

1 **State of Arkansas**

2 **79th General Assembly**

3 **Regular Session, 1993**

A Bill

SENATE BILL 362

4 **By: Senators Bookout, Canada, Miles, Walters, Cassady, Gordon, Fitch, Bell, Ross, Edwards,**
5 **Everett, and Gwatney**

6

7

8

For An Act To Be Entitled

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

14

15

Subtitle

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

18

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

20

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

23 "12-27-101. Purposes and construction *of the Department of Correction.*

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

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

33 (3) To accomplish the objectives and purposes of this act in an
34 effective, coordinated, and uniform manner, the Department of Correction shall
35 be responsible for the maintenance, supervision, and administration of adult

1 detention and correctional services of the state as determined by the Board of
2 Correction and Community Punishment .

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

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

9

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

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

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

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

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

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

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

34 (4) The department shall have custody, management, and control
35 over all institutions and facilities and the inmates therein now belonging to

1 the state penitentiary or hereafter established by the Department of
2 Correction, for the custodial correction and rehabilitation of persons
3 committed to the department for its care except for those institutions
4 established by or transferred to the Department of Community Punishment.
5 Legal custody of inmates transferred to the Department of Community Punishment
6 shall remain with the Department of Correction unless altered by court order;

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

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

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

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

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

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

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

35 (12) The department may accept gifts, grants, and funds from

1 public and private sources with prior approval of the Board of Correction and
2 Community Punishment and administer the same in furtherance of the purposes of
3 this act;

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

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

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

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

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

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

32

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

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

1 Records - Staff.

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

5 (1) Five (5) citizen members

6 (2) Chairperson of the Post Prison Transfer Board

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

9 (b) Initial appointments to the merged board shall be from the existing
10 Board of Correction, Board of Parole and Community Rehabilitation and Arkansas
11 Adult Probation Commission, except in the case of the criminal justice faculty
12 member who shall be chosen at large. The board shall elect a chairperson
13 annually in accordance with rules and regulations developed by the board. The
14 Governor shall appoint those members not determined by virtue of their office
15 when vacancies occur after the initial merger.

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

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

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

28 (f) (1) *Members of the Board of Correction and Community Punishment*
29 *shall be entitled to sixty dollars (\$60.00) per day for each day they shall be*
30 *engaged in attending official board meetings for Department of Correction and*
31 *Department of Community Punishment business. In addition thereto, each member*
32 *shall be entitled to receive reimbursement for actual and necessary expenses*
33 *and mileage shall be reimbursed at the same rate authorized by the state*
34 *travel regulations for state employees for each mile traveled in going to*
35 *official meetings and business of the Board or Departments from their place of*

1 residence or business and returning therefrom. The reimbursement for use of
2 private airplanes shall be in accordance with state travel regulations.

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

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

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

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

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

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

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

32

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

35 "12-27-105. Board's powers and duties.

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

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

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

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

22 (3) Review and approve budgets submitted by the Department of
23 Correction and the Department of Community Punishment prior to submission for
24 Executive and Legislative approval.

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

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

31 (6) Coordinate the implementation and continued utilization of
32 community punishment options in support of sentencing policies developed by
33 the Arkansas Sentencing Commission.

34 (7) Investigate, monitor and address the needs of the state for
35 adequate housing, treating and employing of individuals involved in state

1 funded correctional programs, facilities, and states of supervision.

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

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

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

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

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

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

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

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

29 (15) Prescribe the duties of all personnel of both departments and
30 the regulations governing transfer of employees within each department and
31 between departments.

32 (16) The Board of Correction and Community Punishment is
33 authorized to review, approve and to make application to and accept grants,
34 gifts and funds from any entity on behalf of any entity encompassed within the
35 control of the board in carrying out and completing such projects as may be

1 approved for the foregoing and hereinabove enumerated purposes and projects.

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

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

16

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

19 "12-27-107. Director.

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

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

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

30 (d) Subject to the rules, regulations, policies, and procedures
31 prescribed by the Board of Correction and Community Punishment, the director
32 shall:

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

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

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

8
9 (4) Make an annual report to the Board of Correction and Community
10 Punishment, which will be forwarded to the Governor and the General Assembly,
11 on the work of the department, including statistics and other data, income
12 derived by the department from agriculture, livestock, and other farming
13 activities and from prison inmates' activities, a summary of expenditures of
14 the department, and progress reports regarding internal issues such as inmate
15 discipline, utilization of programming, facilities and bed space utilization,
16 upkeep issues, and construction needs;

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

22
23 SECTION 6. Arkansas Code Annotated 12-27-113 is amended to read as
24 follows:

25 "12-27-113. Commitments to the *Department of Correction- Records.*

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

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

35 (2) He may transfer an inmate from one (1) facility to another

1 consistent with the commitment and in accordance with treatment, training, and
2 security needs.

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

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

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

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

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

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

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

33 (1) To protect the integrity of those records and to insure their
34 proper use, it shall be unlawful to permit inspection of or disclose
35 information contained in those records or to copy or issue a copy of all or

1 part of any record to any person so committed except as authorized by
2 administrative regulation or by order of a court of competent jurisdiction.
3 The regulations shall provide for adequate standards of security and
4 confidentiality of records.

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

10 (3) *Administrative regulations may authorize the disclosure of*
11 *information contained in such records for research purposes."*

12

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

15 "12-27-124. *Purposes and construction of the Department of Community*
16 *Punishment.*

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

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

30 (3) To accomplish the objectives and purposes of this act in an
31 effective, coordinated, and uniform manner, the Department of Community
32 Punishment shall be responsible for the administration of all community
33 punishment facilities, services and means of supervision, including probation
34 and parole or any type of post prison release or transfer.

35 (4) Facilities and services shall be diversified in program,

1 construction, and staff to provide effectually and efficiently for the maximum
2 care, supervision, and treatment of those persons accessing the Department of
3 Community Punishment.

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

6 12-27-125. Creation - Powers and duties.

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

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

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

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

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

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

30 (5) The department has the authority to exercise all legally
31 sanctioned supervision and appropriate care over all offenders referred with
32 proper documentation from the circuit courts and all offenders transferred
33 with proper documentation from the Department of Correction pursuant to
34 policies established by the Board of Correction and Community Punishment and
35 conditions set by the Post Prison Transfer Board. Legal custody remains with

1 the referring court or the Department of Correction.

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

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

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

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

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

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

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

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

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

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

33 (16) The department shall establish programs of research,
34 evaluation, statistics, audit, and planning, including studies and evaluation
35 of the performance of various functions and activities of the department, and

1 studies affecting the treatment of offenders and information about other
2 programs.

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

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

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

23 12-27-126. Director.

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

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

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

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

33 (1) Administer the department and supervise the administration of
34 all facilities, programs, and services under the department's jurisdiction;

35 (2) Employ such personnel as required in the administration of the

1 provisions of this act, provided that the employment of personnel shall be in
2 accordance with the applicable laws and personnel regulations of the State;

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

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

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

18 *SECTION 8. Judicial Transfer to the Department of Community Punishment.*

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

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

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

33 (3) Inmates may be administratively transferred between the
34 Department of Community Punishment and the Department of Correction by the
35 Post Prison Transfer Board following a revocation proceeding in which the

1 inmate has been found guilty of a violation(s) of placement, transfer, or
2 parole conditions. Time served in a community punishment facility or under
3 supervision by the Department of Community Punishment shall be credited
4 against the sentence contained in the commitment to the Department of
5 Correction.

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7 SECTION 9. Arkansas Code Annotated 12-48-101, 12-48-102, 12-48-103, 12-
8 48-104, 12-48-105, 12-48-106, 16-93-402(c), 16-93-402(d), 25-17-206 and 16-93-
9 403 are repealed.

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

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15 SECTION 11. 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 12. All laws and parts of laws in conflict with this act are
22 hereby repealed.

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/s/ Senator Bookout

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