

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Hendrix**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO REVISE PORTIONS OF ARKANSAS CODE 12-29-401 AND
9 12-29-405 TO ALLOW MEDICAL CARE OF MENTAL HEALTH INMATES
10 WITHIN THE DEPARTMENT OF CORRECTION TO BE ACCOMPLISHED
11 WITHIN A FACILITY OF THE DEPARTMENT OF CORRECTION; AND FOR
12 OTHER PURPOSES."

Subtitle

14 "RELATING TO MEDICAL CARE OF MENTAL HEALTH INMATES WITHIN
15 THE DEPARTMENT OF CORRECTION."
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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20 SECTION 1. Arkansas Code 12-29-401 is amended to read as follows:

21 "12-29-401. Medical care.

22 (a) The Department of Correction shall establish and shall prescribe
23 standards for health, medical, mental health, and dental services for each
24 institution, including preventive, diagnostic, and therapeutic measures on
25 both an out-patient and in-patient basis for all types of patients.

26 (b) An inmate may be taken, when necessary, to a medical facility
27 outside the institution, but the director shall provide ample safeguards for
28 the custody of the inmate while confined in a medical facility outside the
29 institution."
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31 SECTION 2. Arkansas Code 12-29-405(a) is amended to read as follows:

32 "(a) The Department of Correction is authorized to develop in-house due
33 process procedures as approved by the Board of Correction in accordance with
34 United States Supreme Court guidelines for the voluntary or involuntary
35 treatment of mentally ill inmates at the Department of Correction, Division of

1 Mental Health Services, facilities and programs."

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3 SECTION 3. Arkansas Code 12-29-405(b) is amended to read as follows:

4 "(b)(1) While the inmate is in treatment, the inmate's sentence shall
5 continue to run.

6 (2) If an inmate's sentence expires while in treatment, the Department
7 of Correction shall release the inmate or pursue involuntary admission under
8 the appropriate procedures prescribed by existing laws governing the
9 involuntary treatment of the mentally ill."

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11 SECTION 4. All provisions of this act of a general and permanent nature
12 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
13 Revision Commission shall incorporate the same in the Code.

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

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

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