Stricken language would be deleted from and underlined language would be added to present law. Act 951 of the Regular Session

1	State of Arkansas	As Engrossed: H3/20/15	
2	90th General Assembly	A Bill	
3	Regular Session, 2015		HOUSE BILL 1666
4			
5	By: Representative Vines		
6	By: Senator J. Hutchinson		
7			
8		For An Act To Be Entitled	
9	AN ACT CONCERNING THE APPLICATION TO TERMINATE A		
10	PERSON'S PAROLE OR PROBATION; AND FOR OTHER PURPOSES.		
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12			
13		Subtitle	
14	CON	CERNING THE APPLICATION TO TERMINATE	A
15	PER	SON'S PAROLE OR PROBATION.	
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18	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE OF ARK	ANSAS:
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20	SECTION 1. Art	kansas Code § 16-90-1304 is amended t	o read as follows:
21	16-90-1304. Application.		
22	(a) When a per	rson has accumulated enough days, thr	ough a combination
23	of served and earned	time equal to the total number of da	ys of the sentence
24	imposed by the sentencing court, he or she shall have attained completion of		
25	<u>be eligible for cons</u>	ideration of discharge of his or her	sentence under this
26	subchapter.		
27	(b)(1) No les	s than forty-five (45) days before the	e discharge date,
28	the Department of Con	mmunity Correction shall submit notic	e to:
29	(A)) The prosecuting attorney; and	
30	(B)) The Parole Board.	
31	(2) With	hin thirty (30) days before the disch	arge date <u>of receipt</u>
32	of the earned dischar	rge notice, the prosecuting attorney	or the Parole Board
33	may file a petition in the sentencing court stating submit to the department		
34	<u>in writing</u> any reason	nable objection to early discharge un	der this subchapter
35	warranting the forfe	iture of earned-discharge credit.	
36	(3) If .	a petition stating an objection under	subdivision (b)(2)



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1 of this section is lodged, the department shall immediately suspend the discharge of the sentence pending a review of the evidence contained in the 2 3 objection by the sentencing court. 4 (4) The parolee or probationer may file a petition for review in 5 the sentencing court. 6 (4)(5) A review shall be conducted in the sentencing court 7 within fourteen (14) days of the filing of the petition. 8 (5)(A) (6)(A) Upon the request of the prosecuting attorney or the 9 Parole Board, the The sentencing court shall consider the objections against 10 the person based solely on the information contained in the petition. 11 (B) The sentencing court shall determine, based on a 12 preponderance of the evidence, whether the person should not be discharged 13 from the sentence because, if the information contained in the petition had 14 been known to the Department of Community Correction, the department would 15 have ordered the forfeiture of any of the discharge credit earned to that 16 point or if insufficient evidence exists that would warrant the forfeiture of 17 discharge credit. 18 (C) If the sentencing court finds sufficient evidence 19 warranting a forfeiture of discharge credits, the department shall make the 20 necessary forfeiture of earned discharge credit appropriate for the type of misconduct asserted in the objection. 21 22 (D)(i) If the sentencing court does not find sufficient 23 evidence exists that warrants forfeiture of discharge credits, the department 24 shall discharge the person immediately if the date upon which the completion 25 of the sentence occurred has passed. 26 (ii) If the date for completion of the sentence has 27 not occurred, the person shall return to the status held at the point the 28 objection was filed. 29 (c) If the prosecuting attorney or the board does not file an objection, upon the filing of a petition in the sentencing court by the 30 31 parolee or probationer stating that no objections have been filed, the court may discharge the person immediately if the date upon which the completion of 32 the sentence has passed. 33 $\frac{(6)}{(d)}$ An appeal may not be taken by either party from the sentencing 34 35 court's findings or the department's decision for early discharge. 36

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1	SECTION 2. EMERGENCY CLAUSE. It is found and determined by the		
2	General Assembly of the State of Arkansas that the Department of Community		
3	Correction has changed the system for discharging probationers and the		
4	department discontinued the former system at the beginning of the year; that		
5	the new system is automated and is ready for implementation; and that this		
6	act is immediately necessary because in order for a seamless implementation		
7	the department would like to begin the new system at the same time the		
8	changes in this act become effective. Therefore, an emergency is declared t		
9	exist, and this act being immediately necessary for the preservation of the		
10	public peace, health, and safety shall become effective on:		
11	(1) The date of its approval by the Governor;		
12	(2) If the bill is neither approved nor vetoed by the Governor,		
13	the expiration of the period of time during which the Governor may veto the		
14	<u>bill; or</u>		
15	(3) If the bill is vetoed by the Governor and the veto is		
16	overridden, the date the last house overrides the veto.		
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18	/s/Vines		
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21	APPROVED: 04/02/2015		
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