Stricken language would be deleted from and underlined language would be added to present law. Act 306 of the Regular Session

1 2	State of Arkansas 94th General Assembly As Engrossed: \$3/1/23 ABill	
3	Regular Session, 2023 SENATE BI	ILL 267
4	Regular Session, 2025	LL 201
5	By: Senator B. Johnson	
6	By: Representative Tosh	
7		
8	For An Act To Be Entitled	
9	AN ACT TO TRANSFER THE CRIMINAL DETENTION FACILITY	
10	REVIEW COMMITTEES, AND THE OFFICE OF CRIMINAL	
11	DETENTION FACILITIES REVIEW COORDINATOR TO THE	
12	DEPARTMENT OF PUBLIC SAFETY; TO DECLARE AN EMERGENCY;	
13	AND FOR OTHER PURPOSES.	
14		
15		
16	Subtitle	
17	TO TRANSFER THE CRIMINAL DETENTION	
18	FACILITY REVIEW COMMITTEES, AND THE	
19	OFFICE OF CRIMINAL DETENTION FACILITIES	
20	REVIEW COORDINATOR TO THE DEPARTMENT OF	
21	PUBLIC SAFETY; AND TO DECLARE AN	
22	EMERGENCY.	
23		
24		
25	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:	
26		
27	SECTION 1. DO NOT CODIFY. Cabinet-level department transfer of	
28	criminal detention facility review committees and Office of Criminal	
29	Detention Facilities Review Coordinator from Department of Corrections t	<u>:0</u>
30	Department of Public Safety.	
31	(a) The criminal detention facility review committees and the Off	<u>ice</u>
32	of Criminal Detention Facilities Review Coordinator are transferred by a	<u>1</u>
33	cabinet-level department transfer under § 25-43-101 et. seq. from the	
34	Department of Corrections to the Department of Public Safety.	
35	(b) The administrative functions of the criminal detention facili	<u>Lty</u>
36	review committees and the Office of Criminal Detention Facilities Review	<u>J</u>

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1 Coordinator are transferred by a cabinet-level department transfer under §

- 2 <u>25-43-1402</u> from the Department of Corrections to the Department of Public
- 3 Safety.
- 4 (c) The statutory authority, powers, duties, functions, records,
- 5 personnel, property, contracts, and unexpended balances of appropriations,
- 6 allocations, or other funds, including the functions of budgeting or
- 7 purchasing of the criminal detention facility review committees and the
- 8 Office of Criminal Detention Facilities Review Coordinator, are transferred
- 9 to the Department of Public Safety.
- 10 (d)(1) The transfer of the criminal detention facility review
- 11 committees and the Office of Criminal Detention Facilities Review Coordinator
- 12 does not affect the orders, rules, regulations, directives, or standards made
- 13 or promulgated by the criminal detention facility review committees and the
- 14 Office of Criminal Detention Facilities Review Coordinator before the
- 15 <u>effective date of this act.</u>
- 16 (2) The orders, rules, regulations, directives, or standards
- 17 under subdivision (d)(1) of this section shall continue with full force and
- 18 <u>effect until amended or repealed under authority given by law.</u>
- 19 <u>(e) The members of the criminal detention facility review committees,</u>
- 20 <u>and their successors</u>, shall continue to be selected in the manner and serve
- 21 for the terms provided by the statutes applicable to the criminal detention
- 22 facility review committees.
- 23 (f) The Department of Corrections shall grant access to and provide
- 24 all information requested by the Department of Public Safety to accomplish
- 25 <u>transfer of the criminal detention facility review committees and the Office</u>
- 26 of Criminal Detention Facilities Review Coordinator and the mission of the
- 27 criminal detention facility review committees and the Office of Criminal
- 28 Detention Facilities Review Coordinator.

29

- 30 SECTION 2. Arkansas Code § 12-26-103(a)(1), concerning the creation
- 31 and duties of the Office of Criminal Detention Facilities Review Coordinator,
- 32 is amended to read as follows:
- 33 (1) A Criminal Detention Facilities Review Coordinator, who
- 34 shall be hired and employed by and serve at the pleasure of the Secretary of
- 35 the Department of Corrections Public Safety;

36

1	SECTION 3. Arkansas Code § 12-26-103(a)(3), concerning the creation
2	and duties of the Office of Criminal Detention Facilities Review Coordinator,
3	is amended to read as follows:
4	(3) Other staff permanently or temporarily assigned from within
5	the Department of Corrections Public Safety.
6	
7	SECTION 4. Arkansas Code § 12-26-107(d)(1), concerning criminal
8	detention facilities, is amended to read as follows:
9	(d)(1) A committee shall function as a state agency within the
10	Department of Public Safety.
11	
12	SECTION 5. Arkansas Code § 12-26-107(a)(2), concerning the inspection
13	of criminal detention facilities, is amended to read as follows:
14	(2) The method of inspection may only be altered in the event of
15	an emergency declared under the Arkansas Emergency Services Act of 1973, §
16	12-75-101 et seq., with approval of the Secretary of the Department of
17	Corrections Public Safety.
18	
19	SECTION 6. Arkansas Code § 25-43-402(3), concerning state entities
20	transferred to Department of Corrections, is repealed.
21	(3) The criminal detention facility review committees, created
22	under § 12-26-105;
23	
24	SECTION 7. Arkansas Code § 25-43-402(6), concerning state entities
25	transferred to Department of Corrections, is repealed.
26	(6) The Office of Griminal Detention Facilities Review
27	Coordinator, created under § 12-26-103;
28	
29	SECTION 8. Arkansas Code § 25-43-1402, concerning state entities
30	transferred to Department of Public Safety, is amended to add additional
31	subdivisions to read as follows:
32	(18) The criminal detention facility review committees, created
33	under § 12-26-105; and
34	(19) The Office of Criminal Detention Facilities Review
35	Coordinator, created under § 12-26-103.
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1	SECTION 9. EMERGENCY CLAUSE. It is found and determined by the
2	General Assembly of the State of Arkansas that the criminal detention
3	facility review committees and the Office of Criminal Detention Facilities
4	Review Coordinator preserve the public peace, health, and safety by providing
5	minimum standards and reviews of minimum standards for the construction,
6	maintenance, and operation of criminal detention facilities; that this act
7	provides for the transfer of the criminal detention facility review
8	committees and the Office of Criminal Detention Facilities Review Coordinator
9	to the Department of Public Safety; and that this act should become effective
10	on July 1, 2023, to coincide with the appropriation bills of the Department
11	of Public Safety and Department of Corrections and ensure that the criminal
12	detention facility review committees and the Office of Criminal Detention
13	Facilities Review Coordinator continue to provide their vital services as the
14	transfer is implemented and do not experience any issues with funding under
15	the transfer. Therefore, an emergency is declared to exist, and this act
16	being necessary for the preservation of the public peace, health, and safety
17	shall become effective on July 1, 2023.
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19	/s/B. Johnson
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22	APPROVED: 3/16/23
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