

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

A Bill

HOUSE BILL 2383

4
5 By: Representative Medley
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For An Act To Be Entitled

8
9 AN ACT CONCERNING INMATE TRANSFER ELIGIBILITY TO
10 THE DEPARTMENT OF COMMUNITY CORRECTION; AND FOR
11 OTHER PURPOSES.
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Subtitle

13
14 AN ACT CONCERNING INMATE TRANSFER
15 ELIGIBILITY TO THE DEPARTMENT OF
16 COMMUNITY CORRECTION.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Transfer to the Department of Community Correction.

22 (a) As used in this act, "felony" means a crime classified as Class Y,
23 Class A, Class B, Class C, Class D, or unclassified felony as defined by the
24 Arkansas Criminal Code, § 5-1-101 et seq.

25 (b) Notwithstanding any other law to the contrary, persons who have
26 plead guilty or nolo contendere to, or have been found guilty of a felony,
27 and who are incarcerated for that felony, shall be eligible for transfer to
28 the Department of Community Correction as follows:

29 (1)(A) Inmates under sentence of death or life imprisonment
30 without parole shall not be eligible for transfer, but may be pardoned or
31 have their sentence commuted by the Governor, as provided by law.

32 (B) Inmates sentenced to life imprisonment shall not be
33 eligible for transfer unless the sentence is commuted to a term of years by
34 executive clemency.

35 (C) Upon commutation, the inmate shall be eligible for
36 transfer as provided under subdivision (b)(3) of this section;



1 (2)(A) Offenders convicted of a target offense under the
2 Community Punishment Act, § 16-93-1201, et seq., may be committed to the
3 Department of Correction and judicially transferred to the Department of
4 Community Correction by specific provision in the commitment order of the
5 trial court.

6 (B)(i) A copy of the commitment order shall be immediately
7 forwarded to the Department of Correction and the Department of Community
8 Correction.

9 (ii) Upon receipt of the order, the Department of
10 Community Correction shall take over supervision of the offender in
11 accordance with the Board of Corrections' rules and regulations, and the
12 offender shall be transported directly to the Department of Community
13 Correction; and

14 (3) All other persons who have plead guilty or nolo contendere
15 to, or have been found guilty of a classified or unclassified felony, and who
16 are incarcerated for that felony, may be eligible for a discretionary
17 transfer to the Department of Community Correction by the Department of
18 Correction under rules and regulations promulgated by the Board of
19 Corrections after having served one-third (1/3) or one-half (½), with credit
20 for meritorious good time, of their sentence depending on the seriousness
21 determination made by the Arkansas Sentencing Commission, or one-half (½),
22 with credit for meritorious good time, of the time to which their sentence is
23 commuted by executive clemency.

24 (c) Every inmate on transfer status under subsection (b) of this
25 section shall remain in the legal custody of the Department of Correction,
26 under the supervision of the Department of Community Correction.

27 (d) Inmates who are not transferred to the Department of Community
28 Correction by the Department of Correction, and are otherwise eligible under
29 subsection (b)(3) of this section may petition the Post Prison Transfer Board
30 which shall conduct a hearing to determine the appropriateness of the inmate
31 for transfer. The Post Prison Transfer Board has two (2) options:

32 (1) To transfer the individual to the Department of Community
33 Correction accompanied by conditions of the transfer including, but not
34 limited to, supervision levels, programming requirements, and facility
35 placement when appropriate; or

36 (2)(A) To deny transfer based on a set of established criteria

1 and to accompany the denial with a course of action to be undertaken by the
2 inmate to rectify the Post Prison Transfer Board concerns.

3 (B) Upon completion of the course of action determined by
4 the Post Prison Transfer Board, after final review of the inmate's file to
5 ensure successful completion, the Post Prison Transfer Board may authorize
6 the inmate's transfer to the Department of Community Correction.

7 (C) If an inmate fails to fulfill the course of action
8 outlined by the Post Prison Transfer Board to facilitate transfer to the
9 Department of Community Correction, it shall be the responsibility of the
10 inmate to petition the Post Prison Transfer Board for a rehearing.

11 (e) Every inmate on transfer status under subsection (d) of this
12 section shall remain in the legal custody of the Department of Correction,
13 under the supervision of the Department of Community Correction and subject
14 to the orders of the Post Prison Transfer Board.

15 (f)(1) Time served shall be deemed to begin on the day sentence is
16 imposed, not on the day a prisoner is received by the Department of
17 Correction, and shall continue only during the time in which an individual is
18 actually confined in a county jail, other local place of lawful confinement,
19 or while under the custody and supervision of the Department of Correction.

20 (2) Once sentenced to the Department of Correction, the
21 Department shall retain legal custody of the inmate for the duration of the
22 original sentence, and may transfer inmates between Department of Correction
23 facilities and Department of Community Correction facilities in accordance
24 with this act and Board of Corrections' rules and regulations.

25 (g) The sentencing judge shall direct that time already served by the
26 defendant in jail, or other place of detention shall be credited against the
27 sentence.

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29 SECTION 2. This act shall only effect the transfer of inmates between
30 Board of Corrections facilities and shall not affect the rights, duties, or
31 obligations that the Post Prison Transfer Board has to determine the parole
32 eligibility of inmates, or the actual parole eligibility dates of inmates as
33 determined by policies of the Post Prison Transfer Board.

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