

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 279 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: S2/13/07

A Bill

SENATE BILL 216

5 By: Senator Hendren
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8 **For An Act To Be Entitled**

9 AN ACT TO PROVIDE THAT NONVIOLENT FELONY SEX
10 OFFENDERS AWAITING TRANSFER TO THE DEPARTMENT OF
11 CORRECTION OR THE DEPARTMENT OF COMMUNITY
12 CORRECTION SHALL NOT BE TEMPORARILY RELEASED FROM
13 THE CUSTODY OF A SHERIFF; AND FOR OTHER PURPOSES.
14

15 **Subtitle**

16 TO PROVIDE THAT NONVIOLENT FELONY SEX
17 OFFENDERS AWAITING TRANSFER TO THE
18 DEPARTMENT OF CORRECTION OR THE
19 DEPARTMENT OF COMMUNITY CORRECTION SHALL
20 NOT BE TEMPORARILY RELEASED FROM THE
21 CUSTODY OF A SHERIFF.
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23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 16-90-122 is amended to read as follows:

27 *16-90-122. Post-conviction release of nonviolent offenders.*

28 (a) ~~Any~~ Except as provided in subsection (b) of this section, any
29 *circuit judge may authorize the temporary release of an offender in the*
30 *sheriff's custody who has:*

31 (1) *Been found guilty of or pleaded guilty or nolo contendere to*
32 *a nonviolent felony offense in circuit court, ~~except nonviolent Class Y~~*
33 *~~felony offenses listed in § 16-93-611; and~~*

34 (2) *Been sentenced to a term of imprisonment and committed to*
35 *the Department of Correction or the Department of Community Correction and is*



1 awaiting transfer to the Department of Correction or the Department of
2 Community Correction.

3 (b) A circuit judge shall not authorize the temporary release of an
4 offender under subsection (a) of this section if the offender has been found
5 guilty of or pleaded guilty or nolo contendere to a:

6 (1) Class Y felony offense listed in § 16-93-611; or

7 (2) Felony sex offense listed in the definition of "sex offense"
8 in § 12-12-903.

9 ~~(b)(1)(c)(1)~~ The circuit judge may authorize the release under the
10 terms and conditions which he or she determines are necessary to protect the
11 public and to ensure the offender's return to custody upon notice that bed
12 space is available at the Department of Correction or the Department of
13 Community Correction.

14 (2) The circuit judge may require a cash or professional bond to
15 be posted in an amount suitable to ensure the offender's return to custody.

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17 /s/ Hendren

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19 APPROVED: 3/16/2007