

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

SENATE BILL 855

5 By: Senator Higginbothom
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For An Act To Be Entitled

9 AN ACT TO PERMIT A PERSON CONVICTED OF A FELONY
10 OR MISDEMEANOR TO COMPLETE A VOCATIONAL PROGRAM
11 APPROVED BY THE COURT; AND FOR OTHER PURPOSES.
12

Subtitle

13 AN ACT TO PERMIT A PERSON CONVICTED OF A
14 FELONY OR MISDEMEANOR TO COMPLETE A
15 VOCATIONAL PROGRAM APPROVED BY THE
16 COURT.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 5-4-323 is amended to read as follows:

23 5-4-323. Additional conditions - High school diploma or general
24 education development certificate - Employment training.

25 (a)(1)(A) As an additional requirement for suspension of sentence or
26 probation, the court ~~shall~~ may require any person who is ~~convicted~~ sentenced
27 for of a felony or a Class A misdemeanor to make a good faith effort toward
28 completion of a high school diploma or a general education development
29 certificate unless the person has already achieved the diploma or
30 certificate.

31 (B) Such requirement shall be implemented only after the
32 appropriate school or adult education program has received notice from the
33 court at least ten (10) working days prior to the person's making application
34 to enroll so as to allow school or program officials to review the person's
35 educational records and only upon the acceptance of the person by the
36 administrative head of the school or adult education program.



1 (C) If no appropriate school or adult education program
2 can be found, the requirement is of no effect.

3 (D) In the alternative, the court may allow the defendant
4 to pursue a prescribed course of study or vocational training, approved by
5 the court, that is designed to equip him or her for suitable employment.

6 (2) The court, after consultation with the school or the adult
7 education program, shall determine the appropriate documentation for those
8 individuals participating under the provisions of this section and shall
9 report all documentation of school or adult education program participation
10 on a quarterly basis to the Administrative Office of the Courts, which shall
11 then report to the Department of Workforce Education.

12 ~~(b)(1) The court shall not revoke a suspension of sentence or~~
13 ~~probation because of the person's inability to achieve the degree or~~
14 ~~certificate but shall revoke a suspension of sentence or probation if the~~
15 ~~person fails to make a good faith effort to achieve the degree or~~
16 ~~certificate.~~ As an additional requirement for suspension of sentence or
17 probation, the court may require any person sentenced for a felony or a Class
18 A misdemeanor to make a good faith effort toward obtaining gainful employment
19 by participating in an appropriate employment training program, unless the
20 person is employed or has a skill that will facilitate immediate employment.

21 (2)(A) The requirement shall be implemented by the person
22 reporting to the local workforce center for registration, intake, and
23 employability skills assessment.

24 (B) If the person is on probation, this requirement shall
25 be accomplished in conjunction with the probation officer.

26 (C) In addition to the skills assessment, the person shall
27 register for employment with the center, and upon obtaining employment, shall
28 communicate the event to the court if on suspension of sentence or to the
29 probation officer if on probation.

30 (c) The court shall not revoke a suspension of sentence or probation
31 because of the person's inability to achieve the high school degree, the
32 general education certificate, or gainful employment, but shall revoke a
33 suspension of sentence or probation if the person fails to make a good faith
34 effort to achieve the high school degree, the general education certificate,
35 or gainful employment.

36 ~~(e)(d)~~ "A good faith effort" means the person has been enrolled in a

1 program of instruction leading to a high school degree or a general education
2 development certificate and is attending school or adult education courses,
3 or is registered for employment and is enrolled and participating in an
4 employment training program with the purpose of obtaining gainful employment.

5 ~~(d)~~(e) Any person who fails to make a good faith effort to comply with
6 a court order issued pursuant to this section shall be guilty of an
7 unclassified misdemeanor and shall be punished by a fine of at least one
8 hundred dollars (\$100) but not more than one thousand dollars (\$1,000).

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