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1 **State of Arkansas**

2 **79th General Assembly**

3 **Regular Session, 1993**

4 **By: Representatives Gibson, Hendrix, Hogue, and Walker**

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7

## **For An Act To Be Entitled**

8 "AN ACT TO AMEND THE POWERS OF THE DEPARTMENT OF  
9 CORRECTION; TO CREATE THE DEPARTMENT OF COMMUNITY  
10 PUNISHMENT; TO MERGE THE BOARD OF CORRECTION AND THE ADULT  
11 PROBATION COMMISSION TO CREATE THE BOARD OF CORRECTION AND  
12 COMMUNITY PUNISHMENT; AND FOR OTHER PURPOSES."

13

14

### **Subtitle**

15 "TO AMEND THE POWERS OF THE DEPARTMENT OF CORRECTION AND  
16 CREATE THE DEPARTMENT OF COMMUNITY PUNISHMENT"

17

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

19

20 *SECTION 1. Arkansas Code Annotated 12-27-101 is amended to read as*  
21 *follows:*

22 *"12-27-101. Purposes and construction of the Department of Correction.*

23 *(a) (1) The purpose of this act is to establish a Department of*  
24 *Correction that shall assume the custody, control, and management of the state*  
25 *penitentiary; execute the orders of criminal courts of the State of Arkansas;*  
26 *and provide for the custody, treatment, rehabilitation, and restoration of*  
27 *adult offenders as useful law-abiding citizens within the community.*

28 *(2) The Department of Correction shall be under the supervision*  
29 *and control of the Board of Correction and Community Punishment, which shall*  
30 *succeed to all powers, functions, and duties formerly vested in the State*  
31 *Penitentiary Board and the former Board of Correction.*

32 *(3) To accomplish the objectives and purposes of this act in an*  
33 *effective, coordinated, and uniform manner, the Department of Correction shall*  
34 *be responsible for the maintenance, supervision, and administration of adult*  
35 *detention and correctional services of the state as determined by the Board of*

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1 Correction and Community Punishment .

2           (4) Institutions and services shall be diversified in program,  
3 construction, and staff to provide effectually and efficiently for the maximum  
4 custody, care, supervision, and treatment of those persons committed to the  
5 Department of Correction .

6           (b) This act shall be liberally construed so as to effectuate its  
7 purposes."

8

9           SECTION 2. Arkansas Code Annotated 12-27-103 is amended to read as  
10 follows:

11           "12-27-103. Creation - Powers and duties.

12           (a) There is established, under the supervision, control, and direction  
13 of the Board of Correction and Community Punishment, a Department of  
14 Correction.

15           (b) The department shall have the following functions, powers, and  
16 duties, administered in accordance with the policies, rules, and regulations  
17 promulgated by the Board of Correction and Community Punishment:

18           (1) The department shall have exclusive jurisdiction over the  
19 care, charge, custody, control management, administration, and supervision of  
20 all persons and offenders committed to, or in the custody of, the state  
21 penitentiary;

22           (2) The department shall assume management and control over all  
23 properties, both real and personal, facilities, books, records, equipment,  
24 supplies, materials, contracts, funds, monies, equities, and all other  
25 properties belonging to the state penitentiary, except those deemed by the  
26 board to be more appropriate for placement in the Department of Community  
27 Punishment. The department shall administer said properties in accordance  
28 with the provisions of this act and other laws applicable to the  
29 administration of the state correctional system;

30           (3) The department shall assume all obligations, contracts,  
31 indebtedness, liabilities, and other obligations of the state penitentiary  
32 system existing on March 1, 1968;

33           (4) The department shall have custody, management, and control  
34 over all institutions and facilities and the inmates therein now belonging to  
35 the state penitentiary or hereafter established by the Department of

1 Correction, for the custodial correction and rehabilitation of persons  
2 committed to the department for its care except for those institutions  
3 established by or transferred to the Department of Community Punishment.

4 Legal custody of inmates transferred to the Department of Community Punishment  
5 shall remain with the Department of Correction unless altered by court order;

6 (5) The department shall establish and operate classification  
7 committees, diagnosis and treatment programs, and such other programs as may  
8 be desirable to fulfill the purposes of this act;

9 (6) The department shall employ such officers, employees, agents,  
10 and shall secure offices and quarters as deemed necessary to discharge the  
11 functions of the department;

12 (7) The department shall receive all offenders committed to the  
13 department for conviction of felonies or other offenses, the punishment of  
14 which is commitment to the penitentiary under the laws of this state, and  
15 shall be responsible for the care, custody, and correction of such persons  
16 pursuant to policies established by the Board of Correction and Community  
17 Punishment;

18 (8) The department shall operate all farming, livestock,  
19 industries, and other income-producing facilities of the department and shall  
20 sell the products of its industries and farms in the manner provided by law;

21 (9) The department may establish and operate regional adult  
22 detention facilities, provided funds therefor have been authorized and  
23 appropriated by the General Assembly;

24 (10) The department shall cooperate with municipalities and  
25 counties in this state in providing consultive services when requested with  
26 respect to detention and correctional facilities operated by the  
27 municipalities or counties;

28 (11) The department shall cooperate with law enforcement agencies  
29 of this state, or of the United States; with institutions of this state for  
30 the detention, custody, and care of delinquent and dependent juveniles; and  
31 with all agencies and departments of this state offering services or programs  
32 of welfare, rehabilitation, and other services for the benefit of persons  
33 committed to the department;

34 (12) The department may accept gifts, grants, and funds from  
35 public and private sources with prior approval of the Board of Correction and

1 Community Punishment and administer the same in furtherance of the purposes of  
2 this act;

3           (13) The department shall have the authority to issue warrants  
4 for the retaking of any person who, committed to its custody, unlawfully  
5 escapes therefrom. The warrant shall authorize all law enforcement officials  
6 of this state to take custody and return the person named therein to the  
7 custody of the Department of Correction and authorizes all law enforcement  
8 officials of this state, any other state, and the federal government to take  
9 custody and detain the person in any suitable detention facility while  
10 awaiting further transfer to the Department of Correction;

11           (14) The department may cooperate with and contract with the  
12 federal government, with governmental agencies of Arkansas and other states,  
13 with political subdivisions of Arkansas and with private contractors to  
14 provide and improve correctional operations;

15           (15) The department shall cooperate with Department of Community  
16 Punishment, the Post Prison Transfer Board, the Arkansas Sentencing  
17 Commission, judicial districts, municipalities, and counties in this state in  
18 providing guidance and services required to ensure a full range of  
19 correctional options for the State as a whole;

20           (16) The department shall provide support to the Department of  
21 Community Punishment as determined by the Board;

22           (17) The department shall assist the Board of Correction and  
23 Community Punishment in the furtherance of its goals by staffing the specific  
24 charges articulated for it through legislation and by the Board of Correction  
25 and Community Punishment;

26           (18) The department shall establish programs of research,  
27 evaluation, statistics, audit, and planning, including studies and evaluation  
28 of the performance of various functions and activities of the department, and  
29 studies affecting the treatment of offenders and information about other  
30 programs."

31

32           SECTION 3. Arkansas Code Annotated 12-27-104 is amended to read as  
33 follows:

34           "12-27-104. Board of Correction and Community Punishment - Members -  
35 Records - Staff.

1           (a) The Board of Correction and the Arkansas Adult Probation Commission  
2 shall merge to become the Board of Correction and Community Punishment which  
3 shall be composed of seven (7) voting members:

4                   (1) Five (5) citizen members

5                   (2) Chairperson of the Post Prison Transfer Board

6                   (3) One member of a Criminal Justice faculty who is employed at  
7 any four-year university in Arkansas.

8           (b) Initial appointments to the merged board shall be from the existing  
9 Board of Correction, Board of Parole and Community Rehabilitation and Arkansas  
10 Adult Probation Commission, except in the case of the criminal justice faculty  
11 member who shall be chosen at large. The board shall elect a chairperson  
12 annually in accordance with rules and regulations developed by the board. The  
13 Governor shall appoint those members not determined by virtue of their office  
14 when vacancies occur after the initial merger. No more than two (2) members  
15 of the six (6) members of the board, not determined by virtue of their office,  
16 shall be from the same Congressional District. The membership of the board  
17 shall reflect as nearly as possible the ethnic diversity of the population of  
18 the State of Arkansas.

19           (c) All members of the merged board shall serve a term of seven (7)  
20 years, unless they resign or are removed. Vacancies occurring before the  
21 expiration of a term shall be filled in the manner provided for members first  
22 appointed. Members shall serve until their replacements are appointed.

23           (d) The initial terms of the six (6) members of the board, not  
24 determined by virtue of their office, are to be staggered with one member  
25 serving until December 31, 1995, one member serving until December 31, 1996,  
26 one member serving until December 31, 1997, one member serving until December  
27 31, 1998, one member serving until December 31, 1999, and one member serving  
28 until December 31, 2000.

29           (e) The Board shall be impaneled by July 1, 1993, and shall assume  
30 power on July 1, 1993.

31           (f) (1) Members of the Board of Correction and Community Punishment  
32 shall be entitled to sixty dollars (\$60.00) per day for each day they shall be  
33 engaged in attending official board meetings for Department of Correction and  
34 Department of Community Punishment business. In addition thereto, each member  
35 shall be entitled to receive reimbursement for actual and necessary expenses

1 and mileage shall be reimbursed at the same rate authorized by the state  
2 travel regulations for state employees for each mile traveled in going to  
3 official meetings and business of the Board or Departments from their place of  
4 residence or business and returning therefrom. The reimbursement for use of  
5 private airplanes shall be in accordance with state travel regulations.

6 (2) All expenses that may be reimbursed to members of the Board  
7 of Correction and Community Punishment as provided herein shall be payable  
8 from the maintenance funds appropriated for the Department of Correction and  
9 the Department of Community Punishment.

10 (g) The Governor shall appoint an advisory judicial group to facilitate  
11 coordination between the judicial system, the Department of Correction, and  
12 the Department of Community Punishment to promote the effective and efficient  
13 use of correctional resources in furtherance of sentencing policy adopted by  
14 the General Assembly.

15 (h) The board, in cooperation with the Governor, may establish  
16 additional advisory groups composed of professionals from the criminal justice  
17 system and citizens representing specific criminal justice interest groups to  
18 assist the board in its charge.

19 (i) The board shall hold its initial meeting within forty-five (45)  
20 days of the effective date of this act and shall meet no less than quarterly.

21 (j) The board shall submit to the Governor and General Assembly a  
22 biennial report six (6) months prior to the convening of the next regularly  
23 scheduled legislative session.

24 (k) The board shall keep regular minutes of all their meetings, visits,  
25 and proceedings and shall cause the minutes, together with all orders, rules,  
26 and regulations adopted by them, to be recorded in a book which shall be kept  
27 by the secretary of the board for that purpose. The record shall be signed by  
28 the members of the board present at the meeting or visit and shall at all  
29 times be open to the inspection of the Governor or any member of the General  
30 Assembly.

31 (l) The board shall employ necessary staff to assist with the range and  
32 diversity of its charge. In addition to board staff, the board may reassign  
33 staff from the departments it governs for either short or long term service to  
34 the board."

35

1           SECTION 4. Arkansas Code Annotated 12-27-105 is amended to read as  
2 follows:

3           "12-27-105. Board's powers and duties.

4           (a) The purpose of the board is to manage correctional resources in the  
5 state such that offenders are held accountable for their actions, victims  
6 needs are addressed in a positive manner, and the safety of society is  
7 enhanced.

8           (b) In furtherance of its purpose, the board shall have the following  
9 powers and duties:

10           (1) The Board of Correction and Community Punishment shall have  
11 general supervisory power and control over the Department of Correction and  
12 the Department of Community Punishment and shall perform all functions with  
13 respect to the management and control of the adult correctional institutions  
14 and community punishment options of this state contemplated by Arkansas  
15 Constitution, Amendment 33. No provision of this act shall abridge, diminish,  
16 or curtail, in any respect, the authority vested in the Board of Correction  
17 and Community Punishment, as the successor to the State Penitentiary Board and  
18 the Arkansas Adult Probation Commission to govern and supervise the  
19 administration of the state penal institutions and community punishment  
20 options.

21           (2) Coordinate resources for the corrections system, in  
22 conjunction with sentencing policy developed by the Arkansas Sentencing  
23 Commission, in a fashion that best serves the needs of the state, the entities  
24 encompassed and the individuals served by and affected by corrections.

25           (3) Review and approve budgets submitted by the Department of  
26 Correction and the Department of Community Punishment prior to submission for  
27 Executive and Legislative approval.

28           (4) Develop and approve policy and management decisions for the  
29 two departments, evaluating their impact on corrections as a whole.

30           (5) Assist in the development of impact statements and  
31 recommendations on all existing and proposed legislation with regard to its  
32 effect on corrections as a whole, in cooperation and coordination with the  
33 Arkansas Sentencing Commission.

34           (6) Coordinate the implementation and continued utilization of  
35 community punishment options in support of sentencing policies developed by

1 the Arkansas Sentencing Commission.

2           (7) Investigate, monitor and address the needs of the state for  
3 adequate housing, treating and employing of individuals involved in state  
4 funded correctional programs, facilities, and states of supervision.

5           (8) Establish programs of research, statistics, and planning,  
6 including studies and evaluation of the performance of the various functions  
7 and activities of the Board, in cooperation and coordination with the Arkansas  
8 Sentencing Commission.

9           (9) In performance of its duties, the Board of Correction and  
10 Community Punishment may appoint temporary or permanent advisory committees  
11 for such purposes as it may determine.

12           (10) (A) The Board of Correction and Community Punishment is  
13 authorized and empowered to investigate, consider, and determine the needs of  
14 the state for adequately housing, treating, and employing prisoners of the  
15 state and to provide adequate facilities for such housing, treatment, and  
16 employment.

17           (B) The board is authorized and empowered to obtain and  
18 approve plans and specifications for the necessary buildings and plants to  
19 meet such needs and to provide for the construction and equipment of such  
20 buildings and plants.

21           (11) The board, by and with the advice and approval of the  
22 Governor and at its discretion, may close the operation of any penal  
23 institution or prison farm if they deem such action necessary and more  
24 economical.

25           (12) Establish minimum standards for supervision, contact,  
26 programming, housing, and employee hiring within the parameters of those  
27 departments encompassed under its control.

28           (13) Establish a code of ethics for all employees, both  
29 institutional and community punishment.

30           (14) Require and review annual audits of appropriate programs and  
31 facilities associated with the board.

32           (15) Prescribe the duties of all personnel of both departments  
33 and the regulations governing transfer of employees within each department and  
34 between departments.

35           (16) The Board of Correction and Community Punishment is



1 authorized to review, approve and to make application to and accept grants,  
2 gifts and funds from any entity on behalf of any entity encompassed within the  
3 control of the board in carrying out and completing such projects as may be  
4 approved for the foregoing and hereinabove enumerated purposes and projects.

5           (17) The Board is authorized to establish fees to be levied by  
6 the Courts and paid by probationers during the probationary period. The Board  
7 may also establish fees found necessary for participation in any community  
8 punishment program or service. The payment of such sanctions and fees may be a  
9 condition of probation, parole, post prison transfer, or attached to admission  
10 and participation in a community punishment program. The monies collected  
11 shall be deposited in an earmarked account at the state level to be used  
12 solely for the continuation and expansion of community punishment in this  
13 State. Economic sanction officers are to be authorized by the Department of  
14 Community Punishment to perform these duties pursuant to policies and  
15 procedures adopted by the Board and in accord with any State statutory  
16 accounting requirements.

17           (18) Delegate duties to board staff and departmental staff as  
18 necessary and appropriate to fulfill its responsibilities to the State."

19

20           SECTION 5. Arkansas Code Annotated 12-27-107 is amended to read as  
21 follows:

22           "12-27-107. Director.

23           (a) The Director of the Department of Correction, who shall be the  
24 executive, administrative, budgetary, and fiscal officer of the department,  
25 shall be appointed by the Board of Correction and Community Punishment at a  
26 salary fixed by the board, which shall not exceed the maximum salary for the  
27 position established by law.

28           (b) The director shall be qualified for the position by character,  
29 ability, education, training, and successful administrative experience in  
30 correctional or related fields.

31           (c) The director shall serve at the pleasure of the Board of Correction  
32 and Community Punishment.

33           (d) Subject to the rules, regulations, policies, and procedures  
34 prescribed by the Board of Correction and Community Punishment, the director  
35 shall:

1           (1) Administer the department and supervise the administration of  
2 all institutions, facilities, and services under the department's  
3 jurisdiction;

4           (2) Employ such personnel as required in the administration of  
5 the provisions of this act, provided that the employment of personnel shall be  
6 in accordance with the applicable laws and personnel regulations of the state;

7           (3) Institute programs for the training and development of  
8 personnel within the department and have authority to suspend, discharge, or  
9 otherwise discipline personnel in accordance with policies prescribed by the  
10 board;

11           (4) Make an annual report to the Board of Correction and  
12 Community Punishment, which will be forwarded to the Governor and the General  
13 Assembly, on the work of the department, including statistics and other data,  
14 income derived by the department from agriculture, livestock, and other  
15 farming activities and from prison inmates' activities, a summary of  
16 expenditures of the department, and progress reports regarding internal issues  
17 such as inmate discipline, utilization of programming, facilities and bed  
18 space utilization, upkeep issues, and construction needs;

19           (5) Cooperate with the Department of Community Punishment, the  
20 Post Prison Transfer Board, the Arkansas Sentencing Commission, judicial  
21 districts, counties, and municipalities to provide the guidance and services  
22 required to ensure a full range of correctional options for the State as a  
23 whole."

24

25           SECTION 6. Arkansas Code Annotated 12-27-113 is amended to read as  
26 follows:

27           "12-27-113. Commitments to the Department of Correction - Records.

28           (a) All commitments to the Department of Correction shall be to the  
29 department and not to a particular institution. Commitments may provide for  
30 judicial transfer to the Department of Community Punishment.

31           (b) (1) The Director of the Department of Correction shall, in  
32 accordance with the rules, procedures, and regulations promulgated by the  
33 Board of Correction, and Community Punishment, transfer an inmate to the  
34 Department of Community Punishment, pursuant to a judicial transfer or assign  
35 a newly committed inmate to an appropriate facility of the Department of

1 Correction.

2           (2) He may transfer an inmate from one (1) facility to another  
3 consistent with the commitment and in accordance with treatment, training, and  
4 security needs.

5           (3) Inmates may be transferred between the Department of  
6 Correction and the Department of Community Punishment, within the constraints  
7 of law applicable to judicial transfer, subject to the policies, rules, and  
8 regulations established by the Board of Correction and Community Punishment  
9 and conditions set by the Post Prison Transfer Board. The Department of  
10 Correction shall retain legal custody of all inmates transferred to community  
11 punishment unless altered by court order.

12           (c) (1) When a prisoner is committed to the Department of Correction,  
13 his commitment papers must include a report on the circumstances attending the  
14 offense, particularly such circumstances as tend to aggravate or extenuate the  
15 offense, which report shall be kept in the permanent file of such prisoner.

16           (2) The report shall be prepared by the prosecutor or deputy  
17 prosecutor who represented the state in the proceeding against such prisoner.  
18 The report shall be approved by the sentencing judge.

19           (d) (1) It shall be the duty of the department to transport all inmates  
20 committed to the department to their respective institutions.

21           (2) It shall be the duty of every sheriff within the State of  
22 Arkansas to notify the director of the number of persons in his charge who are  
23 under commitment to the department, and it shall be the duty of the director  
24 to send for, take charge of, and safely transport, free of charge, the  
25 convicted persons to the assigned institution of the department as determined  
26 by the director.

27           (3) However, if the sheriff of any county, in his discretion,  
28 determines it would be to the best interest of the prisoner and the public to  
29 immediately transport the convicted person to the department, the sheriff may  
30 transport the person, and he shall be entitled therefor to the fees provided  
31 by law.

32           (e) The director shall make and preserve a full and complete record of  
33 each and every person committed to the department, along with a photograph of  
34 the person and data pertaining to his trial conviction and past history.

35           (1) To protect the integrity of those records and to insure their

1 proper use, it shall be unlawful to permit inspection of or disclose  
2 information contained in those records or to copy or issue a copy of all or  
3 part of any record to any person so committed except as authorized by  
4 administrative regulation or by order of a court of competent jurisdiction.  
5 The regulations shall provide for adequate standards of security and  
6 confidentiality of records.

7           (2) For those inmates committed to the Department of Correction  
8 and judicially transferred to the Department of Community Punishment, the  
9 preparation of this record may be delegated to the Department of Community  
10 Punishment pursuant to policies applicable to records transmission adopted by  
11 the Board of Correction and Community Punishment.

12           (3) Administrative regulations may authorize the disclosure of  
13 information contained in such records for research purposes."  
14

15           SECTION 7. Chapter 27 of Title 12 of Arkansas Code Annotated is amended  
16 by adding three new sections to read as follows:

17           "12-27-124. Purposes and construction of the Department of Community  
18 Punishment.

19           (a) (1) The purpose of this act is to establish a Department of  
20 Community Punishment that shall assume the management of all community  
21 punishment facilities and services; execute the orders of the criminal courts  
22 of the State of Arkansas; and provide for the supervision, treatment,  
23 rehabilitation, and restoration of adult offenders as useful law-abiding  
24 citizens within the community.

25           (2) The Department of Community Punishment shall be under the  
26 supervision and control of the Board of Correction and Community Punishment,  
27 which shall succeed to all powers, functions, and duties formerly vested in  
28 the State Penitentiary Board and the Arkansas Adult Probation Commission. The  
29 Department of Community Punishment shall be created effective July 1, 1993,  
30 the same date that the Board of Correction and Community Punishment assumes  
31 its new duties and responsibilities.

32           (3) To accomplish the objectives and purposes of this act in an  
33 effective, coordinated, and uniform manner, the Department of Community  
34 Punishment shall be responsible for the administration of all community  
35 punishment facilities, services and means of supervision, including probation

1 and parole or any type of post prison release or transfer.

2           (4) Facilities and services shall be diversified in program,  
3 construction, and staff to provide effectually and efficiently for the maximum  
4 care, supervision, and treatment of those persons accessing the Department of  
5 Community Punishment.

6           (b) This act shall be liberally construed so as to effectuate its  
7 purposes.

8           12-27-125. Creation - Powers and duties.

9           (a) There is established, under the supervision, control, and direction  
10 of the Board of Correction and Community Punishment, a Department of Community  
11 Punishment.

12           (b) The department shall have the following functions, powers, and  
13 duties, administered in accordance with the policies, rules, and regulations  
14 promulgated by the Board of Correction and Community Punishment:

15           (1) The department shall assume management and control over all  
16 properties, both real and personal, facilities, books, records, equipment,  
17 supplies, materials, contracts, funds, moneys, equities, and all other  
18 properties belonging to the Arkansas Adult Probation Commission and all such  
19 properties deemed appropriate for transfer from the Department of Correction  
20 by the Board of Correction and Community Punishment;

21           (2) The department shall have management and control over all  
22 community punishment services existing on July 1, 1993 and created thereafter.  
23 The department shall have management and control over all community  
24 punishment facilities within the purview of the Board of Correction and  
25 Community Punishment existing on or created after July 1, 1993;

26           (3) The department shall employ such officers, employees, agents  
27 and shall secure offices and quarters as deemed necessary to discharge the  
28 functions of the department and which are appropriately funded;

29           (4) The department may establish and operate regional community  
30 punishment facilities, provided funds therefor have been authorized and  
31 appropriated by the General Assembly;

32           (5) The department has the authority to exercise all legally  
33 sanctioned supervision and appropriate care over all offenders referred with  
34 proper documentation from the circuit courts and all offenders transferred  
35 with proper documentation from the Department of Correction pursuant to

1 policies established by the Board of Correction and Community Punishment and  
2 conditions set by the Post Prison Transfer Board. Legal custody remains with  
3 the referring court or the Department of Correction.

4 (6) The department shall administer the provision of probation  
5 services for offenders processed through circuit courts.

6 (7) The department shall administer the provision of parole  
7 services in coordination with the Post Prison Transfer Board and in  
8 cooperation with the Department of Correction.

9 (8) The department shall provide support services to the Post  
10 Prison Transfer Board or its designated representatives as determined by that  
11 Board.

12 (9) The department shall assist the Board of Correction and  
13 Community Punishment in the furtherance of its goals by staffing the specific  
14 charges articulated for it through legislation and by the Board of Correction  
15 and Community Punishment.

16 (10) The department shall conduct state wide public education and  
17 training to foster the provision of correctional supervision and service in  
18 community settings.

19 (11) The department shall provide technical assistance when  
20 necessary to all entities, programs, divisions, and agencies receiving  
21 assistance or clients through the department.

22 (12) The department shall facilitate the development of a  
23 comprehensive community punishment plan through the provision of funding,  
24 criteria review, and ongoing evaluation to ensure the maintenance of quality  
25 in supervision and programming.

26 (13) The department may accept gifts, grants, and funds from both  
27 public and private sources with prior approval of the Board of Correction and  
28 Community Punishment.

29 (14) The department shall establish minimum standards for case  
30 loads, programs, facilities, and equipment and other aspects of the operation  
31 of community punishment programs and facilities necessary for the provision of  
32 adequate and effective supervision and service.

33 (15) The department shall establish minimum standards for the  
34 employment of community punishment employees.

35 (16) The department shall establish programs of research,

1 evaluation, statistics, audit, and planning, including studies and evaluation  
2 of the performance of various functions and activities of the department, and  
3 studies affecting the treatment of offenders and information about other  
4 programs.

5           (17) The department is authorized to receive and disburse monies  
6 ordered to be paid by offenders pursuant to statutory economic sanctions. The  
7 department is authorized to receive fees to be levied by the courts or  
8 authorized by the Board for participation in specified programs and to be paid  
9 by offenders on community punishment. The payment of such sanctions and fees  
10 may be a condition of probation, parole, post prison transfer, or attached to  
11 admission and participation in a community punishment program. The monies  
12 collected shall be deposited in an earmarked account at the state level to be  
13 used solely for the continuation and expansion of community punishment in this  
14 State. Economic sanction officers are to be authorized by the department to  
15 perform these duties pursuant to policies and procedures adopted by the Board  
16 and in accord with any State statutory accounting requirements.

17           (18) The department may cooperate and contract with the federal  
18 government, with governmental agencies of Arkansas and other states, with  
19 political subdivisions of Arkansas and with private contractors to provide and  
20 improve community punishment options.

21           (19) The department may inspect and evaluate any community  
22 punishment site and conduct audits of financial and service records at any  
23 reasonable time to determine compliance with the board's rules, regulations,  
24 and standards.

25           12-27-126. Director.

26           (a) The Director of the Department of Community Punishment shall be  
27 appointed by the board at a salary fixed by the board, which shall not exceed  
28 the maximum salary for the position established by law.

29           (b) The director shall be qualified for the position by character,  
30 ability, education, training, and successful administrative experience in  
31 correctional, community punishment, or related fields.

32           (c) The director shall serve at the pleasure of the board.

33           (d) Subject to the rules, regulations, policies, and procedures  
34 prescribed by the board, the director shall:

35           (1) Administer the department and supervise the administration of

1 all facilities, programs, and services under the department's jurisdiction;

2           (2) Employ such personnel as required in the administration of  
3 the provisions of this act, provided that the employment of personnel shall be  
4 in accordance with the applicable laws and personnel regulations of the State;

5           (3) Institute programs for the training and development of  
6 personnel within the department and have authority to suspend, discharge, or  
7 otherwise discipline personnel in accordance with policies prescribed by the  
8 board;

9           (4) Make an annual report to the board, which will be forwarded  
10 to the Governor and General Assembly, on the work of the department, including  
11 statistics and other data, income derived from fee collection, a summary of  
12 expenditures of the department, and progress reports regarding internal issues  
13 such as offender success, programming development, bed space utilization, and  
14 future needs;

15           (5) Cooperate with the Department of Correction, the Post Prison  
16 Transfer Board, the Arkansas Sentencing Commission, judicial districts,  
17 counties, and municipalities to provide the guidance and services required to  
18 ensure a full range of correctional and community punishment options for the  
19 State as a whole."

20

21           SECTION 8. Judicial Transfer to the Department of Community Punishment.

22           (a) All commitments must specify that the inmate is to be judicially  
23 transferred to the Department of Community Punishment pursuant to Section  
24 (b)(3) of the Community Punishment Act or the commitment will be treated as a  
25 commitment to the Department of Correction and subject to regular transfer  
26 eligibility.

27           (b)(1) The Director of the Department of Community Punishment shall, in  
28 accordance with rules, procedures, and regulations promulgated by the Board of  
29 Correction and Community Punishment, and the orders of the committing court,  
30 assign a newly transferred inmate to an appropriate facility, placement,  
31 program, or status within the Department.

32           (2) The director may transfer an inmate from one (1) facility,  
33 placement, program, or status to another consistent with the commitment,  
34 applicable law, and in accordance with treatment, training, and security  
35 needs.



1           (3) Inmates may be administratively transferred between the  
2 Department of Community Punishment and the Department of Correction by the  
3 Post Prison Transfer Board following a revocation proceeding in which the  
4 inmate has been found guilty of a violation(s) of placement, transfer, or  
5 parole conditions. Time served in a community punishment facility or under  
6 supervision by the Department of Community Punishment shall be credited  
7 against the sentence contained in the commitment to the Department of  
8 Correction.

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10           SECTION 9. Arkansas Code Annotated 12-48-101, 12-48-102, 12-48-103, 12-  
11 48-104, 12-48-105, 12-48-106, 16-93-402(c), 16-93-402(d), 25-17-206 and 16-93-  
12 403 are repealed.

13

14           SECTION 10. All provisions of this act of a general and permanent  
15 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
16 Code Revision Commission shall incorporate the same in the Code.

17

18           SECTION 11. If any provision of this act or the application thereof to  
19 any person or circumstance is held invalid, such invalidity shall not affect  
20 other provisions or applications of the act which can be given effect without  
21 the invalid provision or application, and to this end the provisions of this  
22 act are declared to be severable.

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24           SECTION 12. All laws and parts of laws in conflict with this act are  
25 hereby repealed.

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/s/B. Gibson, et al

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