

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator C. Bell**

A BILL ACT 684 OF 1991
SENATE BILL 574

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7 **For An Act To Be Entitled**

8 "AN ACT TO AUTHORIZE THE STATE BOARD OF CORRECTION TO
9 INVOKE THE PRISON OVERCROWDING EMERGENCY POWERS ACT WITH
10 RESPECT TO EITHER MALE OR FEMALE INMATE POPULATIONS; AND
11 FOR OTHER PURPOSES."

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

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15 SECTION 1. The State Board of Correction is hereby authorized to invoke
16 the Prison Overcrowding Emergency Powers Act [Ark. Code 12-28-601 -- 12-28-
17 606] separately for those facilities housing either male or female inmate
18 populations, provided all other requirements of that act are met.

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20 SECTION 2. All provisions of this act of a general and permanent nature
21 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
22 Revision Commission shall incorporate the same in the Code.

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24 SECTION 3. If any provision of this act or the application thereof to
25 any person or circumstance is held invalid, such invalidity shall not affect
26 other provisions or applications of the act which can be given effect without
27 the invalid provision or application, and to this end the provisions of this
28 act are declared to be severable.

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30 SECTION 4. All laws and parts of laws in conflict with this act are
31 hereby repealed.

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33 SECTION 5. EMERGENCY. It is hereby found and determined by the General
34 Assembly that at present, the Prison Overcrowding Emergency Powers Act can be
35 invoked by the Board only if the total combined male and female population of
36 the prison system exceeds ninety-eight percent (98%) of the rated capacity;

1 that male and female facilities are separate and either may become overcrowded
2 while the combined total inmate population of the male and female facilities
3 would not meet the ninety-eight percent capacity requirement of the Prison
4 Overcrowding Emergency Powers Act; that it is urgent that the Board be given
5 authority to invoke the Act when either the male facilities or the female
6 facilities exceeds ninety-eight percent of capacity level; that this act is
7 designed to accomplish this purpose and should be given effect immediately.
8 Therefore, an emergency is hereby declared to exist and this act being
9 necessary for the preservation of the public peace, health and safety shall be
10 in full force and effect from and after its passage and approval.

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APPROVED: 3-21-91