

HOUSE & SENATE INTERIM COMMITTEES ON JUDICIARY
MEETING JOINTLY

July 9, 2019

The House and Senate Interim Committees on Judiciary met at 1:00 p.m., on Tuesday, July 9, 2019, in MAC Room B, Little Rock, Arkansas.

House Committee Members present: Representatives Carol Dalby, Chair; Rebecca Petty, Vice-Chair; Stan Berry, Andrew Collins, Don Glover, Spencer Hawks, Douglas House, John Maddox, Laurie Rushing, Jamie Scott, Matthew Shepherd, Brandt Smith, and Dwight Tosh.

Senate Committee Members present: Senators Stephanie Flowers, Vice-Chair; Will Bond, Terry Rice, and Gary Stubblefield.

Other legislators present: Senator Larry Teague. Representatives Craig Christiansen, Jim Dotson, Jack Ladyman, Mark Lowery, John Maddox, Marcus Richmond, Laurie Rushing, Keith Slape, and Danny Watson.

Representative Dalby called the meeting to order.

Consideration to Approve Minutes [EXHIBIT C]

Representative Tosh made a motion to approve the November 26, 2018, meeting minutes. The motion was seconded by Representative Petty. Without objection, the motion carried.

Consideration of a Motion to Authorize Chairmen to Approve Special Expenses Incurred by the House and Senate Judiciary Committees. [Exhibit D]

Representative House made a motion to grant authority to approve special expenses to the chairs of the House Judiciary Committee. The motion was seconded by Representative Smith. Pursuant to the motion by Representative Tosh, the motion carried without objection.

Senator Stubblefield made a motion to grant authority to approve special expenses to the chairs of the Senator Judiciary Committee. The motion was seconded by Senator Rice. Pursuant to the motion by Senator Stubblefield, the motion carried without objection.

Consideration and Adoption of Interim Study Proposals (ISPs)

Interim Study Proposal 2019-010 (HB1770) by Representative Boyd – *To Be Known as the “Fresh Start Act of 2019;” and to Attempt Disposition of Certain Pending Misdemeanor and Nonviolent Felony Offenses While the Person is Incarcerated in the Department of Correction.* [Exhibit E-1]

Representative Collins made a motion to adopt ISP 2019-010. The motion was seconded by Representative Smith and, without objection, the motion carried. The ISP was referred to the House Corrections/Criminal Law Subcommittee.

Interim Study Proposal 2019-011 (2019-011 (HB1749) by Representative Richardson – *To Repeal the Installment Fee For An Installment Payment Towards a Court-Ordered Fine.* [Exhibit E-2]

Representative Dalby advised Representative Richardson is withdrawing the ISP.

Interim Study Proposal 2019-019 (HB1540) by Representative Boyd – *To Establish a Process by Which Records of Certain Criminal Offenses are Automatically Removed After a Certain Period of Time; and Concerning the Records of a Person’s Criminal History.* [Exhibit E-3]

Representative Scott made a motion to adopt ISP 2019-019. The motion was seconded by Representative Petty and, without objection, the motion carried. The ISP was referred to the House Corrections/Criminal Law Subcommittee.

Interim Study Proposal 2019-025 (HB1962) by Representative M. Hodges – *To Reduce the Sentence Classifications for Certain Offenses from a Felony to a Misdemeanor.* [Exhibit E-4]

Representative Glover made a motion to adopt ISP 2019-025. The motion was seconded by Senator Flowers and, without objection, the motion carried. The ISP was referred to the House Corrections/Criminal Law Subcommittee.

Interim Study Proposal 2019-027 (HB1788) by Representative Collins – *The Bail Data and Transparency Act.* [Exhibit E-5]

Representative Collins gave a brief explanation of the ISP. Representative Scott made a motion to adopt ISP 2019-027. The motion was seconded by Representative Hawks and, without objection, the motion carried. The ISP was referred to the House Corrections/Criminal Law Subcommittee.

Interim Study Proposal 2019-034 (HB1240) by Representative Petty – *To Create Sarah’s Law; and to Amend the Availability of Records or Evidence Involving Sexual or Physical Abuse of Children.* [Exhibit E-6]

Representative Petty gave a brief explanation of the ISP. Representative Scott made a motion to adopt ISP 2019-034. The motion was seconded by Representative Tosh and, without objection, the motion carried. The ISP was referred to the House Corrections/Criminal Law Subcommittee.

Interim Study Proposal 2019-042 (HB1307) by Representative Dotson – *Permitting a Bank or Banking Institution to Utilize the Small Claims Division of a District Court.* [Exhibit E-7]

Representative Dotson gave a brief explanation of the ISP. Representative Petty made a motion to adopt ISP 2019-042. The motion was seconded by Representative Glover and, without objection, the motion carried. The ISP was referred to the House Courts/Civil Law Subcommittee.

Interim Study Proposal 2019-064 (HB1828) by Representative Lowery – *To Create the Parent-Child Intrastate Relocation Act; and to Amend the Law Concerning Whether or Not a Change of Principal Place of Residence of a Child is in the Best Interest of the Child.* [Exhibit E-8]

Interim Study Proposal 2019-065 (HB1325) by Representative Lowery – *To Amend the Law Concerning Custody of a Child.* [Exhibit E-9]

Representative Smith made a motion to adopt ISPs 2019-064 and 2019-065. The motion was seconded by Representative Christiansen and, without objection, the motion carried. The ISPs were referred to the House Courts/Civil Law Subcommittee.

Interim Study Proposal 2019-108 (SB517) by Senator Bond – *Concerning Life Sentences Imposed for Nonviolent Felony Offenses Involving a Controlled Substance; Concerning Criminal Sentences; Establishing Retroactive Applicability for Certain Sentences.* [Exhibit E-10]

Interim Study Proposal 2019-110 (SB661) by Senator Bond – *Concerning the Possession of Marijuana by a First-Time Offender; and Concerning the Possession of a Controlled Substance.* [Exhibit E-11]

Representative Collins made a motion to adopt ISPs 2019-108 and 2019-110. The motion was seconded by Representative Scott and, without objection, the motion carried.

Interim Study Proposal 2019-099 (SB12) by Senator Clark – *An Act to Amend the Definition of “Neglect” and the Law Concerning Closures of Child Maltreatment Investigations to Make Certain Acts of a Parent, Guardian, Custodian, or Foster Parent Noncriminal; and for other Purposes.* [Exhibit E-12]

Interim Study Proposal 2019-100 (SB13) by Senator Clark – *An Act Concerning Drug Testing Under the Child Maltreatment Act; Concerning Child Maltreatment Investigation Reports; to Amend the Definition of “Neglect”; to Amend the Law Concerning Investigative Determinations; and for Other Purposes.* [Exhibit E-13]

Interim Study Proposal 2019-106 (SB352) by Senator Clark – *An Act to Amend the Law Concerning Protections for Child Welfare Agencies; and for other Purposes.* [Exhibit E-14]

Interim Study Proposal 2019-109 (SB578) by Senator Clark – *An Act Concerning Criminal Offenses and Violations of the Law for Which an Available Penalty is a Driver’s License Suspension or Revocation; to Remove a Driver’s License Suspension or Revocation as an Available Penalty for Offenses not Related to Driving a Motor Vehicle; and for other Purposes.* [Exhibit E-15]

Interim Study Proposal 2019-111 (SB674) by Senator Clark – *An Act to Reduce the Sentence Classifications for Certain Offenses from a Felony to a Misdemeanor; and for other Purposes.* [Exhibit E-16]

Senator Rice made the motion to adopt ISPs 2019-099, 2019-100, 2019-106, 2019-109 and 2019-111. The motion was seconded by Senator Stubblefield and, without objection, the motion carried.

Representative Dalby announced the next committee meeting will be a joint meeting of the House and Senate Judiciary Committees, House and Senate State Agencies Committees, and the ALC-Charitable, Penal and Correctional Institutions Subcommittee on Wednesday, August 28, 2019, at the Arkansas Department of Correction Cummins Unit in Grady, Arkansas. The purpose of the meeting will be to view the death chamber. Former State Representative Charlotte Douglas will give a brief presentation.

With no further business, the meeting adjourned at 1:17 p.m.