

1 **State of Arkansas**

2 **79th General Assembly**

3 **Regular Session, 1993**

4 **By: Representatives Hogue and Hendrix**

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

8 "AN ACT TO REVISE GOOD TIME LAWS; AND FOR OTHER PURPOSES."

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### **Subtitle**

11 "TO REVISE GOOD TIME LAWS.

12

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

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15 *SECTION 1. Meritorious Allowance.*

16 (a) *An inmate may be entitled to "Meritorious good time" reducing his*  
17 *transfer eligibility date up to thirty (30) days for each month incarcerated*  
18 *after imposition of sentence in one (1) of the units facilities and centers*  
19 *maintained by the Department of Correction or the Department of Community*  
20 *Punishment.*

21 (b) *Meritorious good time shall be allocated under rules and*  
22 *regulations promulgated by the Board of Correction and Community Punishment*  
23 *and administered by the respective department staff subject to the provisions*  
24 *of this act for good discipline, behavior, work practices, job*  
25 *responsibilities, and involvement in rehabilitative activities while in the*  
26 *custody of the Department of Correction or the Department of Community*  
27 *Punishment.*

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29 *SECTION 2. Application of meritorious Good Time.*

30 (a) *Meritorious good time will not be applied to reduce the length of a*  
31 *sentence.*

32 (b) *Meritorious good time shall apply to an inmate's transfer*  
33 *eligibility date from the Department of Correction or a community punishment*  
34 *facility. Meritorious good time shall under no circumstances reduce an*  
35 *inmate's time served in prison by more than one-half (1/2) of the percentage*

1 required by law for transfer eligibility. Meritorious good time shall under  
2 no circumstances reduce an inmate's confinement in a community punishment  
3 facility by more than one-half (1/2).

4 (c) The Department of Correction or the Department of Community  
5 Punishment shall determine a date at which the inmate who has acquired the  
6 maximum amount of meritorious good time necessary is to be administratively  
7 transferred to a less restrictive placement or supervision level within the  
8 Department of Community Punishment. Such date will be determined in  
9 accordance with the policies developed by the Arkansas Sentencing Commission  
10 within the parameters allowed by law.

11 (d) Inmates under sentence of death or life imprisonment without parole  
12 shall not be eligible for meritorious good time under this act, but may be  
13 pardoned or have their sentence commuted by the Governor, as provided by law.  
14 Inmates sentenced to life imprisonment shall not receive meritorious good  
15 time calculated on their sentence, unless the sentence is commuted to a term  
16 of years by executive clemency. Upon commutation, the inmate shall be  
17 eligible to receive meritorious good time at the rate established by this act.

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19 SECTION 3. Classification Committee - Classifications -

20 (a) There is established a classification committee to be defined by  
21 administrative regulations approved by the Board of Correction and Community  
22 Punishment.

23 (b) Members of the committee will be selected by wardens or supervisors  
24 of the various units, facilities or centers of the departments per Board  
25 regulation governing their selection.

26 (c) This committee shall meet as often as necessary to classify the  
27 inmates into sufficient classes according to good behavior, good discipline,  
28 medical condition, job responsibilities, and involvement in rehabilitative  
29 activities.

30 (d) (1) Inmates who maintain class through good behavior, good  
31 discipline, work practices, job responsibilities and involvement in  
32 rehabilitative activities, may earn thirty (30) days reduction toward their  
33 transfer eligibility date for each month incarcerated after the imposition of  
34 sentence.

35 (2) Inmates who are reduced to the lowest class, established

1 through Board policy, as a result of disciplinary action shall not be entitled  
2 to earn meritorious good time.

3           (3) Inmates serving a punitive disciplinary sentence in punitive  
4 segregation shall not be entitled to earn meritorious good time.

5           (e) Meritorious good time will be allotted to each inmate on a monthly  
6 basis such that the inmate receives one (1) day for every day served, not to  
7 exceed thirty (30) days per month.

8           (f) Inmates may be reclassified as often as the committee deems  
9 necessary and/or in accordance with current Board regulations to carry out the  
10 purpose of this act and to maintain good discipline, order, and efficiency at  
11 the units, facilities or centers.

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13           SECTION 4. Forfeiture - Restoration.

14           The Director of either the Department of Correction or the Department of  
15 Community Punishment, respectively may restore lost good time according to  
16 rules promulgated by the Board.

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18           SECTION 5. Good Time Earned Pending Transfer to Department of  
19 Correction.

20           (a) Any person who is sentenced by a circuit court to the Department of  
21 Correction or the Department of Community Punishment and is awaiting transfer  
22 to the Department may earn meritorious good time in accordance with law and  
23 regulations as adopted by the Board of Correction and Community Punishment.  
24 Meritorious good time will only be given for being housed in a jail or similar  
25 secure facility while awaiting transfer on the conviction resulting in  
26 sentence from that county. Meritorious good time will be calculated upon  
27 reception within the respective department.

28           (b) Meritorious good time will be awarded unless the Sheriff of Record  
29 submits written objections to such award based on the prisoner's behavior,  
30 discipline, and conduct or performance of such duties and responsibilities as  
31 assigned by such sheriff or his designated representatives.

32           (c) This meritorious good time award is subject to all rules and  
33 regulations regarding meritorious good time including, but not limited to,  
34 those regulations for forfeiture of meritorious good time as adopted by the  
35 Board of Correction and Community Punishment.

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SECTION 6. Arkansas Code Annotated §§ 12-29-201, 12-29-202, and 12-29-205 are repealed.

SECTION 7. The effective date of this act shall be January 1, 1994.

SECTION 8. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 9. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

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

/s/Rep. Hogue, et al

***As Engrossed: 2/17/93 3/10/93***

**HB 1472**

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