

2 State of Arkansas
3 92nd General Assembly
4 Regular Session, 2019

A Bill

SENATE BILL 635

5
6 By: Senator Elliott

7 Filed with: Senate Committee on State Agencies and Governmental Affairs
8 pursuant to A.C.A. §10-3-217.

9 For An Act To Be Entitled

10 AN ACT TO PROVIDE FOR THIRD-PARTY ALTERNATIVE
11 TRANSITIONAL HOUSING FOR INMATES IN THE DEPARTMENT OF
12 CORRECTION WHO ARE ELIGIBLE FOR PAROLE BUT LACK A
13 RESIDENCE TO WHICH THE INMATE MAY BE RELEASED; AND
14 FOR OTHER PURPOSES.

15 16 17 Subtitle

18 TO PROVIDE FOR THIRD-PARTY ALTERNATIVE
19 TRANSITIONAL HOUSING FOR INMATES IN THE
20 DEPARTMENT OF CORRECTION WHO ARE ELIGIBLE
21 FOR PAROLE BUT LACK A RESIDENCE TO WHICH
22 THE INMATE MAY BE RELEASED.

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

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27 SECTION 1. DO NOT CODIFY. Legislative findings.

28 The General Assembly finds that:

29 (1) The Department of Correction currently has in custody
30 hundreds of men and women who have been granted parole by the Parole Board
31 but are still being held in our prison system due to no suitable place,
32 family, or friends to which the person may be paroled. Some persons have
33 been eligible for parole release for years but are still being held in the
34 Department of Correction. While these persons in the Department of
35 Correction continue to be a tax burden on the state with increased costs of
36 incarceration, they could actually be contributing to the tax base if

1 alternative transitional housing were available for them to parole to, and
2 they were able to contribute to the workforce;

3 (2) Currently, there is only early release transitional housing
4 available under § 16-93-211, which states that persons held in the Department
5 of Correction shall be eligible for early release to a transitional housing
6 facility, or an equivalent entity, licensed by the Department of Community
7 Correction up to one year prior to the offenders date of eligibility for
8 parole or transfer. A person's home or the residence of a person's family
9 shall not be considered a transitional housing facility under this provision
10 for the purposes of the program. A person released under this program must
11 reside at an approved transitional housing facility until they reach their
12 parole or transfer eligibility date;

13 (3) When a person is granted parole, and his or her parole plan
14 is to parole to his or her residence, to the residence of a family member, or
15 to the residence of a friend, the person's area parole officer will inspect
16 the residence, the residence of the family member, or the residence of the
17 friend and will deny the residence as unsuitable if drugs, the appearance of
18 drugs, unlawful activities, weapons, or hazards that would not be conducive
19 to the person's successful parole conditional release are present;

20 (4) Alternately, if the person's residence, the residence of a
21 family member, or the residence of a friend is part of an approved parole
22 plan, the person is oftentimes not introduced back into society with much
23 assistance in obtaining the necessary benefits to ease his or her transition
24 in a productive and meaningful way such as treatment, reentry programs,
25 assistance in obtaining a driver's license, assistance in obtaining a Social
26 Security card, mental health services, employment, training, structured
27 programming, education, clothing, and mentoring;

28 (5) This act provides the benefits of assistance with the
29 person's treatment, reentry programs, driver's licenses, Social Security
30 cards, mental health services, employment, training, structured programing,
31 education, clothing, curfew, and mentoring to these hundreds of persons who
32 have already been granted for parole but are still being held in by the
33 Department of Correction due to the lack of a suitable place or family or
34 friends to parole to; and

35 (6) The Department of Correction and the Department of Community
36 Correction cannot and have not assisted these eligible persons with locating

1 places to parole to, or helped them become productive citizens under the
2 current statutory and rule framework. Third-party alternative transitional
3 housing facilities would also ease overcrowding in our jails and prisons,
4 making it a huge benefit to tax payer dollars and save the state of Arkansas
5 millions of dollars annually.

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7 SECTION 2. Arkansas Code § 16-93-211 is amended to read as follows:

8 16-93-211. Early release to transitional housing facilities –
9 Definition.

10 (a)(1) As used in this section, “transitional housing” means a program
11 that provides housing for one (1) or more offenders who have been:

12 (A) Transferred or paroled from the Department of
13 Correction by the Parole Board;

14 (B) Placed on probation by a circuit court or district
15 court; ~~or~~

16 (C) Administratively transferred from the Department of
17 Correction to the Department of Community Correction for participation in a
18 reentry program; or

19 (D) Paroled from the Department of Correction but lack a
20 suitable place to parole to due to their parole plans being denied.

21 (2) An offender’s home or the residence of an offender’s family
22 member shall not be considered a transitional housing facility for purposes
23 of this section.

24 (b)(1) To assist an offender who will be eligible for parole or
25 transfer to successfully reintegrate into the community, the board is
26 authorized to place the offender into approved transitional housing up to one
27 (1) year prior to the offender’s date of eligibility for parole or transfer.

28 (2) Subject to conditions of release and consistent with rules
29 promulgated by the board, placement in a transitional housing facility ~~must~~
30 shall be preceded by:

31 (A) The provision of all applicable notices under § 16-93-
32 615; and

33 (B) A hearing conducted by the board.

34 (c) The decision to place an offender in transitional housing and the
35 establishment of conditions of release by the board ~~must~~ shall be based on a

1 reasoned, rational plan developed in conjunction with an accepted risk-needs
2 assessment tool such that each placement decision is based on:

3 (1) Established criteria; and

4 (2) A determination that there is a reasonable probability that
5 an offender can be placed in a transitional housing facility without
6 detriment to:

7 (A) The community; or

8 (B) The offender.

9 (d) Conditions of release imposed by the board ~~must~~ shall at a minimum
10 include a curfew requiring an offender placed in transitional housing to
11 present himself or herself at a scheduled time to be confined in the
12 transitional housing facility.

13 (e) An offender placed in transitional housing by the board will be
14 supervised by officers of the Department of Community Correction.

15 (f) An offender who without permission leaves the custody of the
16 transitional housing facility in which he or she is placed may be subject to
17 criminal prosecution for first degree escape, § 5-54-110, second degree
18 escape, § 5-54-111, and third degree escape, § 5-54-112.

19 (g) Revocation of placement in transitional housing ~~must~~ shall follow
20 the revocation proceedings established in § 16-93-705.

21 (h) A third-party alternative transitional housing facility shall be
22 considered and shall be used for a person eligible for parole but who does
23 not have an approved parole plan due to the lack of a residence or other
24 eligible housing to which the person may be released.

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26 SECTION 3. DO NOT CODIFY. Temporary legislation.

27 (a) The Board of Correction and the Parole Board shall consider third-
28 party alternative transitional housing facilities to house persons otherwise
29 eligible for parole but having no approved parole plan due to the lack of a
30 residence or other eligible housing to which the persons may be released
31 within ninety (90) days of the effective date of this act.

32 (b) When a third-party alternative transitional housing facility has
33 been approved by the Board of Correction, the Parole Board shall begin the
34 parole procedure for those persons who have been eligible for the longest
35 periods of time but who are still housed in the Department of Correction or
36 the Department of Community Correction, with the goal of releasing those

1 persons to the approved third-party alternative transitional housing
2 facility.

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5 Referred requested by the Arkansas Senate

6 Prepared by: BPG/VJF

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