

"AN ACT TO AUTHORIZE THE SIXTH JUDICIAL CIRCUIT POSITION 1 CIRCUIT COURT JUDGE, AS A CONDITION OF PROBATION OR SUSPENSION OF SENTENCE, TO REQUIRE CRIMINAL DEFENDANTS TO PARTICIPATE IN A HOME DETENTION PROGRAM TO BE SUPERVISED ELECTRONICALLY; AND FOR OTHER PURPOSES."

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

SECTION 1. "Approved electronic monitoring or supervising device" means any electronic device approved by the court which meets the minimum Federal Communications Commission regulations and requirements, and which is limited in capability to recording or transmitting information as to the criminal defendant's presence in the home.

SECTION 2. In all instances where a court may suspend the imposition of sentence or place a criminal defendant on probation, in addition to all other conditions which may be imposed by the court, the court may require the criminal defendant to participate in a home detention program in lieu of being sentenced to a State correctional facility or a county or city jail. The term of the home detention shall not exceed the maximum number of years of imprisonment to which the criminal defendant could be sentenced, and the length of time the defendant participates in a home detention program shall be credited against the defendant's sentence if sentence is subsequently imposed.

SECTION 3. The court in which the criminal defendant received suspension of sentence or probation shall establish the procedures for participation in a home detention program, including but not limited to program criteria, terms and conditions of release, and the imposition of fees and costs upon the criminal defendant which will fully or partially pay the costs arising from the use by those persons of approved electronic monitoring or supervising devices and for program supervision. Furthermore, the court shall obtain the consent of the criminal defendant as a condition of participation in the program, and shall provide by court order that participation in the home detention program is further contingent upon any other conditions set forth in the order. These conditions shall include, but are not limited to, unannounced visits into the defendant's place of detention by any person or agent designated by the court for the purpose of verifying compliance with the use of the electronic monitoring or supervising device, and for verifying that the device is not being tampered with or otherwise altered.

SECTION 4. This Act shall apply only to the Sixth Judicial Circuit Position 1 Circuit Court until December 31, 1988, at which time the authority granted under this Act shall expire.

SECTION 5. All laws and parts of laws in conflict with this Act are hereby repealed.

APPROVED: April 7, 1987

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