

1 State of Arkansas *As Engrossed: S1/26/15 S2/12/15*

2 90th General Assembly

# A Bill

3 Regular Session, 2015

SENATE BILL 58

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5 By: Senator J. Woods

6 By: Representative C. Fite

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## For An Act To Be Entitled

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AN ACT CONCERNING PAROLE RULES AND THE AWARD OF

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PAROLE; TO MAKE TECHNICAL CORRECTIONS; AND FOR OTHER

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PURPOSES.

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## Subtitle

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CONCERNING PAROLE RULES AND THE AWARD OF

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PAROLE; AND TO MAKE TECHNICAL

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CORRECTIONS.

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

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22 SECTION 1. Arkansas Code Title 16, Chapter 93, Subchapter 2, is

23 amended to add a new section to read as follows:

24 16-93-212. Rulemaking authority.

25 The Parole Board may adopt rules to implement, administer, and enforce

26 this subchapter.

27

28 SECTION 2. Arkansas Code § 16-93-615(a)(1)(A), concerning parole

29 eligibility procedures, is amended to read as follows:

30 (a)(1)(A) An inmate under sentence for any felony, except those listed

31 in subsection (b) of this section, shall be transferred from the Department

32 of Correction to the Department of Community Correction under this section, §

33 *16-93-614, § 16-93-616, and § 16-93-617, subject to rules promulgated by the*

34 *Board of Corrections or the Parole Board and conditions ~~set~~ adopted by the*

35 *Parole Board.*

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1 SECTION 3. Arkansas Code § 16-93-615(e), concerning parole eligibility  
2 procedures, is amended to read as follows:

3 (e)(1) The course of action required by the Parole Board shall not be  
4 outside the current resources of the Department of Correction nor the  
5 conditions set be outside the current resources of the Department of  
6 Community Correction.

7 (2) However, the Department of Correction and Department of  
8 *Community Correction shall strive to accommodate the actions required by the*  
9 *Board of Corrections or the Parole Board to the best of their ~~ability~~*  
10 *abilities.*

11 SECTION 4. Arkansas Code Title 16, Chapter 93, Subchapter 6, is  
12 amended to add a new section to read as follows:

13 16-93-619. Rulemaking authority.

14 The Parole Board may adopt rules to implement, administer, and enforce  
15 this subchapter.

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17 SECTION 5. Arkansas Code § 16-93-701 is amended to read as follows:

18 16-93-701. Authority to grant and parameters.

19 (a)(1) The Parole Board may release on parole any ~~individual~~ eligible  
20 ~~under the provisions of § 16-93-601~~ inmate who is confined in any  
21 correctional institution administered by the Department of Correction or the  
22 Department of Community Correction, when in ~~its~~ the board's opinion there is  
23 a reasonable probability that the ~~prisoner~~ inmate can be released without  
24 detriment to the community or himself or herself and is able and willing to  
25 fulfill the obligations of a law-abiding citizen.

26 (2) All paroles shall issue upon order, duly adopted, of the  
27 board.

28 (b)(1) *Before ordering the release of ~~any prisoner~~ an eligible inmate,*  
29 *~~the prisoner~~ the inmate shall be interviewed by the board or ~~a panel~~*  
30 *~~designated by the board~~ a parole revocation judge or investigator employed by*  
31 *the board, unless a hearing is not required under § 16-93-615(a)(1)(D) and,*  
32 *for all parole decisions after January 1, 2012, the board shall ~~conduct a~~*  
33 *~~risk-needs assessment review~~ consider the results of the risk-needs*  
34 *assessments of all parole applicants.*

35 (2)(A) ~~The parole shall be ordered only for the best interest of~~  
36 ~~society and not as an award for clemency shall not be considered as a~~

1 reduction of sentence or pardon.

2 ~~(B) The parole shall not be considered as a reduction of~~  
3 ~~sentence or a pardon.~~

4 ~~(3) A prisoner shall be placed on parole only when the board~~  
5 ~~believes that he or she is able and willing to fulfill the obligations of a~~  
6 ~~law-abiding citizen.~~

7 ~~(4)~~(3) Every prisoner, An inmate while on parole, shall remain  
8 in the legal custody of the ~~institution~~ agency from which he or she was  
9 released, but shall be subject to the orders of the board.

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

13 16-93-713. Rulemaking authority.

14 The Parole Board may adopt rules to implement, administer, and enforce  
15 this subchapter.

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17 */s/J. Woods*

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20 **APPROVED: 03/24/2015**

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