

*.As Engrossed: 2/15/91, 3/21/91*

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Senators Bookout and Bradford**

**A BILL ACT 1169 OF 1991**  
**SENATE BILL 343**

**For An Act To Be Entitled**

8 "AN ACT TO CREATE THE CORRECTIONS RESOURCES COMMISSION;  
9 AND FOR OTHER PURPOSES."

10

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

12

13 SECTION 1. (a) There is hereby created a commission to be known as the  
14 Corrections Resources Commission.

15 (b) *The commission shall consist of the following seventeen (17)*  
16 *members:*

17 (1) *the President Pro Tempore of the Arkansas Senate,*

18 (2) *the Speaker of the Arkansas House of Representatives,*

19 (3) *the Director of the Arkansas Department of Correction,*

20 (4) *the Lieutenant Governor, or appointed designee,*

21 (5) *the Arkansas Attorney General, or appointed designee,*

22 (6) *the chair of the State Board of Parole and Community*

23 *Rehabilitation,*

24 (7) *the Director of the Arkansas Adult Probation Commission,*

25 (8) *the Chief Justice of the Arkansas Supreme Court, or designated*

26 *Associate Justice of the Arkansas Supreme Court,*

27 (9) *two (2) circuit judges to be appointed by the Governor,*

28 (10) *one prosecuting attorney to appointed by the Governor,*

29 (11) *one public defender to be appointed by the Governor,*

30 (12) *one county judge to be appointed by the Governor,*

31 (13) *one county sheriff to be appointed by the Governor, and*

32 (14) *three (3) members of the general public to be appointed by the*

33 *Governor.*

34 (c) All members shall serve for a term of two (2) years.

35 (d) Members of the commission shall not be entitled to compensation for  
36 their services but shall be eligible to receive reimbursement for mileage and

1 other expenses incurred in performance of their duties in accordance with the  
2 rates and standards for reimbursement to State employees.

3 (e) The commission shall hold its initial meeting within forty-five (45)  
4 days of the effective date of this act and shall hold monthly meetings  
5 thereafter.

6 (f) *The governor shall designate a chair of the commission from the*  
7 *commission membership.*

8 (g) The commission is established for a two (2) year period and shall  
9 report to the General Assembly concerning the feasibility of maintaining and  
10 funding the commission beyond its initial period.

11

12 SECTION 2. The Corrections Resources Commission shall have the  
13 following three primary duties relating to the development of a more balanced  
14 correctional system which operates within the limits of an established  
15 institutional capacity, and emphasizes the appropriate function of community-  
16 based punishment for certain low-risk offenders:

17 (1) *The commission shall develop guidelines for presentation to the*  
18 *General Assembly for use by a sentencing court in determining the most*  
19 *appropriate sanction to be imposed for all criminal offenses.*

20 (A) The guidelines shall include a determination whether to impose  
21 probation, intensive supervision, residential confinement, electronic  
22 monitoring, incarceration, or other available option.

23 (B) Presumptive penalties shall be established based on the  
24 severity of the crime in combination with key criminal history variables.

25 (C) The sentencing policy proposed will be consistent with the  
26 planned institutional capacity of the State.

27 (D) In developing guidelines, the commission should be guided by  
28 the following principles:

29 (i) The primary purpose of a criminal sanction is to punish  
30 the offender and enhance the public's protection.

31 (ii) Punishment refers to a process through which the  
32 offender makes restitution or pays back the victim or the community monetarily  
33 or through work service or through incarceration.

34 (iii) The offender's liberty is controlled until restitution  
35 occurs.

36 (iv) Determination of the sanctions should include

1 consideration of the seriousness of the offense, the criminal history of the  
2 offender, and aggravating and mitigating circumstances.

3 (v) Guidelines are intended to coordinate and enhance,  
4 rather than diminish, judicial discretion.

5 (vi) Efficient use of correctional resources requires a  
6 balanced consideration of all available correction options at the point of  
7 sentencing.

8 (vii) A sentencing policy should be consistent with the  
9 limited availability of institutional capacity.

10 (2) The commission shall develop a proposed Community Corrections Act  
11 for presentation to the General Assembly, which will establish a formal State  
12 and local partnership in corrections through which the State will provide  
13 monetary incentives to local governments for the operation of local  
14 corrections programs which assist in alleviating prison crowding. The  
15 proposed act will authorize the establishment of local boards to control the  
16 operation of programs and statewide criteria to ensure maximum participation  
17 and compliance.

18 (3) (A) *The commission may recommend revision of existing laws for*  
19 *presentation to the General Assembly which enable and define the*  
20 *organizations, structures and authorities of the Department of Correction, the*  
21 *Board of Parole and Community Rehabilitation and the Adult Probation*  
22 *Commission and their relationship to each other and other State correctional*  
23 *units.*

24 (B) The commission is authorized to hold public hearings and to seek  
25 the assistance and services of any State or local criminal justice agency and  
26 to conduct, under contract with an outside organization, a professional  
27 independent review of Arkansas probation laws and policies.

28 (C) Based on the professional independent review, the commission will  
29 establish a policy to redefine the structure, function, and organizational  
30 position of Arkansas probation laws and policies in a manner designed to  
31 ensure the maximization of community-based punishment and corrections options.

32 (4) *Where appropriate, the commission shall give due consideration to*  
33 *the encouragement of rehabilitative programs for offenders.*

34

35 SECTION 3. The commission may employ such staff and consultants as

1 authorized by law and fix their compensation, duties, authority, and  
2 responsibilities.

3

4 SECTION 4. All provisions of this act of a general and permanent nature  
5 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
6 Revision Commission shall incorporate the same in the Code.

7

8 SECTION 5. If any provision of this act or the application thereof to  
9 any person or circumstance is held invalid, such invalidity shall not affect  
10 other provisions or applications of the act which can be given effect without  
11 the invalid provision or application, and to this end the provisions of this  
12 act are declared to be severable.

13

14 SECTION 6. All laws and parts of laws in conflict with this act are  
15 hereby repealed.

16

17 SECTION 7. EMERGENCY. *It is hereby found and determined by the General  
18 Assembly that there is an urgent need to establish a more balanced  
19 correctional system in the State to permit more effective utilization of the  
20 current correctional facilities; that this act is designed to establish a  
21 commission to work toward this goal and should be given effect immediately to  
22 enable the commission to start its work as early as practical. Therefore an  
23 emergency is hereby declared to exist and this act being necessary for the  
24 preservation of the public peace, health and safety shall be in full force and  
25 effect from and after its passage and approval.*

26

*/s/Bookout et al*

27

28

APPROVED: 4/10/91

29

30

31

32

33

34

35

