

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 766 of the Regular Session

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009

# A Bill

SENATE BILL 942

4  
5 By: Senator Elliott  
6  
7

## For An Act To Be Entitled

8  
9 AN ACT TO CREATE THE ARKANSAS LEGISLATIVE TASK  
10 FORCE ON CRIMINAL JUSTICE; AND FOR OTHER  
11 PURPOSES.  
12

## Subtitle

13  
14 TO CREATE THE ARKANSAS LEGISLATIVE TASK  
15 FORCE ON CRIMINAL JUSTICE.  
16  
17

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

20 SECTION 1. NOT TO BE CODIFIED. Creation of task force.

21 (a) There is created the Arkansas Legislative Task Force on Criminal  
22 Justice.

23 (b)(1) The task force shall consist of the following members:

24 (A) Two (2) members of the Senate appointed by the  
25 President Pro Tempore of the Senate;

26 (B) Two (2) members of the House of Representatives  
27 appointed by the Speaker of the House of Representatives;

28 (C) The Attorney General or his or her designee;

29 (D) One (1) former member of the judiciary appointed by  
30 the Chief Justice of the Supreme Court;

31 (E) The Executive Director of the Arkansas Public Defender  
32 Commission or his or her designee;

33 (F) The President of the Arkansas Bar Association or his  
34 or her designee;

35 (G) A representative of the W. Harold Flowers Law Society;



1 (H) A representative of the County Prosecutors  
2 Association;

3 (I) A representative of the Arkansas Association of  
4 Criminal Defense Lawyers;

5 (J) A representative of the Arkansas Association of Chiefs  
6 of Police;

7 (K) A representative of the Arkansas Sheriffs Association;

8 (L) A full-time faculty member of a state law school in  
9 Arkansas, appointed by the President of the University of Arkansas System;  
10 and

11 (M) Four (4) persons appointed by the Governor to  
12 represent:

13 (i) The families of murder victims;

14 (ii) Religious and ethical organizations; and

15 (iii) Associations and organizations that work with  
16 criminal justice issues.

17 (2) In making appointments, the appointing authorities shall  
18 make every effort to ensure that the membership of the commission:

19 (A) Is balanced by gender; and

20 (B) Reflects the population of the state with regard to  
21 race and ethnicity.

22 (c)(1) The President Pro Tempore of the Senate shall designate one (1)  
23 of the members of the Senate appointed to the task force to:

24 (A) Call the first meeting of the task force; and

25 (B) Serve as chair at the first meeting.

26 (2) At the first meeting, the members of the task force shall  
27 elect from its membership a chair, a vice chair, and other officers as needed  
28 for the transaction of its business.

29 (3) The task force shall conduct its meetings in Pulaski County  
30 at the State Capitol.

31 (d) If a vacancy occurs on the task force, the vacancy shall be filled  
32 by the same process as the original appointment.

33 (e)(1) Nonlegislative members of the task force shall serve without  
34 compensation.

35 (2) Legislative members of the task force shall be entitled to  
36 reimbursement for per diem and mileage at the same rate and from the same

1 source as provided by law for members of the General Assembly attending  
 2 meetings of interim committees.

3 (f) A majority of the members of the task force shall constitute a  
 4 quorum for transacting any business of the task force.

5 (g) The task force may request data and other assistance from state  
 6 agencies.

7 (h) Upon the approval of the Legislative Council, the Director of the  
 8 Bureau of Legislative Research shall provide staff for the task force.

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 10 SECTION 2. NOT TO BE CODIFIED. Duties of Arkansas Legislative Task  
 11 Force on Criminal Justice.

12 The Arkansas Legislative Task Force on Criminal Justice shall:

13 (1)(A) Examine by judicial district the original criminal  
 14 charges filed involving Class Y felonies, Class A felonies, and capital  
 15 punishment and compare the charges to the final disposition, noting the  
 16 number of charges resolved with a plea bargain, the number of the charges  
 17 brought to trial, and the number of charges dismissed.

18 (B) In examining the disposition of charges under this  
 19 subdivision (1), the task force shall note the:

20 (i) Age, gender, race, and ethnicity of the victim;  
 21 (ii) Socioeconomic status of the victim;  
 22 (iii) Age, gender, race, and ethnicity of the person  
 23 charged with the crime; and  
 24 (iv) Socioeconomic status of the person charged with  
 25 the crime;

26 (2) Examine by judicial district the sentences for convictions  
 27 involving Class Y felonies, Class A felonies, and capital punishment obtained  
 28 at trial to determine the following:

29 (A) The age, gender, race, and ethnicity of the victim;  
 30 (B) The socioeconomic status of the victim;  
 31 (C) The age, gender, race, and ethnicity of the  
 32 perpetrator; and

33 (D) The socioeconomic status of the perpetrator;

34 (3) Examine by judicial district the percentage of persons  
 35 charged with drug possession diverted to drug courts, considering the  
 36 following:

- 1                   (A) The age, gender, race, and ethnicity of the  
2 perpetrator; and
- 3                   (B) The socioeconomic status of the perpetrator;  
4                   (4) Study the effectiveness of current criminal penalties in  
5 detering future crimes of the same nature;
- 6                   (5) Determine the average cost of prosecution and defense for  
7 the following:

- 8                   (A) Capital murder;  
9                   (B) Class Y felonies; and  
10                   (C) Class A felonies;

11                   (6) Determine the average daily cost of state incarceration at  
12 the following classifications:

- 13                   (A) Drug treatment;  
14                   (B) Minimum security;  
15                   (C) General population; and  
16                   (D) Maximum security;

17                   (7) Determine the adequacy of current victim compensation laws,  
18 including without limitation an examination of the effect of:

19                   (A) The desires of the victim's families in violent  
20 crimes; and

21                   (B) The charges filed by prosecutor;

22                   (8) Determine the adequacy of current data systems to record and  
23 retrieve data that will enable ongoing monitoring of the criminal justice  
24 system to determine if it is functioning fairly and equitably; and

25                   (9) Investigate other issues that the task force finds relevant  
26 to the issues identified in this section.

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28                   SECTION 3. NOT TO BE CODIFIED. Report of findings – Expiration of task  
29 force.

30                   (a) The Arkansas Legislative Task Force on Criminal Justice shall  
31 report its findings and its recommendations for proposed legislation, if any,  
32 to the Governor, the President Pro Tempore of the Senate, the Speaker of the  
33 House of Representatives, the Senate Judiciary Committee, and the House  
34 Judiciary Committee by August 15, 2010.

35                   (b) The task force shall cease to exist effective October 1, 2010.

36                   **APPROVED: 4/1/2009**