

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**  
4 **By: Representative Ferrell**

# **A Bill**

**ACT 1269 OF 1995**  
**HOUSE BILL 1698**

## **For An Act To Be Entitled**

8 "AN ACT TO ALLOW THE CRIME VICTIMS REPARATIONS BOARD TO  
9 PROVIDE REPARATIONS TO CERTAIN VICTIMS WHOSE PRIMARY  
10 RESIDENCE HAS BEEN DAMAGED AS A RESULT OF A CRIMINAL ACT;  
11 AND FOR OTHER PURPOSES."

### **Subtitle**

14 "TO ALLOW THE CRIME VICTIMS REPARATIONS  
15 BOARD TO PROVIDE REPARATIONS TO CERTAIN  
16 VICTIMS WHOSE PRIMARY RESIDENCE HAS BEEN  
17 DAMAGED AS A RESULT OF A CRIMINAL ACT"

18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. INTENT. It is the intent of this act to provide a method of  
22 reparations whereby victims whose primary residence is damaged or whose  
23 personal property is stolen from their primary residence as a result of  
24 criminal acts and who do not have adequate available resources or a collateral  
25 source of reimbursement, such as insurance, to cover the cost of repairs to  
26 their primary residence or replacement of the personal property may receive  
27 assistance in the form of inmate or probationer labor to make repairs and  
28 cleanup their primary residence and the surrounding real property.

29  
30 SECTION 2. (a) The Crime Victims Reparations Board and the Board of  
31 Correction and Community Punishment with the cooperation and assistance of the  
32 Department of Community Punishment working in conjunction with each other  
33 shall promulgate the necessary rules and regulations to establish a program  
34 whereby eligible inmates released to or sentenced directly to community  
35 punishment and probationers may perform labor on the primary residence and  
36 surrounding real property of victims whose primary residence has suffered

1 damage as a result of a criminal act or whose personal property has been  
2 stolen from their primary residence whose owner does not have adequate  
3 available resources or any collateral source of reimbursement, such as  
4 insurance, to cover the costs of repairs or replacement. *The safety of the*  
5 *victim, probationer, and the inmate shall be given first priority in*  
6 *promulgating the rules and regulations.*

7 (b) Persons who have suffered damage to their primary residence and  
8 surrounding real property in an amount in excess of five hundred dollars  
9 (\$500.00) as a result of a criminal act or have had personal property stolen  
10 from their primary residence valued in excess of five hundred dollars  
11 (\$500.00), and do not have adequate available resources or any collateral  
12 source of reimbursement, such as insurance, to cover the costs of repairs to  
13 their property may file a claim with the Crime Victims Reparations Board in  
14 the manner and form as is presently required by the Crime Victims Reparations  
15 Board for crime victims and the Crime Victims Reparations Board shall have the  
16 power to provide labor for repairs and cleanup supplied by eligible offenders  
17 serving community punishment and probationers in accordance with rules and  
18 regulations promulgated by the Board of Correction and Community Punishment,  
19 and by this act the Department of Community Punishment is authorized and  
20 directed to promulgate necessary rules and regulations permitting the use of  
21 eligible inmates transferred to or sentenced directly to community punishment  
22 and probationers to perform the repair and cleanup work contemplated by this  
23 act and consistent with guidelines established by the Crime Victims  
24 Reparations Board.

25 (c) Inmates who have been convicted of violent crimes or residential  
26 burglary, even if transferred to or sentenced directly to community  
27 punishment, and probationers who have been convicted of violent crimes,  
28 residential burglary or theft of property shall be ineligible to participate  
29 in this program and the regulations governing this program shall reflect this  
30 prohibition.

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32 *SECTION 3. Whenever a dollar amount of property damage or loss is*  
33 *referred to in Section 2 of this act, the dollar amount shall refer to the*  
34 *fair market repair or replacement value. Further, no award shall be made*  
35 *under the provisions of this act for a loss based on the dollar amount of an*

1 insurance deductible which is five hundred dollars (\$500.00) or less.

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3 SECTION 4. All provisions of this act of a general and permanent nature  
4 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
5 Revision Commission shall incorporate the same in the Code.

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7 SECTION 5. If any provision of this act or the application thereof to  
8 any person or circumstance is held invalid, such invalidity shall not affect  
9 other provisions or applications of the act which can be given effect without  
10 the invalid provision or application, and to this end the provisions of this  
11 act are declared to be severable.

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13 SECTION 6. All laws and parts of laws in conflict with this act are  
14 hereby repealed.

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*/s/Rep. Ferrell*

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APPROVED: 4-13-95

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***As Engrossed: 2/22/95 3/17/95***

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