

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **First Extraordinary Session, 1994**  
4 **By: Senators Bell, Bookout, Russ and Dowd**

# A Bill

Call Item 8  
ACT 9 OF 1994  
SENATE BILL 5

## For An Act To Be Entitled

8 "AN ACT TO ALLOW PERSONS WHO COMMITTED A TARGET OFFENSE  
9 PRIOR TO JANUARY 1, 1994, TO BE ELIGIBLE TO FOR TRANSFER  
10 TO A COMMUNITY PUNISHMENT FACILITY ONE HUNDRED AND TWENTY  
11 (120) DAYS PRIOR TO THEIR PROJECTED PAROLE ELIGIBILITY AND  
12 MINIMUM RELEASE DATE; AND FOR OTHER PURPOSES."

## Subtitle

15 "TO ALLOW PERSONS WHO COMMITTED A TARGET  
16 OFFENSE TO BE ELIGIBLE FOR TRANSFER TO  
17 COMMUNITY PUNISHMENT."

18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20  
21 SECTION 1. Arkansas Code Annotated § 16-93-206(b)(1) is amended to read  
22 as follows:

23 "(b)(1)(A)(i) For persons who commit felonies, except those enumerated  
24 in subdivision (c)(1) of this section, on or after January 1, 1994, under the  
25 provisions of a transfer date, the Department of Correction will transfer  
26 inmates to the Department of Community Punishment subject to rules and  
27 regulations promulgated by the Board of Correction and Community Punishment  
28 and conditions set by the Post Prison Transfer Board.

29 (ii) For persons who committed felonies prior to  
30 January 1, 1994, and who are within a target group as defined under the  
31 Community Punishment Act, Arkansas Code Annotated 16-93-1201, et seq., the  
32 Post Prison Transfer Board may transfer persons based on conditions set by the  
33 Post Prison Transfer Board and subject to rules and regulations promulgated by  
34 the Post Prison Transfer Board.

35 (B) The conditions under which transfer shall occur  
36 include, but are not limited to, level of supervision, economic fee sanction,

1 treatment program, and other conditions relevant to the individual under  
2 review.

3 (C) This review may be conducted without a hearing when the  
4 inmate has not received a major disciplinary report against him which resulted  
5 in the loss of good time, there has not been a request by a victim to have  
6 input on transfer conditions, and there is no indication in the risk needs  
7 assessment review that special conditions need to be placed on the inmate."  
8

9 SECTION 2. Arkansas Code Annotated § 16-93-1301(b) is amended to read  
10 as follows:

11 "(b) (1) Persons who committed felonies prior to January 1, 1994, and  
12 who were convicted and incarcerated for those felonies, shall be eligible for  
13 release on parole in accordance with the parole eligibility law in effect at  
14 the time the crime was committed.

15 (2) Persons who committed felonies prior to January 1, 1994, and  
16 who are within a target group as currently defined under the Community  
17 Punishment Act, Arkansas Code Annotated § 16-93-1201, et seq., shall be  
18 eligible for transfer to a community punishment facility one hundred and  
19 twenty (120) days prior to their projected parole eligibility and minimum  
20 release date."  
21

22 SECTION 3. The inmate transfer provisions in Arkansas Code Annotated  
23 §16-93-206(b) (1) (A) (ii) and §16-93-1301(b) (2) shall expire on April 1, 1995.  
24

25 SECTION 4. All provisions of this act of a general and permanent nature  
26 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
27 Revision Commission shall incorporate the same in the Code.  
28

29 SECTION 5. If any provision of this act or the application thereof to  
30 any person or circumstance is held invalid, such invalidity shall not affect  
31 other provisions or applications of the act which can be given effect without  
32 the invalid provision or application, and to this end the provisions of this  
33 act are declared to be severable.  
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35 SECTION 6. All laws and parts of laws in conflict with this act are



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