

**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 592 of the Regular Session**

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

A Bill

SENATE BILL 796

5 By: Senator Luker
6 By: Representative Bond
7
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For An Act To Be Entitled

AN ACT CONCERNING COMMUNITY CORRECTION TRANSFER
ELIGIBILITY FOR OFFENDERS TRANSFERRED BACK TO THE
DEPARTMENT OF CORRECTION FOR ADMINISTRATIVE
REASONS; AND FOR OTHER PURPOSES.

Subtitle

AN ACT CONCERNING COMMUNITY CORRECTION
TRANSFER ELIGIBILITY FOR OFFENDERS
TRANSFERRED BACK TO THE DEPARTMENT OF
CORRECTION FOR ADMINISTRATIVE REASONS.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 16-93-1301(c), concerning eligibility for
25 transfer to community correction for persons who committed felonies on or
26 after January, 1, 1994, is amended to read as follows:

27 (c) Persons who commit felonies on or after January 1, 1994, and who
28 shall be convicted and incarcerated for those felonies shall be eligible for
29 transfer to community correction as follows:

30 (1)(A) Inmates under sentence of death or life imprisonment
31 without parole shall not be eligible for transfer, but may be pardoned or
32 have their sentences commuted by the Governor as provided by law.

33 (B) Inmates sentenced to life imprisonment shall not be
34 eligible for transfer unless the sentences are commuted to a term of years by
35 executive clemency.



1 (C) Upon commutation, inmates shall be eligible for
2 transfer as provided in this subchapter;

3 (2)(A)(i)(a) Offenders convicted of a target offense under the
4 Community Punishment Act, § 16-93-1201 et seq., may be committed to the
5 Department of Correction and judicially transferred to the Department of
6 Community Correction by specific provision in the commitment that the trial
7 court orders such a transfer.

8 (b) No other offenders are eligible for
9 transfer to a Department of Community Correction facility.

10 (ii) A copy of the commitment shall be forwarded
11 immediately to the Department of Correction and to the Department of
12 Community Correction.

13 (iii) In the event that an offender is sentenced to
14 the Department of Correction without judicial transfer on one (1) sentence
15 and concurrently sentenced to the Department of Correction with judicial
16 transfer on another sentence, the offender shall remain in the Department of
17 Correction, and the sentence with judicial transfer may be discharged in the
18 same manner as those offenders transferred back to the Department of
19 Correction.

20 (B) The Department of Community Correction shall take over
21 supervision of the offender in accordance with the order of the court.

22 (C) The Department of Community Correction shall provide
23 for the appropriate disposition of the offender as expeditiously as
24 practicable under rules and regulations developed by the Board of
25 Corrections.

26 (D) The offender shall not be transported to the
27 Department of Correction on the initial placement in a Department of
28 Community Correction facility pursuant to a judicial transfer.

29 (E) An offender who is transferred back to the Department
30 of Correction for disciplinary reasons may be considered for transfer to
31 Department of Community Correction supervision after earning good-time credit
32 equal to one-half (1/2) of the remainder of his or her sentence.

33 (F) An offender who is sentenced after the effective date
34 of this act and who is transferred back to the Department of Correction for
35 administrative reasons ~~may be considered~~ is eligible for transfer to
36 Department of Community Correction supervision ~~after earning good-time credit~~

1 ~~equal to one-half (1/2) of his or her sentence~~ in the same manner as an
2 offender who is sentenced to the Department of Correction without a judicial
3 transfer to the Department of Community Correction; and

4 (3)(A) All other classified or unclassified felons who are
5 incarcerated therefor shall be eligible for transfer to community punishment
6 after having served one-third (1/3) or one-half (1/2), with credit for
7 meritorious good time, of their sentences depending on the seriousness
8 determination made by the Arkansas Sentencing Commission, or one-half (1/2),
9 with credit for meritorious good time, of the time to which their sentences
10 are commuted by executive clemency.

11 (B) For example, a six-year sentence with optimal
12 meritorious good-time credits will make the offender eligible for transfer in
13 one (1) year if he or she is required to serve one-third (1/3) of his or her
14 sentence, or one and one-half (1 1/2) years if he or she is required to serve
15 one-half (1/2) of his or her sentence.

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17 APPROVED: 3/28/2007
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