

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 311

5 By: Senator C. Tucker
6 By: Representative M. Gray
7

For An Act To Be Entitled

9 AN ACT CONCERNING PROBATION AND PAROLE; CONCERNING
10 TECHNICAL VIOLATIONS AND LENGTH OF SANCTIONS; AND FOR
11 OTHER PURPOSES.
12
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Subtitle

15 CONCERNING PROBATION AND PAROLE; AND
16 CONCERNING TECHNICAL VIOLATIONS AND
17 LENGTH OF SANCTIONS.
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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 § 16-93-101(11) and (12), concerning the
23 definitions of "serious conditions violation" and "technical conditions
24 violation" in the context of probation and parole, are amended to read as
25 follows:

26 (11) "Serious conditions violation" means a violation of the
27 conditions of a parolee's parole or probationer's probation that results from
28 the parolee's or probationer's absenting himself or herself from supervision
29 for a period of six (6) months or more or an arrest for a misdemeanor offense
30 that does not involve:

31 (A) An act involving a violent misdemeanor that provides
32 the prosecuting attorney with the option to revoke the probationer's
33 probation or parolee's parole, or allow the Division of Community Correction
34 to utilize the sanctions provided under this chapter;

35 (B) An offense for which a conviction would require the
36 person to register as a sex offender under the Sex Offender Registration Act



1 of 1997, § 12-12-901 et seq.;

2 (C) A misdemeanor offense of harassment or stalking or
 3 that contains a threat of violence to a victim, or a threat of violence to a
 4 family member of the victim of the offense for which the defendant was placed
 5 on probation or parole;

6 (D) A misdemeanor offense of driving or boating while
 7 intoxicated, § 5-65-103, when the probationer or parolee is currently being
 8 supervised for a felony offense of § 5-65-103, § 5-10-104, or § 5-10-105, and
 9 the felony offense was alcohol-related or drug-related; or

10 (E) Except for an offense under the Uniform Controlled
 11 Substances Act, § 5-64-101 et seq., a misdemeanor offense that is a lesser
 12 included offense or falls within the same chapter of the Arkansas Criminal
 13 Code of the offense for which the defendant was placed on probation or
 14 parole;

15 (12) "Technical conditions violation" means:

16 (A) A violation of the conditions of a parolee's parole or
 17 a probationer's probation that results from a noncriminal act or positive
 18 drug screen; or

19 (B) The ~~parolee or probationer~~ parolee's or probationer's
 20 absenting himself or herself from supervision for a period of less than six
 21 (6) months;

22
 23 SECTION 2. Arkansas Code § 16-93-712(d)(3)(E), concerning intermediate
 24 sanctions a parolee may be required to serve, is amended to read as follows:

25 (E)(i) Incarceration in a county jail for no more than
 26 seven (7) days or incarceration in a Division of Community Correction
 27 facility or Division of Correction facility for no more than ~~one hundred~~
 28 ~~eighty (180)~~ one hundred twenty (120) days.

29 (ii)(a) Incarceration as an intermediate sanction
 30 shall not be used more than six (6) times with an individual parolee.

31 (b) A parolee shall accumulate no more than
 32 twenty-one (21) days' incarceration in a county jail or no more than ~~three~~
 33 ~~hundred sixty (360)~~ two hundred forty (240) days' incarceration in a Division
 34 of Community Correction facility or Division of Correction facility as an
 35 intermediate sanction before the parole officer recommends a violation of the
 36 person's parole under § 16-93-706.

1 (c) A parolee is subject to a period of
2 incarceration of:

3 (1) Up to ~~ninety (90)~~ sixty (60) days in
4 a Division of Community Correction facility or Division of Correction
5 facility for a technical conditions violation; and

6 (2) ~~Exactly one hundred eighty (180)~~ One
7 hundred twenty (120) days in a Division of Community Correction facility or
8 Division of Correction facility for a serious conditions violation.

9 (d) A parolee may not be incarcerated more
10 than two (2) times as a parole sanction in a Division of Community Correction
11 facility or Division of Correction facility.

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13 SECTION 3. Arkansas Code § 16-93-715(a), concerning technical parole
14 revocations for conditions violations and serious conditions violations, is
15 amended to read as follows:

16 (a)(1) If a parolee is subject to a parole revocation hearing under
17 this subchapter for a technical conditions violation or a serious conditions
18 violation, the parolee is subject to confinement for the following periods,
19 subject to subdivision (a)(2)(A) of this section, before being released and
20 returned to parole supervision:

21 (A) Up to ~~ninety (90)~~ sixty (60) days' confinement for a
22 technical conditions violation; and

23 (B) ~~Exactly one hundred eighty (180)~~ One hundred twenty
24 (120) days' confinement for a serious conditions violation.

25 (2)(A) A period of confinement under subdivision (a)(1) of this
26 section may be reduced by the Division of Correction or the Division of
27 Community Correction for good behavior and successful program completion.

28 (B) A period of confinement shall not be reduced under
29 subdivision (a)(2)(A) of this section for more than fifty percent (50%) of
30 the total time of confinement ordered to be served.

31 (3) Any time in custody for which the person is held before a
32 period of confinement is ordered to be served under subdivision (a)(1) of
33 this section shall not be credited to the overall period of confinement
34 ordered under subdivision (a)(1) of this section.

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