

MINUTES HOUSE AND SENATE INTERIM COMMITTEES ON JUDICIARY HOUSE AND SENATE INTERIM COMMITTEES ON STATE AGENCIES MEETING JOINTLY

December 2, 2014

The House and Senate Interim Committees on Judiciary and the House and Senate Interim Committees on State Agencies, met jointly at 9:30 a.m., December 2, 2014, in Room A-MAC, Little Rock, Arkansas.

Committee members present: Senators Jeremy Hutchinson, Chair; Eddie Joe Williams, Chair; Jane English, Vice Chair; David Johnson, Jimmy Hickey, and Jon Woods; Representatives Marshall Wright, Chair; Andrea Lea, Chair; John Vines, Vice Chair; Denny Altes, Duncan Baird, John Baine, Bob Ballinger, Nate Bell, Mary Broadaway, Ann Clemmer, Jim Dotson, Charlene Fite, Jeremy Gillam, Kim Hammer, Fonda Hawthorne, Prissy Hickerson, David Hillman, Debra Hobbs, Monte Hodges, John Hutchison, Stephen Magee, Josh Miller, Micah Neal, Jim Nickels, Betty Overbey, John Payton, Sue Scott, Mary Lou Slinkard, Nate Steel, Wes Wagner, and Richard Womack .

Non-committee members present: Senators Cecile Bledsoe, Linda Chesterfield, Alan Clark, Joyce Elliot, Stephanie Flowers, Bruce Holland, David Sanders, and Jon Woods; Representatives Charles Armstrong, Andy Davis, Joe Farrer, Douglas House, and Jeff Wardlaw.

Members-Elect present: Rick Beck, Charles Blake, Justin Boyd, Donnie Copeland, Lance Eads, Justin Gonzales, Ron McNair, Mathew Pitsch, and Clarke Tucker.

Senator Hutchinson called the meeting to order and stated that without objection, Item D will be taken out of order.

Consideration to Approve Minutes from the October 6, 2014, Meeting (Exhibit B)

Without objection, the Minutes from the October 6, 2014, Judiciary committee meeting were approved.

Review of Final Report and Recommendations of Act 1190

Senator Joyce Elliott, Sponsor, said she has lived in the 72204 zip code area for many years and it has been the most highly impacted area in the state for people interacting with the criminal justice system. One of the major problems for the state is when those who have served their time return to the community with no support system in place and no jobs, which in turn, adds to the 44% recidivism rate. Senator Elliott said that Arkansas has a very good system if you commit a crime, but nothing in place for reentry.

Ms. Sheila Sharp, Director; and Kevin Murphy, Assistant Director; Arkansas Community Correction (ACC), presented the "*Act 1190 Final Report: Recommendations for an Improved Reentry System in Arkansas.*" Act 1190 of 2013 charged ACC with the responsibility of convening joint sessions with multiple state and local agencies and local community organizations for the purpose of creating a holistic and seamless approach for reentry in Arkansas. The report included 24 recommendations to reduce recidivism of return offenders along with additional recommendations for policies and resources needed to improve the state's reentry system. (see **Handout 1 for full report**).

Upon questioning by Senator Williams regarding the issuance of a drivers license or an identification card as part of the reentry program, Toni Shields, Director of Driver Services, Department of Finance and Administration, stated that many inmates have suspended licenses when they enter prison. In order to receive a license or an identification card, the inmate must prove legal presence by providing a birth certificate, passport, a military identification card, etc., and most are unable to do so.

Discussion of the Proposed Tort Reform Rules (Exhibit F)

Professor John Watkins, Chairman, Arkansas Supreme Court Special Task Force on Practice/Procedure in Civil Cases; and Brian Brooks, Counsel, Trial Lawyers Association, provided a summary of the disposition of procedural provisions of the Civil Reform Act. The Court adopted changes in four rules: one is currently in effect, however, the three most important rules will take effect January 1, 2015. The public comment period ended September 30, 2014.

Committee recessed at 11:40 a.m.

Committee reconvened at 1:30 p.m.

Prison Options

Mr. Mark Whitmore, Chief Legal Counsel, Association of Arkansas Counties, stated the state currently owes counties \$7.7 million in back pay for housing inmates. County jails are operating at 130-140% of capacity and are housing more than 2500 state inmates when they should only house 1600. The current reimbursement rate is \$28 per day for each state inmate even though the average cost is \$49 per day; counties are not reimbursed until the inmate is released or is moved into the state system. Mr. Whitmore noted that when 30 sheriffs were surveyed in November and asked if they would accept more money without the state making changes in the payment process, all responded no.

Sheriff David Lucas, Jackson County; and President of the Arkansas Sheriff's Association, spoke on the need for additional money for bed space in county jails and more drug courts. He said 30% of the prisoners in his jail are state inmates and at one time the occupancy rate was 200%. At the sheriff's request, the circuit judge issued a court order stating that only violent offenders would be held. This resulted in a decrease in county revenues due to nonviolent offenders not paying their fines because they know there is no room for them in the jail. He said sheriffs with larger jails might accept a \$40 reimbursement rate as long as the money was paid monthly and designated as a priority in the state's budget. Sheriff Lucas noted that Jackson County voters approved a tax increase in February 2013 to build a new jail that could house 104 inmates.

Discussion of what other States are doing to Reduce Prison Population

Billy McConnell, Managing Member, LaSalle Corrections, Pat Temple, Partner, and Rodney Cooper, Executive Director of Operations, said the company owns and operate private facilities in Louisiana and Georgia and public facilities in Texas, Louisiana, and Texarkana. The company presented an alternative to prison overcrowding in Arkansas and stated LaSalle Corrections could house 1,000 inmates at a cost of \$28 a day per inmate, excluding medical expenses; the two facilities close to the Arkansas-Louisiana border have bed space available. LaSalle operates 11,500 beds in three states, including one on the Arkansas-Texas line in Texarkana, Texas. The company provides a variety of inmate programs including educational, physical, and faith based programs, as well as accountability planning, cognitive behavior therapy, family reunification, victim awareness, and workforce development.

With no further business, the meeting adjourned at 3.25 p.m.

MINUTES
LEGISLATIVE CRIMINAL JUSTICE OVERSIGHT TASK FORCE
SENATE INTERIM COMMITTEE ON JUDICIARY
MEETING JOINTLY

EXHIBIT B.2

August 12, 2015

The Legislative Criminal Justice Oversight Task Force met jointly with the Senate Interim Committee on Judiciary at 10:00 a.m., Wednesday, August 12, 2015, in Room A-MAC, Little Rock, Arkansas.

Legislative Criminal Justice Oversight Task Force members present: Senator Jeremy Hutchinson, Co-Chair; Representative Matthew Shepherd, Co-Chair; Senator Joyce Elliott, Representative Dwight Tosh, Gary Arnold, Drew Baker, Cristi Beaumont, Kenton Buckner, Tjuana Byrd, Ken Casady, John Felts, John Wesley Hall, Tim Helder, Wendy Kelly, Bobby Glover (for Benny Magness), Steve Newsome, Robin Raveendran, and Sheila Sharp.

Senate Judiciary members present: Senator Linda Collins-Smith, Vice Chair; Linda Chesterfield, and Terry Rice.

Representative Shepherd called the meeting to order.

Consideration to Approve Minutes from the June 17 and July 13, 2015, Meetings (Exhibits B.1 & B.2)

Without objection, the Minutes from the June 17 and July 13, 2015, meetings were approved.

Andy Barbee, Research Manager, Council of State Governments (CSG), spoke on the possibility of CSG providing technical assistance to the state and working with the Task Force in the near future. Mr. Barbee stated that any services provided will be at no cost to the state. A letter of interest has been signed by Governor Hutchinson, House Speaker Gillam, Senate President Pro Tempore Dismang, and the Chief Justices of the Supreme Court. Senator Hutchinson advised Mr. Barbee to keep committee staff informed of any changes.

Overview of the State of Georgia's Juvenile Justice and Delinquency Prevention/Reform Programs and the Legislative Role in Promulgating Sentencing Laws (See Exhibits C.1 - C.4 for complete reports)

The Honorable Steven Teske, Chief Judge, Clayton County Juvenile Court, presented a report on reforming juvenile justice and the problems states are facing today. Judge Teske said the goal of the Georgia Council of Criminal Justice Reform was to develop fiscally sound, data-driven juvenile justice policies that ensure Georgia's tax dollars are used effectively and efficiently; focus on offenders who are adjudicated delinquent and sent to an out-of-home placement; and identify reforms to current dispositional practices that improve public safety and control costs through more effective use of community-based options. By building on the recommendations listed below, the state of Georgia reduced commitments by 62%, closed two detention centers, and saved of \$65 million.

Problems:

- too many low-risk youth committed to state custody
- high cost for commitments to secure facilities (\$91,000 per juvenile); non-secure facilities (\$29,000 per juvenile)
- high recidivist rates (65% in secure facility within three years and 53% in non-secure facility)
- lack of evidence-based programs and practices in the community
- lack of a centralized data collection system to measure performance and outcomes (CSG can provide assistance)
- lack of coordination of agencies at local level to deliver services

Recommendations:

- implement a performance incentive structure similar to Ohio and Texas
- create a two-class system within the Designated Felony Act
- prohibit status offenders and some misdemeanants from being committed to secure residential facilities and reinvest savings into the community
- require juvenile courts to collect and track data regarding referrals to the juvenile justice system

Introduction and Overview of the Management Training Corporation (See Exhibit E for complete report)

Mike Murphy, Vice-President Corrections Marketing, Management Training Corporation(MTC), spoke on the mission and services provided by MTC. Mr. Murphy said MTC will be a leader in social impact by:

- preparing youth for employment, citizenship, and successful transition into communities
- providing quality health care and promoting healthy lifestyles; providing greater opportunity for citizens globally through economic and social development; investing in communities

Education & Training

- largest provider of Job Corps facilities serving 14,000 under-privileged youth in 21 centers (since 1981)
- corrections: operates 25 prisons in 8 states serving over 32,000 offenders (since 1987)
- medical: serves 20,000 offenders at 16 facilities promoting healthy lifestyles

Design/Build/Finance Experience

- designed, built, and financed 13 major jails and prisons since 1993 worth over \$1 billion
- provided operational components in all facilities at significant cost savings
- facilities built for diverse customer base including counties, states, ICE, FBOP, and US Marshals Service

Presentation on the Recovery Home and Diversion from Prison Program (See Exhibit E for complete report)

Dr. Keith Noble, PhD; Joe Krieger; and Cori Putz, Preferred Family Healthcare, presented a report on the Recovery Homes Prison Diversion Proposal. The report states that the Recovery Home Approach is an intervention model that brings about a collective impact and leads to sustainable change. The Substance Abuse and Mental Health Services Administration (SAMHSA) Recovery Program is a process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential. Mr. Noble believes by implementing the Recovery Home Program, the state could see a possible savings of \$379,602,000 over an 8-year period. The company operates 43 locations in Arkansas and is the largest provider of health services to children in the state--currently serving approximately 8,000 individuals.

Review of Training Programs for Law Enforcement Officers Responding to Persons with Mental Health Issues (Handout 1)

Mr. Juan Reyes, Training Supervisor, Arkansas Law Enforcement Training Academy(ALETA), spoke on training law enforcement officers to deal with persons with mental health issues. All basic training courses include specific training for mental health issues. From August 1, 2014 – August 1, 2015, ALETA provided 33 classes with a total of 174 hours (mostly online classes). Mr. Reyes said training is in accordance with § 12-9-116, which states that all law enforcement officers in the state shall complete additional continuing education and training as needed relating to persons with disabilities.

Overview of the Importance of Individualized Assessment of Sex Offender Management (See Exhibit G for complete report)

Ms. Sheri Flynn, Sex Offender Screening & Risk Assessment Administrator; and Dr. Mike Wood, Sex Offender Community Notification Supervising Psychologist, Arkansas Department of Correction (ADC), briefed the committees on the Sex Offender Community Notification Assessment Program (SOCNA). Ms. Flynn said ADC began assessing offenders in the fall of 1999 and developed one of the top programs in the country providing expertise in assessment and uniformity across the state. The report described the purpose of the registry and stated there is no one solution to the problem.

Representative Shepherd inquired if Arkansas is in compliance with the federal Adam Walsh Act. Ms. Flynn stated that Arkansas is not and that only 17 states are in compliance. There are serious concerns regarding public safety, cost, juveniles being placed on a public sex offender registry, and retro-activity of an offender which would require them to be placed back on the registry if reconvicted of a non-sex related crime. It was also noted that the Act contradicts years of research by experts in the field.

With no further business, the meeting adjourned at 3:00 p.m.

MINUTES
SENATE INTERIM COMMITTEE ON JUDICIARY

EXHIBIT B.3

September 17, 2015

The Senate Interim Committee on Judiciary met at 1:00 p.m., Thursday, September 17, 2015, at the Washington County Courthouse, Quorum Court Room, 280 College Avenue, Fayetteville, Arkansas.

Committee members present: Senators Jeremy Hutchinson, Chair; Joyce Elliot, and Jon Woods. Non-members present: Senator Uvalde Lindsey.

Senator Hutchinson called the meeting to order.

Consideration of a Motion to Authorize Chairs to Approve Special Expenses Incurred by the Committee

Without objection, a motion was made authorizing the Chair to approve Special Expenses incurred by the Senate Committee on Judiciary.

Overview and Update of Drug Courts in Northwest Arkansas

Judge Cristi Beaumont, Washington County, provided an overview of Washington County's drug/veteran's drug courts that provides an alternative to jail for minimum risk offenders. She spoke on the importance of data collection and said collection of data regarding court cases is vital to the court's success as it shows that the people who need help the most are high-risk, high-need cases who will offend again if help is not available. It also shows that first-time offenders are less likely to be repeat offenders. The courts assess offenders to determine which course of treatment is needed: track one for lower risk offenders or track two for high-risk and/or high-need offenders, such as addicts. Track two is an intensive program that requires the offender to attend three group sessions per week, attend weekly meetings with a counselor and probation officer, and call in once a week to see if they have been selected for random drug testing. The specialty courts also provide mental health services through the Ozark Guidance Center, job classes, help in finding employment, and, if needed, an opportunity for participants to obtain a GED. Judge Beaumont stated that current funding needs include expenses for additional staff and transitional living.

Juvenile Justice Reform and Discussion of the Specialty Courts Funding (see Handout 1 for complete report)

Judge Thomas Smith, Benton County, presented a report on the Juvenile Detention Alternatives Initiative 2015.

Core objectives include:

- decreasing the number of youth unnecessarily or inappropriately detained without jeopardizing public safety
- reducing the number of youth who fail to appear in court or re-offend pending adjudication
- redirect public funds towards effective juvenile justice processes and public safety strategies
- reduce racial and ethnic disparities in the juvenile justice system; and improve the juvenile justice system overall

The report emphasized the need to collect data, provide supervision, structure, and accountability to juvenile offenders, and reduce racial and ethnic disparities. In addition, the report provided statistics on admissions by gender, age, primary reasons for prior admissions, and the number of prior delinquency referrals at time of admission. Alternatives to detention include:

- utilization of a Risk Assessment Instrument at the time of intake to determine if detention is appropriate based on whether the juvenile will appear in court or commit another offense while awaiting court
- 2015 legislation allowing intake officers to place juveniles in a shelter or on an electronic monitor at time of arrest; increase the number of electronic monitors available; work on increasing the number of shelter beds
- the utilization of an Assessment Tool to determine the juvenile's criminogenic factors for disposition purposes

Judge Smith said the legislature appropriated \$2.8 million in grants for specialty courts during the 2015 legislative session, and after the Administrative Office of the Courts developed a formula for distribution, the funds were dispersed in the following manner:

- adult drug courts - \$ 1,000 per head
- veteran's courts - \$10,000 per court
- juvenile courts - \$30,000 per court

With no further business, the meeting adjourned at 4:15 p.m.

MINUTES

SENATE INTERIM COMMITTEE ON JUDICIARY

September 18, 2015

The Senate Interim Committee on Judiciary met at 1:00 p.m., Friday, September 18, 2015, at the Ecclesia College, Wallace Hall-Room A, 9653 Nations Drive, Springdale, Arkansas.

Committee members present: Senators Jeremy Hutchinson, Chair; Linda Collins-Smith, Vice Chair; Joyce Elliot, and Jon Woods.

Senator Hutchinson called the meeting to order.

Welcome and Opening Remarks

Dr. Oren Paris III, President, Ecclesia College, welcomed committee members and guests to the campus and provided an overview of the studies/degrees offered. Ecclesia College is faith-based and students participate in community service and Christian outreach. It is one of seven work-learning colleges in the country. Students learn workplace skills while earning tuition credits by working in the school's cafeteria, grounds, maintenance, cleaning services, and other duties as assigned. There are also internships available at local businesses. Monies earned are credited towards the student's tuition costs. Dr. Parris spoke on the tuition equalization grants offered in Georgia and Florida and stated he would like to see such a program in Arkansas.

Ecclesia College Financial Aid Services

Mr. Seth Duell, Development Officer, Ecclesia College, presented a report on the financial aid available at the college and stated that Ecclesia offers 19 degree programs. He spoke briefly on student loans and said the average student debt is \$30,000 and the nationwide debt is \$1.2 trillion. Student debt at Ecclesia averages approximately \$6,000; athletic scholarships are also available. Currently, there are 243 students enrolled with approximately one-half taking online courses.

Political Science & American History Program

Dr. Oren Paris III, President, Ecclesia College, said on September 15, 2015, the school submitted a Substantive Change for the David Barton School of Political Science. The school is not currently allowed to market the program but hopes to have a response in approximately 4-6 weeks. He also advised that Ecclesia will offer its first education degree program January 2016.

Adoption of Interim Study Proposal 2015-150, "Requesting that the Senate Committee on Judiciary Conduct a Study Concerning the Placement of a Child by a Parent into the Home of a Legal Custodian with Court Oversight Prior to the Placement of the Child in the Custody of the Department of Human Services". Senator Jeremy Hutchinson provided an explanation of the interim study proposal. He also spoke on the need to expedite the adoption process and for a family caregiver to receive the same funding as foster parents.

Senator Elliott requested that "fictive kinships" be included in the interim study proposal.

Upon motion by Senator Elliott, and second by Senator Woods, Interim Study Proposal 2015-150 was adopted.

With no further business, the meeting adjourned at 2:00 p.m.

MINUTES

HOUSE AND SENATE INTERIM COMMITTEES ON JUDICIARY

October 6, 2015

The House Interim Committee on Judiciary met at 10:00 a.m., on Tuesday, October 6, 2015, in Room B-MAC, Little Rock, Arkansas.

Committee members present: Representatives Matthew Shepherd; Chair; Marshall Wright, Vice Chair; Rick Beck, Donnie Copeland, Joe Farrer, Douglas House, Rebecca Petty, Laurie Rushing, Sue Scott, Brent Talley, Dwight Tosh, and John Vines.

Representative Shepherd called the meeting to order.

Consideration of Motion to Authorize Chair to Approve Special Expenses Incurred by the Committee

Without objection, a motion was made to authorize the Chair to approve special expenses incurred by the House Judiciary Committee.

Consideration to Adopt for Interim Study

Interim Study Proposal 2015-010 “Requesting the House Committee on Judiciary study the appropriate method by which an administrative law judge should be reviewed and sanctioned, if necessary, for judicial ethics violations.” Representative John Baine, Sponsor. Representative Talley provide a brief explanation of the interim study proposal (ISP). Without objection, ISP 2015-010 was adopted. **(Exhibit C.1)**

Interim Study Proposal 2015-073 “Concerning the fees assessed for an alcohol treatment or education program ordered for certain persons arrested for or convicted of driving while intoxicated.” Representative John Vines, Sponsor, provided an explanation of the ISP. After discussion by committee members and testimony by Paul Dotley, President, AADSEP; LaKeitha Brown, Mid-South Health Systems; and Mary Harrison, Counseling Associates, Representative Vines made a motion to adopt ISP 2015-073, and the motion carried. **(Exhibit C.2)**

Representative House requested staff provide committee members with a copy of the appropriation for the Department of Human Services, Division of Behavioral Health Services, specifying the funding flow for the above providers.

Interim Study Proposal 2015-135 “Requesting that the Arkansas Legislative Council refer to the House Committee on Judiciary a request to study the circumstances concerning and procedures for fingerprinting and photographing a juvenile for law enforcement purposes, as well as the requirements and process for sealing or expunging those records.” Representative Shepherd provided a brief explanation of the ISP, noting that the sponsor of the ISP was unable to attend the meeting. Without objection, ISP 2015-135 was adopted. **(Exhibit C.3)**

Interim Study Proposal 2015-147 “Requesting that the Legislative Council refer to the House Committee on Judiciary a study concerning the qualifications required of and disqualifications prohibiting a person from being a certified law enforcement officer.” Representative Les Eaves, Sponsor, provided an explanation of the ISP. After discussion by committee members and testimony by Mr. Jerry Clark, Citizen; Candace Clark, (Mrs. Jerry Clark); Sergeant Sam Riley, Kensett Police Department; and Jami Cook, Director, Commission on Law Enforcement Standards and Training, Representative Petty made a motion to adopt ISP 2015-147, and the motion carried. **(Exhibit C.4) (Handouts 1 and 2)**

With no further business, the meeting adjourned at 10.45 a.m.