

1 State of Arkansas *As Engrossed: S3/3/15 H3/27/15*

2 90th General Assembly

A Bill

3 Regular Session, 2015

SENATE BILL 618

4

5 By: Senators D. Sanders, Hester

6 By: Representative Shepherd

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For An Act To Be Entitled

9 AN ACT TO PERMIT THE DEPARTMENT OF CORRECTION TO
10 CONTRACT OR REACH AN AGREEMENT WITH A REGIONAL
11 CORRECTIONAL FACILITY TO HOUSE INMATES FROM THE
12 DEPARTMENT; TO DECLARE AN EMERGENCY; AND FOR OTHER
13 PURPOSES.

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Subtitle

17 TO PERMIT THE DEPARTMENT OF CORRECTION TO
18 CONTRACT OR REACH AN AGREEMENT WITH A
19 REGIONAL CORRECTIONAL FACILITY TO HOUSE
20 INMATES FROM THE DEPARTMENT; AND TO
21 DECLARE AN EMERGENCY.

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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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26 SECTION 1. Arkansas Code § 12-27-103(b)(14), concerning the power of
27 the Department of Correction to contract with federal, state, and private
28 entities to provide correctional operations, is amended to read as follows:

29 *(14)(A)(i) The Subject to the approval of the Governor, the*
30 *Department of Correction may cooperate with and contract with the federal*
31 *government, governmental agencies of Arkansas and other states, political*
32 *subdivisions of Arkansas, political subdivisions of other states, counties,*
33 *regional correctional facilities, and private contractors to provide and*
34 *improve correctional operations and to keep custody of inmates transferred*
35 *from the Department of Correction.*

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(ii) A facility owned or leased under this



1 subdivision (b)(14) shall comply with all constitutional standards of the
2 United States and the State of Arkansas.

3 (B) A county may contract for construction, operation, or
4 both with another entity to house a Department of Correction inmate under
5 this subdivision (b)(14) for a period not to exceed twenty (20) years;
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7 SECTION 2. DO NOT CODIFY. Temporary language.

8 (a) The Board of Correction or Department of Correction shall
9 promulgate rules consistent with the implementation of this act and shall
10 submit the rules to the appropriate legislative committee by October 1, 2015.

11 (b) Any administrative directive resulting from the implementation of
12 this act shall be reported to the Legislative Council for review at the next
13 scheduled Legislative Council meeting date.
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15 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
16 General Assembly of the State of Arkansas that there is a serious prison
17 overcrowding problem in Arkansas; that every alternative housing solution
18 should be considered until the prison population becomes manageable; and that
19 this act is immediately necessary because the corrections agencies need
20 flexibility to immediately address the prison overcrowding problem.
21 Therefore, an emergency is declared to exist, and this act being immediately
22 necessary for the preservation of the public peace, health, and safety shall
23 become effective on:

24 (1) The date of its approval by the Governor;

25 (2) If the bill is neither approved nor vetoed by the Governor,
26 the expiration of the period of time during which the Governor may veto the
27 bill; or

28 (3) If the bill is vetoed by the Governor and the veto is
29 overridden, the date the last house overrides the veto.
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31 /s/D. Sanders
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34 **APPROVED: 04/07/2015**
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