

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 615 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H2/13/09

A Bill

HOUSE BILL 1030

5 By: Representative Harrelson
6 By: Senator D. Johnson
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8

9 **For An Act To Be Entitled**

10 AN ACT TO GRANT THE DEPARTMENT OF COMMUNITY
11 CORRECTION THE AUTHORITY TO SHUT DOWN UNLICENSED
12 TRANSITIONAL HOUSING FOR CRIMINAL OFFENDERS WHO
13 HAVE BEEN TRANSFERRED, PAROLED, OR PLACED ON
14 PROBATION THROUGH THE ARKANSAS CRIMINAL JUSTICE
15 SYSTEM; TO ALLOW FOR CIVIL PENALTIES FOR
16 OPERATION OF UNLICENSED TRANSITIONAL HOUSING; AND
17 FOR OTHER PURPOSES.
18

19 **Subtitle**

20 AN ACT TO AUTHORIZE THE CLOSING OF
21 UNLICENSED TRANSITIONAL HOUSING FOR
22 CRIMINAL OFFENDERS; AND TO ALLOW CIVIL
23 PENALTIES FOR OPERATION OF UNLICENSED
24 TRANSITIONAL HOUSING.
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26

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
28

29 *SECTION 1. Arkansas Code § 16-93-1603(b), concerning the minimum*
30 *standards set by the Board of Corrections for transitional housing facilities*
31 *in the State of Arkansas, is amended to read as follows:*

32 *(b)(1) ~~All of the standards set by the rules described in subsection~~*
33 *~~(a) of this section shall be established prior to the Parole Board's or a~~*
34 *~~district or circuit court's releasing a transferee, parolee, or probationer~~*
35 *~~to a transitional housing facility as a resident. The Parole Board, a~~*



1 district court, or a circuit court shall not release a transferee, parolee,
2 or probationer to a transitional housing facility as a resident unless the
3 transitional housing facility provides a copy of a current license issued by
4 the Department of Community Correction under § 16-93-1604.

5 (2) The transitional housing facility shall comply with all the
6 standards set by the rules established by the Board of Corrections under
7 subsection (a) of this section.

8
9 SECTION 2. Arkansas Code § 16-93-1604(b)(2), concerning the powers and
10 duties of the Department of Community Correction with regard to enforcement
11 of the rules for transitional housing facilities, is amended to add an
12 additional subdivision to read as follows:

13 (b)(1) The department shall be responsible for the enforcement of the
14 rules established by the Board of Corrections under § 16-93-1603.

15 (2) The department shall establish all procedures and forms that
16 it deems necessary to implement the rules, and the procedures shall include,
17 but not be limited to, the following:

18 (A) Creating a state-issued Arkansas transitional housing
19 facility license for applicant facilities that have met the standards
20 established by the rules of the board;

21 (B) Establishing the process to be followed by an
22 applicant in making application to the department to receive a license to
23 operate an approved transitional housing facility, which shall include a
24 reasonable application fee to be established by the board;

25 (C) Establishing procedures for the department to accept
26 applications for facilities wishing to obtain a license to operate a
27 transitional housing facility and to investigate whether applicants meet the
28 standards established by the rules of the board;

29 (D)(i) Establishing procedures for the department to
30 notify an applicant when its application has been approved or denied.

31 (ii) All denials shall specify in writing the reason
32 for the application's denial;

33 (E) Establishing procedures to investigate complaints that
34 a licensed transitional housing facility is in violation of the standards
35 established by the rules of the board; ~~and~~

36 (F) Establishing procedures for the department to suspend

1 or revoke a license when a license holder is no longer in compliance with or
2 violates the rules of the board; and

3 (G) Establishing procedures for the department to
4 impose civil penalties for the operation of a transitional housing facility
5 without a valid license issued by the department.

6
7 SECTION 3. Arkansas Code Title 16, Chapter 93, Subchapter 16 is
8 amended to add a new section to read as follows:

9 16-93-1605. License required.

10 (a) In order to operate a transitional housing facility for criminal
11 offenders who have been transferred, paroled, or placed on probation through
12 the Arkansas criminal justice system, the operator shall obtain a license
13 from the Department of Community Corrections.

14 (b)(1) Operation of a transitional housing facility without a license
15 issued by the department shall result in the imposition of civil penalties
16 against the operator by the department.

17 (2) Civil penalties for operation of a transitional housing
18 facility without a valid license shall not exceed five hundred dollars (\$500)
19 per day for each day the violation continues.

20 (3) However, no civil penalty may be assessed until the person
21 charged with the violation has been given the opportunity for a hearing on
22 the violation.

23 (c) A criminal offender who has been transferred, paroled, or placed
24 on probation through the Arkansas criminal justice system shall not be sent
25 via court order to a transitional housing facility that is not properly
26 licensed by the department.

27
28 */s/ Harrelson*

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30 **APPROVED: 3/27/2009**