106. Powers and duties of committees.

29 The criminal detention facility review committees shall ~~have the~~
30 ~~authority and responsibility to:~~

31 (1) Provide consultation and technical assistance to county and
32 local government officials with respect to criminal detention facilities and
33 juvenile detention facilities;

34 (2) Visit and inspect the criminal detention facilities and
35 juvenile detention facilities for compliance with the standards as
36 established under § 12-26-103;

1 (3) Advise government officials and other appropriate persons of
 2 deficiencies in the criminal detention facilities and juvenile detention
 3 facilities and make recommendations for improvements;

4 (4) Submit written reports of the inspections to appropriate
 5 agencies and persons as provided in § 12-26-107;

6 (5) Review and comment on plans for the construction and major
 7 modification or renovation of the criminal detention facilities and juvenile
 8 detention facilities; and

9 (6) Perform such other duties as may be necessary to carry out
 10 the policy of the state regarding criminal detention facilities and juvenile
 11 detention facilities.

12
 13 SECTION 18. Arkansas Code § 12-26-107 is amended to correct references
 14 and to read as follows:

15 12-26-107. Inspection of facility – Report.

16 (a) Except as otherwise provided in this chapter, each criminal
 17 detention facility review committee shall visit and inspect each criminal
 18 detention facility and each juvenile detention facility, if any, in its
 19 judicial district at least annually for the purpose of determining the
 20 conditions of confinement, the treatment of prisoners, and whether the
 21 criminal detention facilities and juvenile detention facilities comply with
 22 the minimum standards established pursuant to this chapter.

23 (b)(1) A written report of each inspection shall be made within thirty
 24 (30) days following such inspection to the chief circuit judge for the
 25 judicial district within which the criminal detention facility or juvenile
 26 detention facility is located and to the county judge or the governing body
 27 of the political subdivision whose criminal detention facility or juvenile
 28 detention facility is the subject of the written report.

29 (2) The written report shall specify those respects in which the
 30 criminal detention facility or juvenile detention facility does not comply
 31 with the required minimum standards.

32
 33 SECTION 19. Arkansas Code § 12-26-108 is amended to correct
 34 references, make stylistic changes, and to read as follows:

35 12-26-108. Failure to meet minimum standards – Procedure.

36 (a)(1) If an inspection under this chapter discloses that the criminal

1 detention facility or juvenile detention facility does not meet the minimum
2 standards established by the Criminal Detention Facilities Review
3 Coordinator, the criminal detention facility review committee shall send
4 notice, together with the inspection report, to the governing body
5 responsible for the criminal detention facility or juvenile detention
6 facility and to the ~~duly-constituted~~ grand jury for the county in which the
7 criminal detention facility or juvenile detention facility is located.

8 (2) A copy of the notice required by this chapter shall also be
9 sent to the chief circuit judge of the judicial district in which the
10 criminal detention facility or juvenile detention facility is located.

11 (b) The appropriate governing body or the grand jury, or both, shall
12 promptly meet to consider the inspection report, and the committee chair
13 shall appear to advise and consult concerning appropriate corrective action.

14 (c) The governing body or the grand jury, or both, shall then initiate
15 appropriate corrective action within six (6) months of the receipt of the
16 inspection report or may voluntarily close the criminal detention facility or
17 juvenile detention facility or the objectionable portion of the criminal
18 detention facility or juvenile detention facility.

19 (d)(1) If the governing body or the grand jury fails to initiate
20 corrective action within six (6) months after receipt of ~~such the~~ inspection
21 report, or fails to correct the disclosed conditions, or fails to close the
22 criminal detention facility or juvenile detention facility or the
23 objectionable portion ~~thereof~~ of the criminal detention facility or juvenile
24 detention facility, the committee ~~is authorized to~~ may petition a circuit
25 court within the judicial district in which the criminal detention facility
26 or juvenile detention facility is located to close the criminal detention
27 facility or juvenile detention facility.

28 (2) The petition shall include the inspection report regarding
29 the criminal detention facility or juvenile detention facility.

30 (3) The local governing body shall then have thirty (30) days to
31 respond to the petition and shall serve a copy of the response on the
32 committee chair by certified mail, return receipt requested.

33 (e) Thereafter, a hearing shall be held on the petition before the
34 circuit court, and an order rendered by ~~such the circuit~~ court which:

35 (1) Dismisses the petition of the committee;

36 (2) Directs that corrective action be initiated in some form by

1 the local governing body or by the grand jury with respect to the criminal
 2 detention facility or juvenile detention facility in question; or

3 (3) Directs that the criminal detention facility or juvenile
 4 detention facility be closed.

5 (f) An appeal from the decision of the circuit court may be taken ~~to~~
 6 ~~the Supreme Court~~ as provided in the Arkansas Rules of Appellate Procedure.

8 SECTION 20. Arkansas Code § 12-27-122 is amended to remove obsolete
 9 language to read as follows:

10 12-27-122. Debt service accounts.

11 (a)(1) The Department of Correction ~~is authorized to~~ may establish
 12 accounts in financial institutions other than the State Treasury for the
 13 purpose of making debt service payments on bonds issued, or leases, or both,
 14 through the Arkansas Development Finance Authority and as otherwise
 15 authorized by law.

16 (2) The accounts shall be entitled the "Construction Fund
 17 Deficiency Account", the "Prisoner Housing Contract Account", and the
 18 "Regional Facilities Operations Account".

19 (3) Receipts into the ~~accounts so established~~ Construction Fund
 20 Deficiency Account, the Prisoner Housing Contract Amount, and the Regional
 21 Facilities Operations Account shall be from transfers from the work-release
 22 cash funds, payments to the department for housing county and city prisoners
 23 in regional facilities, and such other sources as required.

24 (b) Payments made by the department from the work-release cash funds,
 25 Construction Fund Deficiency Account, Prisoner Housing Contract Account, and
 26 the Regional Facilities Operations Account which are made for bonded
 27 indebtedness or leases of regional correction facilities, or both, are
 28 specifically exempt from ~~the provisions of §§ 19-4-801 – 19-4-803, 19-4-804~~
 29 ~~{repealed}~~, 19-4-805, and 19-4-806.

31 SECTION 21. Arkansas Code § 12-27-142 is amended to remove obsolete
 32 language and to read as follows:

33 12-27-142. Medical services contract.

34 (a) The Department of Correction and the Department of Community
 35 Correction may enter into professional services contracts for medical
 36 services for a contract period not to exceed ten (10) years.

1 (b) Except as provided in subsection (a) of this section, the
 2 professional services contracts for medical services shall comply with all
 3 other provisions of the Arkansas Procurement Law, § 19-11-201 et seq., and
 4 ~~regulations~~ rules promulgated under the Arkansas Procurement Law, § 19-11-201
 5 et seq.

6 ~~(c) A medical services contract in existence on August 12, 2005, may~~
 7 ~~be extended to a ten-year contract.~~

8
 9 SECTION 22. Arkansas Code § 12-27-145(b), concerning records posted on
 10 a public website by the Department of Community Correction, is amended to
 11 correct a reference and to read as follows:

12 (b)(1) To the extent permitted by federal law, the Department of
 13 Community Correction shall post on the Department of Community Correction's
 14 website the following information concerning a probationer, parolee, or other
 15 person under the supervision of the Department of Community Correction who
 16 has absconded or has had a warrant issued for his or her arrest for evading
 17 supervision:

18 (A) Any offense and sentence for which the probationer,
 19 parolee, or other person under the supervision of the Department of Community
 20 Correction is being supervised, including:

21 (i) Whether the probationer, parolee, or other
 22 person under the supervision of the Department of Community Correction is
 23 subject to a suspended sentence, if known; and

24 (ii) The terms of the suspended sentence, if
 25 applicable;

26 (B) A complete felony conviction summary to the extent
 27 that information is available to the Department of Community Correction;

28 (C)(i) Risk assessment scores completed after April 1,
 29 2015.

30 (ii) Risk assessment scores under this subdivision
 31 (b)(1)(C) shall include the name of the state agency that completed the risk
 32 assessment, the date the risk assessment was conducted, and the level of
 33 assessment.

34 (iii) Information by the Department of Community
 35 Correction regarding how risk assessments are scored shall also be posted;

36 (D) Any known aliases;

1 (E) ~~Most~~ A most recent photograph of the probationer,
 2 parolee, or other person under the supervision of the Department of Community
 3 Correction;

4 (F) To the extent the information is available to the
 5 Department of Community Correction, if an order of protection, ~~no-contact~~ no-
 6 contact order, or other order from an in-state or out-of-state court that
 7 prohibits contact or communication with another person is in place;

8 (G) All major disciplinary violations while the ~~inmate~~
 9 probationer, parolee, or other person under the supervision of the Department
 10 of Community Correction was incarcerated and the date of the major
 11 disciplinary violation disposition;

12 (H) Any programs completed by the probationer, parolee, or
 13 other person under the supervision of the Department of Community Correction
 14 while on supervision and the date of completion; and

15 (I) A list of previous revocation offenses while on
 16 probation or parole and date of revocation.

17 (2) The Department of Community Correction shall develop a plan
 18 to establish a method for a victim of a crime committed by a probationer,
 19 parolee, or other person under the supervision of the Department of Community
 20 Correction to directly and easily access the information listed under this
 21 subsection.

22
 23 SECTION 23. Arkansas Code § 12-29-106 is amended to clarify a criminal
 24 offense and to read as follows:

25 12-29-106. Mail to or from inmates.

26 (a)(1) A person without the consent of the Director of the Department
 27 of Correction shall not bring into or carry out of a prison any letter or
 28 writing to or from any inmate.

29 (2) ~~Whoever shall violate the provisions of this section shall~~
 30 ~~be guilty of a~~ A violation of this section is an unclassified misdemeanor ~~and~~
 31 ~~shall on conviction be fined~~ punishable by a fine not exceeding one hundred
 32 dollars (\$100), ~~or imprisoned in the county jail~~ imprisonment not exceeding
 33 thirty (30) days, or both ~~fined and imprisoned~~.

34 (b) However, all inmates shall have the privilege, under the proper
 35 supervision and inspection of the director or his or her employees, to write
 36 and receive letters from their relations and friends.

1
 2 SECTION 24. Arkansas Code § 12-29-110 is amended to clarify a criminal
 3 offense and to read as follows:

4 12-29-110. Selling or trading position, working condition, or promotion
 5 – Penalty.

6 (a) It ~~shall be~~ is unlawful for any inmate or employee of the
 7 Department of Correction or any other person to sell, barter, or trade, or to
 8 promise or offer to sell, barter, or trade any favored job or position,
 9 working condition, or any promotion or demotion in any job or position at the
 10 department and to:

11 (1) Accept or receive any money, consideration, or thing of
 12 value therefor;

13 (2) Make or accept any loan or money as inducement thereof; or

14 (3) Accept or receive any favored condition or job or position
 15 at the department either directly or indirectly as a result thereof.

16 (b)(1) ~~Any person violating the provisions of this section shall be~~
 17 ~~guilty of a~~ A violation of this section is an unclassified felony and upon
 18 ~~conviction shall be punished by imprisonment in the department punishable by~~
 19 imprisonment for not less than one (1) year nor more than five (5) years.

20 (2) If the person ~~is~~ convicted under this section is an inmate
 21 in the department, the sentence shall commence to run from the expiration of
 22 the sentence under which the person is serving at the time of the violation
 23 of this section.

24
 25 SECTION 25. Arkansas Code § 12-29-506 is amended to correct references
 26 and to read as follows:

27 12-29-506. Duties of Attorney General – Assistance.

28 (a) The Attorney General shall enforce this subchapter.

29 (b) However, the Attorney General may refer to the prosecuting
 30 attorney of the county from which the inmate in the Department of Correction
 31 or the person residing in a Department of Community Correction facility was
 32 sentenced, or to the prosecuting attorney of the county in which any property
 33 or estate of ~~any such~~ the inmate or person is located, to investigate or
 34 assist in legal proceedings to obtain the reimbursements for the cost of care
 35 of ~~such prisoners~~ the inmate or person, as authorized in this subchapter.

1 SECTION 26. Arkansas Code § 12-41-105(a), concerning commissions from
2 prisoner telephone service profits and prisoner commissary services, is
3 amended to correct a reference to read as follows:

4 (a)(1) Commissions derived from prisoner telephone services and
5 profits earned from prisoner commissary services provided in the various
6 county and regional detention facilities in the state shall be deposited with
7 the county treasurer of the county in which the county or regional detention
8 facility is located, and the county treasurer shall credit the funds to the
9 county sheriff's office fund.

10 (2)(A) The county sheriff's office fund is an agency fund
11 defined by the County Financial Management System as a fund used to account
12 for funds held by the county treasurer as an agent for a governmental unit
13 until transferred by check or county court order to the county sheriff for
14 the intended uses of the funds.

15 (B) ~~As an agency fund, the~~ The county sheriff's office
16 fund and the transfer of funds is under subdivision (a)(2)(A) of this section
17 are not subject to an appropriation by the quorum court or to the county
18 claims process.

19 (3) Arkansas Legislative Audit shall review actions described in
20 this subsection for substantial compliance with this section.

21
22 SECTION 27. Arkansas Code § 12-50-106(d), concerning contracts for
23 correctional facilities, is amended to correct a reference, make stylistic
24 changes, and to read as follows:

25 (d) Contracts awarded under ~~the provisions of~~ this section, including
26 contracts for the provision of correctional services or for the lease or use
27 of public lands or buildings for use in the operation of state or local
28 facilities, may be entered into for a period of up to twenty (20) years,
29 subject to the requirement for annual appropriation of funds by each
30 political subdivision and subject to the requirement of ~~biennial~~ annual
31 appropriations by the state.

32
33 SECTION 28. Arkansas Code § 12-50-109(a), concerning contracts with
34 the Arkansas Development Finance Authority, is amended to correct a reference
35 and to read as follows:

36 (a)(1) The Board of Corrections and any regional corrections

1 commission ~~are authorized and empowered to~~ may cooperate and contract with
 2 the Arkansas Development Finance Authority to provide for the payment of the
 3 principal of, premium, if any, interest on, and trustee's and paying agent's
 4 fees in connection with bonds issued to finance the acquisition,
 5 construction, and operation of prison facilities authorized under this
 6 chapter to be secured by a lien on and pledge of one (1) or more of the
 7 following:

8 (A) All revenues derived from payments to be made by the
 9 Department of Correction for the housing of prisoners;

10 (B) All revenues derived from payments to be made by
 11 political subdivisions for the housing of prisoners; or

12 (C) Any other revenues authorized by the General Assembly
 13 or the governing body of any political subdivision.

14 (2)(A) Any documents relating to ~~those pledges~~ a pledge under
 15 subdivision (a)(1) of this section shall state that the pledge is subject to
 16 annual appropriation by the governing body or ~~biennial~~ annual appropriation
 17 of the General Assembly, respectively.

18 (B) It ~~shall not be~~ is not necessary to the perfection of
 19 the lien and pledge for those purposes that the trustee in connection with
 20 the bond issue or the holders of the bonds take possession of the collateral
 21 security.

22
 23 SECTION 29. Arkansas Code § 12-64-406 is amended to correct a
 24 grammatical error and to read as follows:

25 12-64-406. Convening courts-martial.

26 (a) General, special, and summary courts-martial may be convened by
 27 the Governor or the commanding general of the organized militia.

28 (b) Special courts-martial may be convened by the commanding officer
 29 of a garrison, fort, post, camp, air base, auxiliary air base, or other place
 30 where troops are on duty, or of a brigade, regiment, wing, group, detached
 31 battalion, separate squadron, or other detached command.

32 (c)(1) Summary courts-martial consisting of one (1) commissioned
 33 officer may be convened by the commanding officer of a garrison, fort, post,
 34 camp, air base, auxiliary air base, or other place where the troops are on
 35 duty, or of a brigade, regiment, wing, group, detached battalion, squadron,
 36 company, or other detachment ~~may convene a summary court-martial consisting~~

1 ~~of one (1) commissioned officer.~~

2 (2) The proceedings shall be informal.

3
4 SECTION 30. Arkansas Code § 12-64-710 is amended to correct a
5 grammatical error and to read as follows:

6 12-64-710. Review counsel.

7 The accused has the right to be represented during a review of records
8 under this subchapter by:

9 (1) Civilian counsel if provided by the accused;

10 (2) Military counsel of the accused's own selection if
11 reasonably available; or

12 (3) The defense counsel detailed under this code.

13
14 SECTION 31. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

15 It is the intent of the General Assembly that:

16 (1) The enactment and adoption of this act shall not expressly
17 or impliedly repeal an act passed during the regular session of the Ninety-
18 First General Assembly;

19 (2) To the extent that a conflict exists between an act of the
20 regular session of the Ninety-First General Assembly and this act:

21 (A) The act of the regular session of the Ninety-First
22 General Assembly shall be treated as a subsequent act passed by the General
23 Assembly for the purpose of:

24 (i) Giving the act of the regular session of the
25 Ninety-First General Assembly its full force and effect; and

26 (ii) Amending or repealing the appropriate parts of
27 the Arkansas Code of 1987; and

28 (B) Section 1-2-107 shall not apply; and

29 (3) This act shall make only technical, not substantive, changes
30 to the Arkansas Code of 1987.

31
32
33 **APPROVED: 02/21/2017**