

Hall of the House of Representatives
84th General Assembly - Regular Session, 2003
Amendment Form

Subtitle of House Bill No. 2181

"AN ACT TO REQUIRE THE SUBMISSION OF REPORTS ON THE CRIMINAL JUSTICE
PROCESS BY APPROPRIATE STATE AGENCIES. "

Amendment No. 1 to House Bill No. 2181.

Amend House Bill No. 2181 as originally introduced:

Delete everything after the enacting clause and substitute:

“SECTION 1. Intent.

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

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

(c) In order to allow the General Assembly to conduct a thorough review of the Arkansas criminal justice process, information on actions taken by criminal justice agencies and the courts must be reported in a timely, uniform, and consistent manner.

SECTION 2. (a) Beginning July 31, 2003, and on July 31st of each year thereafter, the Arkansas Crime Information Center shall submit an annual report to the Arkansas Legislative Council and the Commission on Disparity in Sentencing showing the number of persons arrested for each criminal offense classification, comparing the state and each individual reporting agency.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the "Task Force to Study the Disparity in Sentencing for Persons Convicted of Non-violent Crimes" has found that it appears that some Arkansas citizens do not receive equitable sentences under the law; that it is necessary to compile statistical

sentencing information in order to determine if disparities exist; and that this act is immediately necessary to allow the compiling of the needed statistical information in the first quarter of 2003. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

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

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

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

The Amendment was read _____
By: Representative Goss
PBB/RCK - 031020031649
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Chief Clerk