

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 423 of the Regular Session

As Engrossed: H2/4/05 S2/17/05

A Bill

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005

HOUSE BILL 1184

4  
5 By: Representative Thomason  
6  
7

8 **For An Act To Be Entitled**

9 AN ACT TO ASSURE ELECTRONIC MONITORING AND OTHER  
10 METHODS OF JAIL POPULATION MANAGEMENT ARE  
11 AUTHORIZED FOR ALL JAILS IN ARKANSAS; AND FOR  
12 OTHER PURPOSES.  
13

14 **Subtitle**

15 AN ACT TO ASSURE ELECTRONIC MONITORING  
16 AND OTHER METHODS OF JAIL POPULATION  
17 MANAGEMENT ARE AUTHORIZED FOR ALL JAILS  
18 IN ARKANSAS.  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. Arkansas Code § 12-41-503 is amended to read as follows:  
24 12-41-503. Management of local jail populations.

25 (a) Sheriffs and other keepers or administrators of jails within the  
26 State of Arkansas are responsible for managing the populations and operations  
27 of their respective facilities in compliance with the laws and constitution  
28 of this state and within the requirements of the United States Constitution.

29 (b) Neither sheriffs nor other keepers or administrators of jails  
30 shall refuse to accept any prisoner lawfully arrested or committed within the  
31 jurisdiction of the supporting agency of the jail except as necessary to  
32 limit prisoner population in compliance with subsection (a) of this section.

33 (c) (1) A sheriff, or his or her designee, ~~in counties with a~~  
34 ~~population of over two hundred fifty thousand (250,000) persons~~ shall be  
35 permitted to determine if persons convicted and sentenced to the county jail



1 shall serve their sentences on electronic monitoring or on weekends when this  
2 does not conflict with any court orders.

3 (2) If a sheriff, or his or her designee, determines that a  
4 person convicted and sentenced to the county jail shall serve his or her  
5 sentence on electronic monitoring or on weekends, an agreement shall be  
6 entered into between the sheriff, or his or her designee, and the convicted  
7 person outlining the conditions of the sentence.

8 (3) If the convicted person fails to follow the conditions of  
9 the agreement, the sheriff, or his or her designee, shall have the authority  
10 to cancel the agreement and return the convicted person to the county jail,  
11 by any lawful means necessary, to serve the sentence.

12 (d) When more than one (1) legal jurisdiction, i.e., counties or  
13 municipalities, share a common jail, the participating jurisdictions may  
14 enter into agreements to share the operational costs of such jail.

15 (e) When a shared jail is operated and a jurisdiction which is  
16 eligible to participate in the shared operation opts not to participate,  
17 then, in the event that the jurisdiction has prisoners committed to the  
18 shared jail, that jurisdiction may be required to pay fixed per diem charges,  
19 not to exceed actual costs, including capital costs, for each prisoner  
20 committed or housed in the jail.

21 (f) Agreements with agencies or jurisdictions not eligible for  
22 participation in a shared jail operation project may be made for the housing  
23 of prisoners, provided the charges assessed do not exceed the actual costs,  
24 including capital costs.

25 (g) Jails shall accept prisoners of the United States Government  
26 provided space and staffing are available and the delivering government  
27 agency agrees to pay a per diem charge not to exceed the actual costs,  
28 including capital costs.

29 (h) Nothing in this section prohibits any jurisdiction from entering  
30 into a contractual agreement with a private organization for the operation of  
31 a jail facility.

32  
33 SECTION 2. Arkansas Code Title 12, Chapter 41, Subchapter 4, is  
34 amended to add a new section to read as follows:

35 12-41-405. Electronic monitoring of prisoners.

36 (a)(1) The chief of police, or his or her designee, may determine if a

1 person convicted and sentenced to the city jail shall serve his or her  
2 sentence on electronic monitoring or on weekends if the determination does  
3 not conflict with any court orders.

4 (2) If the chief of police, or his or her designee, determines  
5 that a person convicted and sentenced to the city jail shall serve his or her  
6 sentence on electronic monitoring or on weekends, an agreement shall be  
7 entered into between the chief of police, or his or her designee, and the  
8 convicted person outlining the conditions of the sentence.

9 (b) If the convicted person fails to follow the conditions of the  
10 agreement, the chief of police, or his or her designee, shall have the  
11 authority to cancel the agreement and return the convicted person to the city  
12 jail by any lawful means necessary to serve the sentence.

13  
14 /s/ Thomason

15  
16  
17 APPROVED: 03/02/2005  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

1