

Hall of the House of Representatives
85th General Assembly - Regular Session, 2005
Amendment Form

Subtitle of House Bill No. 1176

"AN ACT TO CLARIFY THAT THE SENTENCING GUIDELINES OF THE STATE OF
ARKANSAS ARE ENTIRELY VOLUNTARY."

Amendment No. 1 to House Bill No. 1176.

Amend House Bill No. 1176 as originally introduced:

Immediately following SECTION 1, add an additional section to read as follows:

“SECTION 2. Arkansas Code § 16-93-1208 is amended to read as follows:
16-93-1208. Post commitment transfer.

(a)(1)(A) Upon commitment of an eligible offender to the Department of Correction, the department will transfer the eligible offender to a community punishment program, when he reaches his transfer date, in accordance with the rules and regulations promulgated by the Board of Corrections and conditions set by the Post Prison Transfer Board.

(B) Legal custody of inmates transferred to the Department of Community Correction shall remain with the Department of Correction unless altered by court order.

~~(2)(A) When a sentence is given which is outside the presumptive range set in the sentencing standards and which is not accompanied by written reasons for the departure, an offender may be transferred to community punishment or considered for any discretionary release applicable under the law as if he had received the presumptive sentence, and the transfer or releasing authority may review, grant, or deny transfer or release based on any eligibility established by the presumptive sentence term.~~

~~(B) This provision shall apply only to a conviction for the most serious offense in a particular case.~~

~~(C) In the event that such a conviction is vacated, any concurrent conviction in the same case need not have a written departure.~~

~~(3)~~ (2) Persons eligible for release from incarceration on parole may be placed in community punishment programming while under parole supervision upon the recommendation of such condition by the releasing authority.

(b)(1) The Board of Corrections and the Department of Correction are authorized to release medical and psychological data in their possession to a community punishment service provider concerning an eligible offender transferred to such community punishment program.

(2) The community punishment service provider shall use any



medical or psychological data received from the Department of Correction and the board in compliance with rules concerning the use of such data as adopted by the board.”

AND

Appropriately renumber the remaining section of the bill.

The Amendment was read _____

By: Representative T. Hutchinson

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Chief Clerk