

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**

A Bill

ACT 290 OF 1995
HOUSE BILL 1289

4 **By: Representative B. G. Hendrix**

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 12-29-404 RELATING TO THE
9 DISPOSITION OF INMATES WHO HAVE AN INCURABLE ILLNESS AND
10 THOSE WHO ARE PERMANENTLY PHYSICALLY OR MENTALLY
11 INCAPACITATED; FOR OTHER PURPOSES."

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Subtitle

14 "RELATING TO DISPOSITION OF INMATES WHO
15 HAVE AN INCURABLE ILLNESS AND THOSE WHO
16 ARE PERMANENTLY INCAPACITATED."

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

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20 SECTION 1. Arkansas Code 12-29-404 is amended to read as follows:

21 "12-29-404. Incurable diseases.

22 When in the independent opinions of a prison physician and a consultant
23 physician from the community, an inmate has an incurable illness which, on the
24 average, will result in death within 12 months, or an individual is
25 permanently physically or mentally incapacitated to the degree that the
26 community criteria are met for placement in a nursing home, rehabilitation
27 facility or similar setting providing a level of care not available in the
28 Department of Correction or the Department of Community Punishment, the
29 Director of the Department of Correction or the Director of the Department of
30 Community Punishment, shall make the facts known to the Post Prison Transfer
31 Board. The Post Prison Transfer Board shall assemble or request all such
32 information as is germane to making a decision. If the facts warrant, the
33 Post Prison Transfer Board may make the inmate eligible for immediate transfer
34 to parole supervision."

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36 SECTION 2. All provisions of this act of a general and permanent nature

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1 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
2 Revision Commission shall incorporate the same in the Code.

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4 SECTION 3. If any provision of this act or the application thereof to
5 any person or circumstance is held invalid, such invalidity shall not affect
6 other provisions or applications of the act which can be given effect without
7 the invalid provision or application, and to this end the provisions of this
8 act are declared to be severable.

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

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APPROVED: 2-13-95

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