

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: H2/19/13

A Bill

HOUSE BILL 1326

5 By: Representative Wright
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE CARRYING OF A CONCEALED HANDGUN
9 BY A MEMBER OF THE PAROLE BOARD, AN INVESTIGATOR
10 EMPLOYED BY THE PAROLE BOARD, OR A PAROLE REVOCATION
11 JUDGE; AND FOR OTHER PURPOSES.
12
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Subtitle

14 CONCERNING THE CARRYING OF A CONCEALED
15 HANDGUN BY A MEMBER OF THE PAROLE BOARD,
16 AN INVESTIGATOR EMPLOYED BY THE PAROLE
17 BOARD, OR A PAROLE REVOCATION JUDGE.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 5-53-101(4)(A), concerning the definition
24 of "official proceeding", is amended to read as follows:

25 (4)(A) "Official proceeding" means a proceeding heard before any
26 legislative, judicial, administrative, or other government agency or official
27 authorized to hear evidence under oath, including any referee, *hearing*
28 *examiner*, parole revocation judge, commissioner, notary, or other person
29 taking testimony or depositions in any such proceeding.
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31 SECTION 2. Arkansas Code Title 5, Chapter 73, Subchapter 3, is amended
32 to add a new section to read as follows:

33 5-73-322. Parole board exemptions.

34 A member of the Parole Board, a board investigator, or a parole
35 revocation judge who has been issued a license to carry a concealed handgun
36 by the Department of Arkansas State Police under this subchapter may carry



1 his or her concealed handgun into a building in which or a location on which
2 a law enforcement officer may carry a handgun if the board member, board
3 investigator, or parole revocation judge is on official business of the
4 board.

5
6 SECTION 3. Arkansas Code § 16-93-209 is repealed.

7 ~~16-93-209. Concealed handguns.~~

8 ~~Members of the Parole Board and board investigators who have been~~
9 ~~issued a concealed handgun permit by the Department of Arkansas State Police~~
10 ~~pursuant to § 5-73-301 et seq., are authorized to carry their concealed~~
11 ~~handguns in any building in or location on which law enforcement officers are~~
12 ~~authorized to carry handguns, provided that the board members and~~
13 ~~investigators are on official business of the board.~~

14
15 SECTION 4. Arkansas Code § 16-93-705(b)(2), concerning parole
16 revocation hearings, is amended to read as follows:

17 (2) The hearing shall be conducted by the parole ~~hearing~~
18 ~~examiner~~ revocation judge for the board as soon as practical after arrest and
19 reasonably near the place of the alleged violation or arrest.

20
21 SECTION 5. Arkansas Code § 16-93-705(b)(5) – (8), concerning parole
22 revocation hearings, is amended to read as follows:

23 (5) If the parole ~~hearing examiner~~ revocation judge finds that
24 there is reasonable cause to believe that the parolee has violated a
25 condition of parole, the parole ~~hearing examiner~~ revocation judge may order
26 the parolee returned to the custody of the Department of Correction for a
27 revocation hearing before the board.

28 (6) If the parole ~~hearing examiner~~ revocation judge finds that
29 there is reasonable cause to believe that the parolee has violated a
30 condition of parole, the parole ~~hearing examiner~~ revocation judge may return
31 the offender to parole supervision rather than to the custody of the
32 Department of Correction and may impose additional supervision conditions in
33 response to the violating conduct.

34 (7) If the parole ~~hearing examiner~~ revocation judge does not
35 find reasonable cause, he or she shall order the parolee released from
36 custody, but that action shall not bar the board from holding a hearing on

1 the alleged violation of parole or from ordering the parolee to appear before
2 it.

3 (8) The parole ~~hearing examiner~~ revocation judge shall prepare
4 and furnish to the board and the parolee a summary of the hearing, including
5 the substance of the evidence and testimony considered.

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7 SECTION 6. Arkansas Code § 16-93-705(d)(1), concerning parole
8 revocation hearings, is amended to read as follows:

9 (1) The parolee shall have the right to confront and cross-
10 examine adverse witnesses unless the ~~hearing examiner~~ parole revocation judge
11 or the board or its designee specifically finds good cause for not allowing
12 confrontation; and

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14 /s/Wright

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17 **APPROVED: 03/11/2013**
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