

**Hall of the House of Representatives**  
86th General Assembly - Regular Session, 2007  
**Amendment Form**

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**Subtitle of House Bill No. 1444**

"TO MINIMIZE THE SPREAD OF CERTAIN COMMUNICABLE DISEASES CARRIED BY  
INMATES AND TO PROHIBIT THE PAROLE OF INMATES WITH CERTAIN  
COMMUNICABLE DISEASES UNDER CERTAIN CIRCUMSTANCES."

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**Amendment No. 1 to House Bill No. 1444.**

Amend House Bill No. 1444 as originally introduced:

Add Representatives E. Brown, Chesterfield, Davis, S. Dobbins, and Walters as cosponsors of the bill

AND

Page 1, line 9, delete "OF CERTAIN" and substitute "OF THE"

AND

Page 1, delete lines 10 through 12, and substitute the following:  
"COMMUNICABLE DISEASE OF HUMAN IMMUNODEFICIENCY VIRUS (HIV) CARRIED BY  
INMATES OR EMPLOYEES OF THE DEPARTMENT OF CORRECTION; TO REQUIRE TESTING OR  
SCREENING OF EMPLOYEES AND INMATES UNDER CERTAIN"

AND

Page 1, line 16, delete "OF CERTAIN" and substitute "OF THE"

AND

Page 1, delete lines 17 through 19, and substitute the following:  
"COMMUNICABLE DISEASE OF HUMAN IMMUNODEFICIENCY VIRUS (HIV) CARRIED BY  
INMATES OR EMPLOYEES OF THE DEPARTMENT OF CORRECTION AND TO REQUIRE TESTING  
OR SCREENING OF EMPLOYEES AND INMATES UNDER"

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 12-27-103 is amended to read as follows:



12-27-103. Department of Correction - Creation - Powers and duties.

(a) There is established, under the supervision, control, and direction of the Board of Corrections, a Department of Correction.

(b) The Department of Correction shall have the following functions, powers, and duties, administered in accordance with the policies, rules, and regulations promulgated by the Board of Corrections:

(1) The Department of Correction shall have exclusive jurisdiction over the care, charge, custody, control, management, administration, and supervision of all persons and offenders committed to, or in the custody of, the state penitentiary;

(2) The ~~department~~ Department of Correction shall assume management and control over all properties, both real and personal, facilities, books, records, equipment, supplies, materials, contracts, funds, moneys, equities, and all other properties belonging to the state penitentiary, except those deemed by the board to be more appropriate for placement in the Department of Community Correction. The Department of Correction shall administer said properties in accordance with the provisions of this act and other laws applicable to the administration of the state correctional system;

(3) The Department of Correction shall assume all obligations, contracts, indebtedness, liabilities, and other obligations of the state penitentiary system existing on March 1, 1968;

(4)(A) The Department of Correction shall have custody, management, and control over all institutions and facilities, and the inmates therein, now belonging to the state penitentiary or hereafter established by the Department of Correction for the custodial correction and rehabilitation of persons committed to the ~~department~~ Department of Correction for its care, except for those institutions established by or transferred to the Department of Community Correction.

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

(5) The Department of Correction shall establish and operate classification committees, diagnosis and treatment programs, and such other programs as may be desirable to fulfill the purposes of this act;

(6) The Department of Correction shall employ such officers, employees, and agents and shall secure such offices and quarters as are deemed necessary to discharge the functions of the Department of Correction;

(7) The Department of Correction shall receive all offenders committed to the Department of Correction for conviction of felonies or other offenses, the punishment of which is commitment to the penitentiary under the laws of this state, and shall be responsible for the care, custody, and correction of such persons pursuant to policies established by the Board of Corrections;

(8) The Department of Correction shall operate all farming, livestock, industries, and other income-producing facilities of the Department of Correction and shall sell the products of its industries and farms in the manner provided by law;

(9) The Department of Correction may establish and operate regional adult detention facilities, provided funds therefor have been authorized and appropriated by the General Assembly;

(10) The Department of Correction shall cooperate with

municipalities and counties in this state in providing consulting services when requested with respect to detention and correctional facilities operated by the municipalities or counties;

(11) The Department of Correction shall cooperate with law enforcement agencies of this state, the United States, institutions of this state for the detention, custody, and care of delinquent and dependent juveniles, and with all agencies and departments of this state offering services or programs of welfare, rehabilitation, and other services for the benefit of persons committed to the Department of Correction;

(12) The Department of Correction may accept gifts, grants, and funds from public and private sources with prior approval of the Board of Corrections and administer the same in furtherance of the purposes of this act;

(13)(A) The Department of Correction shall have the authority to issue warrants for the retaking of any person who, committed to its custody, unlawfully escapes therefrom.

(B) The warrant shall:

(i) Authorize all law enforcement officials of this state to take custody and return the person named therein to the custody of the Department of Correction; and

(ii) Authorize all law enforcement officials of this state, any other state, and the federal government to take custody and detain the person in any suitable detention facility while awaiting further transfer to the Department of Correction;

(14) The Department of Correction may cooperate with and contract with the federal government, governmental agencies of Arkansas and other states, political subdivisions of Arkansas, and private contractors to provide and improve correctional operations;

(15) The Department of Correction shall cooperate with the Department of Community Correction, the Post Prison Transfer Board, the Arkansas Sentencing Commission, judicial districts, municipalities, and counties in this state in providing guidance and services required to ensure a full range of correctional options for the state as a whole;

(16) The Department of Correction shall provide support to the Department of Community Correction as determined by the Board of Corrections;

(17) The Department of Correction shall assist the Board of Corrections in the furtherance of its goals by staffing the specific charges articulated for it through legislation and by the Board of Corrections; ~~and~~

(18) The Department of Correction shall establish programs of research, evaluation, statistics, audit, and planning, including studies and evaluation of the performance of various functions and activities of the ~~department~~ Department of Correction and studies affecting the treatment of offenders and information about other programs; and

(19) The Department of Correction shall provide:

(A) Testing or screening of each employee of the Department of Correction on at least a yearly basis for human immunodeficiency virus (HIV); and

(B) Counseling regarding treatment options if an employee of the Department of Correction tests positive for human immunodeficiency virus (HIV).

SECTION 2. Arkansas Code § 12-29-112 is amended to read as follows:

12-29-112. Discharge or release.

(a) Inmates released upon completion of their term or released on parole shall be supplied with satisfactory clothing and a travel subsidy as prescribed by the Board of Corrections.

(b) Upon release of any inmate from any unit or center of the Department of Correction, the department shall provide transportation for the inmate to the closest commercial transportation pick-up point.

(c) Before the release of an inmate from any unit or center of the department, the department shall provide:

(1) Testing or screening of the inmate for human immunodeficiency virus (HIV); and

(2) Counseling regarding treatment options if the inmate tests positive for human immunodeficiency virus (HIV)."

The Amendment was read \_\_\_\_\_  
By: Representative Allen  
GRH/TAT - 02-19-2007 10:03  
GRH216 \_\_\_\_\_  
Chief Clerk