

1 State of Arkansas *As Engrossed: H2/6/13 S2/25/13*

2 89th General Assembly

# A Bill

3 Regular Session, 2013

HOUSE BILL 1021

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5 By: Representative Wright

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## For An Act To Be Entitled

8 AN ACT CONCERNING THE TRANSPORTATION OF INMATES IN  
9 THE CUSTODY OF THE DEPARTMENT OF CORRECTION OR THE  
10 DEPARTMENT OF COMMUNITY CORRECTION FOR LEGAL  
11 PROCEEDINGS; AND FOR OTHER PURPOSES.

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## Subtitle

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CONCERNING THE TRANSPORTATION OF INMATES  
16 IN THE CUSTODY OF THE DEPARTMENT OF  
17 CORRECTION OR THE DEPARTMENT OF COMMUNITY  
18 CORRECTION FOR LEGAL PROCEEDINGS.

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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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23 *SECTION 1. Arkansas Code § 12-29-111 is amended to read as follows:*  
24 *12-29-111. Transport of inmate required for legal proceeding.*

25 *(a) ~~When~~ If an inmate in the care and custody of the Department of*  
26 *Correction or the Department of Community Correction is required to be*  
27 *present during a ~~legal~~ criminal proceeding or a civil proceeding that arises*  
28 *from a criminal charge or conviction of any court in this state, ~~it shall be~~*  
29 *~~the duty of~~ the county sheriff of the county in which the criminal proceeding*  
30 *or civil proceeding ~~will take~~ takes place ~~to~~ shall take custody of the inmate*  
31 *at the institution where the inmate is confined, ~~and to then~~ transport the*  
32 *inmate to the appropriate county, and make him or her available to the court.*

33 *(b) At the conclusion of the criminal proceeding or civil proceeding,*  
34 *the county sheriff shall transport the inmate back to the unit of the*  
35 *Department of Correction or Department of Community Correction from which the*  
36 *inmate was received and shall return custody of the inmate to the Department*



1 of Correction or Department of Community Correction officials.

2 (c)(1) The county sheriff's office ~~shall be~~ is responsible for the  
3 custody, sustenance, and safety of the inmate from the time the inmate is  
4 placed into its custody until the time custody of the inmate is returned to  
5 the Department of Correction or the Department of Community Correction.

6 (2) The county in which the legal proceeding is held ~~shall be~~ is  
7 responsible for all expenses relating to the transportation and care of the  
8 inmate.

9 (d) While transporting an inmate ~~pursuant to~~ under this section, a  
10 county sheriff ~~shall have~~ has the full ~~power and~~ authority of his or her  
11 office in any county of this state in matters relating to the transportation.

12 (e) ~~There shall be excluded from this section~~ This section does not  
13 apply to the transportation and care costs for court appearances arising from  
14 charges brought by the Department of Correction against the inmate for  
15 offenses committed while the inmate is under the custody and care of the  
16 Department of Correction.

17 (f)(1) When an inmate in the care and custody of the Department of  
18 Correction or the Department of Community Correction is required to be  
19 present for appearances in a civil proceeding that does not arise from a  
20 criminal charge or conviction, the court requiring the inmate's presence may  
21 assess costs against one (1) or more of the parties to the proceeding to be  
22 paid to the Department of Correction or the Department of Community  
23 Correction to compensate the actual cost of transporting the inmate and to  
24 other costs assessed by the court.

25 (2) Costs under this subdivision shall not be assessed against  
26 the Department of Human Services if the Department of Human Services is a  
27 party to the proceeding.

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29 /s/Wright

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32 **APPROVED: 03/06/2013**