For An Act To Be Entitled

AN ACT PERMITTING ACT 309 INMATES IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION WHO ARE HOUSED IN A COUNTY JAIL TO WORK FOR LOCAL NONPROFIT ORGANIZATIONS; CONCERNING ACT 309 INMATES; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

PERMITTING ACT 309 INMATES IN THE CUSTODY OF THE DEPARTMENT OF CORRECTION WHO ARE HOUSED IN A COUNTY JAIL TO WORK FOR LOCAL NONPROFIT ORGANIZATIONS; CONCERNING ACT 309 INMATES; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 12-30-407 is amended to read as follows:

12-30-407. Housing of participants.

(a)(1)(A) The Board of Corrections may promulgate rules and regulations to allow the proper classification of inmates to be released to the county sheriffs of approved jail facilities or chiefs of police or other authorized law enforcement officers of city-operated approved jail facilities or community correction centers outside the Department of Correction.

(B)(i) Inmates shall be interviewed to develop a classification of each inmate's skills, work experiences, job background, and education.

(ii) Such inmates are to work at jobs
under this section that directly benefit these approved jail facilities or a
political subdivision, or may assist a political subdivision in supporting or
working with a nonprofit organization with a chapter, committee, or other
governing body that is based in the county, and that are related to a
particular inmate’s background classification, and where they are to be in
which the inmates are under supervision at all times.

(2)(A)(i) County sheriffs, chiefs of police, or other authorized
law enforcement officers of approved jail facilities may request assignment
of inmates to their approved jail facilities to perform particular jobs for
the approved jail facilities or for a political subdivision, or to assist a
political subdivision in supporting or working with a nonprofit organization
with a chapter, committee, or other governing body that is based in the
county, which when the jobs or assistance are in a particular area of need of
the facility or a approved jail facilities, political subdivision, or
nonprofit organization with a chapter, committee, or other governing body
that is based in the county.

(ii) The Department of Correction shall review the
requests and shall submit a list of inmates with appropriate skills or
backgrounds for the particular job needs of the approved jail facility,
political subdivision, or nonprofit organization with a chapter, committee,
or other governing body that is based in the county that is being provided
assistance by a political subdivision, in accordance with the Department of
Correction’s classification of inmates’ skills and backgrounds.

(iii) County sheriffs, chiefs of police, or other
authorized law enforcement officers will shall choose inmates from the
submitted list which who are appropriate for the needs of their the approved
jail facilities, or a political subdivision, or nonprofit organization with a
chapter, committee, or other governing body that is based in the county that
is being provided assistance by a political subdivision.

(B) County sheriffs, chiefs of police, or other authorized
law enforcement officers of approved jail facilities shall not request the
assignment of a particular inmate to their an approved jail facility,
political subdivision, or nonprofit organization with a chapter, committee,
or other governing body that is based in the county, and may refuse the
assignment of a particular inmate.

(3)(A) An inmate shall not be released to approved jail
facilities a county sheriff, chief of police, or other authorized law enforcement officer of an approved jail facility under this section until notification of the release is first sent to the county sheriff of the county from which the inmate was tried and convicted, the prosecuting attorney’s office who convicted that prosecuted the inmate, and, upon a written request, to the victim or victim’s family.

(B) Notification of the victim or victim’s family shall be done by mail to the last known address supplied to the Department of Correction in accordance with Department of Correction policies.

(4)(A) Inmates released under this section shall be entitled to credit on their sentences under the meritorious classification system of the Department of Correction.

(B) However, no inmate shall be eligible to be released to the county sheriff, chief of police, or other authorized law enforcement officer of an approved jail facility unless the inmate is within thirty (30) forty-five (45) months of his or her first parole eligibility date or his or her first post prison transfer eligibility date, unless:

(i) The inmate is returning to the county from which he or she was tried and convicted and the victim or victim’s immediate family, if residing in the county from which the inmate was tried and convicted, has been notified of the inmate’s return; or

(ii)(a) If the inmate is released to a county other than a county from which he or she was tried and convicted, the county sheriff of the county from which he or she was tried and convicted shall be notified as provided in subdivision (a)(3)(A) of this section.

(b)(1) Unless the county sheriff responds within fifteen (15) days of notification that he or she disapproves of the transfer, the inmate may be transferred as provided in this section.

(2) If the county sheriff disapproves of the transfer and an inmate becomes eligible to be released again, the notifications required by subdivision (a)(3) of this section shall be made again.

(b)(1) The number of persons on prerelease, work-release, and other rehabilitative programs that may be housed at the Arkansas Health Center shall not exceed a number appropriate to maintain the security and good order of the center.
(2) However, with the approval of the Department of Human Services State Institutional System Board and the Administrator of the Arkansas Health Center, a maximum number of persons on prerelease, work-release, and other rehabilitative programs to be housed at the center may be established by the Board of Corrections.

(e) Inmates released to the county sheriff of approved jail facilities or community correction centers pursuant to this section prior to July 28, 1995, shall remain eligible for release, notwithstanding the provisions of this section.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that Act 309 inmates are currently a valuable resource for local jails and political subdivisions; that Act 309 inmates should be available for use by local nonprofit organizations; and that this act is immediately necessary because a number of nonprofit entities can immediately benefit from the assistance of Act 309 inmates. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

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

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

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/Standridge

APPROVED: 03/09/2017