

**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.
Act 866 of the Regular Session**

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

A Bill

SENATE BILL 912

4
5 By: Senator Baker
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For An Act To Be Entitled

9 AN ACT TO ESTABLISH A MINIMUM TWO-YEAR WAITING
10 PERIOD FOR RECONSIDERATION BY THE PAROLE BOARD OF
11 A TRANSFER TO THE DEPARTMENT OF COMMUNITY
12 CORRECTION FOR OFFENDERS SENTENCED FOR SERIOUS
13 OFFENSES; AND FOR OTHER PURPOSES.
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Subtitle

15 TO ESTABLISH A MINIMUM TWO-YEAR WAITING
16 PERIOD FOR RECONSIDERATION BY THE PAROLE
17 BOARD OF A TRANSFER TO THE DEPARTMENT OF
18 COMMUNITY CORRECTION FOR CERTAIN
19 OFFENDERS.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 16-93-206(c), concerning Parole Board
26 procedures, is amended to read as follows:

27 (c)(1) A person who commits the following felonies on or after January
28 1, 1994, shall be eligible to be considered for discretionary transfer to the
29 Department of Community Correction by the Parole Board after having served
30 one-third (1/3) or one-half (1/2) of his or her sentence, with credit for
31 meritorious good time, depending on the seriousness determination made by the
32 Arkansas Sentencing Commission, or one-half (1/2) of the time to which his or
33 her sentence is commuted by executive clemency, with credit for meritorious
34 good time:

35 (A) Any homicide, §§ 5-10-101 - 5-10-105;



- 1 (B) Sexual assault in the second degree, § 5-14-125;
- 2 (C) Battery in the first degree, § 5-13-201;
- 3 (D) Domestic battering in the first degree, § 5-26-303;
- 4 (E) The following Class Y felonies:
 - 5 (i) Kidnapping, § 5-11-102;
 - 6 (ii) Rape, § 5-14-103;
 - 7 (iii) Aggravated robbery, § 5-12-103;
 - 8 (iv) Causing a catastrophe, § 5-38-202(a);
- 9 (F) Engaging in a continuing criminal enterprise, § 5-64-
- 10 405; or
- 11 (G) Simultaneous possession of drugs and firearms, § 5-74-
- 12 106.

13 (2)(A) The transfer of an offender convicted of an above-listed
 14 offense is not automatic.

15 (B) The Parole Board will have the authority to transfer
 16 such an inmate at a time when, based on a combination of its opinion and
 17 appropriate assessment by a risk needs assessment tool, there is reasonable
 18 probability that the inmate can be released without detriment to the
 19 community or the inmate.

20 (C) After the Parole Board has fully considered and denied
 21 the transfer of an offender sentenced for committing an offense listed in
 22 subdivision (c)(1) of this section, the Parole Board may delay any
 23 reconsideration of the transfer for a maximum period of two (2) years.

24 (3) Notification of the court, prosecutor, sheriff, and the
 25 victim or the victim’s next of kin shall follow the procedures set forth
 26 below:

27 (A)(i) Before the Parole Board shall grant any transfer,
 28 the Parole Board shall solicit the written or oral recommendations of the
 29 committing court, the prosecuting attorney, and the sheriff of the county
 30 from which the inmate was committed.

31 (ii) If the person whose transfer is being
 32 considered by the Parole Board was convicted of one (1) of the Class Y
 33 felonies enumerated in subdivision (c)(1) of this section, the Parole Board
 34 shall also notify the victim of the crime or the victim’s next of kin of the
 35 transfer hearing and shall solicit written or oral recommendations of the
 36 victim or his or her next of kin regarding the granting of the transfer

1 unless the prosecuting attorney has notified the Parole Board at the time of
2 commitment of the prisoner that the victim or his or her next of kin does not
3 want to be notified of future transfer hearings.

4 (iii) The recommendations shall not be binding upon
5 the Parole Board in the granting of any transfer but shall be maintained in
6 the inmate's file.

7 (iv) When soliciting recommendations from a victim
8 of a crime, the Parole Board shall notify the victim or his or her next of
9 kin of the date, time, and place of the transfer hearing;

10 (B)(i) The Parole Board shall not schedule transfer
11 hearings at which victims or relatives of victims of crimes are invited to
12 appear at a facility wherein inmates are housed other than the central
13 administration building of the Department of Correction at Pine Bluff.

14 (ii) Nothing herein shall be construed as
15 prohibiting the Parole Board from conducting transfer hearings in two (2)
16 sessions, one (1) at the place of the inmate's incarceration for interviews
17 with the inmate, the inmate's witnesses, and correctional personnel, and the
18 second session for victims and relatives of victims as set out in subdivision
19 (c)(3)(B)(i) of this section;

20 (C)(i) At the time that any person eligible under
21 subdivision (c)(1) of this section is transferred by the Parole Board, the
22 Department of Community Correction shall give written notice of the granting
23 of the transfer to the sheriff, the committing court, and the chief of police
24 of each city of the first class of the county from which the person was
25 sentenced.

26 (ii) If the person is transferred to a county other
27 than that from which he or she was committed, the Parole Board shall give
28 notice to the chief of police or marshal of the city to which he or she is
29 transferred, to the chief of police of each city of the first class and the
30 sheriff of the county to which he or she is transferred, and to the sheriff
31 of the county from which the person was committed; and

32 (D)(i) It shall be the responsibility of the prosecuting
33 attorney of the county from which the inmate was committed to notify the
34 Parole Board at the time of commitment of the desire of the victim or his or
35 her next of kin to be notified of any future transfer hearings and to forward
36 to the Parole Board the last known address and telephone number of the victim

1 or his or her next of kin.

2 (ii) It shall be the responsibility of the victim or
3 his or her next of kin to notify the Parole Board of any change in address or
4 telephone number.

5 (iii) It shall be the responsibility of the victim
6 or his or her next of kin to notify the Parole Board after the date of
7 commitment of any change in regard to the desire to be notified of any future
8 transfer hearings.

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