

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: S3/7/97 S3/14/97

A Bill

ACT 936 OF 1997
SENATE BILL 575

5 By: Senators Ross, Hill, Mahony, Brown, Edwards, Walker, and Kennedy
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For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE § 12-30-407, AS AMENDED BY
10 ACT 115 OF 1997, TO REVISE THE PROGRAM FOR RELEASE OF
11 INMATES TO APPROVED CITY AND COUNTY JAIL FACILITIES, TO
12 EMPHASIZE THE PARTICULAR JOB SKILLS OR BACKGROUND NEEDED
13 FOR THE FACILITY, TO PROHIBIT THE REQUESTING OF SPECIFIC
14 INMATES TO SPECIFIC JAIL FACILITIES, AND TO PROVIDE
15 VICTIMS AND PROSECUTING ATTORNEYS WITH NOTICE OF THE
16 PENDING ASSIGNMENT AND RELEASE OF INMATES; AND FOR OTHER
17 PURPOSES."

Subtitle

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20 "TO REVISE THE PROGRAM FOR RELEASE OF
21 INMATES TO JAIL FACILITIES, TO FOCUS ON
22 JOB SKILLS NEEDED FOR THE FACILITY, AND
23 TO PROVIDE VICTIMS AND PROSECUTORS
24 NOTICE OF RELEASES."

25
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code § 12-30-407, as amended by Act 115 of 1997, is
29 amended to read as follows:

30 "12-30-407. Housing of participants.

31 (a)(1) The Board of Correction and Community Punishment may promulgate
32 rules and regulations to allow the proper classification of inmates to be
33 released to the sheriffs of approved jail facilities or chiefs of police or
34 other authorized law enforcement officers of city-operated approved jail
35 facilities or community punishment centers outside the Department of
36 Correction. Inmates shall be interviewed to develop a classification of each

1 inmates skills, work experiences, job background and education. Such inmates
2 are to work at jobs that directly benefit those facilities or a political
3 subdivision and that are related to a particular inmates background
4 classification and where they are to be under supervision at all times.

5 (2)(A) Sheriffs, chiefs of police or other authorized law
6 enforcement officers of approved jail facilities may request assignment of
7 inmates to their approved facilities to perform particular jobs for the
8 facilities or for a political subdivision which are in a particular area of
9 need of the facility or a political subdivision. The Department of Correction
10 shall review the requests and shall submit a list of inmates with appropriate
11 skills or background for the particular job needs of the approved facility in
12 accordance with its classification of inmates' skills and backgrounds.
13 Sheriffs, chiefs of police, or other authorized law enforcement officers will
14 choose inmates from the submitted list which are appropriate for the needs of
15 their facilities or a political subdivision.

16 (B) Sheriffs, chiefs of police or other authorized law
17 enforcement officers shall not request the assignment of a particular inmate
18 to their approved facility and may refuse the assignment of a particular
19 inmate.

20 (3) Inmates shall not be released to approved jail facilities
21 until notification of the release is first sent to the sheriff of the county
22 from which he was tried and convicted, the prosecuting attorney's office who
23 convicted the inmate, and, upon a written request, to the victim or victim's
24 family. Notification of the victim or victim's family shall done by mail to
25 the last known address supplied to the Department in accordance with
26 Department policies.

27 ~~(2)~~(4)(A) Inmates so released shall be entitled to credit on
28 their sentences under the meritorious classification system of the Department
29 of Correction.

30 (B) However, no inmate shall be eligible to be released to
31 the sheriff or chief of police or other authorized law enforcement officer of
32 an approved jail facility unless the inmate is within thirty (30) months of
33 his first parole eligibility date or his first post-prison transfer
34 eligibility date, unless:

35 (i) The inmate is returning to the county from which
36 he was tried and convicted; or

1 (ii)(a) If the inmate is released to a county other
2 than a county from which he was tried and convicted, the sheriff of the county
3 from which he was tried and convicted shall be notified as provided in
4 subdivision (a)(3) of this section.

5 (b) Unless the sheriff responds within fifteen
6 (15) days of notification that he disapproves of the transfer, the inmate may
7 be transferred as provided in this section. If the sheriff disapproves of the
8 transfer and an inmate becomes eligible to be released again, the
9 notifications required by subdivision (a)(3) of this section shall be made
10 again.

11 (b) *The number of persons on prerelease and work-release programs of*
12 *the Department of Correction that may be housed at the Benton Services Center*
13 *shall not exceed two hundred twenty-five (225). Provided, with the approval of*
14 *the State Hospital Board and the Administrator of the Benton Services Center,*
15 *a maximum of three hundred twenty-five (325) persons on prerelease and work-*
16 *release programs may be housed at the center.*

17 (c) Inmates released to the sheriff of approved jail facilities or
18 community punishment centers pursuant to § 12-30-407 prior to July 28, 1995
19 shall remain eligible for release, notwithstanding the provisions of this
20 section."

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

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

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

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/s/Ross et al

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APPROVED:3-31-97