

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

SENATE BILL 1148

4
5 By: Senator Brown
6
7

For An Act To Be Entitled

8
9 AN ACT TO ESTABLISH TRANSITIONAL HOUSING
10 FACILITIES; TO REDUCE THE RECIDIVISM RATE OF
11 OFFENDERS INCARCERATED IN THE STATE OF ARKANSAS;
12 TO PROVIDE ADDITIONAL PROTECTION TO THE CITIZENS
13 OF THE STATE OF ARKANSAS; AND FOR OTHER PURPOSES.
14

Subtitle

15
16 AN ACT TO ESTABLISH TRANSITIONAL HOUSING
17 FACILITIES; TO REDUCE THE RECIDIVISM
18 RATE OF OFFENDERS; AND TO PROVIDE
19 ADDITIONAL PROTECTION TO THE CITIZENS OF
20 THE STATE OF ARKANSAS.
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

SECTION 1. Legislative intent.

25 It is the intent of the General Assembly to:

26
27 (1) Establish rules for facilities that house offenders who have
28 been transferred, paroled, or placed on probation through the Arkansas
29 criminal justice system in order to promote, protect, and improve the health,
30 safety, and welfare of the citizens of the State of Arkansas; and

31 (2) Establish these rules in order to help reduce recidivism in
32 our criminal justice system and to provide regulations to protect the
33 individuals in the programs and to protect the neighborhoods and communities
34 in which the programs and facilities are located.
35

36 SECTION 2. Arkansas Code Title 16, Chapter 93 is amended to add an



1 additional subchapter to read as follows:

2 Subchapter 16 – Transitional Housing Facilities.

3 16-93-1601. Definitions.

4 As used in this subchapter:

5 (1) "Applicant" means any individual, business, or organization
6 that has applied to receive an Arkansas transitional housing facility
7 license;

8 (2) "License" means an Arkansas transitional housing facility
9 license; and

10 (3) "Transitional housing" means a program that provides housing
11 for one (1) or more offenders who have either been transferred or paroled
12 from the Department of Correction by the Post Prison Transfer Board or placed
13 on probation by a circuit or district court. An offender's home or the
14 residence of an offender's family member shall not be considered a
15 transitional housing facility as used in this subchapter.

16
17 16-93-1602. Powers and duties of the Board of Corrections.

18 (a) The Board of Corrections shall promulgate rules that shall set
19 minimum standards for all transitional housing facilities in the State of
20 Arkansas.

21 (b) All of the standards set by the rules described in subsection (a)
22 of this section shall be established prior to the Post Prison Transfer Board
23 or a district or circuit court releasing a transferee, parolee, or
24 probationer to a transitional housing facility as a resident.

25 (c) The rules described in subsection (a) of this section shall
26 include at least the following:

27 (1) Compliance with any local health and safety codes, including
28 housing codes, fire codes, plumbing codes, and electrical codes, set by the
29 jurisdiction or jurisdictions in which the transitional housing facility is
30 located;

31 (2) Compliance with any local zoning ordinances;

32 (3) Compliance with any state and federal health and safety
33 codes;

34 (4) Consideration of geographic dispersement of transitional
35 housing facilities;

36 (5) Allowable ratio of transitional housing facility square

1 footage to residents; and

2 (6) Allowable ratio of bathing and restroom facilities to
3 residents.

4 (d)(1) The rules described in subsection (a) of this section shall be
5 promulgated on or before January 1, 2006.

6 (2) The Board of Corrections may make additions, amendments,
7 changes, or alterations to the rules in accordance with the Arkansas
8 Administrative Procedure Act, § 25-15-201 et seq.

9
10 16-93-1603. Powers and duties of the Department of Community
11 Correction.

12 (a) The Department of Community Correction shall implement the rules
13 described in § 16-93-1602 on or before July 1, 2006.

14 (b)(1) The Department of Community Correction shall be responsible for
15 the enforcement of the rules established by the Board of Corrections under §
16 16-93-1602.

17 (2) The Department of Community Correction shall establish all
18 procedures and forms it deems necessary to implement the rules, and the
19 procedures shall include, but not be limited to, the following:

20 (A) Creating a state-issued Arkansas transitional housing
21 facility license for applicant facilities that have met the standards
22 established by the rules of the Board of Corrections;

23 (B) Establishing the process to be followed by an
24 applicant in making application to the Department of Community Correction to
25 receive a license to operate an approved transitional housing facility, which
26 shall include a reasonable application fee to be established by the Board of
27 Corrections;

28 (C) Establishing procedures for the Department of
29 Community Correction to accept applications for facilities wishing to obtain
30 a license to operate a transitional housing facility and to investigate
31 whether applicants meet the standards established by the rules of the Board
32 of Corrections;

33 (D) Establishing procedures for the Department of
34 Community Correction to notify an applicant when its application has been
35 approved or denied. All denials shall specify in writing the reason for the
36 application's denial;

1 (E) Establishing procedures to investigate complaints that
2 a licensed transitional housing facility is in violation of the standards
3 established by the rules of the Board of Corrections; and

4 (F) Establishing procedures for the Department of
5 Community Correction to suspend or revoke a license when a license holder is
6 no longer in compliance with or violates the rules of the Board of
7 Corrections.

8 (c) The Director and staff of the Department of Community Correction
9 shall provide administrative support to the Board of Corrections.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36