

ARKANSAS SENATE
90th General Assembly - Regular Session, 2015
Amendment Form

Subtitle of Senate Bill No. 617

TO BE KNOWN AS THE PUBLIC SAFETY TRANSPARENCY AND ACCOUNTABILITY ACT OF 2015;
AND TO DECLARE AN EMERGENCY.

Amendment No. 1 to Senate Bill No. 617

Amend Senate Bill No. 617 as originally introduced:

Page 2, line 32, delete "custody" and substitute "~~custody~~"

AND

Page 3, line 15, delete "All" and substitute "The location of"

AND

Page 3, delete lines 17 through 21

AND

Page 3, delete lines 25 through 36, and substitute the following:

"(e)(1) The director shall make and preserve a full and complete record of ~~each and every person inmate~~ committed to the Department of Correction, along with a photograph of the ~~person inmate~~ and data pertaining to his or her trial conviction and past history.

(2)(A) To protect the integrity of ~~those~~ records described in subdivision (e)(1) of this section and to ensure their proper use, it ~~shall be is~~ unlawful to permit inspection of or disclose information contained in ~~those~~ records described in subdivision (e)(1) of this section or to copy or issue a copy of all or part of ~~any record~~ a record described in subdivision (e)(1) of this section except:

(i) ~~as~~ As authorized by ~~administrative regulation~~
rule; or

(ii) ~~by~~ By order of a court of competent
jurisdiction; or

(iii) Records posted on the Department of
Correction's website as required by § 12-27-144.

(B) ~~The regulations~~ A rule under subdivision (e)(2)(A) of
this section shall provide for adequate standards of security and
confidentiality of ~~those~~ records described in subdivision (e)(1) of this



section.

(3) For those inmates committed to the Department of Correction and judicially transferred to the Department of Community Correction, the preparation of ~~this record~~ a record described in subdivision (e)(1) of this section may be delegated to the Department of Community Correction pursuant to policies applicable to records transmission adopted by the Board of Corrections.

(4) ~~Administrative regulations~~ A rule under subdivision (e)(2)(A) of this section may authorize the disclosure of information contained in ~~such records~~ a record described in subdivision (e)(1) of this section for research purposes."

AND

Page 4, delete lines 1 through 17

AND

Page 5, delete lines 4 through 36, and substitute the following:

"SECTION 8. Arkansas Code Title 12, Chapter 27, is amended to add an additional section to read as follows:

12-27-144. Records to be posted on a public website.

(a) To the extent permitted by federal law, the Department of Correction shall post on the Department of Correction's website the following information concerning an inmate:

(1) The offense and sentence for any conviction for which the inmate is incarcerated, including:

(A) Whether the inmate is subject to a suspended sentence, if known; and

(B) The terms of the suspended sentence, if applicable;

(2) All major disciplinary violations while the inmate was incarcerated and the date of the major disciplinary violation disposition;

(3)(A) Risk assessment scores completed after April 1, 2015.

(B) Risk assessment scores under this subdivision (a)(3) shall include the name of the state agency that completed the risk assessment, the date the risk assessment was conducted, and the level of assessment.

(C) Information by the Department of Correction regarding how risk assessments are scored shall also be posted;

(4) Custody status and level;

(5) Any known aliases;

(6) A current photograph of the inmate;

(7) A complete felony conviction summary to the extent that information is available to the Department of Correction;

(8) To the extent the information is available to the Department of Correction, if an order of protection, no contact order, or other order from an in-state or out-of-state court that prohibits contact or communication with another person is in place;

(9) Any programs completed by the inmate while in custody; and

(10) An inmate's parole eligibility date or date he or she is to be released from incarceration as well as a general explanation of how an inmate's parole eligibility date is calculated, including good time credits.

(b)(1) To the extent permitted by federal law, the Department of Community Correction shall post on the Department of Community Correction's website the following information concerning a probationer, parolee, or other person under the supervision of the Department of Community Correction who has absconded or has had a warrant issued for his or her arrest for evading supervision:

(A) Any offense and sentence for which the probationer, parolee, or other person under the supervision of the Department of Community Correction is being supervised, including:

(i) Whether the probationer, parolee, or other person under the supervision of the Department of Community Correction is subject to a suspended sentence, if known; and

(ii) The terms of the suspended sentence, if applicable;

(B) A complete felony conviction summary to the extent that information is available to the Department of Community Correction;

(C)(i) Risk assessment scores completed after April 1, 2015.

(ii) Risk assessment scores under this subdivision (b)(1)(C) shall include the name of the state agency that completed the risk assessment, the date the risk assessment was conducted, and the level of assessment.

(iii) Information by the Department of Community Correction regarding how risk assessments are scored shall also be posted;

(D) Any known aliases;

(E) Most recent photograph of the probationer, parolee, or other person under the supervision of the Department of Community Correction;

(F) To the extent the information is available to the Department of Community Correction, if an order of protection, no contact order, or other order from an in-state or out-of-state court that prohibits contact or communication with another person is in place;

(G) All major disciplinary violations while the inmate was being supervised and the date of the major disciplinary violation disposition;

(H) Any programs completed by the probationer, parolee, or other person under the supervision of the Department of Community Correction while on supervision and the date of completion; and

(I) A list of previous revocation offenses while on probation or parole and date of revocation.

(2) The Department of Community Correction shall develop a plan to establish a method for a victim of a crime committed by a probationer, parolee, or other person under the supervision of the Department of Community Correction to directly and easily access the information listed under this subsection.

(c)(1) When possible, court-generated records listed under this section shall be electronic copies of the actual court documents.

(2) All victim information included in the court-generated records under this subsection shall be redacted."

AND

Page 6, delete lines 1 through 36

AND

Page 7, delete lines 1 through 36

AND

Page 8, delete lines 1 through 10

AND

Page 8, delete lines 16 through 19

AND

Page 8, line 20, delete "(b)"

AND

Page 8, delete lines 28 through 32, and substitute the following:

"12-27-146. Rulemaking and administrative directive reporting requirement.

(a) A rule implemented by the Board of Corrections, Department of Correction, Department of Community Correction, or the Parole Board shall be approved by the appropriate legislative committee before becoming effective.

(b) Any administrative directive or board policy implemented by the Board of Corrections, Department of Correction, Department of Community Correction, or the Parole Board concerning this act shall be reported to the Legislative Council."

AND

Page 9, delete lines 13 through 36, and substitute the following:

"SECTION 12. Arkansas Code Title 16, Chapter 93, Subchapter 2, is amended to add an additional section to read as follows:

16-93-212. Records to be posted on a website.

(a) To the extent permitted by federal law, the Parole Board shall post on the board's website the following information concerning an inmate who is being considered for parole no less than six (6) months before his or her transfer-eligibility or parole-eligibility date, or the date the board determines eligibility for parole or transfer if the inmate is past his or her transfer-eligibility or parole-eligibility date:

(1) The name of the inmate;

(2) The Department of Correction identification number of the inmate;

(3) A current photograph of the inmate;

(4) The projected hearing date of the inmate;

(5) The number of times, if any, probation or parole has been revoked from the inmate; and

(6) A link to information required to be posted about the inmate by the Department of Correction under § 12-27-144.

(b) The information required to be posted on the board's website:

(1) Shall be consistently updated as required to be the most current information available to the board;

(2) Shall instruct a victim of a crime as defined by § 16-90-1101 or § 16-90-1114 on how to contact the board and provide information on the inmate; and

(3) May be removed when the inmate has been either granted or denied parole."

AND

Page 10, delete lines 1 through 21

AND

Renumber the sections accordingly

The Amendment was read the first time, rules suspended and read the second time and _____
By: Senator D. Sanders
BPG/LNS - 03-05-2015 14:24:19
BPG372

Secretary