

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 300 of the Regular Session

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

As Engrossed: H2/15/07

A Bill

HOUSE BILL 1341

5 By: Representative S. Prater
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For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE § 12-41-503 TO
10 AUTHORIZE SHERIFFS TO USE ALTERNATIVE DETENTION
11 RESOURCES FOR CONVICTED PERSONS SENTENCED TO
12 COUNTY JAILS; AND FOR OTHER PURPOSES.
13

Subtitle

14 TO AMEND ARKANSAS CODE § 12-41-503 TO
15 AUTHORIZE SHERIFFS TO USE ALTERNATIVE
16 DETENTION RESOURCES FOR CONVICTED
17 PERSONS SENTENCED TO COUNTY JAILS.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 12-41-503 is amended to read as follows:
24 12-41-503. Management of local jail populations.

25 (a) Sheriffs and other keepers or administrators of jails within the
26 State of Arkansas are responsible for managing the populations and operations
27 of their respective facilities in compliance with the laws and the Arkansas
28 Constitution and within the requirements of the United States Constitution.

29 (b) Neither a sheriff nor another keeper or administrator of a jail
30 shall refuse to accept any prisoner lawfully arrested or committed within the
31 jurisdiction of the supporting agency of the jail except as necessary to
32 limit prisoner population in compliance with subsection (a) of this section.

33 (c)(1) A sheriff, or his or her designee, shall be permitted to
34 determine if persons convicted and sentenced to the county jail shall serve
35 *their sentences on electronic monitoring ~~or~~, on weekends, or by any other*



1 lawful alternative to continual detention in the county jail that
2 rehabilitates the inmate or benefits the county when this does not conflict
3 with any court orders.

4 (2) If a sheriff, or his or her designee, determines that a
5 person convicted and sentenced to the county jail shall serve his or her
6 sentence on electronic monitoring ~~or~~, on weekends, or by any other lawful
7 alternative to continual detention in the county jail that rehabilitates the
8 inmate or benefits the county, an agreement shall be entered into between the
9 sheriff, or his or her designee, and the convicted person outlining the
10 conditions of the sentence.

11 (3) If the convicted person fails to follow the conditions of
12 the agreement, the sheriff, or his or her designee, may cancel the agreement
13 and return the convicted person to the county jail, by any lawful means
14 necessary, to serve the sentence.

15 (d) When more than one (1) legal jurisdiction, that is, counties or
16 municipalities, share a common jail, the participating jurisdictions may
17 enter into agreements to share the operational costs of the jail.

18 (e) When a shared jail is operated and a jurisdiction which is
19 eligible to participate in the shared operation opts not to participate,
20 then, in the event that the jurisdiction has prisoners committed to the
21 shared jail, that jurisdiction may be required to pay fixed per diem charges,
22 not to exceed actual costs, including capital costs, for each prisoner
23 committed or housed in the jail.

24 (f) An agreement with an agency or jurisdiction not eligible for
25 participation in a shared jail operation project may be made for the housing
26 of prisoners, provided the charges assessed do not exceed the actual costs,
27 including capital costs.

28 (g) Jails shall accept prisoners of the United States Government
29 provided space and staffing are available and the delivering government
30 agency agrees to pay a per diem charge not to exceed the actual costs,
31 including capital costs.

32 (h) Nothing in this section prohibits any jurisdiction from entering
33 into a contractual agreement with a private organization for the operation of
34 a jail facility.

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36 /s/ S. Prater

APPROVED: 3/16/2007