

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

# A Bill

HOUSE BILL 1185

5 By: Representative Dalby  
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## For An Act To Be Entitled

8 AN ACT CONCERNING THE JUDICIAL OR ADMINISTRATIVE  
9 TRANSFER OF AN INMATE TO THE DIVISION OF COMMUNITY  
10 CORRECTION; CONCERNING TRANSFER TO THE DIVISION OF  
11 COMMUNITY CORRECTION NOTED ON A COURT'S SENTENCING  
12 ORDER; AND FOR OTHER PURPOSES.  
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## Subtitle

15 CONCERNING THE JUDICIAL OR  
16 ADMINISTRATIVE TRANSFER OF AN INMATE TO  
17 THE DIVISION OF COMMUNITY CORRECTION.  
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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 § 12-27-113(a) and (b), concerning  
24 commitments to the Division of Correction and judicial transfers to the  
25 Division of Community Correction, are amended to read as follows:

26 (a)(1) All commitments to the Division of Correction shall be to the  
27 Division of Correction and not to a particular institution.

28 (2) Commitments may provide for judicial or administrative  
29 transfer to the Division of Community Correction.

30 (b)(1) The Director of the Division of Correction, in accordance with  
31 the rules and procedures promulgated by the Board of Corrections, shall  
32 transfer an inmate to the Division of Community Correction, pursuant to a  
33 judicial transfer, determine the administrative transfer of an inmate to the  
34 Division of Community Correction, or assign a newly committed inmate to an  
35 appropriate facility of the Division of Correction.

36 (2) The director may transfer an inmate from one (1) facility to



1 another consistent with the commitment and in accordance with treatment,  
2 training, and security needs.

3 (3) Inmates may be transferred between the Division of  
4 Correction and the Division of Community Correction within the constraints of  
5 law applicable to judicial or administrative transfer, subject to the  
6 policies, ~~rules, and regulations~~ and rules established by the Board of  
7 Corrections, and conditions set by the Parole Board.

8 (4) The Division of Correction shall retain legal custody of all  
9 inmates transferred to community correction unless altered by court order.

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11 SECTION 2. Arkansas Code § 12-27-113(e)(3), concerning inmates  
12 judicially transferred to the Division of Community Correction, is amended to  
13 read as follows:

14 (3) For those inmates committed to the Division of Correction  
15 and judicially or administratively transferred to the Division of Community  
16 Correction, the preparation of a record described in subdivision (e)(1) of  
17 this section may be delegated to the Division of Community Correction  
18 pursuant to policies applicable to records transmission adopted by the Board  
19 of Corrections.

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21 SECTION 3. Arkansas Code § 12-27-127(a), concerning the transfer of a  
22 person to the Division of Community Correction, is amended to read as  
23 follows:

24 (a)(1) A commitment shall be treated as a commitment to the Division  
25 of Correction and subject to regular transfer eligibility ~~unless,~~

26 ~~(1) The commitment specifies that the~~

27 (2) However, an inmate is to may be judicially or  
28 administratively transferred to the Division of Community Correction, ~~or by~~  
29 the Division of Correction

30 ~~(2) If the court indicates on the commitment that the Division~~  
31 ~~of Correction shall administratively determine the transfer of an inmate, the~~  
32 ~~Division of Correction may administratively transfer a statutorily eligible~~  
33 ~~inmate to the Division of Community Correction in accordance with rules~~  
34 ~~promulgated by the Board of Corrections unless the court indicates on the~~  
35 sentencing order that the Division of Correction shall not administratively  
36 transfer a statutorily eligible inmate to the Division of Community

1 Correction in accordance with the rules promulgated by the Board of  
2 Corrections.

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4 SECTION 4. Arkansas Code § 16-93-310(c)(2)(A), concerning the  
5 commitment to the Division of Correction of a person who has had his or her  
6 probation revoked, is amended to read as follows:

7 (2)(A) The court shall commit the eligible offender to the  
8 custody of the Division of Correction under this subchapter for judicial or  
9 administrative transfer to the Division of Community Correction subject to  
10 the following:

11 (i) That the sentence imposed provides that the  
12 offender shall serve no more than three (3) years of confinement, with credit  
13 for meritorious good time, with initial placement in a Division of Community  
14 Correction facility; and

15 (ii) That the initial placement in the Division of  
16 Community Correction is conditioned upon the offender's continuing  
17 eligibility for Division of Community Correction placement and the offender's  
18 compliance with all applicable rules established by the Board of Corrections  
19 for community correction programs.

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21 SECTION 5. Arkansas Code § 16-93-614(b)(2), concerning the parole  
22 eligibility of a person who committed certain felony offenses after January  
23 1, 1994, is amended to read as follows:

24 (2) A person who committed a target offense under ~~the Community~~  
25 ~~Punishment Act~~, § 16-93-1201 et seq., before January 1, 1994, and who has not  
26 been sentenced to a term of incarceration may waive the right to be released  
27 under the parole eligibility law in effect at the time the crime was  
28 committed and shall become eligible for judicial or administrative transfer  
29 pursuant to the transfer provisions provided in subdivision (c)(2) of this  
30 section.

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32 SECTION 6. Arkansas Code § 16-93-614(c)(2)(A), concerning the parole  
33 eligibility of a person who committed certain felony offenses after January  
34 1, 1994, is amended to read as follows:

35 (2)(A)(i)(a) An offender convicted of a target offense under ~~the~~  
36 ~~Community Correction Act~~, § 16-93-1201 et seq., may be committed to the

1 Division of Correction and judicially or administratively transferred to the  
2 Division of Community Correction by ~~specific~~ provision in the commitment that  
3 the trial court order or authorize such a transfer.

4 (b) No other offender is eligible for transfer  
5 to a Division of Community Correction facility.

6 (ii) A copy of the commitment shall be forwarded  
7 immediately to the Division of Correction and to the Division of Community  
8 Correction.

9 (iii) In the event that an offender is sentenced to  
10 the Division of Correction without judicial or administrative transfer on one  
11 (1) sentence and concurrently sentenced to the Division of Correction with  
12 judicial or administrative transfer on another sentence, the offender shall  
13 remain in the Division of Correction, and the sentence with judicial or  
14 administrative transfer may be discharged in the same manner as that of an  
15 offender transferred back to the Division of Correction.

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17 SECTION 7. Arkansas Code § 16-93-614(c)(2)(D), concerning the parole  
18 eligibility of a person who committed certain felony offenses after January  
19 1, 1994, is amended to read as follows:

20 (D) The offender shall not be transported to the Division  
21 of Correction on the initial placement in a Division of Community Correction  
22 facility pursuant to a judicial or administrative transfer.

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24 SECTION 8. Arkansas Code § 16-93-614(c)(2)(F), concerning the parole  
25 eligibility of a person who committed certain felony offenses after July 31,  
26 2007, is amended to read as follows:

27 (F) An offender who is sentenced after July 31, 2007, and  
28 who is transferred back to the Division of Correction for administrative  
29 reasons is eligible for transfer to Division of Community Correction  
30 supervision in the same manner as an offender who is sentenced to the  
31 Division of Correction without a judicial or administrative transfer to the  
32 Division of Community Correction; and

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35 **APPROVED: 2/2/21**