

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 682 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: S2/22/05

A Bill

SENATE BILL 389

5 By: Senator Luker
6 By: Representatives D. Johnson, Bond
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9 **For An Act To Be Entitled**

10 AN ACT TO AMEND ARKANSAS CODE § 12-27-127 TO
11 CREATE AN INCENTIVE FOR SUCCESSFUL
12 REHABILITATION; AND FOR PURPOSES.
13

14 **Subtitle**

15 AN ACT TO AMEND ARKANSAS CODE § 12-27-
16 127 TO CREATE AN INCENTIVE FOR
17 SUCCESSFUL REHABILITATION.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 12-27-127 is amended to add an additional
23 subsection to read as follows:

24 (c)(1) Upon receipt of a referral from the Director of the Department
25 of Community Correction or his or her designee, the Post Prison Transfer
26 Board shall have the power, in accordance with rules and procedures
27 promulgated by the Board of Corrections, to release from confinement an
28 inmate who has been:

29 (A) Sentenced and judicially transferred to the Department
30 of Community Correction;

31 (B) Incarcerated for a minimum of two hundred seventy
32 (270) days; and

33 (C) Determined by the Department of Community Correction
34 to have successfully completed its therapeutic program.

35 (2)(A) The General Assembly finds that the power granted to the



1 Post Prison Transfer Board under subdivision (c)(1) of this section will:

2 (i) Aid the therapeutic rehabilitation of the
3 inmates judicially transferred to the Department of Community Correction; and

4 (ii) More efficiently use the correctional resources
5 of the State of Arkansas.

6 (B) The power granted to the Post Prison Transfer Board
7 under subdivision (c)(1) of this section shall be the sole authority required
8 for the accomplishment of the purposes set forth in this subdivision (c)(2),
9 and when the board exercises its power under this section, it shall not be
10 necessary for the board to comply with general provisions of other laws
11 dealing with the minimum time constraints as applied to release eligibility.

12 (3) Nothing in this subsection (c) shall be construed as
13 granting the Post Prison Transfer Board or the Department of Community
14 Correction the authority to either detain an inmate beyond the sentence
15 imposed upon him or her by a transferring court or to shorten that sentence.

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17 */s/ Luker*

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20 *APPROVED: 3/09/2005*

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