

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 86th General Assembly  
3 Regular Session, 2007

# A Bill

SENATE BILL 796

4  
5 By: Senator Luker  
6 By: Representative Bond

## For An Act To Be Entitled

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10 AN ACT CONCERNING COMMUNITY CORRECTION TRANSFER  
11 ELIGIBILITY FOR OFFENDERS TRANSFERRED BACK TO THE  
12 DEPARTMENT OF CORRECTION FOR ADMINISTRATIVE  
13 REASONS; AND FOR OTHER PURPOSES.

## Subtitle

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16 AN ACT CONCERNING COMMUNITY CORRECTION  
17 TRANSFER ELIGIBILITY FOR OFFENDERS  
18 TRANSFERRED BACK TO THE DEPARTMENT OF  
19 CORRECTION FOR ADMINISTRATIVE REASONS.

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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 § 16-93-1301(c), concerning eligibility for  
25 transfer to community correction for persons who committed felonies on or  
26 after January 1, 1994, is amended to read as follows:

27 (c) Persons who commit felonies on or after January 1, 1994, and who  
28 shall be convicted and incarcerated for those felonies shall be eligible for  
29 transfer to community correction as follows:

30 (1)(A) Inmates under sentence of death or life imprisonment  
31 without parole shall not be eligible for transfer, but may be pardoned or  
32 have their sentences commuted by the Governor as provided by law.

33 (B) Inmates sentenced to life imprisonment shall not be  
34 eligible for transfer unless the sentences are commuted to a term of years by  
35 executive clemency.

36 (C) Upon commutation, inmates shall be eligible for



1 transfer as provided in this subchapter;

2 (2)(A)(i)(a) Offenders convicted of a target offense under the  
3 Community Punishment Act, § 16-93-1201 et seq., may be committed to the  
4 Department of Correction and judicially transferred to the Department of  
5 Community Correction by specific provision in the commitment that the trial  
6 court orders such a transfer.

7 (b) No other offenders are eligible for  
8 transfer to a Department of Community Correction facility.

9 (ii) A copy of the commitment shall be forwarded  
10 immediately to the Department of Correction and to the Department of  
11 Community Correction.

12 (iii) In the event that an offender is sentenced to  
13 the Department of Correction without judicial transfer on one (1) sentence  
14 and concurrently sentenced to the Department of Correction with judicial  
15 transfer on another sentence, the offender shall remain in the Department of  
16 Correction, and the sentence with judicial transfer may be discharged in the  
17 same manner as those offenders transferred back to the Department of  
18 Correction.

19 (B) The Department of Community Correction shall take over  
20 supervision of the offender in accordance with the order of the court.

21 (C) The Department of Community Correction shall provide  
22 for the appropriate disposition of the offender as expeditiously as  
23 practicable under rules and regulations developed by the Board of  
24 Corrections.

25 (D) The offender shall not be transported to the  
26 Department of Correction on the initial placement in a Department of  
27 Community Correction facility pursuant to a judicial transfer.

28 (E) An offender who is transferred back to the Department  
29 of Correction for disciplinary reasons may be considered for transfer to  
30 Department of Community Correction supervision after earning good-time credit  
31 equal to one-half (1/2) of the remainder of his or her sentence.

32 (F) An offender who is sentenced after the effective date  
33 of this act and who is transferred back to the Department of Correction for  
34 administrative reasons ~~may be considered~~ is eligible for transfer to  
35 Department of Community Correction supervision ~~after earning good-time credit~~  
36 ~~equal to one-half (1/2) of his or her sentence~~ in the same manner as an

1 offender who is sentenced to the Department of Correction without a judicial  
2 transfer to the Department of Community Correction; and

3 (3)(A) All other classified or unclassified felons who are  
4 incarcerated therefor shall be eligible for transfer to community punishment  
5 after having served one-third (1/3) or one-half (1/2), with credit for  
6 meritorious good time, of their sentences depending on the seriousness  
7 determination made by the Arkansas Sentencing Commission, or one-half (1/2),  
8 with credit for meritorious good time, of the time to which their sentences  
9 are commuted by executive clemency.

10 (B) For example, a six-year sentence with optimal  
11 meritorious good-time credits will make the offender eligible for transfer in  
12 one (1) year if he or she is required to serve one-third (1/3) of his or her  
13 sentence, or one and one-half (1 1/2) years if he or she is required to serve  
14 one-half (1/2) of his or her sentence.

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