

**MINUTES
SENATE COMMITTEE ON JUDICIARY AND THE LEGISLATIVE CRIMINAL JUSTICE
OVERSIGHT TASK FORCE
MEETING JOINTLY**

May 24, 2016

The Senate Committee on Judiciary and the Legislative Criminal Justice Oversight Task Force met jointly at 10:00 a.m., Tuesday, May 24, 2016, at the Embassy Suites, North West Arkansas, Ambassador D, 3303 Pinnacle Hills Parkway, Rogers, Arkansas.

Committee members present: Senators Jeremy Hutchinson, Co-Chair; Linda Chesterfield, Joyce Elliott, and Terry Rice; Representative Dwight Tosh; Judge Cristi Beaumont, Mr. Ken Casady, Mr. Tim Helder, Ms. Wendy Kelley, Mr. Benny Magness, Mr. Robin Raveendran, and Ms. Sheila Sharp.

Other legislators present: Senators Alan Clark and Eddie Joe Williams; Representative Brandt Smith.

Senator Hutchinson called the meeting to order.

Action/Requests

Approval of the Minutes (Exhibit B)

Senator Elliott made a motion to approve the April 28, 2016, meeting minutes of the Legislative Criminal Justice Oversight Task Force. The motion was seconded by Mr. Casady, and without objection, the motion carried.

Preserving Public Safety (Handout 1)

Mr. Tom Tatum, Prosecuting Attorney, 15th Judicial District; Mr. Daniel Shue, Prosecuting Attorney, 12th Judicial District; Mr. Bryan Chesshir, Prosecuting Attorney, 9th West Judicial District; Mr. Cody Hiland, Prosecuting Attorney, 20th Judicial District; and Mr. Nathan Smith, Prosecuting Attorney, 19th West Judicial District, presented a Power Point titled, "Preserving Public Safety," and a handout titled, "Criminal Justice Poll" (see Handouts 1 and 2 for full report).

Mr. Tatum stated the Arkansas Prosecuting Attorneys Association (APAA) is committed to helping the task force find solutions to the problems of recidivism, mental health problems in the inmate population, positive reentry into the community, and numerous other issues. APAA cautioned the task force and the legislature against weakening current sentencing practice, and endangering the public safety gains that recently have been made. Mr. Tatum noted that Act 570 of 2011 caused an abnormal drop in the prison population. Prosecutors need more alternatives to use in the criminal justice system.

Mr. Daniel Shue discussed the growth for better public safety reasons. He stated the Arkansas Department of Correction's (ADC) population is larger today than it was in 2011. The legislative corrective action to Act 570 of 2011 is one reason for the population increase. Moreover, the prosecuting attorneys feel that Act 570 was forced on them. Mr. Tatum expressed Act 570 was never given the opportunity to work, because it was not funded. After a lengthy discussion regarding Act 570, the APAA agreed that Act 570 does not reflect best practices. Senator Hutchinson suggested the task force could recommend that the legislature fund Act 570.

Mr. Bryan Chesshir discussed the types of felons that make up the ADC population and the crimes they commit. He stated as of 2015, 19,030 individuals were incarcerated. The public can check the ADC website periodically to view the types of crimes that put an inmate in ADC.

Mr. Nathan Smith and Mr. Cody Hiland addressed issues with sentencing practices. Mr. Smith stated that the Council of State Governments (CSG) reported that one of the problems with the rising incarceration rates is non-compliance with the state's sentencing grid. Arkansas's sentencing grid is not mandatory and is meant to provide uniformity in sentencing. Moreover, the grid is utilized by judges, prosecutors, and defense attorneys to arrive at fair sentences after considering the seriousness of the crime and the defendant's criminal history. In 2015, less than 38% of the crimes filed as felonies resulted in ADC sentences. There are a lot of discretion menus to keep individuals out of prison. Mr. Hiland stressed the importance of the community being a part of the process. He concluded by stating the criminal justice poll

handout included relevant information (see Handout 2 for full report).

Mr. Andy Barbee, Research Manager, CSG Justice Center, was recognized for brief remarks. He stated CSG never shows up in a state with an agenda nor does any group dictate to them the problems that should be identified or the solutions that need to be applied.

Discussion/Update by Co-Chairs

Due to time constraints, Senator Hutchinson stated the next task force meeting will convene on June 22, 2016, and will include a presentation by CSG and breakout sessions to allow group meetings.

With no further business, the meeting adjourned at 12:20 p.m.