

1 **State of Arkansas**

2 **79th General Assembly**

3 **Regular Session, 1993**

4 **By: Senators Lewellen, Bookout, Fitch, Everett, and Keet**

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For An Act To Be Entitled

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

9

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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:

14

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 regulations
22 promulgated by the Board of Correction and Community Punishment and
23 administered by the *respective* department staff subject to the provisions of
24 this act for good discipline, behavior, work practices, job responsibilities,
25 and involvement in rehabilitative activities while in the custody of the
26 Department of Correction or the *Department of Community Punishment*.

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

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

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

1 *no circumstances reduce an inmate's confinement in a community punishment*
2 *facility by more than one-half (1/2).*

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

10 (d) Inmates under sentence of death or life imprisonment without parole
11 shall not be eligible for *meritorious* good time under this act, but may be
12 pardoned or have their sentence commuted by the Governor, as provided by law.
13 Inmates sentenced to life imprisonment shall not receive *meritorious* good
14 time calculated on their sentence, unless the sentence is commuted to a term
15 of years by executive clemency. Upon commutation, the inmate shall be
16 eligible to receive *meritorious* good time at the rate established by this act.
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18 SECTION 3. Classification Committee - Classifications -

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

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

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

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

34 (2) Inmates who are reduced to the lowest class, established
35 through Board policy, as a result of disciplinary action shall not be entitled

1 to earn meritorious good time.

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

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

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

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12 SECTION 4. Forfeiture - Restoration.

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

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

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

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

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

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1 SECTION 6. Arkansas Code Annotated §§ 12-29-201, 12-29-202, and
2 12-29-205 are repealed.

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

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

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

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

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s/ Senator Lewellen et al.

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