

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

A Bill

HOUSE BILL 2181

5 By: Representatives Goss, Elliott, Lamoureux, Ledbetter
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For An Act To Be Entitled

9 AN ACT TO REQUIRE THE SUBMISSION OF REPORTS ON
10 THE CRIMINAL JUSTICE PROCESS BY APPROPRIATE STATE
11 AGENCIES; AND FOR OTHER PURPOSES.
12

Subtitle

14 AN ACT TO REQUIRE THE SUBMISSION OF
15 REPORTS ON THE CRIMINAL JUSTICE PROCESS
16 BY APPROPRIATE STATE AGENCIES.
17
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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SECTION 1. Intent.

22 (a) Ethnic minorities are over represented in the population of
23 persons who are involved in the criminal justice system, charged as
24 defendants, convicted, and incarcerated throughout the United States criminal
25 justice systems.

26 (b) It is the responsibility of criminal justice agencies and the
27 courts in the State of Arkansas to ensure that all actions taken are based
28 upon reasons other than the ethnicity of the defendant.

29 (c) In order to allow the General Assembly to conduct a thorough
30 review of the Arkansas criminal justice process, information on actions taken
31 by criminal justice agencies and the courts must be reported in a timely,
32 uniform, and consistent manner.
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34 SECTION 2. (a) Beginning July 1, 2003 and on July 1st of each year
35 thereafter, the Arkansas Crime Information Center shall submit an annual
36 report to the Arkansas Legislative Council and the Commission on Disparity in



1 Sentencing showing the number of persons arrested for each criminal offense
 2 classification, comparing the state and each individual reporting agency.

3 (b) The report shall include a breakdown by ethnicity of all persons
 4 arrested in each criminal offense classification.

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 6 SECTION 3. (a) Beginning July 1, 2003 and on July 1st of each year
 7 thereafter, the Administrative Office of the Courts shall submit an annual
 8 report to the Arkansas Legislative Council and the Commission on Disparity in
 9 Sentencing showing the number of persons charged in circuit court for each
 10 criminal offense classification, comparing the state and each judicial
 11 district.

12 (b) The report shall include a breakdown by ethnicity of all persons
 13 charged in each criminal offense classification.

14 (c) The report shall include the same data for those cases in which a
 15 final disposition has been entered by the court.

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 17 SECTION 4. (a) Beginning July 1, 2003 and on July 1st of each year
 18 thereafter, the Department of Community Correction shall submit an annual
 19 report to the Arkansas Legislative Council and the Commission on Disparity in
 20 Sentencing showing the number of persons sentenced to or transferred to the
 21 department for each criminal offense classification.

22 (b) The report shall include a breakdown by ethnicity of all persons
 23 sentenced in each criminal offense classification.

24 (c) In those cases in which the department has discretion as to the
 25 program or placement of the individual, the report shall include an analysis
 26 of the criteria used for those decisions, including a breakdown by ethnicity.

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 28 SECTION 5. (a) Beginning July 1, 2003 and on July 1st of each year
 29 thereafter, the Department of Correction shall submit an annual report to the
 30 Arkansas Legislative Council and the Commission on Disparity in Sentencing
 31 showing the number of persons sentenced to the department for each criminal
 32 offense classification.

33 (b) The report shall include a breakdown by ethnicity of all persons
 34 sentenced in each criminal offense classification.

35 (c) In those cases in which the department has discretion as to the
 36 treatment of an individual, including, but not limited to, placement in

1 special programs, the assignment of good time credit, and the awarding of
2 early release, the report shall include an analysis of the criteria used for
3 those decisions, including a breakdown by ethnicity.

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5 SECTION 6. (a) Beginning July 1, 2003 and on July 1st of each year
6 thereafter, the Post Prison Transfer Board shall submit an annual report to
7 the Arkansas Legislative Council and the Commission on Disparity in
8 Sentencing showing the number of persons who make application for parole, and
9 those who are granted or denied parole for each criminal offense
10 classification.

11 (b) The report shall include a breakdown by ethnicity of all persons
12 granted or denied parole in each criminal offense classification.

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14 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the
15 General Assembly of the State of Arkansas that the "Task Force to Study the
16 Disparity in Sentencing for Persons Convicted of Non-violent Crimes" has
17 determined that Arkansas citizens do not receive equitable sentences under
18 the law; that it is necessary to compile statistical sentencing information
19 in order to determine where the disparities exist; and that this act is
20 immediately necessary to allow the compiling of the needed statistical
21 information in the first quarter of 2003. Therefore, an emergency is declared
22 to exist and this act being immediately necessary for the preservation of the
23 public peace, health, and safety shall become effective on:

24 (1) The date of its approval by the Governor;

25 (2) If the bill is neither approved nor vetoed by the Governor,
26 the expiration of the period of time during which the Governor may veto the
27 bill; or

28 (3) If the bill is vetoed by the Governor and the veto is
29 overridden, the date the last house overrides the veto.

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