

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A Bill

HOUSE BILL

4 **By: Representatives Shaver, Jones, and Blair**

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For An Act To Be Entitled

8 "AN ACT TO CREATE THE CORRECTIONS RESOURCES COMMISSION;

9 AND FOR OTHER PURPOSES."

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

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13 SECTION 1. (a) There is hereby created a commission to be known as the
14 Corrections Resources Commission.

15 (b) The commission shall consist of the following sixteen (16) members:

16 (1) the President Pro Tempore of the Arkansas Senate,

17 (2) the Speaker of the Arkansas House of Representatives,

18 (3) the Director of the Arkansas Department of Correction,

19 (4) the chairman of the Board of Correction,

20 (5) the Chief Justice of the Arkansas Supreme Court or his

21 appointed designee,

22 (6) the Arkansas Attorney General,

23 (7) the chairman of the State Board of Parole and Community

24 Rehabilitation,

25 (8) the Director of the Arkansas Adult Probation Commission,

26 (9) two (2) circuit judges appointed by the Chief Justice of the

27 Arkansas Supreme Court,

28 (10) one prosecuting attorney to be appointed by the Governor,

29 (11) one public defender to be appointed by the Governor,

30 (12) one county sheriff to be appointed by the Governor, and

31 (13) three (3) members of the general public to be appointed by

32 the Governor.

33 (c) All members appointed by the Governor and the Chief Justice shall

34 serve for a term of two (2) years.

35 (d) Members of the commission shall not be entitled to compensation for

1 their services but shall be eligible to receive reimbursement for mileage and
2 other expenses incurred in performance of their duties in accordance with the
3 rates and standards for reimbursement to State employees.

4 (e) The commission shall hold its initial meeting within forty-five (45)
5 days of the effective date of this act and shall hold monthly meetings
6 thereafter.

7 (f) The commission shall be chaired by an appointee of the Governor.

8 (g) The commission is established for a two (2) year period and shall
9 report to the Seventy-Ninth General Assembly concerning the feasibility of
10 maintaining and funding the commission beyond its initial period.

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12 SECTION 2. The Corrections Resources Commission shall have the
13 following three primary duties relating to the development of a more balanced
14 correctional system which operates within the limits of an established
15 institutional capacity, and emphasizes the appropriate function of community-
16 based punishment for certain low-risk offenders:

17 (1) The commission shall develop and adopt guidelines for use by a
18 sentencing court in determining the most appropriate sanction to be imposed
19 for all criminal offenses.

20 (A) The guidelines shall include a determination whether to impose
21 probation, intensive supervision, residential confinement, electronic
22 monitoring, incarceration, or other available option.

23 (B) Presumptive penalties shall be established based on the
24 severity of the crime in combination with key criminal history variables.

25 (C) The sentencing policy proposed will be consistent with the
26 planned institutional capacity of the State.

27 (D) In developing guidelines, the commission should be guided by
28 the following principles:

29 (i) The primary purpose of a criminal sanction is to punish
30 the offender and enhance the public's protection.

31 (ii) Punishment refers to a process through which the
32 offender makes restitution or pays back the victim or the community monetarily
33 or through work service or through incarceration.

34 (iii) The offender's liberty is controlled until restitution
35 occurs.

1 (iv) Determination of the sanctions should include
2 consideration of the seriousness of the offense, the criminal history of the
3 offender, and aggravating and mitigating circumstances.

4 (v) Guidelines are intended to coordinate and enhance,
5 rather than diminish, judicial discretion.

6 (vi) Efficient use of correctional resources requires a
7 balanced consideration of all available correction options at the point of
8 sentencing.

9 (vii) A sentencing policy should be consistent with the
10 limited availability of institutional capacity.

11 (2) The commission shall develop a Community Corrections Act, which will
12 establish a formal State and local partnership in corrections through which
13 the State will provide monetary incentives to local governments for the
14 operation of local corrections programs which assist in alleviating prison
15 crowding. The act will authorize the establishment of local boards to control
16 the operation of programs and statewide criteria to ensure maximum
17 participation and compliance.

18 (3) (A) The commission will revise existing laws which enable and define
19 the organization and authority of the Adult Probation Commission and its
20 relationship to other State correction units.

21 (B) The commission is authorized to hold public hearings and to
22 seek the assistance and services of any State or local criminal justice agency
23 and to conduct, under contract with an outside organization, a professional
24 independent review of Arkansas probation laws and policies.

25 (C) Based on the professional independent review, the commission
26 will establish a policy to redefine the structure, function, and
27 organizational position of Arkansas probation laws and policies in a manner
28 designed to ensure the maximization of community-based punishment and
29 corrections options.

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31 SECTION 3. The commission may employ such staff and consultants as
32 authorized by law and fix their compensation, duties, authority, and
33 responsibilities.

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35 SECTION 4. All provisions of this act of a general and permanent nature

1 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
2 Revision Commission shall incorporate the same in the Code.

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4 SECTION 5. If any provision of this act or the application thereof to
5 any person or circumstance is held invalid, such invalidity shall not affect
6 other provisions or applications of the act which can be given effect without
7 the invalid provision or application, and to this end the provisions of this
8 act are declared to be severable.

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10 SECTION 6. All laws and parts of laws in conflict with this act are
11 hereby repealed.

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