

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

SENATE BILL 200

5 By: Senator J. Woods
6 By: Representative Bennett
7

For An Act To Be Entitled

9 AN ACT TO ALLOW FOR ADMINISTRATIVE TRANSFER OF AN
10 INMATE IN THE DEPARTMENT OF CORRECTION TO THE
11 DEPARTMENT OF COMMUNITY CORRECTION; AND FOR OTHER
12 PURPOSES.
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Subtitle

15 TO ALLOW FOR ADMINISTRATIVE TRANSFER OF
16 AN INMATE IN THE DEPARTMENT OF CORRECTION
17 TO THE DEPARTMENT OF COMMUNITY
18 CORRECTION.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 12-27-127 is amended to read as follows:

25 12-27-127. ~~Judicial transfer~~ Transfer to the Department of Community
26 Correction.

27 (a) ~~All commitments shall specify~~ Unless a commitment specifies that
28 the inmate is to be judicially transferred to the Department of Community
29 Correction, ~~or~~ the commitment ~~will~~ shall be treated as a commitment to the
30 Department of Correction and subject to regular transfer eligibility.

31 (b)(1) In accordance with rules, and procedures, ~~and regulations~~
32 promulgated by the Board of Corrections and the orders of the committing
33 court, the Director of the Department of Community Correction shall assign a
34 newly transferred inmate to an appropriate facility, placement, program, or
35 status within the Department of Community Correction.

36 (2) The director may transfer an inmate from one (1) facility,



1 placement, program, or status to another consistent with the commitment,
2 applicable law, and in accordance with treatment, training, and security
3 needs.

4 (3)(A) An inmate may be administratively transferred back to the
5 Department of Correction from the Department of Community Correction by the
6 Parole Board following a hearing in which the inmate is found ineligible for
7 placement in a Department of Community Correction facility as he or she fails
8 to meet the criteria or standards established by law or policy adopted by the
9 Board of Corrections or has been found guilty of a violation of the rules ~~and~~
10 ~~regulations~~ of the facility.

11 (B) Time served in a community correction facility or
12 under supervision by the Department of Community Correction shall be credited
13 against the sentence contained in the commitment to the Department of
14 Correction.

15 (c)(1) In accordance with rules and procedures promulgated by the
16 Board of Corrections, upon receipt of a referral from the director or his or
17 her designee, the Parole Board may release from confinement an inmate who has
18 been:

19 (A) Sentenced and judicially transferred to the Department
20 of Community Correction;

21 (B) Incarcerated for a minimum of two hundred seventy
22 (270) days; and

23 (C) Determined by the Department of Community Correction
24 to have successfully completed its therapeutic program.

25 (2)(A) The General Assembly finds that the power granted to the
26 Parole Board under subdivision (c)(1) of this section will:

27 (i) Aid the therapeutic rehabilitation of the
28 inmates judicially transferred to the Department of Community Correction; and

29 (ii) More efficiently use the correctional resources
30 of the State of Arkansas.

31 (B) The power granted to the Parole Board under
32 subdivision (c)(1) of this section shall be the sole authority required for
33 the accomplishment of the purposes set forth in this subdivision (c)(2), and
34 when the Parole Board exercises its power under this section, it shall not be
35 necessary for the Parole Board to comply with general provisions of other
36 laws dealing with the minimum time constraints as applied to release

1 eligibility.

2 (3) ~~Nothing in this~~ This subsection (e) shall be construed as
 3 ~~granting~~ does not grant the Parole Board or the Department of Community
 4 Correction the authority either to detain an inmate beyond the sentence
 5 imposed upon him or her by a transferring court or to shorten that sentence.

6 (d)(1) An inmate of the Department of Correction who is to be released
 7 on parole may be administratively transferred to the Department of Community
 8 Correction when the inmate is within eighteen (18) months of his or her
 9 projected release date for the purpose of participating in a reentry program
 10 of at least six (6) months in length.

11 (2) Each inmate administratively transferred under this
 12 subsection shall be thoroughly screened and approved for participation by the
 13 director or his or her designee.

14 (3) In accordance with rules promulgated by the Board of
 15 Corrections, upon receipt of a referral from the director or his or her
 16 designee, the Parole Board may release from incarceration an inmate who has
 17 been:

18 (A) Administratively transferred to the Department of
 19 Community Correction; and

20 (B) Determined by the Department of Community Correction
 21 to have successfully completed its reentry program.

22 (4) An inmate who has been administratively transferred under
 23 this subsection shall be administratively transferred back to the Department
 24 of Correction if he or she:

25 (A) Is denied parole; or

26 (B) Fails to complete or is removed from the reentry
 27 program.

28
 29 SECTION 2. Arkansas Code § 16-93-211(a), concerning early release to
 30 transitional housing, is amended to read as follows:

31 (a)(1) As used in this section, "transitional housing" means a program
 32 that provides housing for one (1) or more offenders who have been ~~either~~:

33 (A) Transferred or paroled from the Department of
 34 Correction by the Parole Board; ~~or~~

35 (B) Placed on probation by a circuit court or district
 36 court; or

1 (C) Administratively transferred from the Department of
2 Correction to the Department of Community Correction for participation in a
3 reentry program.

4 (2) An offender's home or the residence of an offender's family
5 member shall not be considered a transitional housing facility for purposes
6 of this section.

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9 **APPROVED: 02/23/2015**
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