

As Engrossed: 2/5/91, 2/11/91

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

A BILL ACT 574 OF 1991
SENATE BILL 291

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 12-29-205 TO ALLOW PERSONS
9 AWAITING TRANSFER TO THE DEPARTMENT OF CORRECTION TO EARN
10 GOOD TIME; TO ALLOW THE DEPARTMENT TO REIMBURSE COUNTIES
11 FOR MEDICAL EXPENSES INCURRED BY INMATES AWAITING
12 TRANSFER; AND FOR OTHER PURPOSES."

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

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16 SECTION 1. Arkansas Code 12-29-205(a) is hereby amended to read as
17 follows:

18 "(a) Any person sentenced by a circuit court to the Department of
19 Correction and awaiting transfer to the Department of Correction may earn
20 meritorious good time in accordance with law and regulations as adopted by the
21 Board of Correction."

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23 SECTION 2. The Board of Correction shall adopt regulations by which the
24 Department of Correction may reimburse any county, which is required to retain
25 an inmate awaiting delivery to the custody of the Department for more than
26 thirty (30) days, for the actual costs paid for any emergency medical care for
27 physical injury or illness of the inmate retained under this Act if the injury
28 or illness is directly related to the incarceration and the county is required
29 by law to provide such care for inmates in the jail.

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31 SECTION 3. The Director of the Department or his designee may accept
32 custody of any inmate as soon as possible upon determination said inmate is
33 required to have extended medical care, upon request of the county.

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35 SECTION 4. *The provisions of Arkansas Code 12-29-205(a) as amended by*
36 *Section 1 of this act shall be applicable to persons who were sentenced prior*

1 to the effective date of this act and are on the effective date of this act
2 awaiting transfer to the Department of Correction as well as to those
3 sentenced after the effective date of this act.

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

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9 SECTION 6. SEVERABILITY. If any provision of this Act or the
10 application thereof to any person or circumstance is held invalid, such
11 invalidity shall not affect other provisions or applications of the Act which
12 can be given effect without the invalid provision or application, and to this
13 end the provisions of this Act are declared to be severable.

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15 SECTION 7. GENERAL REPEALER. All laws and parts of laws in conflict
16 with this Act are hereby repealed.

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18 SECTION 8. *It is hereby found and determined by the General Assembly*
19 *that under present law persons sentenced to the Department of Correction and*
20 *awaiting transfer to the department are entitled to earn meritorious goodtime*
21 *during such wait only if the delay is due to lack of space in the Department*
22 *of Correction facilities; that it is only fair that those persons be permitted*
23 *to earn meritorious goodtime while waiting for transfer for whatever reason;*
24 *that this act is designed to correct this situation and should be given effect*
25 *immediately. Therefore, an emergency is hereby declared to exist and this act*
26 *being necessary for the preservation of the public peace, health and safety*
27 *shall be in full force and effect from and after its passage and approval.*

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30 /s/Bookout et al

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32 APPROVED: 3-15-91

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