

1 State of Arkansas *As Engrossed: S2/8/17 S2/20/17*

2 91st General Assembly

A Bill

3 Regular Session, 2017

SENATE BILL 273

4

5 By: Senator Standridge

6 By: Representatives Drown, Bentley

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For An Act To Be Entitled

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

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Subtitle

17 *PERMITTING ACT 309 INMATES IN THE CUSTODY*
18 *OF THE DEPARTMENT OF CORRECTION WHO ARE*
19 *HOUSED IN A COUNTY JAIL TO WORK FOR LOCAL*
20 *NONPROFIT ORGANIZATIONS; CONCERNING ACT*
21 *309 INMATES; AND TO 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 § 12-30-407 is amended to read as follows:

27 12-30-407. Housing of participants.

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

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

36 (ii) ~~Such inmates are to~~ Inmates shall work at jobs



1 under this section that directly benefit those approved jail facilities or a
 2 political subdivision, or may assist a political subdivision in supporting or
 3 working with a nonprofit organization with a chapter, committee, or other
 4 governing body that is based in the county, and that are related to a
 5 particular inmate's background classification, and where they are to be in
 6 which the inmates are under supervision at all times.

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

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

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

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

36 (3)(A) An inmate shall not be released to ~~approved jail~~

1 ~~facilities~~ a county sheriff, chief of police, or other authorized law
2 enforcement officer of an approved jail facility under this section until
3 notification of the release is first sent to the county sheriff of the county
4 from which the inmate was tried and convicted, the prosecuting attorney's
5 office ~~who convicted~~ that prosecuted the inmate, and, upon a written request,
6 to the victim or victim's family.

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

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

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

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

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

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

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

33 (b)(1) The number of persons on prerelease, work-release, and other
34 rehabilitative programs that may be housed at the Arkansas Health Center
35 shall not exceed a number appropriate to maintain the security and good order
36 of the center.

1 (2) However, with the approval of the Department of Human
2 Services State Institutional System Board and the Administrator of the
3 Arkansas Health Center, a maximum number of persons on prerelease, work-
4 release, and other rehabilitative programs to be housed at the center may be
5 established by the Board of Corrections.

6 ~~(c) Inmates released to the county sheriff of approved jail facilities~~
7 ~~or community correction centers pursuant to this section prior to July 28,~~
8 ~~1995, shall remain eligible for release, notwithstanding the provisions of~~
9 ~~this section.~~

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

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

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

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

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27 /s/Standridge

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30 **APPROVED: 03/09/2017**