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Proposed Rulemaking

Title: Transfer to Parole or Post-Release Supervision

Promulgated by: Arkansas Post-Prison Transfer Board

Title 16. Practice, Procedure, and Courts

Chapter III. Post-Prison Transfer Board, Department of Corrections

Part 23. Transfer to Parole or Post-release Supervision

Subpart 1. Generally

16 CAR § 23-101. Definitions.

As used in this part:

(1) "Board" or "Post-Prison Transfer Board" means the state agency described in Arkansas Code § 16-93-201 that serves as the releasing authority for any person subject to either parole or post-release supervision;

(2) "Board decision" means the adopted and ratified results of the vote of the Post-Prison Transfer Board concerning an inmate;

(3) "Case plan" means an individualized plan developed by the Department of Corrections that identifies the available programs **or meaningful activities** that address the needs of an inmate and reduce an inmate's risk to reoffend as described in Arkansas Code § 12-29-902;

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(4) "Community supervision officer" means an employee of the Division of Community Correction who is tasked with the supervision of offenders transferred to post-release supervision as defined in Arkansas Code § 16-93-1902;

(5) "Conditions" means any standard conditions and any special conditions imposed by the Post-Prison Transfer Board on inmates and offenders;

(6) "Court-imposed post-release supervision" means a period of post-release supervision imposed by the trial court for any defendant sentenced to a felony ineligible to receive earned release credits or a restricted release felony who has not been sentenced to the statutory maximum for the offense pursuant to Arkansas Code § 5-4-104(c)(1)(C);

(7) "Criminogenic needs" means those factors which are static and dynamic personal and situational characteristics that increase the risk of criminality and reoffending as described in Arkansas Code §§ ~~16-93-101(16)~~, 16-93-101(3), and 5-4-101501(8) which include without limitation, the following risk factors:

- (A) Antisocial personality;
- (B) Criminal thinking;
- (C) Criminal associates;
- (D) Dysfunctional family;
- (E) Low levels of employment or education; and
- (F) Substance abuse;

(8) "Detriment to the community" means a person as defined in Arkansas Code § 16-93-101(4) who has:

(A) Demonstrated a pattern of behavior that indicates disregard for the safety and welfare of others;

(B) Exhibited violence or repeated violent tendencies;

(C) Has been convicted of a felony involving violence, as defined under Arkansas Code § 5-4-501(d)(2); or

(D) During the three (3) calendar years before the person's parole or post-release supervision hearing:

(i) Demonstrated a documented lack of respect for authority towards law enforcement or prison officials while in the custody of the Division of Correction, the Division of Community Correction, or a law enforcement agency; or

(ii) Accrued multiple disciplinary violations while in the custody of the Division of Correction, the Division of Community Correction, or a law enforcement agency, including at least one (1) disciplinary violation involving violence or sexual assault while in the custody of the Division of Correction, the Division of Community Correction, or a law enforcement agency;

(9) "Discretionary offense" means any felony offense committed prior to January 1, 2025, listed in Arkansas Code § 5-4-104(c)(2) or Arkansas Code § 16-93-615(b);

(10) "Earned release credits" or "ERC" means days for which an inmate may accrue time towards transfer upon award by the Post-Prison Transfer Board;

(11) "Evidence-based practices" means policies, procedures, programs, and practices proven by scientific research to reliably reduce the likelihood to reoffend as described in Arkansas Code § 16-93-101(5);

(12) "Felony ineligible to receive earned release credits" means a felony offense for which a person is not eligible for release until one hundred percent (100%) of the sentence imposed by the sentencing court has been served as defined in Arkansas Code § 16-93-1802;

(13) "Inmate" means a person who is confined to a correctional institution administered by the Department of Corrections or a person who is otherwise confined but subject to the authority of Department of Corrections as described in Arkansas Code § 16-106-201(2);

(14) "Inmate case file" means any and all records or information pertaining to an inmate retained by the Department of Corrections;

(15) "Inmate transfer hearing" means an in-person hearing conducted by one (1) or more Post-Prison Transfer Board members or designees for the purpose of:

(A) Making a recommendation for board decision;

(B) Allowing a transfer-eligible inmate to present in-person testimony; and

(C) Allowing testimony of witnesses on behalf of the transfer-eligible inmate;

(16) "Jacket review" means the review of the inmate case file of a transfer-eligible inmate by an individual staff member or team of staff members of the Division of Community Correction for purposes of preparing the inmate's application for transfer as described in Arkansas Code § 16-93-101(7);

(17) "Mandatory hearing offense" or "MHO" means any offense that is:

(A) A restricted release felony;

(B) A felony ineligible to receive earned release credits; or

(C) Any offense that has been designated by the Post-Prison Transfer Board to require an inmate transfer hearing or revocation hearing;

(18) "Nondiscretionary offense" means any felony offense committed before January 1, 2025, except those listed in Arkansas Code §§ 5-4-104(c)(2) or 16-93-615(b), for which an inmate or offender is serving a sentence;

(19) "Nontarget offense" means any offense not listed in Arkansas Code § 16-93-1202(10)(A)(i);

(20) "Offender" means a person transferred to post-release supervision as defined in Arkansas Code § 16-93-1902(4);

(21) "Parole" means the same as transfer;

(22) "Post-release supervision" means a period of community supervision for an offender after the offender transfers from incarceration as described in Arkansas Code §§ 16-93-614, 16-93-712, and 16-93-1804;

(23) "Program" or "programming" means an evidence-based instruction or activity provided to an inmate or offender that targets criminogenic needs as described in Arkansas Code § 12-29-902(2);

(24) "Prosocial" means positive behaviors, conduct, activities, efforts, and attitudes that, according to current research, encourage an individual to adhere to societal norms and avoid criminal behavior as described in Arkansas Code §§ 12-29-112(g) and 16-93-101(17);

(25) "Restricted release felony" means a felony offense listed in Arkansas Code § 16-93-1802(2)(B) for which a person is not eligible for transfer until at least eighty-five percent (85%) of the sentence imposed by the sentencing court has been served;

(26) "Risk-needs assessment" means a determination of a person's risk to reoffend and the criminogenic needs that, when addressed, reduce the risk to reoffend through the use of a validated actuarial assessment tool that assesses the dynamic and static factors that drive criminal behavior as described in Arkansas Code §§ 16-93-101(15) and 16-93-1807.

(27) "Sex offense" means any offense listed in Arkansas Code §§ 5-4-104(c)(2) or 16-90-1101 for which the inmate is required, upon release, to register as a sex offender under the Sex Offender Registration Act of 1997 Arkansas Code § 12-12-901 et seq.;

(28) "Special conditions" means the requirements that are above and beyond the standard conditions imposed by the Post-Prison Transfer Board on an offender transferred to post-release supervision and are narrowly tailored and individualized for the specific criminogenic needs and rehabilitation of the offender, and for public safety;

(29) "Standard conditions" means the conditions that are applicable to all offenders transferred to post-release supervision as defined by the current written statement of conditions established by the Post-Prison Transfer Board as described in Arkansas Code §§ 16-93-615(d) and 16-93-1811(a);

(30) "Target offense" means any offense listed in Arkansas Code § 16-93-1202(10)(A)(i);

(31) "Transfer" means movement of an inmate to community supervision;

(32) "Transfer-eligible inmate" means an inmate, as determined by the Division of Correction, who has met all criteria to be considered for transfer by the Post-Prison Transfer Board as described in 16 CAR 23-201 et seq.;

(33) "Transfer hearing" means proceedings of the Post-Prison Transfer Board for the purpose of making a recommendation for board decision which may include up to two (2) separate sessions pursuant to Arkansas Code § 16-93-615(b)(6)(B)(ii), 16-93-703(b), and 16-93-1810(c)(2):

(A) One (1) session for the inmate transfer hearing; and

(B) One (1) session for the victim input hearing; and

(34) "Transfer screening" means a review of the inmate case file of a transfer-eligible inmate by the Post-Prison Transfer Board or designee without an inmate transfer hearing for the purpose of making a recommendation for board decision.

Subpart 2. Transfer Eligibility

16 CAR § 23-201. Transfer-eligible inmates.

(a) The inmate's transfer eligibility shall be determined by the laws in effect at the time of the offense for which the inmate is sentenced pursuant to Arkansas Code §§ 16-93-612(a), 16-93-1803(b), and 16-93-1804.

(b) The Post-Prison Transfer Board may transfer an inmate if the board determines all of the following:

(1) There is a reasonable probability that the inmate can be transferred without detriment to the community or to the inmate pursuant to Arkansas Code §§ 16-93-211(c)(2), 16-93-701(a)(1), 16-93-714, and 16-93-1903(a)(1)(A);

(2) The inmate is able and willing to fulfill the obligations of a law-abiding citizen pursuant to Arkansas Code §§ 16-93-701(a)(1) and 16-93-1903(a)(1)(B); and

(3) That post-release supervision is in the best interest of society pursuant to Arkansas Code §§ 16-93-701(b)(2) and 16-93-1903(a)(1)(C).

16 CAR § 23-202. Transfer-ineligible inmates.

An inmate is ineligible for transfer if an inmate:

(1) Is serving a sentence for a felony ineligible to receive earned release credits pursuant to Arkansas Code § 16-93-609(d)(1) or Arkansas Code § 16-93-1803(a);

(2) Commits a restricted release felony and has previously been convicted of a restricted release felony or a felony ineligible to receive earned release credits pursuant to Arkansas Code § 16-93-1803(c);

(3) Is serving a death sentence pursuant to Arkansas Code §§ 16-93-601(a), 16-93-604(b)(1), 16-93-607(c)(1), 16-93-613(a)(1), 16-93-614(c)(1)(A), 16-93-1804(2), and 5-4-607(d);

(4) Is serving a sentence of life without parole pursuant to Arkansas Code §§ 16-93-601(b)(1), 16-93-604(b)(1), 16-93-607(c)(1), 16-93-613(a)(1), 16-93-614(c)(1)(A), 16-93-1804(2), and 5-4-607(d);

_____ (5) Is serving a period of post-release supervision for a restricted release felony which was subsequently revoked by the Post-Prison Transfer Board to the Division of Correction pursuant to Arkansas Code § 16-93-1908(i); or

_____ (6) Is serving a period of court-imposed post-release supervision which was subsequently revoked by the board to the Division of Correction pursuant to Arkansas Code § 16-93-1908(i).

Subpart 3. Transfer Procedures

16 CAR § 23-301. File preparation.

(a) Transfer consideration shall begin with jacket review no later than six (6) months before the date an inmate becomes transfer-eligible pursuant to Arkansas Code §§ 16-93-615(a)(1)(C) and 16-93-1807(c)(1).

(b) Once a transfer-eligible inmate is identified and jacket review has been conducted, the Post-Prison Transfer Board will consider the inmate for transfer.

16 CAR § 23-302. Transfer hearing notices.

(a) Notices for public officials and victims for discretionary offenses and nontarget offenses.

(1) Before the Post-Prison Transfer Board grants transfer for an inmate whose offense is a discretionary offense committed prior to January 1, 2025, or a felony that is a nontarget offense committed on or after January 1, 2025, the board or its designee shall send notification of the transfer hearing and solicit a recommendation from the following:

(A) Public officials of the county from which the inmate was committed, pursuant to Arkansas Code §§ 16-93-1810(a)(1) and 16-93-615(b)(6)(A)(i), including:

(i) Committing court;

(ii) Prosecuting attorney; and

(iii) County sheriff; and

(B) The victim of the crime or the victim's next of kin unless the prosecuting attorney has notified the board at the time of commitment that the victim or the victim's next of kin does not desire to be notified of future transfer hearings pursuant to Arkansas Code §§ 16-93-1810(b)(1), 16-93-615(b)(6)(A)(ii).

(2) (A) The board considers recommendations from public officials, victims, or victim's next of kin.

(B) Recommendations are not binding upon the board in the granting of any transfer but are maintained in the inmate case file pursuant to Arkansas Code §§ 16-93-615(b)(6)(A)(iii) and 16-93-1810(b)(2).

(b) Notices for victims of nondiscretionary offenses and target offenses.

(1) Before the board grants transfer for an inmate whose nondiscretionary offense was committed prior to January 1, 2025:

(A) The board or its designee shall send notification of the transfer hearing to the victim or the victim's next of kin who has informed the board of the wish to be consulted at the time of sentencing pursuant to Arkansas Code § 16-93-615(c)(2)(A); and

(B) The board or its designee shall not send notification of the transfer hearing to the victim or the victim's next of kin who does not so inform the board of the wish to be consulted at the time of sentencing pursuant to Arkansas Code § 16-93-615(c)(2)(B).

(2) Before the board grants transfer for an inmate whose target offense was committed on or after January 1, 2025:

(A) The board or its designee shall send notification of the transfer hearing to the victim or the victim's next of kin who has informed the board of the desire to be consulted in writing at the time of sentence pursuant to Arkansas Code § 16-93-1806(c)(2)(A); and

(B) The board or its designee shall not send notification of the transfer hearing to the victim or the victim's next of kin who does not so inform the board of the desire to be consulted at the time of sentence pursuant to Arkansas Code § 16-93-1806(c)(2)(B).

(3) (A) The board considers recommendations from victims or victim's next of kin.

(B) However, recommendations are not binding upon the board in the granting of any transfer but are maintained in the inmate case file pursuant to Arkansas Code §§ 16-93-615(c)(3)(B) and 16-93-1806(c)(3)(B).

(c) The victim or the victim's next of kin who no longer wishes or desires to be notified of transfer hearings may provide notice to the victim witness coordinator at the Department of Corrections at the current mailing address or email address listed on the Department of Corrections website.

(d) The victim or the victim's next of kin shall not attend the inmate transfer hearing.

(e) The board or its designee shall provide notification to a victim or the victim's next of kin who has expressed the wish or desire to be consulted by the board of the date, time, and place of the transfer hearing.

(f) It is the responsibility of the victim or the victim's next of kin to notify the board of any change in mailing address, email address, or telephone number.

(g) A notice of the inmate transfer hearing will notify the victim or victim's next of kin at least sixty (60) days prior to the date of the inmate transfer hearing.

16 CAR § 23-303. Victim input hearings, statements, and letters.

(a) The victim input hearing provides the opportunity for a victim of discretionary offenses or nontarget offenses to state concerns regarding the transfer of the inmate as follows:

(1) The Post-Prison Transfer Board shall conduct a victim input hearing to permit a victim or victim's next of kin to present:

(A) An oral victim input statement; or

(B) A written victim input letter;

(2) The statement or letter may address concerns of:

(A) The effects of the crime;

(B) The circumstances surrounding the crime;

(C) The manner in which the crime was perpetrated; and

(D) The reasons for the victim's opposition to the inmate's transfer;

(3) A victim or victim's next of kin who desires to attend a victim input hearing will provide a current email address, mailing address, and telephone number to the board;

(4) The board will notify the victim or victim's next of kin of the date, time, and location of the victim input hearing;

(5) The victim input hearing should occur prior to the adoption and ratification of the board decision; and

(6) The victim input hearing shall have the following restrictions:

(A) There will be one (1) victim input hearing session per inmate transfer hearing pursuant to Arkansas Code §§ 16-93-615(b)(6)(2)(B)(ii), 16-93-703(b), and 16-93-1810(c)(2)(B);

(B) Other than board staff, only the victim, the victim's next of kin, and a reasonable number of persons of support may attend;

(C) There will be a reasonable time allowed for the victim input hearing;

(D) The information, notes, and recordings of the victim input hearing are confidential;

(E) The victim input hearing may be conducted in person or by telephone conference;

(F) The inmate shall not attend the victim input hearing; and

(G) The victim input hearing will be conducted at a different time and location that is separate from the inmate transfer hearing.

(b) The victim input letter described in this section may be:

(1) Provided by the victim, the victim's next of kin, or the victim's supporters for the board's consideration prior to making a transfer decision;

(2) In addition to, or in lieu of, oral victim input statements at a victim input hearing; and

(3) Sent to the victim input coordinator of the board at the current mailing address or email address listed on the board's website.

(c) A victim input letter written by the victim is privileged and shall not be disclosed, directly or indirectly, to any person except as authorized in Arkansas Code § 16-90-1113.

(d) The victim or the victim’s next of kin may designate a person to speak on behalf of the victim or the victim’s next of kin in the event the victim or victim’s next of kin is not available, willing, or able to appear at the victim input hearing.

16 CAR § 23-304. Inmate transfer hearings and transfer screenings — Determining criteria.

(a) The Post-Prison Transfer Board shall conduct an inmate transfer hearing:

(1) For any felony offense that is:

(A) A discretionary offense committed prior to January 1, 2025, listed in Arkansas Code § 16-93-615(b)(1) or Arkansas Code § 5-4-104(c)(2);

(B) Committed on or after January 1, 2025, that is a mandatory hearing offense (MHO);

(C) Committed by an offender who received a sentence to a period of incarceration for an offense committed while the offender was on supervision; and

(2) If there are recommendations for any of the following:

(A) Detriment to the community or the transfer-eligible inmate;

(B) Denial; or

(C) Special conditions pursuant to Arkansas Code §§ 16-93-615(a)(1)(D) and 16-93-1807(d).

(b) The board may conduct a transfer screening and make a recommendation for board decision without an inmate transfer hearing when:

(1) (A) The offense was committed:

(i) Prior to January 1, 2025 and is not a discretionary offense; or

(ii) On or after January 1, 2025 and is not a mandatory hearing offense (MHO); and

(B) Pursuant to Arkansas Code §§ 16-93-615(a)(1)(D) and 16-93-1807(d):

(i) The inmate has not received a major disciplinary report;

(ii) There has not been a request by a victim or a victim’s next of kin to have input on post-release supervision transfer conditions; and

(iii) There is no indication during the risk-needs assessment review that special conditions need to be placed on the inmate.

(2) An inmate is housed in county jail and meets the criteria set out in (b)(1) and (b)(2) of this section and meets criteria found in Arkansas Code § 16-93-710(a)(2);

(3) An inmate is recommended for the community corrections reentry program by the Division of Community Correction pursuant to 16 CAR § 23-405; or

(4) An inmate waives the inmate transfer hearing in writing.

(c) The board has discretion to schedule an inmate transfer hearing for an inmate who is otherwise eligible for a transfer screening.

16 CAR § 23-305. Inmate transfer hearings and transfer screenings — Procedures.

(a) An inmate transfer hearing is conducted subject to the following procedures:

(1) The transfer-eligible inmate shall be notified of the date, place, and time of the inmate transfer hearing;

(2) There shall be one (1) inmate transfer hearing at the unit where the inmate is incarcerated pursuant to Arkansas Code §§ 16-93-703(b), 16-93-615(b)(6)(2)(B)(ii), and 16-93-1810(c)(2)(A);

(3) The inmate transfer hearing and any related deliberations shall be closed to the public as allowed in Arkansas Code §§ 16-93-615(a)(5) and 16-93-1809(b)(2);

(4) Only the following may attend the inmate transfer hearing:

(A) Post-Prison Transfer Board staff;

(B) The inmate; and

(C) The inmate's preapproved witnesses, supporters, and attorneys;

(5) Inmate's witnesses, supporters, and attorneys, must:

(A) Be on the preapproved visitors list maintained by the Division of Correction prior to the scheduled inmate transfer hearing;

(B) Meet all visitor requirements as established by the Department of Corrections; and

(C) Meet the minimum age requirement established by the Department of Corrections, unless otherwise approved by the board member or designee conducting the inmate transfer hearing;

(6) There will be reasonable time allowed for the inmate transfer hearing;

(7) The inmate transfer hearing will be conducted at a location and time that is separate from the victim input hearing;

(8) The victim or victim's next of kin shall not attend the inmate transfer hearing pursuant to Arkansas Code §§ 16-93-615(b)(6)(2)(B)(i) and 16-93-1810(c)(1); and

(9) (A) The inmate transfer hearing should be conducted in person.

(B) The board chair may approve the inmate transfer hearing be conducted by video conference or by telephone conference, if necessary.

(b) A transfer screening is conducted subject to the following procedures:

(1) The transfer-eligible inmate shall be notified of the transfer screening; and

(2) The transfer screening process and any subsequent board deliberations shall be closed to the public pursuant to Arkansas Code §§ 16-93-615(a)(5) and 16-93-1809(b)(2).

16 CAR § 23-306. Transfer criteria for board consideration.

(a) The Post-Prison Transfer Board considers key factors reflecting best practices in transfer decision-making that:

(1) Use research-supported factors as criteria;

(2) Use relevant policy considerations that are consistent with laws and policies governing transfer decisions;

(3) Ensures that board members consider evidence-based factors in determining transfer suitability; and

(4) Employs a structured professional judgment model that in no way limits the discretion of the board but is intended to:

(A) Improve transparency in decision making;

(B) Improve public confidence in transfer; and

(C) Assist inmates in understanding any changes that are needed to improve the likelihood of future positive transfer decisions.

(b) The board utilizes a validated risk-needs assessment:

(1) Pursuant to Arkansas Code §§ 16-93-211(c), 16-93-615(i), 16-93-701(b)(1), 16-93-1807, and 16-93-1811(e);

(2) As a starting point in the process of making transfer decisions; and

(3) In conjunction with the criteria described in this section.

(c) The risk-needs assessment and the criteria considered by the board utilize static and dynamic information that has been shown to predict and reduce the likelihood to reoffend.

(d) The board reviews the inmate case file and considers the following evidence-based criteria:

(1) Criminal and supervision history factors that occurred prior to the index offense;

(2) Self-control history factors that occurred prior to and during the index offense;

(3) Program responsivity factors that occurred since the index offense;

(4) Institutional and community behavior factors that occurred since the index offense;

(5) Prosocial development factors that occurred since the index offense;

(6) Release plan factors; and

(7) Special considerations factors unique to the inmate's case which were not previously considered that might influence or affect the risk to reoffend.

(e) The board considers policy-related factors which include:

(1) Statements from victims as set out in 16 CAR §§ 23-302 and 23-303;

(2) Statements from public officials as set out in 16 CAR § 23-302 **3**;

(3) Youth offending factors as set out in 16 CAR § 23-401;

(4) Elderly transfer considerations as set out in 16 CAR § 23-402;

(5) Terminally ill or permanently incapacitated individuals as set out in 16 CAR § 23-403; and

(6) Detriment to the community criteria as set out in 16 CAR § 23-101(7).

(f) After consideration of the inmate case file, the risk-needs assessment, the evidence-based criteria, and any policy-related factors, the board will grant or deny transfer as set out in 16 CAR § 23-307.

16 AR § 23-307. Awarding of earned release credits.

(a) Inmates may accrue earned release credits pursuant to Arkansas Code §§ 12-29-703, 16-93-1801 et seq., and 12 CAR § 60-116, for offenses committed on or after January 1, 2025.

(b) Eligible inmates may accrue earned release credits for participation in:

(1) Work practices;

(2) Job responsibilities;

(3) Good behavior;

(4) Involvement in rehabilitative activities; and

(5) Education.

(c) The purpose of earned release credits is to incentivize and motivate the inmate to participate in and be responsive to programming and education that target criminogenic needs, and prosocial behaviors that will be effectual in:

(1) Increasing public safety;

(2) Reducing the likelihood of reoffending; and

(3) Promoting the continued prosocial development of the inmate from incarceration into the period of supervision and beyond pursuant to Arkansas Code § 12-29-112.

(d) Earned release credits may be awarded by the Post-Prison Transfer Board.

16 CAR § 23-308. Decisions of the board.

(a) The board decisions include, without limitation, the following:

(1) Transfer;

(2) Denial;

(3) Deferral; and

(4) Rescission.

(b) A designee's recommendation to the Post-Prison Transfer Board for a board decision shall be nonbinding pursuant to Arkansas Code § 16-93-701(b)(1).

(c) **Transfer.**

(1) Transfer of an inmate will be granted when all the following have occurred:

(A) (i) The concurring vote of at least five (5) members of the board to transfer the inmate is adopted and ratified by the board; or

(ii) A prescribed course of action is successfully completed prior to transfer by the inmate;

(B) The Department of Corrections' release processes have been completed, including:

(i) Records clearance; and

(ii) Approval of release plan;

(C) The board has stipulated standard conditions and any special conditions deemed necessary subject to the following:

(i) Prior to transfer, the inmate will be provided with a notice of the stipulated conditions pursuant to Arkansas Code §§ 1693-615(a)(2)(B)(i) and 16-93-1808(b)(1).

(ii) The conditions of supervision may be modified by the board at any time during the offender's period of supervision; and

(iii) Sex offenders that are placed in the Sex Offender Aftercare Program (SOAP) will have additional conditions stipulated by the board after being assessed for and admitted to SOAP pursuant to Arkansas Code §§ 16-93-615, 16-93-712, 16-93-1808, and 16-93-1811;

(D) The board has adopted and ratified the transfer decision as described in 16 CAR § 23-308;

(E) Every inmate while on supervision shall remain in the legal custody of the Division of Correction under the supervision of the Division of Community Correction and subject to the orders of the Post-Prison Transfer Board pursuant to Arkansas Code § 16-93-615(g), 16-93-616(a)(3), 16-93-701(b)(3), 16-93-1811(d), and 16-93-1903(b)(4);

(F) Transfer is not an award of clemency, and it shall not be considered as a reduction of a sentence or a pardon pursuant to Arkansas Code §§ 16-93-615(f) and 16-93-1811(c); and

(G) Transfer for a discretionary offense is not automatic, but subject to the discretion of the board pursuant to Arkansas Code § 16-93-615(b)(2).

(d) **Denial.**

(1) For nondiscretionary offenses the board may deny transfer:

(A) Accompanied with a prescribed course of action to be undertaken by the inmate to rectify the board's concerns pursuant to Arkansas Code § 16-93-615(a)(2)(B)(ii); or

(B) If the board determines the inmate would be a detriment to the community or the inmate pursuant to Arkansas Code §§ 16-93-101(4), 16-93-211(c)(2), 16-93-701(a)(1), 16-93-714 and 16-93-1903(a)(1)(A).

(2) For discretionary offenses that occur prior to January 1, 2025, and for all offenses that occur on or after January 1, 2025, the board may deny transfer:

(A) For a period of up to two (2) years pursuant to Arkansas Code §§ 16-93-615(b)(5) and 16-93-1808(b)(3);

(B) Accompanied with a prescribed course of action to be undertaken by the inmate to rectify the board's concerns pursuant to Arkansas Code § 16-93-1808(b)(2)(A); or

(C) If the board determines the inmate would be a detriment to the community or the inmate pursuant to Arkansas Code §§ 16-93-101(4), 16-93-211(c)(2), 16-93-701(a)(1), 16-93-714 and 16-93-1903(a)(1)(A).

(e) **Deferral.** The board may defer transfer:

(1) When the inmate has a current charge pending outcome in a state or federal court;

(2) Until the board has reviewed and confirmed the completion of a prescribed course of action; or

(3) For such other reasons as deemed necessary by the board.

(f) **Rescission.** The board may rescind its decision to transfer if, during the period of time between the inmate transfer hearing, or transfer screening, and the date of transfer:

- (1) The inmate receives a disciplinary;
- (2) The inmate's behavior classification negatively changes;
- (3) New pertinent information is discovered that, if considered at the time of the transfer hearing, or transfer screening, the board would not have made the board decision to transfer; or
- (4) For good cause as determined by the board.

16 CAR § 23-309. Adoption and ratification of board decisions.

The final board decision described in 16 CAR § 23-308⁷ will be formally adopted and ratified at an open meeting in accordance with Arkansas Code §§ 16-93-615(a)(4), 16-93-1809, 16-93-201(d)(2)(b)(1), 16-93-615(b)(4), 16-93-701(a)(2), 16-93-1808(c), and 16-93-1903(a)(2).

16 CAR § 23-310. Conflict of interest — Recusal by board member.

No Post-Prison Transfer Board member or designee shall participate in the determination of transfer of an inmate if the board member or designee:

- (1) Is closely related to the inmate, the inmate's attorney, or the victim;
- (2) Has had a personal or business relationship with the inmate, the inmate's family, the inmate's attorney, the victim, or the victim's family which would affect or reasonably give the appearance of affecting judgment in the decision;
- (3) Has served as counsel in legal proceedings concerning the inmate; or
- (4) Has any other interest in the transfer hearing proceedings that would affect judgment or reasonably give the appearance of a conflict.

16 CAR § 23-311. Notice of board decisions.

The following notices of board decisions shall be provided by the Post-Prison Transfer Board or its designee following adoption and ratification of board decisions, and prior to release of the inmate:

(1) Notice to inmates shall be provided at the unit where the inmate is located for any board decision described in 16 CAR § 23-3087;

(2) Notice to the following public officials shall be provided for any board decision to transfer, pursuant to Arkansas Code §§ 16-93-615(b)(6)(C), 16-93-704, and 16-93-1810(d):

(A) The sheriff of the county from which the inmate was sentenced;

(B) The sheriff of the county to which the inmate will transfer;

(C) The chief of police of each first-class city in the county from which the inmate was sentenced;

(D) The chief of police of each first-class city in the county to which the inmate will transfer;

(E) The prosecuting attorney from the county of commitment for an inmate serving a sentence for an offense committed on or after January 1, 2025;

(F) The prosecuting attorney of the county to which the inmate will transfer for an inmate serving a sentence for an offense committed on or after January 1, 2025; and

(G) The committing court;

(3) Notices shall be given to registered victims; and

(4) Notice to the public will be posted to the Department of Corrections website.

16 CAR § 23-312. Notice to victim or victim's next of kin of release of inmate.

At the time of release, notice shall be given to the registered victim or the victim's registered next of kin by the Post-Prison Transfer Board or its designee.

16 CAR § 23-313. Reconsideration of board decisions.

(a) The inmate or the inmate's attorney may request reconsideration of the final board decision within sixty (60) days of the date of the adoption and ratification of the final board decision.

(b) The request for reconsideration may be submitted to:

(1) The institutional release officer at the unit where the inmate is incarcerated; or

- (2) The current mailing address of the Post-Prison Transfer Board.
- (c) Only one (1) request for reconsideration is allowed per board decision.
- (d) The board may reconsider the decision if:
 - (1) New information is presented; or
 - (2) The board deems a reconsideration is warranted.
- (e) The denial of transfer to the community correction reentry program described in Arkansas Code § 16-93-211 and 16 CAR § 23-404, is ineligible for reconsideration pursuant to Arkansas Code §§ 12-27-127(d) and 16-93-211(a).
- (f) It is the responsibility of the inmate to petition the board for reconsideration pursuant to Arkansas Code §§ 16-93-1808(b)(2)(C) and 16-93-615(a)(3) and rules outlined in this section.

Subpart 4. Special Transfers

16 CAR § 23-401. Transfer of inmate whose crime was committed as a minor.

(a) A person who was a minor at the time of committing an offense before, on, or after March 20, 2017, and sentenced to the Division of Correction is eligible for transfer in accordance with the following:

(1) In which the death of another person did not occur is eligible no later than after twenty (20) years of incarceration, pursuant to requirements outlined in Arkansas Code Arkansas Code § 16-93-621(a)(1);

(2) In which the death of another person occurred is eligible no later than after twenty-five (25) years of incarceration if convicted of murder in the first degree, Arkansas Code § 5-10-102, pursuant to requirements outlined in Arkansas Code § 16-93-621(a)(2); or

(3) In which the death of another person occurred is eligible no later than after thirty (30) years of incarceration if convicted of capital murder, Arkansas Code § 5-10-101, pursuant to requirements outlined in Arkansas Code § 16-93-621(a)(3).

(b) In addition to reviewing the factors as set forth in 16 CAR § 23-306, the Post-Prison Transfer Board shall:

(1) Take into account how a minor is different from an adult offender;

(2) Provide the inmate a meaningful opportunity to be transferred based on demonstrated maturity and rehabilitation; and

(3) Consider the following factors listed in Arkansas Code § 16-93-621(b)(2):

(A) The diminished culpability of minors as compared to that of adults;

(B) The hallmark features of youth;

(C) Subsequent growth and increased maturity of the person during incarceration;

(D) Age of the person at the time of the offense;

(E) Immaturity of the person at the time of the offense;

(F) The extent of the person's role in the offense and whether and to what extent an adult was involved in the offense;

(G) The person's family and community circumstances at the time of the offense, including any history of abuse, trauma, and involvement in the child welfare system;

(H) The person's participation in available rehabilitative and educational programs while in prison, if those programs have been made available, or use of self-study for self-improvement;

(I) The results of comprehensive mental health evaluations conducted by an adolescent mental health professional licensed in the state at the time of sentencing and at the time the person becomes eligible for parole or transfer to post-release supervision under this section; and

(J) Other factors the board deems relevant.

(c) Prior to board decision, the board or its designee will provide notice to the victim or the victim's next of kin in accordance with 16 CAR § 23-302.

(d) Upon completion of the processes set forth in 16 CAR § 23-301 et seq., the board will adopt and ratify the final board decision.

16 CAR § 23-402. Transfer of inmate who has attained certain age.

(a) For offenses committed after January 1, 1994, and prior to January 1, 2025, inmates who were sentenced as habitual offenders under Arkansas Code § 5-4-501(c) or Arkansas Code § 5-4-501(d) for serious violent felonies or felonies involving violence may, pursuant to Arkansas Code § 16-93-615(h), be considered eligible for transfer upon reaching:

(1) Regular parole or transfer eligibility; and

(2) A minimum of fifty-five (55) years of age.

(b) For offenses committed on or after January 1, 2025, upon recommendation of the Director of the Division of Correction, the Post-Prison Transfer Board may, pursuant to Arkansas Code § 16-93-1805, consider an inmate for transfer if the inmate:

(1) Is at least sixty (60) years of age; and

(2) Has served at least one-half (1/2) of the inmate's sentence.

16 CAR § 23-403. Transfer of inmate for terminal illness or permanent incapacitation.

(a) When an inmate is terminally ill or permanently and irreversibly incapacitated, as defined in Arkansas Code § 12-29-404, the inmate may be considered for transfer subject to the following criteria:

(1) An inmate is determined terminally ill or permanently incapacitated by a Department of Corrections' physician and a consulting physician in Arkansas; and

(2) The Director of the Division of Correction or the Director of the Division of Community Correction has communicated a request to the Post-Prison Transfer Board to consider for transfer.

(b)

(1) Upon receipt of the communication in 16 CAR § 23-403(a)(2), the board shall determine whether the inmate is eligible for immediate transfer pursuant to this section.

(2) If the board finds that the inmate's physical condition makes the inmate no longer a threat to public safety, the board may approve the inmate for immediate transfer.

(c) An inmate is not eligible for transfer to supervision under this section if the inmate is required to register as a sex offender under the Sex Offender Registration Act of 1997, Arkansas Code § 12-12-901 et seq., and:

(1) The inmate is assessed as a Level 3 offender or higher; or

(2) A victim of one (1) or more of the inmate's sex offenses was fourteen (14) years of age or younger.

(d) The board may revoke an offender's transfer under this section if the offender's medical condition improves to the point that the offender would initially not have been eligible for transfer under this section.

16 CAR § 23-404. Community correction reentry program — Participation and transfer.

____ (a) An inmate who is within eighteen (18) months of the inmate’s projected transfer eligibility date may be considered for participation in the community correction reentry program administered by the Division of Community Correction pursuant to Arkansas Code §§ 16-93-211 and 12-27-127.

____ (b) Prior to entry into the community correction reentry program, and after a transfer-eligible inmate is recommended by the Division of Community Correction, the Post-Prison Transfer Board will review and make a board decision for participation in the program.

____ (c) Upon completion of the community correction reentry program, the board will review and make a board decision for transfer to post-release supervision.

16 CAR § 23-405. Transfer of inmate from a community correction center.

____ (a) As used in this section, a “community correction center” means a facility operated by a division of the Department of Corrections that provides programming for the target offenses listed in Arkansas Code § 16-93-1202(10)(A)(i);

____ (b) An inmate who has been committed to a community correction center may be considered by the Post-Prison Transfer Board for transfer to supervision:

____ (1) After the Department of Corrections has determined that programming has been successfully completed; and

____ (2) Pursuant to Arkansas Code §§ 16-93-614(c)(2) and 16-93-1804(1).

Subpart 5. Post-release Supervision

16 CAR § 23-501. Post-release supervision generally.

An inmate who is transferred to post-release supervision, or subject to court-imposed post-release supervision, shall remain:

- (1) In the legal custody of the Division of Correction;
- (2) Subject to the supervision of the Division of Community Correction;
- (3) Subject to the orders of the Post-Prison Transfer Board pursuant to Arkansas Code § 16-93-1903(b)(4); and
- (4) Subject to revocation pursuant to 16 CAR pt. 22.

16 CAR § 23-502. Court-imposed post-release supervision.

(a) The Post-Prison Transfer Board shall set the conditions for any inmate subject to court-imposed post-release supervision prior to the inmate's release from incarceration pursuant to Arkansas Code § 5-4-104(c)(1)(C).

(b) The board does not make a board decision to transfer for inmates or offenders placed on court-imposed post-release supervision who have completed one hundred percent (100%) of the sentenced period of incarceration.

(c) An offender serving a term of post-release supervision for a restricted release felony, who is revoked, shall return to incarceration for the entire remaining period of imprisonment and any court-imposed post-release supervision assessed by the sentencing court pursuant to Arkansas Code § 16-93-1908(i).

(d) An offender serving a term of court-imposed post-release supervision for a felony ineligible to receive earned release credits, who is revoked, shall return to incarceration for the entire remaining period of court-imposed post-release supervision assessed by the sentencing court pursuant to Arkansas Code § 16-93-1908(i).

Subpart. 6. Discharge of Post-release Supervision

16 CAR § 23-601. Discharge of post-release supervision generally.

When an offender has completed a term of post-release supervision, the community supervision officer will provide an order of discharge to the offender.

16 CAR § 23-602. Early discharge of supervision.

(a) An offender shall be eligible for consideration of early discharge if:

(1) The felony sentence was entered on or after July 27, 2011, pursuant to Arkansas Code § 16-90-1301;

(2) The offense is eligible under Arkansas Code § 16-90-1302; and

(3) The offender has accrued sufficient days, through a combination of served and earned time equal to the total number of days of the sentence imposed by the sentencing court as described in Arkansas Code § 16-90-1303, and determined by the Division of Community Correction.

(b) No fewer than forty-five (45) days before the calculated discharge date, the Division of Community Correction shall submit notice to:

(1) The prosecuting attorney; and

(2) The Post-Prison Transfer Board.

(c) Within thirty (30) days of receipt of the discharge notice, the prosecuting attorney or the board may submit an objection in writing to the Division of Community Correction stating reasons for any objection that warrants the forfeiture of early discharge credits:

(1) If an objection is lodged, the Division of Community Correction shall immediately suspend the discharge of the sentence;

(2) The offender may file a petition for review in the sentencing court; and

(3) A review shall be conducted in the sentencing court within fourteen (14) days of the filing of the petition.

(d) If the prosecuting attorney or the board does not file an objection within thirty (30) days of receipt of the early discharge notice:

(1) The offender may file a petition in the sentencing court stating that no objections have been filed; and

(2) Upon review, the court may discharge the offender immediately if the date upon which the completion of the sentence has passed.

(e) An appeal may not be taken by either party from the sentencing court's findings or the Division of Community Correction's decision for early discharge.

(f) A person who earns discharge and completion of a sentence under this section and Arkansas Code §§ 16-90-1301 et seq., is considered as having completed his or her sentence in full and is not subject to revocation of parole, transfer, or post-release supervision for those sentences.

16 CAR § 23-603. Early discharge of post-release supervision of offender whose offense was committed as a minor.

(a) The Post-Prison Transfer Board may discharge an offender from post-release supervision, pursuant to Arkansas Code § 16-93-622, if the offender was released on post-release supervision:

(1) For having committed an offense as a minor under Arkansas Code § 16-93-621;

(2) For a supervision term that exceeds five (5) years; and

(3) Has served at least five (5) years on post-release supervision without a violation.

(b) (1) If the board decides to discharge a person under this section, the board shall notify the prosecuting attorney of the judicial district where the person was convicted.

(2) If the prosecuting attorney does not object to the board's decision within sixty (60) days of notification, the person shall be discharged from parole or post-release supervision.

(3) If the prosecuting attorney objects to the board's decision within sixty (60) days of notification, the person shall not be discharged from parole or post-release supervision.

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: S3/30/23 H4/5/23

A Bill

SENATE BILL 495

5 By: Senators Gilmore, J. Dismang, J. Boyd, J. Bryant, Caldwell, Crowell, B. Davis, Dees, J. English,
6 Flippo, K. Hammer, Hester, Hill, Irvin, B. Johnson, M. Johnson, M. McKee, C. Penzo, J. Petty, Rice,
7 Stone, G. Stubblefield, D. Wallace, *A. Clark*
8 By: Representatives Gazaway, *M. Shepherd, Achor, Andrews, Barker, Beck, Beaty Jr., Bentley, M. Berry,*
9 *S. Berry, Breaux, Brooks, K. Brown, M. Brown, Burkes, Joey Carr, John Carr, Cavanaugh, C. Cooper,*
10 *Cozart, Crawford, Dalby, Duffield, Eaves, Eubanks, Evans, C. Fite, L. Fite, Fortner, Furman, Gramlich,*
11 *Haak, Hawk, G. Hodges, Holcomb, Hollowell, L. Johnson, Ladyman, Lundstrum, Maddox, McAlindon,*
12 *McCollum, McGrew, B. McKenzie, McNair, S. Meeks, Milligan, J. Moore, Painter, Pearce, Pilkington,*
13 *Ray, R. Scott Richardson, Richmond, Rose, Rye, Schulz, Steimel, Tosh, Underwood, Vaught, Walker,*
14 *Wardlaw, Warren, Watson, Wing, Wooldridge, Wooten*
15

For An Act To Be Entitled

16
17 AN ACT TO CREATE THE PROTECT ARKANSAS ACT; TO AMEND
18 ARKANSAS LAW CONCERNING SENTENCING AND PAROLE; TO
19 AMEND ARKANSAS LAW CONCERNING CERTAIN CRIMINAL
20 OFFENSES; TO AMEND ARKANSAS LAW CONCERNING THE PAROLE
21 BOARD; TO CREATE THE LEGISLATIVE RECIDIVISM REDUCTION
22 TASK FORCE; AND FOR OTHER PURPOSES.
23

Subtitle

24
25 TO CREATE THE PROTECT ARKANSAS ACT; TO
26 AMEND ARKANSAS LAW CONCERNING SENTENCING
27 AND PAROLE; TO AMEND ARKANSAS LAW
28 CONCERNING CERTAIN CRIMINAL OFFENSES; AND
29 TO CREATE THE LEGISLATIVE RECIDIVISM
30 REDUCTION TASK FORCE.
31

32
33
34 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
35

36 SECTION 1. DO NOT CODIFY. This act shall be known as the "Protect



1 Arkansas Act".

2
3 SECTION 2. Arkansas Code Title 16, Chapter 93, is amended to add
4 additional subchapters to read as follows:

5 Subchapter 18 – Release Eligibility and Procedures for Offenses Committed
6 on or after January 1, 2025

7
8 16-93-1801. Applicability.

9 (a) This subchapter applies to a felony offense committed on or after
10 January 1, 2025.

11 (b) A person who, before January 1, 2025, committed a felony and who
12 was convicted and incarcerated for that felony is eligible for release on
13 parole in accordance with the law in effect at the time the felony was
14 committed.

15
16 16-93-1802. Definitions.

17 As used in this subchapter:

18 (1)(A) "Felony ineligible to receive earned release credits"
19 means a felony offense for which a person is not eligible for release until
20 one hundred percent (100%) of the sentenced imposed by the sentencing court
21 has been served.

22 (B) "Felony ineligible to receive earned release credits"
23 includes only the following felony offenses, or an attempt, solicitation, or
24 conspiracy to commit one (1) of the following felony offenses:

25 (i) Capital murder, § 5-10-101;

26 (ii) Murder in the first degree, § 5-10-102;

27 (iii) Kidnapping, § 5-11-102, if a Class Y felony;

28 (iv) Aggravated robbery, § 5-12-103;

29 (v) Rape, § 5-14-103;

30 (vi) Trafficking of persons, § 5-18-103;

31 (vii) Engaging children in sexually explicit conduct
32 for use in visual or print medium, § 5-27-303;

33 (viii) Pandering or possessing visual or print
34 medium depicting sexually explicit conduct involving a child, § 5-27-304;

35 (ix) Transportation of minors for prohibited sexual
36 conduct, § 5-27-305;

- 1 (x) Internet stalking of a child, § 5-27-306;
2 (xi) Sexually grooming a child, § 5-27-307, if a
3 felony offense;
4 (xii) Producing, directing, or promoting a sexual
5 performance by a child, § 5-27-403;
6 (xiii) Computer exploitation of a child, § 5-27-605;
7 (xiv) Causing a catastrophe, § 5-38-202(a);
8 (xv) Aggravated residential burglary, § 5-39-204, if
9 a Class Y felony;
10 (xvi) Treason, § 5-51-201;
11 (xvii) Fleeing, § 5-54-125, if a Class B felony; and
12 (xviii) Possession of firearms by certain persons, §
13 5-73-103, if a Class B felony; and
14 (2)(A) "Restricted release felony" means a felony offense for
15 which a person is not eligible for release until at least eighty-five percent
16 (85%) of the sentenced imposed by the sentencing court has been served.
17 (B) "Restricted release felony" includes only the following
18 felony offenses, or an attempt, solicitation, or conspiracy to commit one (1)
19 of the following felony offenses:
20 (i) Murder in the second degree, § 5-10-103;
21 (ii) Manslaughter, § 5-10-104;
22 (iii) Negligent homicide, § 5-10-105, if a Class B
23 felony;
24 (iv) Encouraging the suicide of another person, § 5-
25 10-107;
26 (v) Kidnapping, § 5-11-102, if a Class B felony;
27 (vi) Battery in the first degree, § 5-13-201;
28 (vii) Terroristic act, § 5-13-310;
29 (viii) Sexual indecency with a child, § 5-14-110;
30 (ix) Sexual extortion, § 5-14-113;
31 (x) Exposing another person to human
32 immunodeficiency virus, § 5-14-123;
33 (xi) Sexual assault in the first degree, § 5-14-124;
34 (xii) Unlawful female genital mutilation of a minor,
35 § 5-14-136;
36 (xiii) Crime of video voyeurism, § 5-16-101, if a

1 Class C felony offense;

2 (xiv) Voyeurism, § 5-16-102, if a Class C felony

3 offense;

4 (xv) Patronizing a victim of human trafficking, § 5-

5 18-104;

6 (xvi) Grooming a minor for future sex trafficking, §

7 5-18-106;

8 (xvii) Traveling for the purpose of an unlawful sex

9 act with a minor, § 5-18-107;

10 (xviii) Domestic battering in the first degree, § 5-

11 26-303;

12 (xix) Aggravated assault on a family or household

13 member, § 5-26-306, if under § 5-26-306(a)(3);

14 (xx) Permitting abuse of a minor, § 5-27-221, if a

15 Class B felony;

16 (xxi) Exposing a child to a chemical substance or

17 methamphetamine, § 5-27-230;

18 (xxii) Employing or consenting to the use of a child

19 in a sexual performance, § 5-27-402;

20 (xxiii) Arson, § 5-38-301, if a Class Y felony;

21 (xxiv) Aggravated residential burglary, § 5-39-204,

22 if a Class A felony;

23 (xxv) Advocating assassination or overthrow of

24 government, § 5-51-202;

25 (xxvi) First degree escape, § 5-54-110;

26 (xxvii) Soliciting material support for terrorism, §

27 5-54-202(a);

28 (xxviii) Providing material support for a terrorist

29 act, § 5-54-202(b);

30 (xxix) Making a terrorist threat, § 5-54-203;

31 (xxx) Falsely communicating a terrorist threat, 5-

32 54-204;

33 (xxxii) Terrorism, § 5-54-205;

34 (xxxiii) Hindering prosecution of terrorism, § 5-54-

35 207;

36 (xxxiiii) Exposing the public to toxic biological,

1 chemical, or radioactive substances, § 5-54-208;
2 (xxxiv) Use of a hoax substance or hoax bomb, § 5-
3 54-209;
4 (xxxv) Engaging in a continuing criminal enterprise,
5 § 5-64-405;
6 (xxxvi) Delivery of fentanyl, § 5-64-421(c);
7 (xxxvii) Manufacture of fentanyl, § 5-64-421(d);
8 (xxxviii) Trafficking a controlled substance, § 5-
9 64-440;
10 (xxxix) Driving or boating while intoxicated, sixth
11 or subsequent offense, § 5-65-111(f);
12 (xl) Promoting prostitution in the first degree, §
13 5-70-104, if a Class B felony;
14 (xli) Arming rioters, § 5-71-204;
15 (xlii) Criminal use of prohibited weapons, § 5-73-
16 104, if a Class B felony;
17 (xliii) Criminal possession of explosive material or
18 a destructive device, § 5-73-108(a);
19 (xliv) Criminal distribution of explosive material,
20 § 5-73-108(b);
21 (xlv) Possession of stolen explosive material, § 5-
22 73-108(c);
23 (xlvi) Unlawful receipt or possession of an
24 explosive material, § 5-73-108(d);
25 (xlvii) Theft of any explosive material with the
26 purpose to cause harm to a person or property, § 5-73-108(f);
27 (xlviii) Possession or use of weapons by
28 incarcerated persons, § 5-73-131;
29 (xlix) Possession or use of a machine gun in the
30 course of a criminal offense, § 5-73-211;
31 (l) Unlawful discharge of a firearm from a vehicle
32 in the first degree, § 5-74-107(a);
33 (li) Using a born-alive infant for scientific
34 research or other kind of experimentation, § 20-16-604(i);
35 (lii) Partial-birth abortion, § 20-16-1203; and
36 (liii) Performing an abortion in violation of the

1 Arkansas Unborn Child Protection from Dismemberment Abortion Act, § 20-16-
2 1801 et seq.

3
4 16-93-1803. Release eligibility for felony ineligible for earned
5 release credits or restricted release felony committed on or after January 1,
6 2025.

7 (a) A person who, on or after January 1, 2025, commits a felony
8 ineligible to receive earned release credits and who is convicted and
9 incarcerated for the felony ineligible to receive earned release credits is
10 not eligible for release before serving the entire term of imprisonment
11 imposed by the sentencing court.

12 (b)(1) A person who, on or after January 1, 2025, commits a restricted
13 release felony and who was convicted and incarcerated for the restricted
14 release felony is not eligible for release prior to serving at least eighty-
15 five percent (85%) of the term of incarceration imposed by the sentencing
16 court.

17 (2) A person serving a sentence for a restricted release felony
18 may accrue earned release credits in accordance with the policy adopted by
19 the Division of Correction and as described in § 12-29-701 et seq.

20 (3) Earned release credits shall not be applied to a sentence for a
21 restricted release felony in an amount that exceeds fifteen percent (15%) of
22 the term of imprisonment imposed by the sentencing court.

23 (c) A person who commits a restricted release felony and who has
24 previously been convicted of a restricted release felony or a felony
25 ineligible to receive earned release credits is ineligible for release before
26 serving one hundred percent (100%) of the period of incarceration imposed by
27 the sentencing court.

28
29 16-93-1804. Release eligibility for felonies committed on or after
30 January 1, 2025.

31 Except as provided in § 16-93-1803, a person who commits a felony on or
32 after January 1, 2025, and who is convicted and incarcerated for that felony
33 is eligible for release as follows:

34 (1) A person who commits an offense meeting the definition of
35 target group as defined under § 16-93-1202 and who is judicially or
36 administratively transferred to a community correction center is eligible for

1 transfer to post-release supervision as follows:

2 (A) If the person is transferred back to the Division of
3 Correction for disciplinary reasons, he or she is ineligible to accrue earned
4 release credits against the sentence for which he or she is transferred to
5 the Division of Correction for disciplinary reasons;

6 (B) If the person is transferred back to the Division of
7 Correction for administrative reasons, he or she may be considered for
8 transfer to post-release supervision as otherwise authorized in § 16-93-1803
9 and this section;

10 (C) If the person is not transferred back to the Division
11 of Correction for administrative or disciplinary reasons, he or she is
12 eligible for release under § 12-27-127(c); and

13 (D) A person who has committed a felony that is within the
14 target group as defined under § 16-93-1202 and who is transferred to
15 community supervision is eligible, under the rules established by the Post-
16 Prison Transfer Board, for commitment to a community correction facility if
17 he or she is found to be in violation of any of his or her conditions of
18 post-release supervision, unless the post-release supervision violation
19 constitutes a non-target felony offense;

20 (2) For a person sentenced to death, life imprisonment without
21 parole, or life imprisonment:

22 (A) If the sentence is death or life imprisonment without
23 parole, the person is not eligible for transfer to post-release supervision
24 unless his or her sentence is pardoned or commuted to a term of years by the
25 Governor as provided by law;

26 (B) If the sentence is life imprisonment, the person is
27 not eligible for transfer to post-release supervision unless his or her
28 sentence is commuted to a term of years by executive clemency;

29 (C) Upon commutation, a person under sentence of death or
30 life imprisonment without parole must serve the entire term set by the
31 commutation; and

32 (D) Upon commutation, a person under a sentence of life
33 imprisonment is eligible for transfer to post-release supervision as provided
34 in this section or in § 16-93-1803;

35 (3) A person sentenced for a felony who was a minor at the time
36 he or she committed the felony is eligible for release on the earlier of

1 either the date authorized by this section or the date authorized by § 16-93-
2 621; and

3 (4)(A) Every other person who is incarcerated for commission of
4 a felony is eligible for transfer to post-release supervision when the sum of
5 his or her actual time served in confinement and his or her earned release
6 credits equals or exceeds one hundred percent (100%) of the term of
7 imprisonment imposed by the sentencing court.

8 (B) The maximum amount of earned release credits that can
9 be accrued and granted by the Post-Prison Transfer Board under subdivision
10 (4)(A) of this section is fifty percent (50%) or seventy-five percent (75%)
11 of the term of imprisonment imposed by the sentencing court, depending on the
12 seriousness determination provided in the seriousness grid or table
13 promulgated by the Arkansas Sentencing Commission and approved by the
14 Legislative Council.

15
16 16-93-1805. Procedures for release – Generally.

17 (a) An inmate under sentence for a felony and who is eligible for
18 release, may be transferred to post-release supervision under this section
19 and § 16-93-1903 subject to rules promulgated by the Board of Corrections or
20 the Post-Prison Transfer Board and conditions adopted by the Post-Prison
21 Transfer Board.

22 (b) Notwithstanding any minimum serving requirement, upon
23 recommendation of the Director of the Division of Correction, the Post-Prison
24 Transfer Board may consider an inmate for transfer to post-release
25 supervision if:

26 (1) The inmate is at least sixty (60) years of age; and

27 (2) The inmate has served at least one-half (1/2) of his or her
28 sentence.

29
30 16-93-1806. Procedures for release – Hearing.

31 (a) An inmate under sentence for a felony, except those designated as
32 a felony ineligible to receive earned release credits under § 16-93-1802, may
33 be transferred to post-release supervision under § 16-93-1903 and § 16-93-
34 1904 subject to rules promulgated by the Board of Corrections or the Post-
35 Prison Transfer Board and conditions adopted by the Post-Prison Transfer
36 Board.

1 (b) Before a hearing of the Post-Prison Transfer Board to consider a
2 transfer to post-release supervision, notification of the committing court,
3 the prosecuting attorney, county sheriff, and the victim or the victim's next
4 of kin for an inmate under sentence for an offense other than one (1) in the
5 target group as defined in § 16-93-1202 shall follow the procedures stated in
6 § 16-93-1810.

7 (c)(1) For an inmate under sentence for a felony within the target
8 group as defined in § 16-93-1202, before the Post-Prison Transfer Board sets
9 conditions for transfer of the inmate to post-release supervision, a victim,
10 or his or her next of kin in cases in which the victim is unable to express
11 his or her desire, who has expressed the desire to be consulted by the Post-
12 Prison Transfer Board shall be notified of the date, time, and place of the
13 transfer hearing.

14 (2)(A) A victim or his or her next of kin who desires to be
15 consulted by the Post-Prison Transfer Board under this section shall inform
16 the Post-Prison Transfer Board of his or her desire to be consulted in
17 writing at the time of sentence.

18 (B) A victim or his or her next of kin who does not inform
19 the Post-Prison Transfer Board of his or her desire to be consulted as
20 required under subdivision (c)(2)(A) of this section is not required to be
21 notified by the Post-Prison Transfer Board.

22 (3)(A) Victim input to the Post-Prison Transfer Board under this
23 section is limited to oral or written recommendations on conditions relevant
24 to the inmate under review for transfer to post-release supervision.

25 (B) The oral or written recommendations received under
26 this subsection are not binding on the Post-Prison Transfer Board but are
27 given due consideration within the resources available for transfer to post-
28 release supervision.

29
30 16-93-1807. Risk and needs assessment to be considered – Release
31 without a hearing.

32 (a)(1) A risk and needs assessment that evaluates and quantifies the
33 inmate's risk to reoffend following release shall inform the transfer
34 determination, along with other relevant information.

35 (2) If transfer to post-release supervision is granted, the risk
36 and needs assessment under this section and other relevant information shall

1 be used to set the conditions for post-release supervision.

2 (b)(1) Review of an inmate's appropriateness for transfer to post-
3 release supervision is based on rules and policies adopted by the board and
4 the board shall conduct a risk and needs assessment review as a part of the
5 review of the inmate's appropriateness for transfer to post-release
6 supervision.

7 (2) The rules and policies adopted by the board under
8 subdivision (c)(1) of this section shall include without limitation:

9 (A) A provision for notification of the victim or his or
10 her next of kin that a hearing shall be held under this section;

11 (B) A requirement for keeping a record of the proceedings;
12 and

13 (C) A list of the criteria upon which a denial may be
14 based.

15 (c) In order to prepare applications for post-release supervision
16 transfer consideration, the Post-Prison Transfer Board shall:

17 (1) Begin transfer proceedings for post-release supervision or a
18 preliminary review for post-release supervision under this subchapter no
19 later than six (6) months before an inmate's post-release supervision
20 transfer eligibility date; and

21 (2) Authorize procedures for jacket review , as defined in § 16-
22 93-101, no later than six (6) months before an inmate's post-release
23 supervision transfer eligibility.

24 (d) The transfer review for post-release supervision may be conducted
25 without a hearing when:

26 (1) The inmate has not received a major disciplinary report;

27 (2) There has not been a request by a victim or his or her next
28 of kin to have input on post-release supervision transfer conditions; and

29 (3) There is no indication in the risk and needs assessment
30 review under this section that special conditions need to be placed on the
31 inmate.

32
33 16-93-1808. Hearing procedure.

34 (a) When a hearing is needed to determine whether to transfer an
35 inmate to post-release supervision, the Post-Prison Transfer Board shall
36 conduct a hearing to determine the appropriateness of the inmate for transfer

1 to post-release supervision.

2 (b) At the conclusion of a hearing under this section, the board shall
3 issue one (1) of the following decisions:

4 (1) Transfer the inmate to post-release supervision as
5 authorized under § 16-93-1901 et seq. and accompany the transfer with a
6 notice of the conditions of the transfer, including without limitation:

7 (A) Supervision levels;

8 (B) Economic fee sanction;

9 (C) Participation in a treatment program;

10 (D) Programming requirements; and

11 (E) Facility placement when appropriate;

12 (2)(A) Deny transfer of the inmate to post-release supervision
13 based on a set of established criteria and accompany the denial with a
14 prescribed course of action to be undertaken by the inmate to rectify the
15 board's concern.

16 (B) Upon completion of the course of action determined by
17 the board under subdivision (b)(2)(A) of this section and after final review
18 of the inmate's file to ensure successful completion of the course of action,
19 the board shall authorize the inmate's transfer to the post-release
20 supervision under this subchapter in accordance with administrative rules and
21 policies governing the transfer and subject to the conditions attached to the
22 transfer.

23 (C) If an inmate fails to fulfill the course of action
24 outlined by the board to facilitate transfer to post-release supervision
25 under subdivision (b)(2)(A) of this section, it is the responsibility of the
26 inmate to petition the board for a rehearing; or

27 (3) Deny transfer of the inmate to post-release supervision for
28 a period of up to two (2) years.

29 (d) A transfer of an inmate to post-release supervision under
30 this section shall be issued upon the adoption of an order by the board in
31 accordance with the rules and policies adopted by the board under this
32 section.

33
34 16-93-1809. Open meetings.

35 (a) The Post-Prison Transfer Board shall conduct open meetings and
36 shall make public its findings for each inmate eligible for transfer to post-

1 release supervision.

2 (b)(1) Open meetings under this section may be conducted through
3 videoconference technology if the inmate is housed in a county jail and if
4 the videoconference technology is available.

5 (2) Open meetings utilizing videoconference technology under
6 this section shall be conducted in public, except that inmate interviews and
7 related deliberations may be closed to the public.

8
9 16-93-1810. Notices required for hearings on transfer to post-release
10 supervision.

11 (a)(1) Before the Post-Prison Transfer Board grants a transfer of an
12 inmate to post-release supervision, the board shall solicit the written
13 recommendations of the committing court, the prosecuting attorney, and the
14 county sheriff of the county from which the inmate was committed.

15 (2) Notification of the committing court, the prosecuting
16 attorney, county sheriff, and the victim or the victim's next of kin for a
17 inmate under sentence for an offense governed by this section shall follow
18 the procedures stated in this section.

19 (b)(1) If the inmate whose transfer to post-release supervision is
20 being considered by the board is under sentence for a felony other than a
21 felony in the target group as defined in § 16-93-1202, the board shall also
22 notify the victim of the offense or the victim's next of kin of the transfer
23 hearing and shall solicit written recommendations from the victim or his or
24 her next of kin regarding the granting of the transfer unless the prosecuting
25 attorney has notified the board at the time of commitment of the inmate that
26 the victim or his or her next of kin does not desire to be notified of future
27 transfer hearings.

28 (2) The written recommendations received under subdivision
29 (b)(1) of this section are not binding upon the board in the granting of any
30 transfer to post-release supervision but are maintained in the inmate's
31 record.

32 (3) When soliciting written recommendations from a victim of an
33 offense, the board shall notify the victim or his or her next of kin of the
34 date, time, and place of the transfer hearing.

35 (c)(1) The board shall not schedule transfer hearings at which victims
36 or the next of kin of victims of offenses are invited to appear at a facility

1 where inmates are housed other than the Department of Corrections
2 Headquarters building in North Little Rock.

3 (2) The board may conduct transfer hearings in two (2) sessions:

4 (A) One (1) session at the place of the inmate's
5 incarceration with the inmate, the inmate's witnesses, and correctional
6 facility personnel; and

7 (B) One (1) session for victims and the next of kin of
8 victims as stated in this section.

9 (d)(1) At the time that any inmate eligible for transfer to post-
10 release supervision under this section is transferred by the board, the
11 Division of Community Correction shall give written notice of the granting of
12 the transfer to post-release supervision to the:

13 (A) County sheriff;

14 (B) Prosecuting attorney of the judicial district;

15 (C) Committing court; and

16 (D) Chief of police of each city of the first class of the
17 county from which the inmate was sentenced.

18 (2) If the inmate is transferred to a county other than the
19 county from which he or she was committed, the board shall give notice to the
20 chief of police or marshal of the city or town to which the inmate is
21 transferred and to the county sheriff and prosecuting attorney of the county
22 from which the inmate was committed.

23 (e)(1) The prosecuting attorney of the county from which the inmate
24 was committed shall notify the board at the time of commitment of the desire
25 of the victim or his or her next of kin to be notified of any future transfer
26 hearings and to forward to the board the last known address and telephone
27 number of the victim or his or her next of kin.

28 (2) It is the responsibility of the victim or his or her next of
29 kin to notify the board of any change in address or phone number.

30 (3) It is the responsibility of the victim or his or her next of
31 kin to notify the board after the date of commitment of any change in regard
32 to the desire to be notified of any future transfer hearings.

33
34 16-93-1811. Post-release supervision.

35 (a)(1) The Post-Prison Transfer Board shall establish a set of
36 conditions that are applicable to all inmates transferred to post-release

1 supervision.

2 (2) The set of conditions established by the Post-Prison
3 Transfer Board under subdivision (a)(1) of this section is subject to
4 periodic review, revision, and approval as the Post-Prison Transfer Board
5 deems necessary.

6 (b)(1)(A) A course of action required by the Post-Prison Transfer
7 Board shall not be outside the current resources of the Division of
8 Correction.

9 (B) The conditions for post-release supervision set by the
10 Post-Prison Transfer Board shall not be outside the current resources of the
11 Division of Community Correction.

12 (2) The Division of Correction and Division of Community
13 Correction shall strive to accommodate the actions required by the Board of
14 Corrections or the Post-Prison Transfer Board to the best of their abilities.

15 (c) Transfer to post-release supervision is not an award of clemency,
16 and it shall not be considered as a reduction of sentence or a pardon.

17 (d) An inmate on post-release supervision shall remain:

18 (1) In the legal custody of the Division of Correction;

19 (2) Under the supervision of the Division of Community
20 Correction; and

21 (3) Subject to the orders of the Post-Prison Transfer Board.

22 (e) Decisions on release to post-release supervision, courses of
23 action before transfer to post-release supervision, and post-release
24 supervision transfer conditions to be set by the Post-Prison Transfer Board
25 shall be:

26 (1) Informed by the risk and needs assessment tool under § 16-
27 93-1807;

28 (2) Reasonable and rational; and

29 (3) Defensible based on preestablished criteria.

30
31 16-93-1812. Rules.

32 The Post-Prison Transfer Board shall adopt rules to implement this
33 subchapter.

34
35 Subchapter 19 – Post-Release Supervision for Persons Committing Offenses on
36 or after January 1, 2025

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16-93-1901. Applicability.

This subchapter applies to a felony offense committed on or after January 1, 2025.

16-93-1902. Definitions.

As used in this subchapter:

(1) "Community supervision officer" means an employee of the Division of Community Correction who is tasked with the supervision of offenders released to post-release supervision or persons who otherwise fall under the supervisory authority of the Division of Community Correction;

(2) "Eligible inmate" means an inmate eligible for post-release supervision;

(3) "Felony ineligible for earned release credits" means the same as defined in § 16-93-1802;

(4) "Offender" means a person transferred to post-release supervision;

(5) "Post-release supervision" means a period of community supervision for an offender after his or her release from incarceration; and

(6) "Restricted release felony" means the same as defined in § 16-93-1802.

16-93-1903. Post-release supervision – Authority and parameters.

(a)(1) The Post-Prison Transfer Board may transfer to post-release supervision an eligible inmate who is confined in a correctional institution administered by the Division of Correction or the Division of Community Correction, if the board determines:

(A) There is a reasonable probability that the eligible inmate can be transferred without detriment to the community or himself or herself;

(B) The eligible inmate is able and willing to fulfill the obligations of a law-abiding citizen; and

(C) That post-release supervision is in the best interest of society.

(2) A transfer to post-release supervision under this section shall issue upon the adoption of an order of the board.

1 (b)(1) Before ordering the transfer to post-release supervision of an
2 eligible inmate under this section, the board, a hearing judge, or an
3 investigator employed by the board shall interview the eligible inmate,
4 unless a hearing is not required under §§ 16-93-1807 and 16-93-1808.

5 (2) The board shall consider the results of the risk and needs
6 assessments of all applicants for transfer to post-release supervision.

7 (3) Transfer to post-release supervision shall not be considered
8 a reduction of a sentence or a pardon.

9 (4) An inmate on post-release supervision shall remain:

10 (A) In the legal custody of the Division of Correction;

11 (B) Under the supervision of the Division of Community
12 Correction; and

13 (C) Subject to the orders of the board.

14
15 16-93-1904. Post-release supervision – Required recommendations.

16 (a) Before the Post-Prison Transfer Board may grant a transfer to
17 post-release supervision based on accrual and application of earned release
18 credits, the board shall:

19 (1) Notify and solicit the written recommendations of the
20 committing court, the prosecuting attorney, and the county sheriff of the
21 county from which the inmate was committed as provided in §16-93-1810; and

22 (2) Notify the victim or the next of kin as provided in § 16-93-
23 1810.

24 (b) An inmate who is ineligible to accrue earned release credits may
25 be transferred to post-release supervision only if:

26 (1) Sentenced by the sentencing court to a period of post-
27 release supervision to follow the inmate's term of imprisonment; and

28 (2) The inmate has served the entire sentence of imprisonment
29 before transfer to post-release supervision.

30
31 16-93-1905. Length of post-release supervision.

32 (a)(1) For a person under sentence for a term of imprisonment for
33 which he or she is eligible for transfer to post-release supervision upon
34 accrual and award of earned release credits, the inmate is subject to post-
35 release supervision for the remainder of the term of imprisonment assessed by
36 the sentencing court.

1 (2) For a person under sentence for a term of imprisonment for
2 which he or she is not eligible to accrue or be awarded earned release
3 credits, the inmate is subject to a term of post-release supervision as
4 assessed by the sentencing judge under § 5-4-104(c).

5 (3) The term of supervised release, when aggregated with the
6 term of imprisonment imposed by the sentencing court, shall not exceed the
7 statutory maximum for the offense.

8 (b) If the sentencing court sentenced a person to a term of suspended
9 imposition of sentence to follow his or her term of imprisonment at the
10 Division of Correction, the period of post-release supervision runs
11 concurrently with the term of suspended imposition of sentence.

12
13 16-93-1906. Post-release supervision – Generally.

14 (a)(1) The Director of the Division of Community Correction with the
15 advice of the Board of Corrections shall establish written policies and
16 procedures governing the supervision of offenders released to a term of post-
17 release supervision by the Post-Prison Transfer Board.

18 (2) The policies and procedures established under subdivision
19 (a)(1) of this section shall be designed to enhance public safety and to
20 assist the offenders in reintegrating into society.

21 (3)(A) Supervision of offenders on post-release supervision
22 shall be based on evidence-based practices.

23 (B) Decisions concerning supervision of offenders shall
24 target the offender's criminal risk factors with appropriate supervision and
25 treatment.

26 (4) The Division of Community Correction shall assume
27 supervisory responsibilities over an offender when the offender is lawfully
28 set at liberty from the Division of Correction.

29 (b)(1) An offender assigned to a term of post-release supervision
30 shall be supervised by a community supervision officer employed by the
31 Division of Community Correction.

32 (2) A community supervision officer shall:

33 (A) Investigate all cases referred to him or her by the
34 Post-Prison Transfer Board, the Division of Community Correction, or the
35 prosecuting attorney;

36 (B) Furnish each offender on post-release supervision a

1 written statement of the conditions of post-release supervision and instruct
2 the offender that he or she is required to stay in compliance with the
3 conditions of post-release supervision or risk revocation under § 16-93-1908;

4 (C) Develop a case plan for each offender who is
5 determined to be a moderate-risk or high risk to reoffend that:

6 (i) Is based on the risk and needs assessment under
7 § 16-93-1807 and targets the criminal risk factors identified in the risk and
8 needs assessment;

9 (ii) Is responsive to the individual characteristics
10 of the offender; and

11 (iii) Provides a strategy for the supervision of the
12 offender according to that case plan;

13 (D) Stay informed of the conduct and condition of each
14 offender assigned to the community supervision officer through:

15 (i) Visitation;

16 (ii) Required reporting; or

17 (iii) Other methods and reporting to the sentencing
18 court of the information described in subdivisions (b)(2)(D)(i) and (ii) of
19 this section upon request;

20 (E) Use practicable and suitable methods that are
21 consistent with evidence-based practices to aid and encourage an offender on
22 post-release supervision to improve his or her conduct and condition and to
23 reduce the risk of recidivism;

24 (F)(i) Conduct a validated risk and needs assessment of
25 the offender on post-release supervision, including without limitation
26 criminal risk factors and specific individual needs.

27 (ii) The validated risk and needs assessment shall
28 include an initial screening and, if necessary, a comprehensive assessment.

29 (iii) The results of the validated risk and needs
30 assessment under § 16-93-1807 shall assist in making decisions that are
31 consistent with evidence-based practices on the type of supervision and
32 services necessary for each offender; and

33 (G) Receive annual training on evidence-based practices
34 and criminal risk factors as well as instruction on how to target criminal
35 risk factors to reduce recidivism.

36 (c)(1) The Division of Community Correction shall allocate resources,

1 including assignment of community supervision officers, to focus on moderate-
2 risk and high-risk offenders as determined by the validated risk and needs
3 assessment provided under this section.

4 (2) The Division of Community Correction shall require public
5 and private treatment and service providers to use evidence-based programs
6 and practices if the public and private treatment and service providers
7 receive state funds for the treatment of or service of offenders on post-
8 release supervision.

9
10 16-93-1907. Post-release supervision – Administrative sanctions.

11 (a)(1)(A) The Division of Community Correction may sanction offenders
12 on post-release supervision administratively without utilizing the revocation
13 process under § 16-93-1908.

14 (B) An administrative sanction as described in subdivision
15 (a)(1)(A) of this section is an intermediate sanction and is not a revocation
16 of post-release supervision.

17 (2)(A) The Division of Community Correction shall develop an
18 intermediate sanctions procedure and an intermediate sanctions grid to guide
19 a community supervision officer in determining the appropriate response to a
20 violation of the conditions of supervision.

21 (B) Intermediate sanctions administered by the Division of
22 Community Correction shall conform to the intermediate sanctions grid.

23 (C) The intermediate sanctions grid shall include:

24 (i) An assignment of point values to commonly
25 occurring violations of terms of post-release supervision or criminal
26 behavior;

27 (ii) An assignment of point values to behaviors that
28 decrease the likelihood of recidivism including without limitation:

29 (a) Education;

30 (b) Workforce development;

31 (c) Community service; and

32 (d) Behavioral health programming;

33 (iii) Details on the mechanisms by which points are
34 accumulated and reduced; and

35 (iv) Guidance on which intermediate sanctions should
36 be applied at which points thresholds.

1 (3) Intermediate sanctions shall include without limitation:

2 (A) Community service;

3 (B) Increased substance abuse screening and treatment;

4 (C) Increased monitoring, including electronic monitoring
5 and home confinement; and

6 (D)(i) Incarceration in a county or regional jail for no
7 more than seven (7) days or incarceration in a Division of Correction
8 facility or a Division of Community Correction facility for no more than
9 ninety (90) days.

10 (ii)(a) Incarceration as an intermediate sanction
11 shall not be used more than six (6) times with an offender on post-release
12 supervision.

13 (b) If an offender on post-release supervision
14 accumulates no more than thirty (30) days' incarceration in a county or
15 regional jail or more than three hundred sixty (360) days' incarceration in a
16 Division of Correction facility or a Division of Community Correction
17 facility as an intermediate sanction, the community supervision officer shall
18 recommend a revocation of the offender's post-release supervision under § 16-
19 93-1908.

20 (c) An offender shall not be incarcerated more
21 than two (2) times as a result of an intermediate sanction in a Division of
22 Correction facility during any two (2) year period.

23 (4) The Division of Community Correction shall:

24 (A) Notify the Post-Prison Transfer Board in writing when
25 an offender has been incarcerated due to an intermediate sanction under this
26 subsection;

27 (B) Include an explanation of the cause for incarceration;
28 and

29 (C) Include the result of the intermediate sanction, if
30 applicable.

31 (b) Any time in custody for which the offender on post-release
32 supervision is held, before a period of incarceration under this section is
33 administered, does not count as a period of incarceration ordered toward the
34 total accumulation of days of incarceration as stated in subsection (a) of
35 this section.

36 (c) A period of incarceration under this section:

1 (1) May be reduced by the Division of Correction for good
2 behavior and successful program completion; and

3 (2) Shall not be reduced under this section for more than fifty
4 percent (50%) of the total time of incarceration ordered to be served.

5 (d)(1) An offender subject to an intermediate sanction under
6 subsection (a) of this section does not have the right to an attorney at the
7 intermediate sanction hearing.

8 (2) This subsection does not prohibit an offender from
9 conferring with a privately retained attorney during the intermediate
10 sanction process.

11
12 16-93-1908. Revocation of post-release supervision.

13 (a)(1)(A) At any time during an offender's post-release supervision,
14 the Post-Prison Transfer Board may issue a warrant for the arrest of the
15 offender for violation of any of the conditions of post-release supervision
16 or may issue a notice to appear to answer a charge of a violation.

17 (B)(i) The board shall issue a warrant for the arrest of
18 an offender on post-release supervision if the board determines that the
19 offender has been charged with a felony ineligible to receive earned release
20 credits or a restricted release felony, as defined in § 16-93-1802.

21 (ii) An offender arrested on a warrant issued under
22 subdivision (a)(1)(B)(i) of this section shall be detained pending a
23 mandatory post-release supervision hearing.

24 (C) The Division of Community Correction shall provide the
25 information necessary for the board to issue a warrant under this subdivision
26 (a)(1).

27 (2) A warrant or notice issued under subdivision (a)(1) of this
28 section shall be served personally upon the offender.

29 (3) A warrant issued under subdivision (a)(1) of this section
30 shall authorize all officers named in the warrant to place the offender in
31 custody at any suitable detention facility pending a hearing.

32 (4) A community supervision officer may arrest an offender on
33 post-release supervision without a warrant by giving him or her a written
34 statement stating that the offender, in the judgment of the community
35 supervision officer, violated the conditions of his or her post-release
36 supervision.

1 (5) A written statement under subdivision (a)(4) of this section
2 delivered by the arresting community supervision officer with the offender to
3 the official in charge of the detention facility to which the offender is
4 brought is sufficient for detaining the offender pending disposition.

5 (6) If the board or its designee finds, by a preponderance of
6 the evidence, that the offender has inexcusably failed to comply with a
7 condition of his or her post-release supervision, the post-release
8 supervision may be revoked at any time before the expiration of the period of
9 post-release supervision.

10 (7) An offender serving on post-release supervision for whose
11 return a warrant has been issued by the board under this subsection shall be
12 deemed a fugitive from justice if it is found that the warrant cannot be
13 served.

14 (b)(1) An offender transferred to or serving on post-release
15 supervision shall be entitled to a preliminary hearing to determine whether
16 there is reasonable cause to believe that the offender has violated a
17 condition of his or her post-release supervision.

18 (2) A preliminary hearing conducted under subdivision (b)(1) of
19 this section shall be scheduled within seven (7) days after arrest or within
20 seven (7) days after notice is served and shall be conducted within fourteen
21 (14) days after arrest or service of notice to appear, excluding a weekend,
22 holiday, or delay caused by an act of nature, by the revocation hearing judge
23 for the board and at a location reasonably near the place of the alleged
24 violation or the arrest.

25 (3) The offender shall be given notice of the date, time, and
26 location of the preliminary hearing and the conditions of post-release
27 supervision that the offender is alleged to have violated.

28 (4) Except as provided in subsection (d) of this section, the
29 offender has the right to hear and controvert evidence against him or her, to
30 offer evidence on his or her own behalf, and to be represented by counsel at
31 the preliminary hearing.

32 (5) If a revocation hearing judge finds after the preliminary
33 hearing that there is reasonable cause to believe that an offender has
34 violated a condition of post-release supervision by committing a felony
35 ineligible to receive earned release credits or a restricted release felony,
36 as defined in § 16-93-1802, the revocation hearing judge shall order the

1 offender be returned to the nearest facility of the Division of Correction or
2 the Division of Community Correction where he or she shall be placed in
3 custody for a revocation hearing before the board.

4 (6) If a revocation hearing judge finds after the preliminary
5 hearing that there is reasonable cause to believe that an offender has
6 violated a condition of post-release supervision other than the commission of
7 a felony ineligible to receive earned release credits or a restricted release
8 felony, as defined in § 16-93-1802, the revocation hearing judge shall:

9 (A) Order the offender be returned to the nearest facility
10 of the Division of Correction or the Division of Community Correction where
11 he or she shall be placed in custody for a revocation hearing before the
12 board; or

13 (B) Return the offender to post-release supervision with
14 or without additional supervision conditions in response to the violating
15 conduct.

16 (7)(A) If a revocation hearing judge does not find after the
17 preliminary hearing reasonable cause to believe that an offender has violated
18 a condition of post-release supervision, he or she shall order the offender
19 be released from custody.

20 (B) An order to release the offender from custody under
21 subdivision (b)(7) of this section does not bar the board from holding a
22 revocation hearing on the alleged violation of a condition of post-release
23 supervision or from ordering the offender to appear before the board.

24 (8) A revocation hearing judge shall prepare and furnish to the
25 board and the offender a summary of the preliminary hearing proceedings,
26 including without limitation the substance of the evidence and testimony
27 considered along with his or her finding and order, within twenty-one (21)
28 days from the date of the preliminary hearing, excluding a weekend, holiday,
29 or delay caused by an act of nature.

30 (c)(1)(A) Unless a revocation hearing is knowingly and intelligently
31 waived by the offender, transfer to post-release supervision shall not be
32 revoked except after a revocation hearing, which shall be conducted by the
33 board or its designee within a reasonable period after the offender's arrest
34 or service of notice to appear.

35 (B) If a waiver is granted under subdivision (c)(1)(A) of
36 this section, the offender may subsequently appeal the waiver to the board.

1 (2) An offender shall be given notice of the date, time, and
2 location of the revocation hearing, the purpose of the revocation hearing,
3 and the conditions of supervision he or she is alleged to have violated.

4 (3) Except as provided in subsection (d) of this section, the
5 offender has the right to hear and controvert evidence against him or her, to
6 offer evidence in his or her own defense, and to be represented by counsel at
7 the revocation hearing.

8 (4) If post-release supervision is revoked after a revocation
9 hearing, the board or its designee shall prepare and furnish to the offender
10 a statement of evidence relied on and the reasons for revoking the post-
11 release supervision.

12 (d) At a preliminary hearing under subsection (b) of this section or a
13 revocation hearing under subsection (c) of this section:

14 (1) The offender has the right to confront and cross-examine
15 adverse witnesses unless the revocation hearing judge, the board, or the
16 designee of the board specifically finds good cause for not allowing
17 confrontation and cross-examination; and

18 (2) The offender may introduce any relevant evidence of the
19 alleged violation, including without limitation letters, affidavits, and
20 other documentary evidence, regardless of the admissibility of the evidence
21 under the rules governing the admission of evidence.

22 (e)(1) A preliminary hearing under subsection (b) of this section is
23 not required if the offender knowingly and intelligently waives the
24 preliminary hearing.

25 (2) If the preliminary hearing is not waived by the offender
26 under subsection (c) of this section, the revocation hearing shall be held
27 within fourteen (14) days after the arrest and reasonably near the place
28 where the alleged violation occurred or where the offender was arrested.

29 (f) A preliminary hearing under subsection (b) of this section and a
30 revocation hearing under subsection (c) of this section is not required if
31 the revocation is based on the offender's conviction of a felony offense for
32 which he or she is sentenced to the Division of Correction or to any other
33 state or federal correctional institution.

34 (g) An offender may be held in a county or regional jail while
35 awaiting a revocation hearing and the ruling of the board or its designee
36 under this section.

1 (h) An offender whose post-release supervision is revoked under this
2 section due to a technical conditions violation or serious conditions
3 violation and who is sentenced to any period of incarceration resulting from
4 the revocation is subject to the periods of incarceration provided in § 16-
5 93-1907.

6 (i) Upon revocation under this section, an offender subject to a term
7 of post-release supervision for a felony ineligible to receive earned release
8 credits or a restricted release felony shall return to incarceration for the
9 entire remaining period of imprisonment or post-release supervision assessed
10 by the sentencing court.

11
12 16-93-1909. Subpoena of witnesses and documents for revocation of
13 post-release supervision.

14 (a)(1) The following persons have the power to issue oaths, subpoena
15 witnesses to appear, and subpoena the production of any relevant books,
16 papers, records, or documents under this subchapter:

17 (A) The Chair of the Post-Prison Transfer Board or his or
18 her designee;

19 (B) The administrator of the Post-Prison Transfer Board;

20 (C) Any member of the Post-Prison Transfer Board; and

21 (D) The revocation hearing judge presiding over any
22 preliminary hearing concerning an alleged violation of the conditions of
23 post-release supervision.

24 (2)(A) A subpoena issued under this section shall be:

25 (i) Directed to the county sheriff, county coroner,
26 or constable of any county where the designated witness resides or is found;
27 and

28 (ii) Served and returned in the same manner as
29 subpoenas in civil actions in the circuit courts.

30 (B) An endorsed affidavit on a subpoena of a person
31 eighteen (18) years of age or older is proof of service of the subpoena.

32 (b) The fees and mileage expenses prescribed by law for witnesses in
33 civil cases shall be paid by the Division of Correction for any witness
34 subpoenaed to appear under this section.

35 (c)(1) If a person fails or refuses to comply with a subpoena issued
36 under this section to testify or answer to any matter regarding which the

1 person may be lawfully interrogated, a circuit court in this state, on
2 application of hearing officer or the chair, shall issue an attachment for
3 the person and compel him or her to comply with the subpoena and appear
4 before the revocation hearing judge or the board and produce any testimony or
5 documents as may be required.

6 (2)(A) The circuit court shall have the same power to punish any
7 contempt, in case of disobedience, as in civil cases.

8 (B) It is a criminal violation for a witness to refuse or
9 neglect to appear and testify, punishable upon conviction by a fine of not
10 less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500).

11 (d) A person knowingly testifying falsely under oath before the board
12 or at a preliminary hearing in which probable cause for revocation of
13 transfer to post-release supervision is to be considered as to any matter
14 material to lawful inquiry by the board or revocation hearing judge may be
15 charged with perjury.

16
17 16-93-1910. Prohibition on sex offenders residing with minors.

18 (a)(1) Except as specified in subdivision (a)(2) of this section, the
19 Post-Prison Transfer Board shall prohibit, as a condition of granting
20 transfer to post-release supervision, an offender from residing in a
21 residence with a minor, if the offender was convicted of one (1) or more of
22 the following offenses perpetrated against a minor:

23 (A) A sexual offense as defined in § 5-14-101 et seq.;

24 (B) Incest, § 5-26-202; or

25 (C) An offense under the Arkansas Protection of Children
26 Against Exploitation Act of 1979, § 5-27-301 et seq.

27 (2) The board may permit an offender to reside in a residence
28 with a minor if the board finds that the offender no longer poses a danger to
29 any minor residing in the residence.

30 (b) If the board, upon a hearing under § 16-93-1908, finds by a
31 preponderance of the evidence that the offender has failed to comply with a
32 condition of post-release supervision, the post-release supervision may be
33 revoked and the offender returned to the custody of the Division of
34 Correction.

35
36 16-93-1911. Rules.

1 The Post-Prison Transfer Board shall adopt rules to implement this
2 subchapter.

3
4 SECTION 3. Arkansas Code Title 5, Chapter 2, Subchapter 3 is amended
5 to add a new section to read as follows:

6 5-2-332. Secured restoration program authorized.

7 (a) The purpose of this section is to provide an additional setting
8 for the provision of restorative treatment services in the least restrictive
9 environment.

10 (b) The Division of Aging, Adult, and Behavioral Health Services of
11 the Department of Human Services may establish and maintain a program to
12 provide restoration services in a secure setting for defendants who:

13 (1) Have been found to lack fitness to proceed; and

14 (2) Are not in an acute phase of illness requiring the services
15 of a psychiatric hospital.

16 (c)(1) A secure setting established under this section shall:

17 (A) Provide a twenty-four-hour program of care by
18 qualified clinicians and professional staff; and

19 (B) Admit each defendant for a term not to exceed one
20 hundred twenty (120) days, unless the division extends the term for good
21 cause.

22 (2) The division has the exclusive authority to determine
23 whether and when a defendant is admitted to the program based on the
24 defendant's acuity, medical need, and other factors determined by the
25 division.

26 (3) The division may procure one (1) or more qualified vendors
27 to operate the program in part or in whole.

28
29 SECTION 4. Arkansas Code § 5-4-101(5), concerning definitions
30 applicable in Title 5, Chapter 4, is amended to read as follows:

31 (5) "Recidivism" means a criminal act that results in the
32 rearrest, reconviction, or return to incarceration of a person with ~~or~~
33 ~~without~~ a new sentence or a revocation from parole or post-release
34 supervision during a three-year period following the person's release from
35 custody;

36

1 SECTION 5. Arkansas Code § 5-4-104(c)-(e), concerning authorized
2 sentences generally, are amended to read as follows:

3 (c)(1)(A) Except as provided under subdivision (c)(2) of this section,
4 a defendant convicted of a Class Y felony, ~~or~~ murder in the second degree, §
5 5-10-103, or a felony ineligible to receive earned release credits as defined
6 in § 16-93-1802, shall be sentenced to a term of imprisonment in accordance
7 with §§ 5-4-401 – 5-4-404.

8 (B) In addition to imposing a term of imprisonment, the
9 trial court may sentence a defendant convicted of a Class Y felony or murder
10 in the second degree, § 5-10-103, or a felony ineligible to receive earned
11 release credits as defined in § 16-93-1802, to any one (1) or more of the
12 following:

13 (i) Pay a fine as authorized by §§ 5-4-201 and 5-4-
14 202;

15 (ii) Make restitution as authorized by § 5-4-205; or

16 (iii) Suspend imposition of an additional term of
17 imprisonment, as authorized by subdivision (e)(3) of this section.

18 (C)(i) In addition to the term of imprisonment imposed by
19 the trial court, the trial court shall impose a period of post-release
20 supervision for any defendant sentenced to a felony ineligible to receive
21 earned release credits or a restricted release felony, as defined in § 16-93-
22 1802, who is not sentenced to the statutory maximum for the offense.

23 (ii) The Post-Prison Transfer Board shall set the
24 terms and conditions of post-release supervision for a defendant subject to
25 subdivision (c)(1)(C)(i) of this section before the defendant's release from
26 imprisonment.

27 (iii) The maximum terms of post-release supervision
28 that may be imposed under subdivision (c)(1)(C)(i) of this section are:

29 (a) For a Class Y felony, seven (7) years;

30 (b) For a Class A felony, a Class B felony, or
31 an unclassified felony with a maximum term of imprisonment exceeding ten (10)
32 years, five (5) years; and

33 (c) For all other felonies, three (3) years.

34 (iv) A term of post-release supervision, when
35 aggregated with the term of imprisonment imposed by the trial court, shall
36 not exceed the statutory maximum for the offense.

1 (v) When a defendant is subject to an additional
2 term of post-release supervision on a sentence for which he or she is
3 required to serve one hundred percent (100%) of the term of imprisonment
4 imposed by the sentencing court, the jury shall be instructed as to the
5 potential additional term of post-release supervision.

6 (2) A defendant who was eighteen (18) years of age or older at
7 the time of the offense and who was convicted of one (1) or more of the
8 following Class Y felonies in which the victim was less than fourteen (14)
9 years of age at the time of the offense shall be sentenced to life without
10 the possibility of parole:

11 (A) Rape involving forcible compulsion, § 5-14-103(a)(1);

12 (B) Trafficking of persons, § 5-18-103;

13 (C) Engaging children in sexually explicit conduct for use
14 in visual or print medium, § 5-27-303;

15 (D) Transportation of minors for prohibited sexual
16 conduct, § 5-27-305;

17 (E) Producing, directing, or promoting a sexual
18 performance by a child, § 5-27-403; and

19 (F) Computer exploitation of a child in the first degree,
20 § 5-27-605.

21 (d) A defendant convicted of an offense other than a Class Y felony,
22 capital murder, § 5-10-101, treason, § 5-51-201, ~~or~~ murder in the second
23 degree, § 5-10-103, or a felony ineligible to receive earned release credits
24 as defined in § 16-93-1802, may be sentenced to any one (1) or more of the
25 following, except as precluded by subsection (e) of this section:

26 (1) Imprisonment as authorized by §§ 5-4-401 – 5-4-404;

27 (2) Probation as authorized by §§ 5-4-301 – 5-4-307 and 16-93-
28 306 – 16-93-314;

29 (3) Payment of a fine as authorized by §§ 5-4-201 and 5-4-202;

30 (4) Restitution as authorized by a provision of § 5-4-205; or

31 (5) Imprisonment and payment of a fine.

32 (e)(1)(A) The court shall not suspend imposition of sentence as to a
33 term of imprisonment nor place the defendant on probation for the following
34 offenses:

35 (i) Capital murder, § 5-10-101;

36 (ii) Treason, § 5-51-201;

1 (iii) A Class Y felony, except to the extent
2 suspension of an additional term of imprisonment is permitted in subsection
3 (c) of this section;

4 (iv) Driving or boating while intoxicated, § 5-65-
5 103;

6 (v) Murder in the second degree, § 5-10-103, except
7 to the extent suspension of an additional term of imprisonment is permitted
8 in subsection (c) of this section; ~~or~~

9 (vi) Engaging in a continuing criminal enterprise, §
10 5-64-405;

11 (vii) Furnishing a prohibited article, possessing a
12 prohibited article, using a prohibited article, or delivering a prohibited
13 article, § 5-54-119; or

14 (viii) A felony ineligible to receive earned release
15 credits as defined in § 16-93-1802.

16 (B)(i) In any other case, the court may suspend imposition
17 of sentence or place the defendant on probation, in accordance with §§ 5-4-
18 301 – 5-4-307 and 16-93-306 – 16-93-314, except as otherwise specifically
19 prohibited by statute.

20 (ii) The court may not suspend execution of sentence.

21 (2) If the offense is punishable by fine and imprisonment, the
22 court may sentence the defendant to pay a fine and suspend imposition of the
23 sentence as to imprisonment or place the defendant on probation.

24 (3)(A) The court may sentence the defendant to a term of
25 imprisonment and suspend imposition of sentence as to an additional term of
26 imprisonment.

27 (B) However, the court shall not sentence a defendant to
28 imprisonment and place him or her on probation, except as authorized by § 5-
29 4-304.

30 (C) This subdivision (e)(3) does not prohibit a period of
31 post-release supervision as authorized in § 16-93-1801 et seq. and § 16-93-
32 1901 et seq.

33
34 SECTION 6. Arkansas Code § 5-4-107(a)(1), concerning extended
35 supervision and monitoring for certain sex offenders, is amended to read as
36 follows:

1 (a)(1) The Division of Correction within one hundred twenty (120) days
2 before the release on parole or post-release supervision of a person who is
3 required to register as a sex offender under the Sex Offender Registration
4 Act of 1997, § 12-12-901 et seq., shall notify in writing the prosecuting
5 attorney in the judicial district in which the person was sentenced of the
6 person's impending release on parole or post-release supervision.

7
8 SECTION 7. Arkansas Code § 5-4-202, is amended to read as follows:
9 5-4-202. Alternative sentence prohibited – Time of payment.

10 (a) If the defendant is sentenced to pay a fine or costs, the court
11 shall not at the same time impose an alternative sentence or imprisonment to
12 be served if the fine or costs are not paid.

13 (b)(1) If a defendant is sentenced to pay a fine or costs, the court
14 may grant permission for payment to be made:

15 (A) Within a specified period of time; or

16 (B) In specified installments.

17 (2) ~~If~~ Except as provided in subsection (c) of this section, if
18 permission under subdivision (b)(1) of this section is not granted in the
19 sentence, the fine or costs are payable immediately.

20 (c)(1) If a defendant is sentenced to a term of imprisonment, fines
21 and costs shall be suspended for the period of confinement and the one
22 hundred twenty (120) days following the defendant's release from custody.

23 (2) If a defendant is sentenced to a term of imprisonment,
24 restitution shall be suspended for the period of confinement and is payable
25 immediately following the defendant's release from custody.

26
27 SECTION 8. Arkansas Code § 5-4-205(f)(1), concerning restitution to be
28 included as a condition of release, is amended to read as follows:

29 (f)(1) If the defendant is placed on probation or any form of
30 conditional release, any restitution ordered under this section is a
31 condition of the suspended imposition of sentence, probation, parole, post-
32 release supervision, or transfer.

33
34 SECTION 9. Arkansas Code § 5-4-206(a), concerning the collection of
35 unpaid restitution and the interception of state income tax returns, is
36 amended to read as follows:

1 (a) As used in this section, “restitution order” means a ~~judgment and~~
2 ~~commitment sentencing order, judgment and disposition order,~~ or other order
3 that imposes a duty on a defendant to pay restitution.
4

5 SECTION 10. Arkansas Code § 5-4-301(a)(1), concerning crimes for which
6 suspension or probation is prohibited, is amended to read as follows:

7 (a)(1) A court shall not suspend imposition of sentence as to a term
8 of imprisonment or place a defendant on probation for the following offenses:

9 (A) Capital murder, § 5-10-101;

10 (B) Treason, § 5-51-201;

11 (C) A Class Y felony, except to the extent suspension of
12 an additional term of imprisonment is permitted in § 5-4-104(c);

13 (D) Driving or boating while intoxicated, § 5-65-103;

14 (E) Murder in the second degree, § 5-10-103, except to the
15 extent suspension of an additional term of imprisonment is permitted in § 5-
16 4-104(c); ~~or~~

17 (F) Engaging in a continuing criminal enterprise, § 5-64-
18 405;

19 (G) Furnishing a prohibited article, possessing a
20 prohibited article, using a prohibited article, or delivering a prohibited
21 article, § 5-54-119; or

22 (H) A felony ineligible to receive earned release credits
23 as defined in § 16-93-1802.
24

25 SECTION 11. Arkansas Code § 5-4-301, concerning crimes for which
26 suspension or probation is prohibited, is amended to add a new subsection to
27 read as follows:

28 (e)(1) Notwithstanding any provision prohibiting a sentence of
29 probation or suspended imposition of sentence for certain felonies, a court
30 may sentence a defendant to a term of imprisonment and suspend imposition of
31 sentence as to an additional term of imprisonment.

32 (2) However, a court shall not sentence a defendant to a term of
33 imprisonment and place him or her on probation, except as authorized in this
34 section.

35 (3) This section does not prohibit a period of post-release
36 supervision as authorized in § 16-93-1801 et seq. and § 16-93-1901 et seq.

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SECTION 12. Arkansas Code § 5-4-312(b)(3)(D), concerning a decision to transfer a defendant from the Division of Correction to the Division of Community Correction, is amended to read as follows:

(D) A decision to release a defendant administratively transferred to the Division of Community Correction from the Division of Correction under subdivision (b)(3)(A) of this section is vested solely with the ~~Parole~~ Post-Prison Transfer Board.

SECTION 13. Arkansas Code § 5-4-402(d)(1)(A), concerning transferring a juvenile from the Division of Youth Services to the Division of Correction, is amended to read as follows:

(d)(1)(A) A juvenile sentenced in circuit court who is less than sixteen (16) years of age when sentenced shall be committed to the custody of the Division of Youth Services until his or her sixteenth birthday, at which time he or she shall be transferred to the Division of Correction, except as provided by court order or parole decision made by the ~~Parole~~ Post-Prison Transfer Board.

SECTION 14. Arkansas Code § 5-4-403(a), concerning multiple sentences and concurrent and consecutive terms, is amended to read as follows:

(a) ~~When~~ Except as provided in subsections (c) and (e) of this section, when multiple sentences of imprisonment are imposed on a defendant convicted of more than one (1) offense, including an offense for which a previous suspension or probation has been revoked, the sentences shall run concurrently unless, upon recommendation of the jury or the court's own motion, the court orders the sentences to run consecutively.

SECTION 15. Arkansas Code § 5-4-403, concerning multiple sentences and concurrent and consecutive terms, is amended to add an additional subsection to read as follows:

(e)(1) If a defendant is sentenced to an additional term of imprisonment due to a sentence enhancement and the statute governing the sentence enhancement provides that the sentence enhancement shall run consecutively, the sentence enhancement shall run consecutively to the sentence imposed for the underlying offense.

1 (2) If a defendant is convicted of a felony for an offense
 2 committed while serving a term of imprisonment at a facility operated or
 3 contracted by the Division of Correction or the Division of Community
 4 Correction, the sentence for the offense committed while serving the term of
 5 imprisonment shall run consecutively to the sentence for which the defendant
 6 was serving the term of imprisonment.

7 (3) If a defendant is convicted of a felony for an offense
 8 committed while on post-release supervision, the sentence for the offense
 9 committed while on post-release supervision shall run consecutively to the
 10 sentence for which the defendant was subject to post-release supervision.

11
 12 SECTION 16. Arkansas Code § 5-4-501(c)(1) and (2), concerning habitual
 13 offenders, are amended to read as follows:

14 (c)(1) Except as provided in subdivision (c)(3) of this section, a
 15 defendant who is convicted of a serious felony involving violence enumerated
 16 in subdivision (c)(2) of this section and who previously has been convicted
 17 of one (1) or more of the serious felonies involving violence enumerated in
 18 subdivision (c)(2) of this section may be sentenced to pay any fine
 19 authorized by law for the serious felony involving violence conviction and
 20 shall be sentenced+

21 ~~(A) To to imprisonment for a term of not less than forty~~
 22 ~~(40) years nor more than eighty (80) years, or life, and~~

23 ~~(B) Without eligibility for parole or community correction~~
 24 ~~transfer except under § 16-93-615.~~

25 (2) As used in this subsection, “serious felony involving
 26 violence” means:

27 (A) Any of the following felonies:

28 (i) Murder in the first degree, § 5-10-102;

29 (ii) Murder in the second degree, § 5-10-103;

30 (iii) Kidnapping, § 5-11-102, involving an activity
 31 making it a Class Y felony;

32 (iv) Aggravated robbery, § 5-12-103;

33 (v) Terroristic act, § 5-13-310, involving an
 34 activity making it a Class Y felony;

35 (vi) Rape, § 5-14-103;

36 (vii) Sexual assault in the first degree, § 5-14-

1 124;

- 2 (viii) Causing a catastrophe, § 5-38-202(a);
3 (ix) Aggravated residential burglary, § 5-39-204; ~~or~~
4 (x) Aggravated assault upon a law enforcement
5 officer or an employee of a correctional facility, § 5-13-211, if a Class Y
6 felony; ~~or~~
7 (xi) Capital murder, § 5-10-101; or
8 (xii) Unlawful discharge of a firearm from a
9 vehicle, § 5-74-107; or

10 (B) A conviction of a comparable serious felony involving
11 violence from another jurisdiction.

12

13 SECTION 17. Arkansas Code § 5-4-501(d)(1) and (2), concerning habitual
14 offenders, are amended to read as follows:

15 (d)(1) A defendant who is convicted of a felony involving violence
16 enumerated in subdivision (d)(2) of this section and who previously has been
17 convicted of two (2) or more of the felonies involving violence enumerated in
18 subdivision (d)(2) of this section may be sentenced to pay any fine
19 authorized by law for the felony involving violence conviction and shall be
20 sentenced to an extended term of imprisonment ~~without eligibility for parole~~
21 ~~or community correction transfer except under § 16-93-615~~ as follows:

22 (A) For a conviction of a Class Y felony, a term of
23 imprisonment of not less than life in prison;

24 (B) For a conviction of a Class A felony, a term of
25 imprisonment of not less than forty (40) years nor more than life in prison;

26 (C) For a conviction of a Class B felony or for a
27 conviction of an unclassified felony punishable by life imprisonment, a term
28 of imprisonment of not less than thirty (30) years nor more than sixty (60)
29 years;

30 (D) For a conviction of a Class C felony, a term of
31 imprisonment of not less than twenty-five (25) years nor more than forty (40)
32 years;

33 (E) For a conviction of a Class D felony, a term of
34 imprisonment of not less than twenty (20) years nor more than forty (40)
35 years; and

36 (F) For a conviction of an unclassified felony punishable

1 by less than life imprisonment, a term of imprisonment not more than three
2 (3) times the maximum sentence for the unclassified felony offense.

3 (2) As used in this subsection, "felony involving violence"
4 means:

5 (A) Any of the following felonies:

6 (i) Murder in the first degree, § 5-10-102;

7 (ii) Murder in the second degree, § 5-10-103;

8 (iii) Kidnapping, § 5-11-102;

9 (iv) Aggravated robbery, § 5-12-103;

10 (v) Rape, § 5-14-103;

11 (vi) Battery in the first degree, § 5-13-201;

12 (vii) Terroristic act, § 5-13-310;

13 (viii) Sexual assault in the first degree, § 5-14-
14 124;

15 (ix) Sexual assault in the second degree, § 5-14-
16 125;

17 (x) Domestic battering in the first degree, § 5-26-
18 303;

19 ~~(xi) Residential burglary, § 5-39-201(a);~~

20 ~~(xii)~~ (xi) Aggravated residential burglary, § 5-39-
21 204;

22 ~~(xiii)~~ (xii) Unlawful discharge of a firearm from a
23 vehicle, § 5-74-107;

24 ~~(xiv)~~ (xiii) Criminal use of prohibited weapons, §
25 5-73-104, involving an activity making it a Class B felony;

26 ~~(xv)~~ (xiv) A felony attempt, solicitation, or
27 conspiracy to commit:

28 (a) Capital murder, § 5-10-101;

29 (b) Murder in the first degree, § 5-10-102;

30 (c) Murder in the second degree, § 5-10-103;

31 (d) Kidnapping, § 5-11-102;

32 (e) Aggravated robbery, § 5-12-103;

33 (f) Aggravated assault upon a law enforcement
34 officer or an employee of a correctional facility, § 5-13-211, if a Class Y
35 felony;

36 (g) Rape, § 5-14-103;

1 (h) Battery in the first degree, § 5-13-201;
 2 (i) Domestic battering in the first degree, §
 3 5-26-303; or

4 ~~(j) Residential burglary, § 5-39-201(a); or~~
 5 ~~(k) (j) Aggravated residential burglary, § 5-~~
 6 39-204; ~~or~~

7 ~~(xvi) (xv) Aggravated assault upon a law enforcement~~
 8 officer or an employee of a correctional facility, § 5-13-211, if a Class Y
 9 felony; or

10 (xvi) Capital murder, § 5-10-101; or

11 (B) A conviction of a comparable felony involving violence
 12 from another jurisdiction.

13
 14 SECTION 18. DO NOT CODIFY. Residential burglary.

15 (a)(1) Residential burglary is removed from the definition of "felony
 16 involving violence" under § 5-4-501(d)(2) effective January 1, 2024.

17 (2) Because residential burglary is not a felony involving
 18 violence as of January 1, 2024, residential burglary is not considered a
 19 prior felony involving violence under § 5-4-501 for offenses committed on or
 20 after January 1, 2024.

21 (b) Aggravated residential burglary remains a felony involving
 22 violence under § 5-4-501.

23
 24 SECTION 19. Arkansas Code § 5-4-702(a), concerning enhanced penalties
 25 for certain offenses committed in the presence of a child, is amended to read
 26 as follows:

27 (a) A person who commits any of the following offenses may be subject
 28 to an enhanced sentence of an additional term of imprisonment of not less
 29 than one (1) year and not greater than ten (10) years if the offense is
 30 committed in the presence of a child:

- 31 (1) Capital murder, § 5-10-101;
 32 (2) Murder in the first degree, § 5-10-102;
 33 (3) Murder in the second degree, § 5-10-103;
 34 (4) Aggravated robbery, § 5-12-103;
 35 (5) A felony offense of assault or battery under § 5-13-201 et
 36 seq.;

- 1 (6) Rape, § 5-14-103;
2 (7) Sexual assault in the second degree, § 5-14-125; ~~or~~
3 (8) A felony offense of domestic battering or assault on a
4 family or household member under §§ 5-26-303 – 5-26-309;
5 (9) Unlawful discharge of a firearm from a vehicle, § 5-74-107;
6 or
7 (10) Terroristic act, § 5-13-310.
8

9 SECTION 20. Arkansas Code § 5-4-702(e), concerning enhanced penalties
10 for offenses committed in the presence of a child, is amended to read as
11 follows:

12 (e) Any person convicted under this section is not eligible for early
13 release on parole, transfer to post-release supervision, or community
14 correction transfer for the enhanced portion of the sentence.
15

16 SECTION 21. Arkansas Code § 5-4-707(f), concerning an additional term
17 of imprisonment for an offense constituting violence against a church or
18 other place of worship, is amended to read as follows:

19 (f) A person receiving an additional term of imprisonment under this
20 section is not eligible for early release on parole, transfer to post-release
21 supervision, or community correction transfer for the additional term of
22 imprisonment.
23

24 SECTION 22. Arkansas Code § 5-4-803(c)(3), concerning community
25 service work as a sentencing alternative, is amended to read as follows:

26 (3) If an eligible offender withdraws consent to participate in
27 a community work project, the eligible offender is entitled to all good time,
28 ~~and parole, and post-release supervision~~ eligibility considerations as
29 provided by law.
30

31 SECTION 23. Arkansas Code § 5-4-803(d)(5), concerning community
32 service work as a sentencing alternative, is amended to read as follows:

33 (5) If an eligible offender's conduct is found to be
34 unsatisfactory, the eligible offender is entitled to all good time, ~~and~~
35 parole, and post-release supervision eligibility considerations as provided
36 by law.

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SECTION 24. Arkansas Code § 5-5-204(a)(1)(B), concerning the use or sale of conveyances and the disposition of sale proceeds, is amended to read as follows:

(B) After allowance for reasonable expenses of seizure and maintenance of custody of the conveyance, the proceeds from a sale under subdivision (a)(1)(A) of this section shall be used to satisfy any outstanding restitution under § 5-4-205 owed to a victim of an offense for which the conveyance was used, if the victim files a petition with the circuit court or makes a request to the circuit court within thirty (30) days of the filing of the ~~judgment and commitment~~ sentencing order of the convicted defendant.

SECTION 25. Arkansas Code § 5-10-101(a)(3), concerning the murder of certain persons as an element of capital murder, is amended to read as follows:

(3) With the premeditated and deliberated purpose of causing the death of any law enforcement officer, jailer, prison official, firefighter, judge or other court official, ~~probation officer, parole officer~~ community supervision officer, any military personnel, or teacher or school employee, when such person is acting in the line of duty, the person causes the death of any person;

SECTION 26. Arkansas Code § 5-10-101(c)(1)(B), concerning the punishment for capital murder if the defender was younger than the age of eighteen (18) at the time of the capital murder, is amended to read as follows:

(B) If the defendant was younger than eighteen (18) years of age at the time he or she committed the capital murder, life imprisonment with the possibility of parole or transfer to post-release supervision after serving a minimum of thirty (30) years' imprisonment.

SECTION 27. Arkansas Code § 5-10-102(c)(2), concerning the punishment for murder in the first degree if the defender was younger than the age of eighteen (18) at the time of the murder in the first degree, is amended to read as follows:

1 (2) Unless the application of § 16-93-621 results in a person's
2 being eligible for parole or transfer to post-release supervision at an
3 earlier date, if a person was younger than eighteen (18) years of age at the
4 time he or she committed murder in the first degree and is sentenced to life
5 imprisonment, the person is eligible for parole or post-release supervision
6 after serving a minimum of twenty-five (25) years' imprisonment.

7
8 SECTION 28. Arkansas Code § 5-10-104(c), concerning manslaughter, is
9 amended to read as follows:

10 (c) Manslaughter is a Class ~~C~~ B felony.

11
12 SECTION 29. Arkansas Code § 5-10-105(b), concerning negligent
13 homicide, is amended to read as follows:

14 (b)(1) *A person commits negligent homicide if he or she negligently*
15 *causes the death of another person.*

16 (2) *A person who violates subdivision (b)(1) of this section by*
17 *means of a deadly weapon upon conviction is guilty of a Class ~~A misdemeanor~~ D*
18 *felony.*

19 (3) *If otherwise committed under subdivision (b)(1) of this*
20 *section, negligent homicide is a Class A misdemeanor.*

21
22 SECTION 30. Arkansas Code § 5-14-110(a)(4)(B), concerning sexual
23 indecency with a child committed by certain persons, is amended to read as
24 follows:

25 (B) Employed by or contracted with the Division of
26 Community Correction, a local law enforcement agency, a court, or a local
27 government and the actor is supervising the minor while the minor is on
28 probation, ~~or~~ parole, or post-release supervision or for any other court-
29 ordered reason;

30
31 SECTION 31. Arkansas Code § 5-14-112(b), concerning indecent exposure,
32 is amended to read as follows:

33 (b)(1) Except as provided in subdivisions (b)(2) and (b)(3) of this
34 section, indecent exposure is a Class A misdemeanor.

35 (2) Indecent exposure is a Class D felony:

36 (A) For a fourth or fifth conviction within ten (10) years

1 of a previous conviction, ~~indecent exposure is a Class D felony,; or~~
2 (B) If a person is in the custody of a correctional
3 facility or a detention facility at the time the person exposes his or her
4 sex organs.

5 (3) For a sixth conviction and each successive conviction within
6 ten (10) years of a previous conviction, indecent exposure is a Class C
7 felony.

8
9 SECTION 32. Arkansas Code § 5-14-113 is amended to read as follows:

10 5-14-113. Sexual extortion.

11 (a) A person commits the offense of sexual extortion if:

12 (1) With the purpose to coerce another person to engage in
13 sexual contact or sexually explicit conduct, the person communicates a threat
14 to:

15 (A) Damage the property or harm the reputation of the
16 other person; or

17 (B) Produce or distribute a recording of the other person
18 engaged in sexually explicit conduct or depicted in a state of nudity;

19 (2) With the purpose to produce or distribute a recording of a
20 person in a state of nudity or engaged in sexually explicit conduct, the
21 person communicates a threat to:

22 (A) Damage the property or harm the reputation of the
23 other person; or

24 (B) Produce or distribute a recording of the other person
25 engaged in sexually explicit conduct or depicted in a state of nudity; ~~or~~

26 (3) The person knowingly causes another person to engage in
27 sexual contact or sexually explicit conduct or to produce or distribute a
28 recording of a person in a state of nudity or engaged in sexually explicit
29 conduct by communicating a threat to:

30 (A) Damage the property or harm the reputation of the
31 other person; or

32 (B) Produce or distribute a recording of the other person
33 engaged in sexually explicit conduct or depicted in a state of nudity; or

34 (4) The person knowingly demands payment of money or receipt of
35 anything of value by communicating a threat to distribute a recording of a
36 person engaged in sexually explicit conduct or depicted in a state of nudity.

1 (b) Sexual extortion is a Class B felony.

2
3 SECTION 33. Arkansas Code § 5-14-124(a)(1)(B), concerning sexual
4 assault in the first degree committed by certain persons, is amended to read
5 as follows:

6 (B) Employed by or contracted with the Division of
7 Community Correction, a local law enforcement agency, a court, or a local
8 government and the actor is supervising the minor while the minor is on
9 probation, ~~or parole,~~ or post-release supervision or for any other court-
10 ordered reason;

11
12 SECTION 34. Arkansas Code § 5-14-125(a)(4)(A)(ii), concerning sexual
13 assault in the second degree committed by certain persons, is amended to read
14 as follows:

15 (ii) Employed by or contracted with the Division of
16 Community Correction, a local law enforcement agency, a court, or a local
17 government and the actor is supervising the minor while the minor is on
18 probation, ~~or parole,~~ or post-release supervision or for any other court-
19 ordered reason;

20
21 SECTION 35. Arkansas Code § 5-14-126(a)(1)(B), concerning sexual
22 assault in the third degree committed by certain persons, is amended to read
23 as follows:

24 (B) Employed by or contracted with the Division of
25 Community Correction, a local law enforcement agency, a court, or a local
26 government and the actor is supervising the person while the person is on
27 probation, ~~or parole,~~ or post-release supervision or for any other court-
28 ordered reason;

29
30 SECTION 36. Arkansas Code § 5-14-137(b)(1), concerning the prohibition
31 against a registered sex offender recording a person younger than fourteen
32 years of age, is amended to read as follows:

33 (1) Record a person under fourteen (14) years of age and post
34 the recording of the person on an online social media platform or other
35 internet website that allows the using or posting of a recording in any form
36 after the person has previously been warned of his or her possible criminal

1 exposure by a judge at the person's sentencing for the offense for which the
 2 person is required to register as a sex offender, or by his or her ~~parole or~~
 3 ~~probation~~ community supervision officer that recording a person under
 4 fourteen (14) years of age is a violation of his or her terms and conditions
 5 of his or her probation, ~~or parole, or post-release supervision~~; or

6
 7 SECTION 37. Arkansas Code § 5-36-103(b)(3), concerning theft of
 8 property that is classified as Class D felony, is amended to add an
 9 additional subdivision to read as follows:

10 (J) The value of the property is one thousand dollars
 11 (\$1,000) or less and the person has been previously convicted of a theft
 12 offense of any classification within ten (10) years of the current offense.

13
 14 SECTION 38. Arkansas Code § 5-39-204, concerning aggravated
 15 residential burglary, is amended to read as follows:

16 (a) A person commits aggravated residential burglary if he or she
 17 commits residential burglary as defined in § 5-39-201 of a residential
 18 occupiable structure ~~occupied by any person~~, and he or she either:

19 (1) ~~Is~~ The residential occupiable structure is occupied by
 20 another person; or

21 (2) He or she is armed with a deadly weapon or represents by
 22 word or conduct that he or she is armed with a deadly weapon; ~~or.~~

23 ~~(2) Inflicts or attempts to inflict death or serious injury upon~~
 24 ~~another person.~~

25 (b) Aggravated residential burglary is a:

26 (1) Class Y felony if:

27 (A) Committed under subdivision (a)(2) of this section; or

28 (B) The person causes or attempts to cause death or
 29 serious physical injury to another person; or

30 (2) Class A felony if otherwise committed.

31
 32 SECTION 39. Arkansas Code § 5-53-101(4)(A), concerning the definitions
 33 used concerning offenses related to official proceedings, is amended to read
 34 as follows:

35 (4)(A) "Official proceeding" means a proceeding heard before any
 36 legislative, judicial, administrative, or other government agency or official

1 authorized to hear evidence under oath, including any referee, hearing
2 examiner, ~~parole~~ revocation hearing judge, commissioner, notary, or other
3 person taking testimony or depositions in any such proceeding.

4
5 SECTION 40. Arkansas Code § 5-54-119, concerning the furnishing,
6 possessing, using, or delivering of a prohibited article, is amended to add
7 an additional subsection to read as follows:

8 (g) A person convicted of furnishing a prohibited article, possessing
9 a prohibited article, using a prohibited article, or delivering a prohibited
10 article and who, at the time of the offense, was an employee of, volunteer
11 for, or contractor with a correctional facility shall have his or her
12 sentence enhanced as follows:

13 (1)(A) The term of imprisonment is enhanced by up to ten (10)
14 additional years.

15 (B) The enhanced term of imprisonment under subdivision
16 (g)(1)(A) of this section is consecutive to any other sentence imposed.

17 (C) A person subject to an enhanced term of imprisonment
18 under subdivision (g)(1)(A) of this section is not eligible for parole, post-
19 release supervision, or community correction transfer for the enhanced term
20 of imprisonment under subdivision (g)(1)(A) of this section; and

21 (2) The fine is enhanced by up to ten thousand dollars
22 (\$10,000).

23
24 SECTION 41. Arkansas Code § 5-54-129 is amended to read as follows:

25 5-54-129. Search of persons and vehicles entering institutions.

26 It is lawful for a superintendent, warden, or jailor, or his or her
27 duly authorized agent, to require, as a condition of admission, a reasonable
28 search as permitted by the Arkansas Constitution and the United States
29 Constitution of the person or vehicle of anyone seeking admission to, or to
30 visit in, the Department of ~~Community Correction~~ Corrections, jails, state
31 institutions, or other places where persons are confined.

32
33 SECTION 42. Arkansas Code § 5-54-206(c), concerning enhanced penalties
34 for the offense of terrorism, is amended to read as follows:

35 (c) Any person sentenced under this section is not eligible for early
36 release on parole, transfer to post-release supervision, or community

1 correction transfer for the enhanced portion of the sentence.

2

3 SECTION 43. Arkansas Code § 5-55-107(c)(1), concerning restitution and
4 collection under the Medicaid Fraud Act, is amended to read as follows:

5 (c)(1) In addition to the ~~judgment and commitment~~ sentencing order in
6 a criminal case, a court shall enter a separate restitution order against the
7 defendant convicted of Medicaid fraud regarding restitution consistent with
8 this section and § 5-55-108.

9

10 SECTION 44. Arkansas Code § 5-64-407(c), concerning the manufacture of
11 methamphetamine in the presence of certain persons, is amended to read as
12 follows:

13 (c) Any person sentenced under this section is not eligible for early
14 release on parole, transfer to post-release supervision, or community
15 correction transfer for the enhanced portion of the sentence.

16

17 SECTION 45. Arkansas Code § 5-64-411(c), concerning enhanced penalties
18 for controlled substances offenses in close proximity to certain facilities,
19 is amended to read as follows:

20 (c) Any person convicted under this section is not eligible for early
21 release on parole, transfer to post-release supervision, or community
22 correction transfer for the enhanced portion of the sentence.

23

24 SECTION 46. Arkansas Code § 5-70-104(b), concerning promoting
25 prostitution in the first degree, is amended to read as follows:

26 (b) Promoting prostitution in the first degree is a:

27 (1) Class D felony under subdivision (a)(1) of this section;

28 (2) Class B felony under subdivision (a)(2) of this section.

29

30 SECTION 47. Arkansas Code § 5-65-115(a)(1), concerning alcohol
31 treatment or education programs for persons whose driving privileges are
32 suspended or revoked due to driving under the influence and related offenses,
33 is amended to read as follows:

34 (a)(1)(A) A person whose driving privileges are suspended or
35 revoked for violating § 5-65-103, § 5-65-303, § 5-65-310, or § 3-3-203 is
36 required to complete an alcohol education program provided by a contractor

1 with the Division of Aging, Adult, and Behavioral Health Services of the
2 Department of Human Services or an alcoholism treatment program licensed by
3 the division.

4 (B) The Department of Human Services shall coordinate with the
5 Department of Corrections to license Department of Corrections employees or
6 contractors to provide the alcohol education or alcohol treatment program
7 required under subdivision (a)(1)(A) of this section to inmates.

8
9 SECTION 48. Arkansas Code § 5-73-103(c)(1), concerning possession of
10 firearms by certain persons, is amended to read as follows:

11 (c)(1) A person who violates this section commits a Class B felony if:

12 (A) The person has a prior violent felony conviction;

13 (B) The person's current possession of a firearm involves
14 the commission of another crime; ~~or~~

15 (C) The person has a prior felony conviction for an
16 offense that had as an element of the offense the use or possession of a
17 deadly weapon; or

18 ~~(D)~~ (D) The person has been previously convicted under this
19 section or a similar provision from another jurisdiction.

20
21 SECTION 49. Arkansas Code § 5-73-323, concerning licenses to carry a
22 concealed handgun held by certain persons, is amended to read as follows:

23 A member of the ~~Parole~~ Post-Prison Transfer Board, a board
24 investigator, or a ~~parole~~ revocation hearing judge who has been issued a
25 license to carry a concealed handgun by the ~~Department~~ Division of Arkansas
26 State Police under this subchapter may carry his or her concealed handgun
27 into a building in which or a location on which a law enforcement officer may
28 carry a handgun if the board member, board investigator, or ~~parole~~ revocation
29 hearing judge is on official business of the board.

30
31 SECTION 50. Arkansas Code § 9-27-507(b)(2)(B), concerning penalties
32 for violating a disposition order in an extended juvenile jurisdiction case,
33 is amended to read as follows

34 (B) Statutory provisions prohibiting or limiting probation
35 or suspended imposition of sentence, ~~or parole, or transfer to post-release~~
36 transfer for offenses when committed by an adult shall not apply to juveniles

1 sentenced as extended juvenile jurisdiction offenders.

2
3 SECTION 51. Arkansas Code § 9-27-507(e)(4)(B), concerning options for
4 disposition at certain points in an extended juvenile jurisdiction case, is
5 amended to read as follows:

6 (B) Statutory provisions prohibiting or limiting probation
7 or suspended imposition of sentence, ~~or parole, or post-release transfer~~ for
8 offenses when committed by an adult shall not apply to juveniles sentenced as
9 extended juvenile jurisdiction offenders.

10
11 SECTION 52. Arkansas Code § 9-27-510(a)(2), concerning placement of a
12 juvenile with the Division of Correction, is amended to read as follows:

13 (2) If a juvenile receives a sentence to the Division of
14 Correction before the juvenile's sixteenth birthday, the juvenile shall be
15 housed by the Division of Youth Services until that date, except as provided
16 by a court order or parole or post-release supervision decision made by the
17 ~~Parole~~ Post-Prison Transfer Board.

18
19 SECTION 53. Arkansas Code § 9-27-510(c)(1)(A) and (B), concerning
20 placement of a juvenile with the Division of Correction, are amended to read
21 as follows:

22 (c)(1)(A) Juveniles sentenced to the Division of Correction pursuant
23 to extended juvenile jurisdiction are subject to parole and post-release
24 supervision as is any other inmate within the Division of Correction.

25 (B) Juveniles adjudicated for capital murder, § 5-10-101,
26 or murder in the first degree, § 5-10-102, are subject to parole or post-
27 release supervision.

28
29 SECTION 54. Arkansas Code § 9-28-409(f)(1), concerning criminal
30 background and child maltreatment checks for employees of child welfare
31 agencies, is amended to read as follows:

32 (f)(1) A person who is required to have a criminal records check under
33 subdivision (b)(1) or subdivision (c)(1) of this section who has pleaded
34 guilty or nolo contendere to or been found guilty of any of the offenses
35 listed in subdivision (e)(3) of this section shall be absolutely disqualified
36 from being an owner, operator, volunteer, foster parent, adoptive parent,

1 member of a child welfare agency's board of directors, or employee in a child
2 welfare agency during the period of the person's confinement, probation, ~~or~~
3 parole, or post-release supervision unless the conviction is vacated or
4 reversed.

5
6 SECTION 55. Arkansas Code § 9-28-409(f)(3)(A), concerning criminal
7 background and child maltreatment checks for employees of child welfare
8 agencies, is amended to read as follows:

9 (3)(A) Except as provided under subdivision (f)(1) of this
10 section, a person who is required to have a criminal records check under
11 subdivision (b)(1) or subdivision (c)(1) of this section who has pleaded
12 guilty or nolo contendere to or been found guilty of any of the offenses
13 listed in subdivision (e)(3) of this section shall be presumed to be
14 disqualified to be an owner, operator, volunteer, foster parent, adoptive
15 parent, member of a child welfare agency's board of directors, or employee in
16 a child welfare agency after the completion of his or her term of
17 confinement, probation, ~~or~~ parole, or post-release supervision unless the
18 conviction is vacated or reversed.

19
20 SECTION 56. Arkansas Code § 11-10-513(a)(3), concerning
21 disqualification for unemployment benefits due to voluntarily leaving work,
22 is amended to read as follows:

23 (3) Any person who leaves his or her last work to comply with
24 the order of a correctional institution or to satisfy the terms of his or her
25 parole, post-release supervision, or probation shall be deemed to have left
26 work "voluntarily and without good cause connected with the work".

27
28 SECTION 57. Arkansas Code § 12-1-102 is amended to read as follows:

29 12-1-102. Records to be posted on a public website.

30 (a) Relevant research studies and reports concerning the following
31 topics that are generated by the research divisions of the Division of
32 Correction, the Division of Community Correction, and the ~~Parole~~ Post-Prison
33 Transfer Board or by third-party contractors on behalf of the Division of
34 Correction, the Division of Community Correction, and the board, when
35 applicable, shall be posted on the Division of Correction's, the Division of
36 Community Correction's, or the board's website:

1 (1) Population projections;
2 (2) Recidivism; and
3 (3) Evaluation of the cost-benefit of evidence-based practices
4 of:

- 5 (A) Adult prisons;
6 (B) Community corrections facilities;
7 (C) Probation; ~~and~~
8 (D) Parole; and
9 (E) Post-release supervision.

10 (b) Data posted on the board's, the Division of Correction's, or the
11 Division of Community Correction's websites under this section may be removed
12 from the board's, the Division of Correction's, or the Division of Community
13 Correction's websites after five (5) years.

14
15 SECTION 58. Arkansas Code Title 12, Chapter 1, Subchapter 1, is
16 amended to add an additional section to read as follows:

17 12-1-104. Bail reporting system.

18 (a)(1) The Arkansas Crime Information Center shall administer a public
19 portal for entry by a court of the information required to be reported under
20 § 16-84-118.

21 (2) To facilitate the administration of the portal required
22 under subdivision (a)(1) of this section, the Arkansas Crime Information
23 Center may seek the assistance of the Division of Information Systems of the
24 Department of Transformation and Shared Services or enter into a contract for
25 technical database and data processing services.

26 (b) The public portal administered under subsection (a) of this
27 section shall provide the following information concerning a defendant or
28 arrestee:

29 (1) The defendant or arrestee's name and alias, if available;

30 (2) The date of each arrest of the defendant or arrestee along
31 with the following details:

32 (A) The county of arrest;

33 (B) Any corresponding case number, if available;

34 (C) The specific charges;

35 (D) Eligibility for bail and the amount of the initial
36 bail;

1 (E) The name of the judge and court, including without
2 limitation judicial district and county, setting the initial bail;

3 (F) The date and amount of any bail modification;

4 (G) The name of the judge and court, including without
5 limitation judicial district and county, modifying the bail set; and

6 (H) The date of release on bond and type of bond posted;
7 and

8 (3) The date of each conviction of the defendant or arrestee and
9 corresponding case number.

10 (c) The information entered into the public portal administered under
11 this section shall be disseminated:

12 (1) In a manner that will allow the information to be organized
13 by:

14 (A) A defendant or arrestee;

15 (B) A judicial district;

16 (C) A county; and

17 (D) A judge and

18 (2) Upon request to the:

19 (A) Governor;

20 (B) Speaker of the House of Representatives;

21 (C) President Pro Tempore of the Senate;

22 (D) Arkansas Legislative Audit; and

23 (E) Attorney General.

24
25 SECTION 59. Arkansas Code § 12-12-905(a)(2), concerning registration
26 requirements for sex offenders, is amended to read as follows:

27 (2) Is serving a sentence of incarceration, probation, parole,
28 post-release supervision, or other form of community supervision as a result
29 of an adjudication of guilt on or after August 1, 1997, for a sex offense,
30 aggravated sex offense, or sexually violent offense;

31
32 SECTION 60. Arkansas Code § 12-12-906(a)(1)(A)(i), concerning the duty
33 to register as a sex offender or verify registration as a sex offender and
34 the review of requirements with sex offenders, is amended to read as follows:

35 (a)(1)(A)(i) At the time of adjudication of guilt, the sentencing
36 court shall enter on the ~~judgment and commitment or judgment and disposition~~

1 ~~form~~ sentencing order that the offender is required to register as a sex
2 offender and shall indicate whether the:

- 3 (a) Offense is an aggravated sex offense;
4 (b) Sex offender has been adjudicated guilty
5 of a prior sex offense under a separate case number; or
6 (c) Sex offender has been classified as a
7 sexually dangerous person.
8

9 SECTION 61. Arkansas Code § 12-12-909(a)(3) and (4), concerning a
10 change of address of a registered sex offender, are amended to read as
11 follows:

12 (3) If the sex offender changes his or her address without
13 notice, notification shall be sent to law enforcement and supervising parole,
14 post-release supervision, or probation authorities, and notice may be posted
15 on the internet until proper reporting is again established or the sex
16 offender is incarcerated.

17 (4) Subdivision (a)(1) of this section applies to a sex offender
18 required to register as a sexually dangerous person, except that the sexually
19 dangerous person shall verify the registration in person every ninety (90)
20 days after the date of the initial release or commencement of parole or post-
21 release supervision.
22

23 SECTION 62. Arkansas Code § 12-12-913(c)(1)(B), concerning developing
24 guidelines and procedures for the release of information concerning sex
25 offenders, is amended to read as follows:

26 (B) In developing the guidelines and procedures, the Sex
27 Offender Assessment Committee shall consult with persons who, by experience
28 or training, have a personal interest or professional expertise in law
29 enforcement, crime prevention, victim advocacy, criminology, psychology,
30 parole, post-release supervision, public education, and community relations.
31

32 SECTION 63. Arkansas Code § 12-12-913(j)(1)(A)(viii), concerning
33 information to be made public concerning a Level 3 or Level 4 sex offender,
34 is amended to read as follows:

35 (viii) The sex offender's parole, post-release
36 supervision, or probation office;

1
2 SECTION 64. Arkansas Code § 12-12-917(b)(2)(A)(ii)(b)(2)(D),
3 concerning the relevant records to be forwarded to Community Notification
4 Assessment regarding an adult sex offender convicted of an offense described
5 in 42 U.S.C. § 14071 et seq., is amended to read as follows:

6 (D) ~~Judgment and disposition forms~~
7 Sentencing orders;

8
9 SECTION 65. Arkansas Code § 12-12-917(b)(4)(A)(ii), concerning
10 notification that will be provided when a sex offender disrupts a sex
11 offender assessment, is amended to read as follows:

12 (ii) The ~~parole or probation~~ community supervision
13 officer, if applicable, shall be notified.

14
15 SECTION 66. Arkansas Code § 12-12-917(f)(2), concerning evaluation of
16 a sex offender, is amended to read as follows:

17 (2) The committee shall provide the ~~Parole~~ Post-Prison Transfer
18 Board with copies of the offender fact sheet on inmates of the Division of
19 Correction.

20
21 SECTION 67. Arkansas Code § 12-12-917(h)(2)(A), concerning evaluation
22 of a sex offender, is amended to read as follows:

23 (2)(A) A local law enforcement agency having jurisdiction, the
24 Division of Community Correction, or the ~~Parole~~ Post-Prison Transfer Board
25 may request the committee to reassess a sex offender's assigned risk level at
26 any time.

27
28 SECTION 68. Arkansas Code § 12-12-917(h)(2)(B), concerning evaluation
29 of a sex offender, is amended to read as follows:

30 (B) In the request for reassessment, the local law
31 enforcement agency having jurisdiction, the Division of Community Correction,
32 or the ~~Parole~~ Post-Prison Transfer Board shall list the facts and
33 circumstances that prompted the requested reassessment.

34
35 SECTION 69. Arkansas Code § 12-12-918(d), concerning classification of
36 a person as a sexually dangerous person, is amended to read as follows:

1 (d)(1) The ~~judgment and commitment~~ sentencing order should state
2 whether the offense qualifies as an aggravated sex offense.

3 (2) Should the aggravated sex offense box not be checked on the
4 ~~commitment~~ sentencing order, the court will be contacted by the committee and
5 asked to furnish a written determination as to whether the offense qualifies
6 as an aggravated sex offense.

7
8 SECTION 70. Arkansas Code § 12-12-919(b)(2)(A), concerning
9 termination of the obligation to register as a sex offender, is amended to
10 read as follows:

11 (A) The applicant, for a period of fifteen (15) years
12 after the applicant was released from prison or other institution or placed
13 on parole, post-release supervision, supervised release, or probation has not
14 been adjudicated guilty of a sex offense; and

15
16 SECTION 71. Arkansas Code § 12-12-1003(c), concerning the collection
17 and maintenance of criminal history information, is amended to read as
18 follows:

19 (c) The reporting requirements of this subchapter apply to prosecuting
20 attorneys, judges, and law enforcement, court, probation, correction, ~~and~~
21 parole, and post-release supervision officials within the limits defined in
22 §§ 12-12-1006 and 12-12-1007.

23
24 SECTION 72. Arkansas Code § 12-12-1109(e)(1), concerning the
25 collection of a deoxyribonucleic acid sample upon conviction of certain
26 offenses, is amended to read as follows:

27 (e)(1) The requirements of this subchapter are mandatory and apply
28 regardless of whether or not a court advises a person that a DNA sample must
29 be provided to the State DNA Data Base and State DNA Data Bank as a condition
30 of probation, ~~or~~ parole, or post-release supervision.

31
32 SECTION 73. Arkansas Code § 12-12-1110(e)(1), concerning procedures
33 for the collection of a deoxyribonucleic acid sample upon conviction of
34 certain offenses, is amended to read as follows:

35 (e)(1) Any person who refuses to provide a DNA sample required by this
36 subchapter will receive no further sentence reduction for meritorious good

1 time or earned release credits until such time as a sample is provided, and
2 the Division of Correction shall notify the ~~Parole~~ Post-Prison Transfer Board
3 regarding the refusal.

4
5 SECTION 74. Arkansas Code § 12-12-1506(a)(2), concerning the
6 dissemination of records of felony arrest and conviction, is amended to read
7 as follows:

8 (2) Any criminal history information of felony arrest records
9 and all conviction information that pertains to a person currently being
10 processed by the criminal justice system, including during the entire period
11 of correctional supervision extending through final discharge from parole or
12 post-release supervision, may be disseminated without restriction.

13
14 SECTION 75. Arkansas Code § 12-27-103(b)(15), concerning the creation
15 and powers of the Division of Correction, is amended to read as follows:

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

21
22 SECTION 76. Arkansas Code § 12-27-104(a)(2), concerning members of the
23 Board of Corrections, is amended to read as follows:

24 (2) The Chair of the ~~Parole~~ Post-Prison Transfer Board; and

25
26 SECTION 77. Arkansas Code § 12-27-105(b)(17)(C), concerning the Board
27 of Corrections powers and duties, is amended to read as follows:

28 (C) The payment of such sanctions and fees may be a
29 condition of probation, parole, post-release supervision, ~~post-prison~~ post-
30 prison transfer, or attached to admission and participation in a community
31 correction program.

32
33 SECTION 78. Arkansas Code § 12-27-107(a), concerning the Director of
34 the Division of Correction, is amended to read as follows:

35 (a) The Director of the Division of Correction, ~~who shall be the~~
36 ~~executive, administrative, budgetary, and fiscal officer of the Division of~~

1 ~~Correction~~, shall be appointed by the Board of Corrections in consultation
2 with the Secretary of the Department of Corrections at a salary fixed by the
3 Board of Corrections which shall not exceed the maximum salary for the
4 position established by law.

5
6 SECTION 79. Arkansas Code § 12-27-107(c), concerning the Director of
7 the Division of Correction, is amended to read as follows:

8 (c) The director shall serve at the pleasure of the ~~Board~~ Secretary of
9 the Department of Corrections.

10
11 SECTION 80. Arkansas Code § 12-27-107(d)(5), concerning the Director
12 of the Division of Correction, is amended to read as follows:

13 (5) Cooperate with the Division of Community Correction, the
14 ~~Parole Post-Prison Transfer~~ Board, the Arkansas Sentencing Commission,
15 judicial districts, counties, and municipalities to provide the guidance and
16 services required to ensure a full range of correctional options for the
17 state as a whole; and

18
19 SECTION 81. Arkansas Code § 12-27-113(b)(3), concerning the transfer
20 of inmates between the Division of Correction and Division of Community
21 Correction, is amended to read as follows:

22 (3) Inmates may be transferred between the Division of
23 Correction and the Division of Community Correction within the constraints of
24 law applicable to judicial or administrative transfer, subject to the
25 policies and rules established by the Board of Corrections and conditions set
26 by the ~~Parole Post-Prison Transfer~~ Board.

27
28 SECTION 82. Arkansas Code § 12-27-117 is amended to read as follows:

29 12-27-117. Employees' uniforms.

30 As deemed appropriate by the Secretary of the Department of Corrections
31 and approved by the Board of Corrections, the Department of Corrections may
32 purchase identifying occupational uniforms for correctional personnel and
33 ~~probation and parole~~ community supervision personnel.

34
35 SECTION 83. Arkansas Code § 12-27-124(a)(3), concerning the purposes
36 and construction of the Division of Community Correction, is amended to read

1 as follows:

2 (3) To accomplish the objectives and purposes of this act in an
3 effective, coordinated, and uniform manner, the division shall be responsible
4 for the administration of all community correction facilities, services, and
5 means of supervision, including ~~probation and parole~~ community supervision or
6 any type of post-prison release or transfer.

7

8 SECTION 84. Arkansas Code § 12-27-125(b)(5)(A), concerning the powers
9 and duties of the Division of Community Correction, is amended to read as
10 follows:

11 (5)(A) It may exercise all legally sanctioned supervision and
12 appropriate care over all offenders referred with proper documentation from
13 the circuit courts and all offenders transferred with proper documentation
14 from the Division of Correction pursuant to policies established by the Board
15 of Corrections and conditions set by the ~~Parole~~ Post-Prison Transfer Board.

16

17 SECTION 85. Arkansas Code § 12-27-125(b)(7) and (8), concerning the
18 powers and duties of the Division of Community Correction, is amended to read
19 as follows:

20 (7) It shall administer the provision of parole services in
21 coordination with the ~~Parole~~ Post-Prison Transfer Board and in cooperation
22 with the Division of Correction;

23 (8) It shall provide support services to the ~~Parole~~ Post-Prison
24 Transfer Board or its designated representatives as determined by the ~~Parole~~
25 Post-Prison Transfer Board;

26

27 SECTION 86. Arkansas Code § 12-27-125(b)(17)(C), concerning the powers
28 and duties of the Division of Community Correction and the payment of
29 sanctions and fees by offenders, is amended to read as follows:

30 (C) The payment of such sanctions and fees may be a
31 condition of probation, parole, post-release supervision, or ~~post-prison~~
32 post-prison transfer or attached to admission and participation in a
33 community correction program.

34

35 SECTION 87. Arkansas Code § 12-27-125(b)(21), concerning the powers
36 and duties of the Division of Community Correction, is amended to read as

1 follows:

2 (21) Subject to availability of funds, it shall employ officers,
3 employees, and agents and secure sufficient offices for monitoring each sex
4 offender on parole, post-release supervision, or probation who is required to
5 register under the Sex Offender Registration Act of 1997, § 12-12-901 et
6 seq., and who has been assessed as a risk Level 3 or Level 4 offender; and
7

8 SECTION 88. Arkansas Code § 12-27-126(a), concerning the Director of
9 the Division of Community Correction, is amended to read as follows:

10 (a) The Director of the Division of Community Correction shall be
11 appointed by the Board of Corrections in consultation with the Secretary of
12 the Department of Corrections at a salary fixed by the Board of Corrections,
13 which shall not exceed the maximum salary for the position established by
14 law.
15

16 SECTION 89. Arkansas Code § 12-27-126(c), concerning the Director of
17 the Division of Community Correction, is amended to read as follows:

18 (c) The director shall serve at the pleasure of the ~~Board~~ Secretary of
19 the Department of Corrections.
20

21 SECTION 90. Arkansas Code § 12-27-126(d)(5), concerning the Director
22 of the Division of Community Correction, is amended to read as follows:

23 (5) Cooperate with the Division of Correction, the ~~Parole~~ Post-
24 Prison Transfer Board, the Arkansas Sentencing Commission, judicial
25 districts, counties, and municipalities to provide the guidance and services
26 required to ensure a full range of correctional and community correction
27 options for the state as a whole.
28

29 SECTION 91. Arkansas Code § 12-27-127 is amended to read as follows:

30 12-27-127. Transfer to the Division of Community Correction – Transfer
31 of an inmate between divisions.

32 (a)(1) A commitment shall be treated as a commitment to the Division
33 of Correction and subject to regular transfer eligibility.

34 (2) However, an inmate may be judicially or administratively
35 transferred to the Division of Community Correction by the Division of
36 Correction unless the court indicates on the sentencing order that the

1 Division of Correction shall not administratively transfer a statutorily
2 eligible inmate to the Division of Community Correction in accordance with
3 the rules promulgated by the Board of Corrections.

4 (b)(1) In accordance with rules and procedures promulgated by the
5 Board of Corrections and the orders of the committing court, the Director of
6 the Division of Community Correction shall assign a newly transferred inmate
7 to an appropriate facility, placement, program, or status within the Division
8 of Community Correction.

9 (2) The director may transfer an inmate from one facility,
10 placement, program, or status to another facility, placement, program, or
11 status consistent with the commitment, applicable law, and in accordance with
12 treatment, training, and security needs.

13 (3)(A) An inmate may be administratively transferred back to the
14 Division of Correction from the Division of Community Correction by the
15 ~~Parole Board~~ Post-Prison Transfer Board following a hearing in which the
16 inmate is found ineligible for placement in a Division of Community
17 Correction facility as he or she fails to meet the criteria or standards
18 established by law or policy adopted by the Board of Corrections or has been
19 found guilty of a violation of the rules of the facility.

20 (B) Time served in a community correction facility or
21 under supervision by the Division of Community Correction shall be credited
22 against the sentence contained in the commitment to the Division of
23 Correction.

24 (c)(1) In accordance with rules and procedures promulgated by the
25 Board of Corrections, ~~or except as otherwise prohibited by subdivision (e)(4)~~
26 ~~of this section,~~ upon receipt of a referral from the director or his or her
27 designee, the ~~Parole Board~~ Post-Prison Transfer Board may release from
28 confinement an inmate who has been:

29 (A) Sentenced and judicially or administratively
30 transferred to the Division of Community Correction;

31 (B) Incarcerated for a minimum of:

32 (i) ~~one~~ One hundred eighty (180) days for a sentence
33 of four (4) years or less; and or

34 (ii) Two hundred seventy (270) days for a sentence
35 of more than four (4) years but less than six (6) years; and

36 (C) Determined by the Division of Community Correction to

1 have successfully completed its therapeutic program.

2 (2)(A) The General Assembly finds that the power granted to the
3 ~~Parole Board~~ Post-Prison Transfer Board under subdivision (c)(1) of this
4 section will:

5 (i) Aid the therapeutic rehabilitation of the
6 inmates judicially or administratively transferred to the Division of
7 Community Correction; and

8 (ii) More efficiently use the correctional resources
9 of the State of Arkansas.

10 (B) The power granted to the ~~Parole Board~~ Post-Prison
11 Transfer Board under subdivision (c)(1) of this section shall be the sole
12 authority required for the accomplishment of the purposes set forth in this
13 subdivision (c)(2), and when the ~~Parole~~ Post-Prison Transfer Board exercises
14 its power under this section, it shall not be necessary for the ~~Parole~~ Post-
15 Prison Transfer Board to comply with general provisions of other laws dealing
16 with the minimum time constraints as applied to release eligibility.

17 (3) This subsection does not grant the ~~Parole~~ Post-Prison
18 Transfer Board or the Division of Community Correction the authority either
19 to detain an inmate beyond the sentence imposed upon him or her by a
20 transferring court or to shorten that sentence.

21 ~~(4) An inmate may not be released from confinement under this~~
22 ~~section if the inmate was sentenced and judicially or administratively~~
23 ~~transferred to the Division of Community Correction at a time earlier than~~
24 ~~that which would otherwise be possible if the inmate was sentenced to the~~
25 ~~Division of Correction, regardless of any program completed by the inmate.~~

26 (d)(1) An inmate of the Division of Correction who is to be ~~released~~
27 ~~on parole~~ transferred to post-release supervision may be administratively
28 transferred to the Division of Community Correction when the inmate is within
29 eighteen (18) months of his or her projected release date for the purpose of
30 participating in a reentry program of at least six (6) months in length.

31 (2) Each inmate administratively transferred under this
32 subsection shall be thoroughly screened and approved for participation by the
33 director or his or her designee.

34 (3) In accordance with rules promulgated by the Board of
35 Corrections, upon receipt of a referral from the director or his or her
36 designee, the ~~Parole~~ Post-Prison Transfer Board may release from

1 incarceration an inmate who has been:

2 (A) Administratively transferred to the Division of
3 Community Correction; and

4 (B) Determined by the Division of Community Correction to
5 have successfully completed its reentry program.

6 (4) An inmate who has been administratively transferred under
7 this subsection shall be administratively transferred back to the Division of
8 Correction if he or she:

9 (A) Is denied parole or transfer to post-release
10 supervision; or

11 (B) Fails to complete or is removed from the reentry
12 program.

13

14 SECTION 92. Arkansas Code § 12-27-129(b)(2), concerning the report on
15 rehabilitation of the inmate population, is amended to read as follows:

16 (2) Further, the report is to include the amount of meritorious
17 good time or earned release credits awarded inmates by the division for the
18 successful completion of the various rehabilitative programs.

19

20 SECTION 93. Arkansas Code § 12-27-136, is amended to read as follows:
21 12-27-136. Services and equipment.

22 The Division of Correction and the Division of Community Correction may
23 provide services, furnishings, equipment, and office space to assist the
24 ~~Parole~~ Post-Prison Transfer Board in fulfilling the purposes for which the
25 board was created by law.

26

27 SECTION 94. Arkansas Code § 12-27-145(a)(2)(B), concerning records of
28 the Division of Community Correction to be posted on a public website, is
29 amended to read as follows:

30 (B) Additionally, the list and the date of major
31 disciplinary violations for which the inmate was found guilty shall be
32 displayed during the period the inmate is being considered for transfer to
33 parole or post-release supervision;

34

35 SECTION 95. Arkansas Code § 12-27-145(a)(10), concerning records of
36 the Division of Community Correction to be posted on a public website, is

1 amended to read as follows:

2 (10) An inmate's parole eligibility date, post-release
3 supervision date, or date he or she is to be released from incarceration as
4 well as a general explanation of how an inmate's ~~parole~~ release eligibility
5 date is calculated, including good time credits.

6

7 SECTION 96. Arkansas Code § 12-27-145(b)(1)(I), concerning records of
8 the Division of Community Correction to be posted on a public website, is
9 amended to read as follows:

10 (I) A list of previous revocation offenses while on
11 ~~probation or parole~~ community supervision and date of revocation.

12

13 SECTION 97. Arkansas Code § 12-27-147 is amended to read as follows:
14 12-27-147. Rulemaking and administrative directive reporting
15 requirement.

16 (a) A rule implemented by the Board of Corrections, Division of
17 Correction, Division of Community Correction, or the ~~Parole~~ Post-Prison
18 Transfer Board pertaining to this act shall be approved by the appropriate
19 legislative committee before becoming effective.

20 (b) Any administrative directive or board policy pertaining to this
21 act implemented by the Board of Corrections, the Division of Correction, the
22 Division of Community Correction, or the ~~Parole~~ Post-Prison Transfer Board
23 shall be reported to the Legislative Council.

24

25 SECTION 98. Arkansas Code § 12-27-149 is amended to read as follows:
26 12-27-149. Division of Community Correction – Sufficient staffing
27 guidelines.

28 For the purposes of maintaining a sufficiently trained and specialized
29 staff of ~~probation and parole~~ community supervision officers, the Division of
30 Community Correction shall establish staffing guidelines using evidence-based
31 practices to develop ratios between the number of high-risk, medium-risk, and
32 low-risk probationers, ~~and parolees,~~ and offenders on post-release
33 supervision and the ~~probation officers and parole officers~~ community
34 supervision officers assigned to the high-risk, medium-risk, and low-risk
35 probationers, ~~and parolees,~~ and offenders on post-release supervision in
36 order to maximize the effectiveness of the monitoring ability of the

1 ~~probation officers and parole~~ community supervision officers.
2

3 SECTION 99. Arkansas Code § 12-27-204(a), concerning pay-for-success
4 programs under the Division of Community Correction, is amended to read as
5 follows:

6 (a) The Division of Community Correction may enter into an agreement
7 with entities, including without limitation licensed or accredited, as
8 applicable, community-based providers specializing in behavioral health, case
9 management, and job placement services, and two-year or four-year public
10 universities to create a pay-for-success program for incarcerated individuals
11 or individuals on ~~parole or probation~~ community supervision that requires the
12 division to pay for the intervention services only if the performance targets
13 stated in the agreement are achieved.
14

15 SECTION 100. Arkansas Code § 12-28-103 is repealed.

16 ~~12-28-103. Cost impact statements.~~

17 ~~(a) Each of the following bills introduced in the General Assembly~~
18 ~~shall have a cost impact statement attached to the bill prior to the~~
19 ~~committee to which the bill is referred taking action in regard to the bill.~~

20 ~~(1) Bills that affect inmate population patterns at facilities~~
21 ~~of the Department of Correction by imposing restrictions on inmate release or~~
22 ~~by increased intake into the department of inmates based on felony~~
23 ~~convictions; and~~

24 ~~(2) Bills that affect programs or services of the department.~~

25 ~~(b) In addition, copies of the cost impact statement shall be~~
26 ~~furnished on the desk of each member of the Senate and of the House of~~
27 ~~Representatives at least one (1) day prior to the date on which the bill is~~
28 ~~on third reading and debated for final passage in the respective houses.~~

29 ~~(c) Cost impact statements required under this section shall be~~
30 ~~prepared, upon referral thereof by the Speaker of the House of~~
31 ~~Representatives, with respect to House of Representatives bills, and by the~~
32 ~~President of the Senate upon recommendation of the Senate Committee on Rules,~~
33 ~~Resolutions and Memorials, with respect to Senate bills, at the time of~~
34 ~~introduction thereof, to:~~

35 ~~(1) The Director of the Department of Correction who shall~~
36 ~~either personally prepare or cause appropriate officials of the department to~~

1 ~~prepare, a cost impact statement to be approved by the director before~~
2 ~~submission to the house in which the request was made; or~~

3 ~~(2) Any other state agency that has information available upon~~
4 ~~which to base a cost impact statement.~~

5 ~~(d) The cost impact statement shall be furnished to the Governor and~~
6 ~~to the President of the Senate and the Speaker of the House of~~
7 ~~Representatives who shall cause copies thereof to be prepared for~~
8 ~~distribution upon the desks of the members of the House of Representatives~~
9 ~~and Senate at least twenty four (24) hours prior to consideration of any such~~
10 ~~bill by committee or twenty four (24) hours prior to the bill's being called~~
11 ~~up for third reading and final passage.~~

12 ~~(e) The cost impact statement shall be certified by the director or~~
13 ~~the director of the appropriate agency to which the bill is referred for~~
14 ~~preparation of an impact statement, and shall be returned and filed as~~
15 ~~required in this section within not more than five (5) days from the date of~~
16 ~~receipt thereof unless additional time in which to prepare the statement is~~
17 ~~granted by the requesting official.~~

18
19 SECTION 101. Arkansas Code § 12-28-104 is amended to read as follows:

20 12-28-104. Paroling Transferring authority – Pardon recommendations.

21 (a) The ~~Parole~~ Post-Prison Transfer Board shall be the ~~paroling~~
22 transferring authority for parole and post-release supervision for the units
23 of the Department of Corrections and shall make recommendations to the
24 Governor in cases from the criminal courts that, in the board's opinion, the
25 defendant in the case should be pardoned.

26 (b) The board shall consider the work skills, education,
27 rehabilitation, and treatment programs recommended to the inmate upon intake
28 and determine whether the inmate took advantage of those opportunities while
29 incarcerated in the department in making decisions regarding parole or
30 transfer to post-release supervision.

31
32 SECTION 102. Arkansas Code § 12-28-107(b)(3), concerning training for
33 inmates, is amended to read as follows:

34 (3) Programs under this section ~~shall~~ may include without
35 limitation training in the following fields:

36 (A) Professional careers and vocations;

- 1 (B) Service careers and vocations;
2 (C) Information and computer technology;
3 (D) Medical technology; and
4 (E) Office administration.
5

6 SECTION 103. Arkansas Code § 12-28-604, concerning inmates who shall
7 not be early released in the event of prison overcrowding, is amended to add
8 an additional subsection to read as follows:

9 (c) The following are not eligible for early release under this
10 section:

11 (1) An inmate serving a term of imprisonment for a felony
12 ineligible to receive earned release credits as defined in § 16-93-1802; and

13 (2) An inmate serving a term of imprisonment for a restricted-
14 release felony, as defined in § 16-93-1802, who has not yet served the
15 minimum period of time required by law.
16

17 SECTION 104. Arkansas Code § 12-29-112(a) and (b), concerning
18 discharge or release of an inmate, are amended to read as follows:

19 (a) At least one hundred twenty (120) days before an inmate's
20 anticipated release date, the Division of Correction, in collaboration with
21 the inmate and the Division of Community Correction and the ~~Parole~~ Post-
22 Prison Transfer Board, shall complete a prerelease assessment and reentry
23 plan, which may include a travel subsidy and transportation to the closest
24 commercial transportation pick-up point.

25 (b) A copy of the reentry plan under this section shall be provided to
26 the inmate and the assigned ~~parole~~ community supervision officer, if
27 applicable.
28

29 SECTION 105. Arkansas Code § 12-29-112, concerning discharge or
30 release of an inmate, is amended to additional subsections to read as
31 follows:

32 (d) Except as provided in subsection (e) of this section, the Division
33 of Correction shall provide the following documentation to an inmate upon
34 release:

35 (1) A copy of the training record of the inmate, if applicable;

36 (2) A copy of the institutional work record of the inmate, if

1 applicable;

2 (3) A certified copy of the birth certificate of the inmate, if
3 the inmate was born in Arkansas;

4 (4) A social security card or a replacement Social S
5 ecurity card, if obtainable; and

6 (5) Notification to the inmate if he or she is eligible to apply
7 for a license from a state entity charged with oversight of an occupational
8 license or certification, based on the inmate's criminal history,
9 institutional training record, and institutional work record.

10 (e) The Division of Correction is not required to provide the
11 documentation in subsection (d) of this section if:

12 (1) The inmate is sixty-five (65) years of age or older;

13 (2) The inmate is subject to early release due to permanent
14 incapacitation or terminal illness;

15 (3) The inmate is being released to the custody of another
16 jurisdiction on a warrant or detainer; or

17 (4) The inmate was in the custody of the Division of Correction
18 for less than nine (9) months.

19
20 SECTION 106. Arkansas Code § 12-29-117 is amended to read as follows:

21 12-29-117. Educational, training, and rehabilitative programs.

22 (a) An inmate who was convicted and sentenced as an adult for an
23 offense he or she committed before he or she attained eighteen (18) years of
24 age shall not be prevented from participating in an educational, training, or
25 rehabilitative program that is otherwise available to other inmates in the
26 general population of the correctional facility in which he or she is housed.

27 (b)(1) The Department of Corrections shall regularly assess the impact
28 and efficacy of educational, training, and rehabilitative programs available
29 to inmates of correctional facilities owned or operated by the department.

30 (2) The assessment required under subdivision (b)(1) of this
31 section shall be conducted by an employee or contractor of the department who
32 has doctoral-level education and experience in evaluating the efficacy of
33 educational, training, and rehabilitative programs.

34 (3) The results of the assessments required under subdivision
35 (b)(1) of this section shall be incorporated into the report on the state of
36 the department required under § 25-43-403(d).

1 (c) The Secretary of the Department of Corrections shall:

2 (1) Coordinate with the Chief Workforce Officer to ensure that
3 workforce training provided to inmates allows for future employment in fields
4 with adequate demand; and

5 (2) Coordinate with community-based providers to ensure that
6 inmates are being provided appropriate training and programming in
7 preparation for reintegration into the workforce.

8
9 SECTION 107. Arkansas Code Title 12, Chapter 29, Subchapter 2, is
10 amended to add an additional section to read as follows:

11 12-29-206. Applicability.

12 This subchapter applies to offenses committed before January 1, 2025.

13
14 SECTION 108. Arkansas Code § 12-29-404(b), concerning medical parole
15 of an inmate due to terminal illness or permanent incapacitation, is amended
16 to read as follows:

17 (b) The Director of the Division of Correction or the Director of the
18 Division of Community Correction shall communicate to the ~~Parole~~ Post-Prison
19 Transfer Board when, in the independent opinions of either a Division of
20 Correction physician or Division of Community Correction physician, and a
21 consultant physician in Arkansas, an inmate is either terminally ill or
22 permanently incapacitated and should be considered for transfer to parole
23 supervision or post-release supervision.

24
25 SECTION 109. Arkansas Code § 12-29-404(c)(1) and (2), concerning
26 medical parole of an inmate due to terminal illness or permanent
27 incapacitation, are amended to read as follows:

28 (c)(1) Upon receipt of a communication described in subsection (b) of
29 this section, the board shall assemble or request all such information as is
30 germane to determine whether the inmate is eligible under this section for
31 immediate transfer to parole or post-release supervision.

32 (2) If the facts warrant and the board is satisfied that the
33 inmate's physical condition makes the inmate no longer a threat to public
34 safety, the board may approve the inmate for immediate transfer to parole or
35 post-release supervision.

36

1 SECTION 110. The introductory language of Arkansas Code § 12-29-
2 404(d), concerning medical parole of an inmate due to terminal illness or
3 permanent incapacitation, is amended to read as follows:

4 (d) An inmate is not eligible for parole or transfer to post-release
5 supervision under this section if he or she is required to register as a sex
6 offender under the Sex Offender Registration Act of 1997, § 12-12-901 et
7 seq., and:

8
9 SECTION 111. Arkansas Code § 12-29-404(e), concerning medical parole
10 of an inmate due to terminal illness or permanent incapacitation, is amended
11 to read as follows:

12 (e) The board may revoke a person's parole or post-release supervision
13 granted under this section if the person's medical condition improves to the
14 point that he or she would initially not have been eligible for parole or
15 post-release supervision under this section.

16
17 SECTION 112. Arkansas Code Title 12, Chapter 29, is amended to add
18 additional subchapters to read as follows:

19 Subchapter 7 – Earned Release Credits for Offenses Committed
20 on or after January 1, 2025

21
22 12-29-701. Applicability.

23 This subchapter applies to a felony offense committed on or after
24 January 1, 2025.

25
26 12-29-702. Earned release credits.

27 (a) Subject to rules promulgated by the Board of Corrections, an
28 inmate eligible to accrue earned release credits may accrue earned release
29 credits against the time spent in confinement pursuant to a sentence to the
30 Division of Correction by the sentencing court.

31 (b)(1) The Board of Corrections shall promulgate rules and the
32 Division of Correction shall administer rules that set guidelines for accrual
33 of earned release credits for work practices, job responsibilities, good
34 behavior, and involvement in rehabilitative activities while in the custody
35 of the Division of Correction.

36 (2) The rules shall provide for uniform application of

1 authorizing release to post-release supervision for an inmate who
2 successfully completes programs determined to reduce recidivism and has met
3 behavioral expectations while incarcerated.

4 (c)(1) Earned release credits shall not be applied to reduce the
5 length of a sentence but may reduce the length of time an inmate spends in
6 confinement, upon approval of the Post-Prison Transfer Board.

7 (2) Earned release credits may reduce the time of confinement
8 only if awarded by the Post-Prison Transfer Board.

9 (3) Earned release credits shall not reduce an inmate's time
10 served in prison by more than the maximum amount authorized under §§ 16-93-
11 1803 and 16-93-1804.

12 (d)(1) An inmate under sentence of death or life imprisonment without
13 parole is not eligible to accrue earned release credits but may be pardoned
14 or have his or her sentence commuted by the Governor, as provided by law.

15 (2) Except as provided by subdivision (d)(3) of this section, an
16 inmate sentenced to life imprisonment may accrue earned release credits if
17 otherwise eligible but shall not be awarded earned release credits by the
18 Post-Prison Transfer Board unless the sentence is commuted to a term of years
19 by executive clemency.

20 (3) An inmate serving a term of imprisonment for a felony
21 ineligible to receive earned release credits as defined in § 16-93-1802 shall
22 not be eligible to accrue earned release credits but may be pardoned or have
23 his or her sentences commuted by the Governor, as provided by law.

24
25 12-29-703. Classification committee – Classifications.

26 (a)(1)(A) The Board of Corrections shall establish an earned release
27 credit classification committee.

28 (B) Members of the committee shall be selected by wardens
29 or supervisors of the various units, facilities, or centers of the Division
30 of Correction and Division of Community Correction according to rules adopted
31 by the board governing the selection of members.

32 (2) The committee shall meet as often as necessary to determine
33 rates at which inmates may accrue earned release credits for good behavior,
34 job responsibilities, and involvement in rehabilitative activities.

35 (b)(1) Upon recommendation of the committee, the Director of the
36 Division of Correction may authorize accrual of earned release credits for

1 each successful completion of a:

2 (A) State-sponsored general education development
3 certificate program;

4 (B) Vocational program for which certification is awarded;

5 (C) Drug or alcohol treatment program offered at a
6 Division of Correction facility; or

7 (D) Pre-release and other rehabilitative programs or
8 assignments as approved by the Board of Corrections.

9 (2)(A) The additional days of earned release credits described
10 in subdivision (b)(1) of this section shall be accrued as provided in the
11 rules promulgated by the board.

12 (B) The board may add, amend, change, or alter the rules
13 adopted under this section in accordance with the Arkansas Administrative
14 Procedure Act, § 25-15-201 et seq.

15 (c) Earned release credits shall not be used to reduce the period of
16 incarceration for an otherwise ineligible inmate.

17 (d) A jury shall be instructed pursuant to § 16-97-103 regarding the
18 awarding of earned release credits under this section.

19
20 12-29-704. Maximum reduction.

21 An inmate sentenced to the Division of Correction shall not receive a
22 reduction in his or her required service time under this subchapter, or this
23 subchapter and another law jointly, if the reduction in his or her required
24 service time exceeds the amount authorized for the offense in § 16-93-1801 et
25 seq.

26
27 Subchapter 8 – Special Considerations for Female Inmates
28 and Inmates with Families

29
30 12-29-801. Mother-newborn child bonding for inmates.

31 (a) The Department of Corrections shall coordinate with healthcare
32 providers, community-based providers, or both, to develop a custody and care
33 plan that allows an inmate who has given birth to remain with her newborn
34 child during the period authorized by this section.

35 (b) Following the delivery of a newborn child by an inmate, the
36 department shall permit the inmate to remain with her newborn child for at

1 least seventy-two (72) hours unless:

2 (1) A medical or behavioral health provider has a reasonable
3 belief that remaining with the inmate poses a health or safety risk to the
4 newborn child; or

5 (2) Allowing the inmate to remain with her newborn child poses a
6 substantial flight risk or substantial risk of physical injury to another
7 person.

8 (c)(1) The bonding period required under this section is subject to
9 availability of adequate housing in hospitals or community-based housing.

10 (2) A correctional facility is not required to house a newborn
11 child with the inmate at the correctional facility.

12

13 12-29-802. Family considerations in inmate placement and visitation.

14 (a)(1) To the greatest extent possible, after accounting for security
15 and capacity factors, the Department of Corrections shall place an inmate who
16 is a parent of one (1) or more minor children within two hundred fifty (250)
17 miles of the inmate's permanent address of record.

18 (2) An inmate's parentage of a minor child shall be evidenced by
19 birth certificate or court order.

20 (b) The Secretary of the Department of Corrections shall adopt rules
21 authorizing the visitation of an inmate who is a parent of one (1) or more
22 minor children and who has a low or minimum-security classification with his
23 or her minor children under the following minimum requirements:

24 (1) Ensure opportunities for the minor children to attend in-
25 person visitation with their incarcerated parent at least one (1) time per
26 week unless the department has a reasonable belief that the visitation poses
27 a risk to the safety of the minor child or the security and good order of the
28 facility;

29 (2) Eliminate any restrictions on the number of minor children
30 that are permitted visitation privileges with an inmate;

31 (3) Authorize contact visits for an inmate who is a parent of
32 one (1) or more minor children unless the department has a reasonable belief
33 that contact visitation poses a risk to the safety of the minor child or the
34 security and good order of the facility;

35 (4) Eliminate any restrictions on the number of days on which an
36 inmate may conduct video visitation with a minor child unless restrictions

1 are necessary to maintain the security and good order of the facility; and
2 (5) Require restrictions on an inmate's visitation with his or
3 her minor children as a disciplinary measure to be subject to a higher level
4 of review than restrictions on visitation with other individuals.

5
6 12-29-803. Inspections by employees of the Department of Corrections.

7 (a) To the greatest extent practicable and consistent with safety and
8 order of the correctional facility, the Secretary of the Department of
9 Corrections shall adopt rules that limit inspections by male correctional
10 officers where a female inmate is in a state of undress.

11 (b) This section does not limit the ability of a male correctional
12 officer to conduct inspections of the area where a female may be in a state
13 of undress if a female correctional officer is not available.

14 (c)(1) If a male correctional officer conducts an inspection of an
15 area where a female inmate is in a state of undress, the male correctional
16 officer shall submit a written report within seventy-two (72) hours following
17 the inspection containing a justification for the male correctional officer
18 to inspect the area where the female inmate was located in a state of
19 undress.

20 (2) The report required under subdivision (c)(1) of this section
21 shall be maintained in the female inmate's record.

22
23 12-29-804. Training and technical assistance.

24 (a) The Department of Corrections shall develop and provide to all
25 department employees responsible for the care or custody of pregnant inmates
26 training related to the physical and mental health of pregnant inmates and
27 unborn children, including without limitation the:

28 (1) General care of pregnant women;

29 (2) Impact of restraints on pregnant inmates and unborn
30 children;

31 (3) Impact of being placed in restrictive housing on pregnant
32 inmates; and

33 (4) Impact of invasive searches on pregnant inmates.

34 (b) The department shall develop and provide educational programming
35 for pregnant inmates related to:

36 (1) Prenatal care;

- 1 (2) Pregnancy-specific hygiene;
2 (3) Parenting skills;
3 (4) The impact of alcohol and drugs on an unborn child; and
4 (5) The general health of children.

5
6 SECTION 113. Arkansas Code § 14-14-115(b)(1)(B), concerning the
7 prohibition on holding multiple civil offices, is amended to read as follows:

- 8 (B) Member of the ~~Parole~~ Post-Prison Transfer Board;

9
10 SECTION 114. Arkansas Code § 12-32-101(5), concerning the definitions
11 used in relation to the treatment of female inmates or detainees in
12 correctional facilities, is amended to read as follows:

- 13 (5) “Post-partum” means, ~~as determined by the physician of the~~
14 ~~inmate or detainee, the thirty-day~~ eight-week period following delivery of a
15 child, unless a longer period is determined to be necessary by the healthcare
16 professional responsible for the health and safety of the inmate or detainee;
17 and

18
19 SECTION 115. Arkansas Code § 12-32-102(d), concerning restraint of a
20 pregnant inmate or detainee, is amended to read as follows:

- 21 (d) If restraints are used during labor, the Division of Correction or
22 the Division of Community Correction, as applicable, shall report the use of
23 restraints during labor to the Board of Corrections, the Secretary of the
24 Department of Corrections, and ~~to~~ the Attorney General.

25
26 SECTION 116. Arkansas Code § 14-164-340(b), concerning criminal
27 justice projects that are alternatives to the issuance of bonds, is amended
28 to read as follows:

- 29 (b) Under this section, the term “capital improvements for criminal
30 justice purposes” means, whether obtained by purchase, lease, construction,
31 reconstruction, restoration, improvement, alteration, repair, or other means,
32 any physical public facility, betterment, or improvement with the purpose of
33 furthering or promoting law enforcement or the apprehension, prosecution,
34 probation, rehabilitation, or detention of any criminals, accused defendants,
35 suspects, or juvenile detainees, and any preliminary plans, studies, or
36 surveys relative thereto; land or rights in land, including, without

1 limitations, leases, air rights, easements, rights-of-way, or licenses; and
2 any furnishings, machinery, vehicles, apparatus, or equipment for any such
3 public facility or betterment or improvement, which shall include, but is not
4 limited to, the following: any and all facilities for city or town halls,
5 courthouses and other administrative, executive, or other public offices for
6 law enforcement officials or agencies; court facilities; jails; police
7 stations and sheriffs' offices; police precincts or sheriffs' stations or
8 substations; law enforcement training facilities; ~~probation or parole~~
9 community supervision offices and facilities; alternative learning centers;
10 county and municipal criminal detention and correctional facilities; and
11 juvenile detention facilities.

12
13 SECTION 117. Arkansas Code § 16-1-101(a), concerning recidivism
14 definition and reporting, is amended to read as follows:

15 (a) As used in this title, "recidivism" means a criminal act that
16 results in the rearrest, reconviction, or return to incarceration of a person
17 with ~~or without~~ a new sentence or a revocation from parole or post-release
18 supervision during a three-year period following the person's release from
19 custody.

20
21 SECTION 118. Arkansas Code Title 16, Chapter 10, Subchapter 1, is
22 amended to add additional sections to read as follows:

23 16-10-143. Contracts – Qualified attorneys.

24 (a) As used in this section, "qualified attorney" means an attorney
25 who:

26 (1) Has previously been employed as an attorney by the state
27 regardless of the limitation provided under § 19-11-709(d); or

28 (2) Is currently serving as a part-time public defender or is
29 otherwise employed by the state as an attorney on a part-time basis.

30 (b) The Director of the Administrative Office of the Courts may employ
31 or enter into a professional service contract with a qualified attorney to
32 serve as a specialty court team member and to represent specialty court
33 participants.

34 (c) The fees for contracted services provided by a qualified attorney
35 under subsection (a) of this section shall be paid from funds appropriated
36 for that purpose to the Administrative Office of the Courts.

1 (d)(1) A qualified attorney who is employed or contracted by the
2 Administrative Office of the Courts under this section is eligible for
3 additional compensation.

4 (2) Additional compensation received for service under this
5 section as a specialty court team member or to represent specialty court
6 participants shall not be construed as exceeding the line-item maximum for
7 the grade of the qualified attorney's other part-time position, if any.

8 (e) Any funds appropriated for the purpose of this section remaining
9 on June 30 shall be retained by the Administrative Office of the Court and
10 may be distributed after July 1 as supplemental funding to be used for the
11 expansion or establishment of specialty court programs in circuit courts.

12
13 16-10-144. Contracts – Qualified treatment providers.

14 (a) The Director of the Administrative Office of the Courts may enter
15 into a professional service contract with a qualified treatment provider to
16 serve as a specialty court team member and to provide behavioral health
17 treatment to specialty court participants.

18 (b) The fees for contracted services provided by a qualified treatment
19 provider shall be paid from funds appropriated for that purpose to the
20 Administrative Office of the Courts.

21 (c) Any funds appropriated for the purpose of this section remaining
22 on June 30 shall be retained by the Administrative Office of the Courts and
23 may be distributed after July 1 as supplemental funding for the expansion or
24 establishment of specialty court programs in circuit courts.

25
26 SECTION 119. Arkansas Code § 16-17-137(a)(3), concerning areas that
27 may be under the jurisdiction of district court if authorized in judicial
28 district administrative plan, is amended to read as follows:

29 (3) A parole or post-release supervision program.

30
31 SECTION 120. Arkansas Code § 16-21-106(c)(1) and (2), concerning
32 assistance to victims and witnesses of crimes, are amended to read as
33 follows:

34 (c)(1) The prosecuting attorney of the county from which the inmate
35 was committed shall notify the ~~Parole~~ Post-Prison Transfer Board at the time
36 of commitment of the desire of the victim or member of the victim's family to

1 be notified of any future parole, post-release supervision, or clemency
2 hearings, and to forward to the board the last known address and telephone
3 number of the victim or member of the victim's family.

4 (2) It shall be the responsibility of the victim or the victim's
5 next of kin to notify the board after the date of commitment of any change in
6 regard to the desire to be notified of any future parole, post-release
7 supervision, or clemency hearings.

8
9 SECTION 121. Arkansas Code § 16-21-204(b), concerning the duties of
10 the prosecutor coordinator, is amended to add an additional subdivision to
11 read as follows:

12 (6)(A) Establish and administer a statewide certified facility
13 dog program to assist child and vulnerable victims and child and vulnerable
14 witnesses throughout the criminal justice system.

15 (B) As used in subdivision (b)(6)(A) of this section,
16 "certified facility dog" means the same as defined in § 16-43-1002.

17
18 SECTION 122. Arkansas Code § 16-80-104(c)(2), concerning the
19 comprehensive mental health evaluation for a minor convicted of capital
20 murder or murder in the first degree, is amended to read as follows:

21 (2) Shall be included in any documentation or inmate file kept
22 by the Division of Correction or, if the minor is eventually supervised on
23 parole or post-release supervision, the Division of Community Correction.

24
25 SECTION 123. Arkansas Code § 16-90-107(b)(2), concerning termination
26 of a sentence of imprisonment by the Post-Prison Transfer Board, is amended
27 to read as follows:

28 (2) At any time after the expiration of the minimum time, upon
29 the recommendation of the Director of the ~~Department~~ Division of Correction
30 and it appearing that a prisoner has a good record as a convict, his or her
31 sentence may be terminated by the ~~Parole~~ Post-Prison Transfer Board.

32
33 SECTION 124. The introductory language of Arkansas Code § 16-90-
34 120(e)(1), concerning the sentencing of a felony offense involving a firearm,
35 is amended to read as follows:

36 (e)(1) For an offense committed on or after July 2, 2007,

1 notwithstanding any law allowing the award of meritorious good time or any
2 other law to the contrary, except as provided in subdivision (e)(1)(B)(ii) of
3 this section, any person who is sentenced under subsection (a) of this
4 section is not eligible for parole, transfer to post-release supervision, or
5 community correction transfer until the person serves:

6
7 SECTION 125. Arkansas Code § 16-90-120, concerning a felony with a
8 firearm, is amended to add an additional subsection to read as follows:

9 (g) Any person convicted under this section is not eligible for early
10 release on parole, transfer to post-release supervision, or community
11 correction transfer for the additional period of confinement.

12
13 SECTION 126. Arkansas Code § 16-90-121 is amended to read as follows:

14 16-90-121. Second or subsequent felony with firearm.

15 Any person who is found guilty of or pleads guilty or nolo contendere
16 to a second or subsequent felony involving the use of a firearm shall be
17 sentenced to a minimum term of imprisonment of ten (10) years in the Division
18 of Correction without eligibility of parole or community correction transfer
19 but subject to reduction by meritorious good-time credit or earned release
20 credits.

21
22 SECTION 127. Arkansas Code § 16-90-402 is amended to read as follows:

23 16-90-402. Delivery of defendant and copy of judgment to proper
24 officials – Development of standardized copy of sentencing order.

25 (a)(1) In executing a judgment of confinement, the county sheriff
26 shall deliver the defendant with a certified standardized copy of the
27 sentencing order to the Division of Correction, Division of Community
28 Correction, or to another detention facility, as indicated in the sentencing
29 order.

30 (2) If electronic filing of court records has been implemented
31 by the circuit clerk in the county where the defendant's conviction occurred,
32 the standardized copy of the sentencing order may be electronically
33 transmitted by the circuit clerk to the Division of Correction, the Division
34 of Community Correction, or to another detention facility, as indicated in
35 the sentencing order.

36 (b) The standardized copy of the sentencing order shall be developed

1 by ~~representatives from the Division of Correction, the Administrative Office~~
2 ~~of the Courts, the Arkansas Sentencing Commission, and the Prosecutor~~
3 ~~Coordinator's office~~ a committee composed of:

4 (1) Three (3) members appointed by the Secretary of the
5 Department of Corrections, to include:

6 (A) One (1) member with experience in records for confined
7 offenders;

8 (B) One (1) member with experience in records for
9 offenders on supervision; and

10 (C) One (1) member with experience in offender management
11 systems;

12 (2) One (1) member appointed by the Chair of the Arkansas
13 Sentencing Commission;

14 (3) One (1) member appointed by the Administrative Office of the
15 Courts;

16 (4) One (1) member appointed by the Prosecutor Coordinator; and

17 (5) One (1) member appointed by the Executive Director of the
18 Public Defender Commission.

19
20 SECTION 128. DO NOT CODIFY. TEMPORARY LANGUAGE. First meeting of
21 committee to develop standardized sentencing order.

22 (a) The person appointed by the Chair of the Arkansas Sentencing
23 Commission to the committee established under Arkansas Code § 16-90-402(b)
24 shall call the first meeting of the committee established under Arkansas Code
25 § 16-90-402(b).

26 (b) At the first meeting of the committee established under Arkansas
27 Code § 16-90-402(b), the members of the committee shall elect a chair and any
28 other officers the committee deems necessary.

29
30 SECTION 129. Arkansas Code § 16-90-802(d)-(f), concerning the Arkansas
31 Sentencing Commission, are amended to read as follows:

32 (d) In furtherance of its purpose, the commission shall have the
33 following powers and duties:

34 (1)(A) The commission shall adopt an initial sentencing
35 standards grid and an offense seriousness reference table based upon the
36 statutory parameters and additional data and information gathered ~~prior to~~

1 before January 1, 1994.

2 (B) The commission shall also set the percentage of time
3 within parameters set by law to be served for offenses at each seriousness
4 level ~~prior to~~ before any type of transfer or release;

5 (2)(A) The commission shall periodically review and may revise
6 the voluntary sentencing standards.

7 (B) Any revision of the standards shall be in compliance
8 with provisions applicable to rule making contained in the Arkansas
9 Administrative Procedure Act, § 25-15-201 et seq.

10 (C) Any revision of the standards shall become effective
11 as provided by the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

12 (D)(i) The revised standards will be in effect unless
13 modified by the General Assembly at its next session or until revised again
14 by the commission.

15 (ii) Any revisions by the commission shall be within
16 the statutory parameters set for the various crime classes.

17 (E) Before review and approval by the Legislative Council
18 under the Administrative Procedure Act, § 25-15-201 et seq., revisions to the
19 voluntary sentencing standards shall be reviewed by the House Committee on
20 Judiciary and the Senate Committee on Judiciary;

21 (3) The commission may review and make recommendations for
22 revision of the § 16-93-1201 et seq. target group to the General Assembly
23 such that nonviolent offenses and offenders are routinely handled in
24 community correction programs;

25 (4)(A) The commission shall be in charge of strategic planning
26 for a balanced correctional plan for the state.

27 (B) The commission shall develop such a plan in
28 conjunction with the Board of Corrections.

29 (C) The commission shall monitor compliance with
30 sentencing standards, assess their impact on the correctional resources of
31 the state with the assistance of the board, and determine if the standards
32 further the adopted sentencing policy goals of the state;

33 (5) The commission may review the classifications of crimes and
34 sentences and make recommendations for change when supported by information
35 that change is advisable to further the adopted sentencing policy goals of
36 the state;

1 (6)(A) The commission shall develop a research and analysis
2 system to determine the feasibility, impact on resources, and budget
3 consequences of any proposed or existing legislation affecting sentence
4 length.

5 (B) The commission shall prepare and submit to the General
6 Assembly a report on any such legislation ~~prior to~~ before its adoption;

7 (7)(A)(i) All courts having criminal jurisdiction of felony
8 crimes shall provide to the commission in a timely manner all information
9 deemed necessary by the commission.

10 (ii) Such information shall be in the form
11 determined necessary by the commission.

12 (B) The commission shall have the authority to collect
13 from any state or local governmental entity information, data in electronic
14 or in other usable form, reports, statistics, or such other material which
15 relates to sentencing laws, policies, and practices, or impacts on
16 correctional resources or is necessary to carry out the commission's
17 functions.

18 (C) The commission may coordinate its data collection with
19 the Administrative Office of the Courts, the Arkansas Crime Information
20 Center, the various circuit clerks of the state, and the various state and
21 local correctional agencies;

22 (8) Under its duties outlined in this section, the commission
23 shall be a criminal justice agency, as defined in § 12-12-1001, as its powers
24 and duties include:

25 (A) Determining transfer eligibility;

26 (B) Gathering, analyzing, and disseminating criminal
27 history information as it relates to sentencing practices, dispositions, and
28 release criteria; and

29 (C) Determining the appropriate use of correctional and
30 rehabilitative resources of the state;

31 ~~(9)(A) Produce annual reports regarding compliance with~~
32 ~~sentencing guidelines, including the application of voluntary presumptive~~
33 ~~standards, § 16-90-803, and departures from the standards, § 16-90-804.~~

34 ~~(B) The report shall include:~~

35 ~~(i) Data collected from each county; and~~

36 ~~(ii) Both a county-by-county and statewide accounting~~

1 ~~of the results including without limitation:~~

2 ~~(a) Sentences to the Division of Correction~~
3 ~~and Division of Community Correction;~~

4 ~~(b) The average sentence length for sentences~~
5 ~~by offense type and severity level according to the sentencing guidelines;~~

6 ~~(c) The percentage of sentences that are an~~
7 ~~upward departure from the sentencing guidelines; and~~

8 ~~(d) The average number of months above the~~
9 ~~recommended sentence for those sentences described in subdivision~~
10 ~~(d)(9)(B)(ii)(c) of this section.~~

11 ~~(G) The report filed each year after the initial report~~
12 ~~submitted under this section shall include data from prior years;~~

13 ~~(10) (9)~~ Prepare and conduct annual continuing legal education
14 seminars regarding the sentencing guidelines to be presented to judges,
15 prosecuting attorneys and their deputies, and public defenders and their
16 deputies, as so required; ~~and~~

17 ~~(11)(A) (10)~~ The commission shall collaborate with the
18 Administrative Office of the Courts to develop and implement an integrated
19 sentencing ~~commitment and departure form~~ order that shall include:

20 ~~(i)(A)~~ Demographic information including the race and
21 ethnicity of both the offender and the victim or victims;

22 ~~(ii)(B)~~ The placement decision;

23 ~~(iii)(C)~~ Sentence length;

24 ~~(iv)(D)~~ Any departure from the sentencing guidelines on
25 placement and sentence length;

26 ~~(v)(E)~~ The number of months above or below the presumptive
27 sentence;

28 ~~(vi)(F)~~ Justification for the departure; and

29 ~~(vii)(G)~~ A signature space for the judge and the
30 prosecuting attorney to sign off on the contents of the form.

31 ~~(B) The commission shall begin using the new form on~~
32 ~~January 1, 2012.~~

33 ~~(C)(i) Forms are to be collected annually and sent to the~~
34 ~~Administrative Office of the Courts.~~

35 ~~(ii) Data from the forms shall be collected and~~
36 ~~submitted to the Chair of the House Committee on Judiciary and the Chair of~~

1 ~~the Senate Committee on Judiciary.~~

2 (11) Coordinate with Director of the Arkansas Sentencing
3 Commission, the Division of Correction, and the Division of Community
4 Correction to develop policy to ensure that the intake process best utilizes
5 beds in nontraditional correctional facilities, including without limitation
6 community correction centers, work release centers, and reentry facilities;
7 and

8 (12) Upon the enactment of any legislation amending release
9 eligibility provisions for felony offenses, review the statutory ranges and
10 presumptive sentences of impacted offense classes or rankings and provide a
11 report on its findings to the Secretary of the Department of Corrections and
12 to the Legislative Council.

13 (e)(1) The commission shall meet no less than quarterly.

14 (2)(A) The commission shall submit to the Governor, the General
15 Assembly, and the Arkansas Judicial Council, Inc. a biennial report three (3)
16 months ~~prior to~~ before the convening of the regular session.

17 (B) The report shall include a summary of the commission
18 proceedings, summary of compliance with the voluntary sentencing standards
19 and recommendations for legislative and administrative action.

20 (f)(1) The commission shall employ a director from candidates
21 presented to it by the Chair of the Arkansas Sentencing Commission in
22 consultation with the Secretary of the Department of Corrections.

23 (2) The Director of the Arkansas Sentencing Commission shall
24 have appropriate training and experience to assist the commission in the
25 performance of its duties.

26 (3) The director shall be responsible for compiling the work of
27 the commission and drafting suggested legislation incorporating the
28 commission's findings for submission to the General Assembly.

29 (4) The director shall serve at the pleasure of the Secretary of
30 the Department of Corrections.

31
32 SECTION 130. Arkansas Code § 16-90-803(b)(1), concerning voluntary
33 presumptive sentencing standards, is amended to read as follows:

34 (b) The two (2) dimensions of the sentencing standards grid represent
35 the primary determinants of a sentence, offense seriousness and offender
36 history.

1 (1) Offense Seriousness. The offense seriousness level is
2 determined by the offense of conviction or the offense of which the person
3 was found guilty or to which the person pleaded guilty or nolo contendere.

4 (A) Felony offenses are ~~divided into ten (10) levels of~~
5 ranked by seriousness, ranging from low, seriousness level I, to high,
6 seriousness level X with lower seriousness levels representing less serious
7 offenses.

8 (B) The typical cases for the offenses listed within each
9 level of seriousness on a grid are deemed to be generally equivalent in
10 seriousness.

11 (C) The most frequently occurring offenses within each
12 seriousness level are listed on the vertical axis of the sentencing standards
13 grid.

14 (D) The seriousness level for infrequently occurring
15 offenses can be determined by consulting the offense seriousness reference
16 table.

17 (E) The seriousness level for inchoate offenses is one (1)
18 level below the level for substantive offenses.

19
20 SECTION 131. Arkansas Code § 16-90-803(b)(2)(C)(iv), concerning the
21 voluntary presumptive standards of the seriousness grid for determining the
22 seriousness of offenses, is amended to read as follows:

23 (iv) One (1) point is to be added to an offender's
24 score if the offender is under any type of criminal justice restraint for a
25 felony offense at the time that he or she committed the crime for which he or
26 she is being sentenced. Such restraint includes without limitation pretrial
27 bond, suspended imposition of sentence, probation, parole, postprison
28 supervision, and release pending sentencing for a prior crime;

29
30 SECTION 132. Arkansas Code § 16-90-1109(b)(1), concerning the right of
31 a crime victim to information concerning confinement or commitment, is
32 amended to read as follows:

33 (b)(1) At least thirty (30) days before a ~~Parole~~ Post-Prison Transfer
34 Board hearing concerning the defendant, if requested by the victim, the board
35 shall inform the victim of the hearing and of the victim's right to submit to
36 the board a victim impact statement and shall promptly inform the victim of

1 any decision of the board.

2

3 SECTION 133. Arkansas Code § 16-90-1109(b)(2)(B), concerning the right
4 of a crime victim to information concerning confinement or commitment, is
5 amended to read as follows:

6 (B) It is the responsibility of the victim or his or her
7 next of kin to notify the board after the date of commitment of any change in
8 regard to the desire to be notified of any future parole or post-release
9 supervision hearings.

10

11 SECTION 134. Arkansas Code § 16-90-1113(a)(1)(A), concerning a victim
12 impact statement to be considered during a parole or post-release hearing, is
13 amended to read as follows:

14 (a)(1)(A) Before determining whether to release the inmate on parole,
15 the ~~Parole~~ Post-Prison Transfer Board shall permit the victim to present a
16 written victim impact statement at a victim impact hearing concerning the
17 effects of the crime on the victim, the circumstances surrounding the crime,
18 the manner in which the crime was perpetrated, and the victim's opinion
19 regarding whether the inmate should be released on parole.

20

21 SECTION 135. The introductory language of Arkansas Code § 16-90-
22 1113(c), concerning a victim impact statement to be considered during a
23 parole or post-release hearing, is amended to read as follows:

24 (c) In deciding whether to release an inmate on parole or post-release
25 supervision, the board shall consider among other factors:

26

27 SECTION 136. The introductory language of Arkansas Code § 16-90-
28 1303(a), concerning the procedure for credits earned toward discharge and
29 completion of a sentence, is amended to read as follows:

30 (a) If a person is incarcerated for an eligible felony, whether by an
31 immediate commitment or after his or her probation is revoked, and after he
32 or she is moved to community supervision through parole or transfer by the
33 ~~Parole~~ Post-Prison Transfer Board, or if he or she is placed on probation, he
34 or she is immediately eligible to begin earning daily credits that shall
35 count toward reducing the number of days he or she is otherwise required to
36 serve until he or she has completed the sentence.

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SECTION 137. Arkansas Code § 16-90-1303(b)(1), concerning the procedure for credits earned toward discharge and completion of a sentence, is amended to read as follows:

(b)(1) Credits equal to thirty (30) days per month for every month that the offender complies with court-ordered conditions and a set of predetermined criteria established by the ~~Department~~ Division of Community Correction in consultation with judges, prosecuting attorneys, and defense counsel shall accrue while the person is on community supervision, including without limitation parole, post-release supervision, or probation.

SECTION 138. Arkansas Code § 16-90-1303(b)(2), concerning the procedure for credits earned toward discharge and completion of a sentence, is amended to read as follows:

(2) The ~~department~~ division shall calculate the number of days the person has remaining to serve on parole, post-release supervision, or probation before that person completes his or her sentence.

SECTION 139. Arkansas Code § 16-90-1303(c)(2), concerning the procedure for credits earned toward discharge and completion of a sentence, is amended to read as follows:

(2) A person convicted of another felony offense while on parole, post-release supervision, or probation may result in the forfeiture of any credits earned under this subchapter.

SECTION 140. Arkansas Code § 16-90-1304(b)(1)(B), concerning entities required to be notified of an application for discharge and completion of a sentence, is amended to read as follows:

(B) The ~~Parole~~ Post-Prison Transfer Board.

SECTION 141. Arkansas Code § 16-90-1305(c), concerning notice and effect of discharge and completion of a sentence, is amended to read as follows:

(c) A person who earns discharge and completion of his or her sentence under this subchapter is considered as having completed his or her sentence in full and is not subject to parole, post-release supervision, or probation

1 revocation for those sentences.

2

3 SECTION 142. Arkansas Code § 16-90-1404(1)(C)(i), concerning the
4 definition of "completion of a person's sentence" under the Comprehensive
5 Criminal Record Sealing Act of 2013 , is amended to read as follows:

6 (i) Has been discharged from probation, ~~or parole,~~
7 or post-release supervision;

8

9 SECTION 143. Arkansas Code § 16-90-1404(1)(C)(vii), concerning the
10 definition of "completion of a person's sentence" under the Comprehensive
11 Criminal Record Sealing Act of 2013, is amended to read as follows:

12 (vii) Completed any vocational or technical
13 education or training program that was required as a condition of the
14 person's parole, post-release supervision, or probation;

15

16 SECTION 144. The introductory language of Arkansas Code § 16-93-
17 101(3)(D), concerning conduct that constitutes a "detriment to the community"
18 in relation to the definitions applicable to community supervision, is
19 amended to read as follows:

20 (D) During the three (3) calendar years before the
21 person's parole or post-release supervision hearing:

22

23 SECTION 145. Arkansas Code § 16-93-101(5)(G), concerning options for
24 "intermediate sanctions" in relation to the definitions applicable to
25 community supervision, is amended to read as follows:

26 (G) Reporting requirements to ~~probation or parole~~
27 community supervision officers;

28

29 SECTION 146. Arkansas Code § 16-93-101(6), concerning the definitions
30 applicable to community supervision, is amended to read as follows:

31 (6) "Jacket review" means the review of the file of a transfer-
32 eligible inmate located at any correctional facility in the state by an
33 individual staff member or team of staff members of the Division of Community
34 Correction for purposes of preparing the inmate's application for parole or
35 post-release supervision consideration by the ~~Parole~~ Post-Prison Transfer
36 Board;

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SECTION 147. Arkansas Code § 16-93-101(11) concerning the definitions applicable to community supervision, is amended to read as follows:

(11) "Serious conditions violation" means a violation of the conditions of a ~~parolee's parole or probationer's probation~~ community supervision that results from the ~~parolee's or probationer's~~ offender's absenting himself or herself from supervision for a period of six (6) months or more or an arrest for a misdemeanor offense that does not involve:

(A) An act involving a violent misdemeanor that provides the prosecuting attorney with the option to revoke the ~~probationer's probation or parolee's parole~~ offender's community supervision, or allow the Division of Community Correction to utilize the sanctions provided under this chapter;

(B) An offense for which a conviction would require the person to register as a sex offender under the Sex Offender Registration Act of 1997, § 12-12-901 et seq.;

(C) A misdemeanor offense of harassment or stalking or that contains a threat of violence to a victim, or a threat of violence to a family member of the victim of the offense for which the defendant was placed on ~~probation or parole~~ community supervision;

(D) A misdemeanor offense of driving or boating while intoxicated, § 5-65-103, when the ~~probationer or parolee~~ offender on community supervision is currently being supervised for a felony offense of § 5-65-103, § 5-10-104, or § 5-10-105, and the felony offense was alcohol-related or drug-related; or

(E) Except for an offense under the Uniform Controlled Substances Act, § 5-64-101 et seq., a misdemeanor offense that is a lesser included offense or falls within the same chapter of the Arkansas Criminal Code of the offense for which the defendant was placed on ~~probation or parole~~ community supervision;

SECTION 148. Arkansas Code § 16-93-101(12)(A), concerning the definition of "technical conditions violation" applicable to community supervision, is amended to read as follows:

(A) A violation of the conditions of a ~~parolee's parole or a probationer's probation~~ an offender's community supervision that results

1 from a noncriminal act or positive drug screen; or

2
3 SECTION 149. Arkansas Code § 16-93-101, concerning the definitions
4 that are applicable to community supervision, is amended to add an additional
5 subdivision to read as follows:

6 (15) "Community supervision" means a period of supervision of an
7 offender in the community and includes without limitation probation, parole,
8 and post-release supervision.

9
10 SECTION 150. Arkansas Code § 16-93-103, is amended to read as follows:

11 16-93-103. Authority of officers to make arrests and carry firearms.

12 (a) A probation officer appointed by a circuit court or district
13 court, excluding a juvenile probation officer, and a ~~parole and probation~~
14 community supervision officer employed by the Division of Community
15 Correction who is a currently certified law enforcement officer may execute,
16 serve, and return all lawful warrants of arrest issued by the State of
17 Arkansas or any political subdivision of the state and are otherwise
18 authorized to make lawful arrests as is any law enforcement officer of the
19 State of Arkansas.

20 (b) A ~~parole and probation~~ community supervision officer either
21 employed by the division or another entity authorized to employ a ~~parole and~~
22 probation community supervision officer may carry a:

23 (1) Firearm during all hours in which he or she is actively
24 engaged in the obligations and duties of the office to which he or she is
25 appointed or employed, pursuant to selection and training requirements under
26 §§ 12-9-104, 12-9-106, and 12-9-107; and

27 (2) Nonstate-issued firearm during all hours in which he or she
28 is not actively pursuing the obligations and duties of the office to which he
29 or she is appointed.

30 (c) A ~~parole and probation~~ community supervision officer employed by
31 the division may also carry:

32 (1) A nonstate-issued firearm as a secondary weapon while
33 actively engaged in the duties of the office to which he or she is appointed
34 or employed; and

35 (2) A state-issued firearm during all hours in which he or she
36 is not actively engaged in the duties of the office to which he or she is

1 appointed or employed, except that a ~~parole and probation~~ community
2 supervision officer may not carry a firearm issued by the division while the
3 ~~parole and probation~~ community supervision officer is actively working at
4 employment other than for the division.

5
6 SECTION 151. Arkansas Code § 16-93-104(a)(1), concerning the
7 supervision fee to be paid by offenders on release, is amended to read as
8 follows:

9 (a)(1) An offender on probation, parole, post-release supervision, or
10 transfer under supervision of the Division of Community Correction shall pay
11 to the division a monthly supervision fee.

12
13 SECTION 152. Arkansas Code § 16-93-104(c), concerning the supervision
14 fee to be paid by offenders on release, is amended to read as follows:

15 (c)(1) The offender on parole or post-release supervision may be
16 imprisoned for violation of parole or post-release supervision if the
17 offender is financially able to make the payments and if the payments are not
18 made and the ~~Parole~~ Post-Prison Transfer Board so finds, subject to the
19 limitations set out in this subsection.

20 (2) The offender shall not be imprisoned if the offender is
21 financially unable to make the payments and states so under oath to the
22 ~~Parole~~ Post-Prison Transfer Board in writing, and the ~~Parole~~ Post-Prison
23 Transfer Board so finds.

24
25 SECTION 153. Arkansas Code § 16-93-106(a)(1), concerning the
26 warrantless search of a person on probation or parole, is amended to read as
27 follows:

28 (a)(1) A person who is placed on supervised probation or is released
29 on parole or post-release supervision under this chapter is required to agree
30 to a waiver as a condition of his or her supervised probation, ~~or~~ or
31 post-release supervision that allows any certified law enforcement officer or
32 Division of Community Correction officer to conduct a warrantless search of
33 his or her person, place of residence, ~~or~~ motor vehicle, or other real or
34 personal property, including without limitation a cellular or electronic
35 device under his or her control or possession, at any time, day or night,
36 whenever requested by the certified law enforcement officer or division

1 officer.

2

3 SECTION 154. Arkansas Code § 16-93-106(b), concerning warrantless
4 searches of offenders on community supervision, is amended to read as
5 follows:

6 (b)(1) A person who will be placed on supervised probation, ~~or parole,~~
7 or post-release supervision and is required to agree to the waiver required
8 by this section shall acknowledge and sign the waiver.

9 (2) If the person fails to acknowledge and sign the waiver
10 required by this section, he or she is ineligible to be placed on supervised
11 probation, ~~or parole,~~ or post-release supervision.

12

13 SECTION 155. Arkansas Code § 16-93-107(b), concerning Medicaid
14 eligibility of offenders on community supervision, is amended to read as
15 follows:

16 (b) If an inmate nearing release from incarceration, parolee, offender
17 on post-release supervision, or probationer receives medical services,
18 including substance abuse and mental health treatment, that meet criteria for
19 Medicaid coverage, the ~~parole officer, probation~~ community supervision
20 officer, or Division of Correction official or Division of Community
21 Correction official may apply for Medicaid coverage for the inmate nearing
22 release from incarceration, parolee, offender on post-release supervision, or
23 probationer under this section.

24

25 SECTION 156. The introductory language of Arkansas Code § 16-93-
26 107(c)(2), concerning Medicaid eligibility of offenders on community
27 supervision, is amended to read as follows:

28 (2) However, the ~~parole officer, probation~~ community supervision
29 officer, or Division of Correction official or Division of Community
30 Correction official shall be the authorized representative for purposes of
31 establishing and maintaining Medicaid eligibility under this subsection if:

32

33 SECTION 157. Arkansas Code § 16-93-107(e)(1), concerning Medicaid
34 eligibility of offenders on community supervision, is amended to read as
35 follows:

36 (e)(1) The ~~parole officer, probation~~ community supervision officer, or

1 Division of Correction official or Division of Community Correction official
2 or the designee of the ~~parole officer, probation~~ community supervision
3 officer, or Division of Correction official or Division of Community
4 Correction official may access information necessary to determine if a
5 Medicaid application has been filed on behalf of the inmate nearing release
6 from incarceration, parolee, offender on post-release supervision, or
7 probationer.

8
9 SECTION 158. Arkansas Code § 16-93-111, is amended to read as follows:
10 16-93-111. Parole or probation prohibitions for sex offenses.

11 A person required to register as a sex offender under the Sex Offender
12 Registration Act of 1997, § 12-12-901 et seq., who is under felony probation
13 or released on parole or post-release supervision shall have as a term and
14 condition of his or her probation, ~~or parole, or post-release supervision~~ a
15 prohibition against recording a person under fourteen (14) years of age under
16 § 5-14-137 if he or she is assessed as a Level 3 or Level 4 offender.

17
18 SECTION 159. DO NOT CODIFY. As of the effective date of this act, the
19 Parole Board shall be known as the Post-Prison Transfer Board.

20
21 SECTION 160. Arkansas Code § 16-93-201(a)(1), concerning the creation
22 and makeup of the Post-Prison Transfer Board, is amended to read as follows:

23 (a)(1) There is created the ~~Parole~~ Post-Prison Transfer Board, to be
24 composed of seven (7) members to be appointed from the state at large by the
25 Governor and confirmed by the Senate.

26
27 SECTION 161. Arkansas Code § 16-93-201(a)(2)(A)(ii)(b), concerning the
28 requirements for members of the Post-Prison Transfer Board, is amended to
29 read as follows:

30 (b) A member may engage in employment that has
31 a limited time commitment with approval from the Chair of the ~~Parole~~ Post-
32 Prison Transfer Board.

33
34 SECTION 162. Arkansas Code § 16-93-201(a)(4)(A)(i), concerning
35 experience required for members of the Post-Prison Transfer Board, is amended
36 to read as follows:

1 (i) Parole or post-release supervision;
2

3 SECTION 163. Arkansas Code § 16-93-202(a), concerning the official
4 seal of the Post-Prison Transfer Board, is amended to read as follows:

5 (a) The ~~Parole~~ Post-Prison Transfer Board shall adopt an official seal
6 of which the courts shall take judicial notice.
7

8 SECTION 164. Arkansas Code § 16-93-202(c)(2), concerning reports
9 required for the Post-Prison Transfer Board, is amended to read as follows:

10 (2) The report shall be directed to the Governor and to the
11 General Assembly and shall contain statistical and other data concerning its
12 work, including research studies which it may make on parole, post-release
13 supervision, or related functions.
14

15 SECTION 165. Arkansas Code § 16-93-202(e)(1)(A), concerning access by
16 the General Assembly to records of the Post-Prison Transfer Board, is amended
17 to read as follows:

18 (e)(1)(A) Upon written request, a member of the General Assembly or an
19 employee of the House of Representatives, the Senate, or the Bureau of
20 Legislative Research acting on the member's behalf may view all
21 classification, disciplinary, demographic, ~~and~~ parole, and post-release
22 supervision hearing records of a current or former inmate, ~~or~~ parolee, or
23 offender on post-release supervision who is currently or was formerly granted
24 parole or post-release supervision by the board.
25

26 SECTION 166. Arkansas Code § 16-93-203(1), concerning the duty of
27 corrections officials to cooperate with the Post-Prison Transfer Board, is
28 amended to read as follows:

29 (1) Grant access at all reasonable times to any prisoner over
30 whom the ~~Parole~~ Post-Prison Transfer Board has jurisdiction under this
31 chapter to the members of the board or its properly accredited
32 representatives;
33

34 SECTION 167. Arkansas Code § 16-93-204(a)(2) and (3), concerning
35 executive clemency, are amended to read as follows:

36 (2) An applicant shall obtain and include with his or her

1 application a certified copy of the applicant's ~~judgment and commitment~~
2 sentencing order or comparable document.

3 (3) Applications shall be referred to the ~~Parole~~ Post-Prison
4 Transfer Board for investigation.

5
6 SECTION 168. Arkansas Code § 16-93-205, is amended to read as follows:

7 16-93-205. Parole of Arkansas inmates in out-of-state prisons.

8 (a) The ~~Parole~~ Post-Prison Transfer Board may request the appropriate
9 board or commission having jurisdiction over parole, post-release
10 supervision, or transfer matters in other states or the United States Parole
11 Commission to make recommendations concerning whether Arkansas inmates
12 confined in prison systems of the other states or in federal prisons should
13 be granted parole, post-release supervision, or transfer when eligible under
14 Arkansas law.

15 (b) The ~~Parole~~ Post-Prison Transfer Board may take action at its
16 option on the application of an inmate for parole, post-release supervision,
17 or transfer, using as its criteria the recommendations received from the
18 appropriate board or commission of the other states or the United States
19 Parole Commission in lieu of the personal appearance before the ~~Parole~~ Post-
20 Prison Transfer Board of the inmate seeking parole, post-release supervision,
21 or transfer.

22
23 SECTION 169. Arkansas Code § 16-93-206, is amended to read as follows:

24 16-93-206. Parole revocation review – Jurisdiction.

25 (a) The ~~Parole~~ Post-Prison Transfer Board shall serve as the
26 revocation review board for any person subject to either parole, post-release
27 supervision, or transfer from prison.

28 (b) Revocation proceedings for either parole, post-release
29 supervision, or transfer shall follow all legal requirements applicable to
30 parole, post-release supervision, or transfer and shall be subject to any
31 additional policies and rules set by the board.

32
33 SECTION 170. Arkansas Code § 16-93-207(b), concerning an application
34 for pardon, commutation of sentence, and remission of fines and forfeitures,
35 is amended to read as follows:

36 (b) If the Governor does not grant an application for pardon,

1 commutation of sentence, or remission of fine or forfeiture within two
2 hundred forty (240) days of the Governor's receipt of the recommendation of
3 the ~~Parole~~ Post-Prison Transfer Board regarding the application, the
4 application shall be deemed denied by the Governor, and any pardon,
5 commutation of sentence, or remission of fine or forfeiture granted after the
6 two-hundred-forty-day period shall be null and void.

7
8 SECTION 171. Arkansas Code § 16-93-207(c)(1), concerning applications
9 for pardon, commutation of sentence, and remission of fines and forfeitures,
10 is amended to read as follows:

11 (c)(1)~~(A)~~ Except as provided in subdivision (c)(3) and subsection (d)
12 of this section, if an application for pardon, commutation of sentence, or
13 remission of fine or forfeiture is denied in writing by the Governor, the
14 person filing the application shall not be eligible to file a new application
15 for pardon, commutation of sentence, or remission of fine or forfeiture
16 related to the same offense for a period of ~~four (4)~~ five (5) years from the
17 date of ~~filing the application that was denied~~ the denial.

18 ~~(B) Any person who made an application for pardon,~~
19 ~~commutation of sentence, or remission of fine or forfeiture that was denied~~
20 ~~on or after July 1, 2004, shall be eligible to file a new application four~~
21 ~~(4) years after the date of filing the application that was denied.~~

22
23 SECTION 172. Arkansas Code § 16-93-207(d)(1), concerning applications
24 for pardon, commutation of sentence, and remission of fines and forfeitures,
25 is amended to read as follows:

26 (d)(1) Except as provided in subdivision (d)(3) of this section, if an
27 application for pardon, commutation of sentence, or remission of fine or
28 forfeiture of a person sentenced to life imprisonment without parole is
29 denied in writing by the Governor, the person filing the application shall
30 not be eligible to file a new application for pardon, commutation of
31 sentence, or remission of fine or forfeiture related to the same offense for
32 a period of:

33 (A) ~~Six (6)~~ Seven (7) years from the date of the denial;

34 or

35 (B) ~~Eight (8)~~ Nine (9) years from the date of the denial
36 if the applicant is serving a sentence of life without parole for capital

1 murder, § 5-10-101.

2

3 SECTION 173. Arkansas Code § 16-93-208, is amended to read as follows:
4 16-93-208. Services and equipment.

5 The Division of Correction and the Division of Community Correction may
6 provide services, furnishings, equipment, and office space to assist the
7 ~~Parole~~ Post-Prison Transfer Board in fulfilling the purposes for which the
8 board was created by law.

9

10 SECTION 174. Arkansas Code § 16-93-210, is amended to read as follows:
11 16-93-210. Monthly performance report on parole and post-release
12 supervision applications and outcome – Reports concerning administrative
13 directives filed with Legislative Council.

14 (a)(1) The ~~Parole~~ Post-Prison Transfer Board shall submit a monthly
15 report to the chairs of the House Committee on Judiciary and the Senate
16 Committee on Judiciary, the Legislative Council, the Board of Corrections,
17 and the Governor, showing the number of persons who make application for
18 parole or post-release supervision and those who are granted or denied parole
19 or post-release supervision during the previous month for each criminal
20 offense classification.

21 (2) The report shall include a breakdown by race of all persons
22 sentenced in each criminal offense classification.

23 (3) The report shall include the reason for each denial of
24 parole or post-release supervision, the results of the risk-needs assessment,
25 and the course of action that accompanies each denial pursuant to § 16-93-
26 615(a)(2)(B)(ii).

27 (b) The ~~Parole~~ Post-Prison Transfer Board shall cooperate with and
28 upon request make presentations and provide various reports, to the extent
29 the ~~Parole~~ Post-Prison Transfer Board's budget will allow, to the Legislative
30 Council concerning ~~Parole~~ Post-Prison Transfer Board policy and criteria on
31 discretionary offender programs and services.

32 (c) The ~~Parole~~ Post-Prison Transfer Board shall file a report with the
33 Legislative Council on a quarterly basis containing all new and revised
34 administrative directives issued in the previous quarter by:

35 (1) The ~~Parole~~ Post-Prison Transfer Board;

36 (2) The Chair of the ~~Parole~~ Post-Prison Transfer Board; and

1 (3) ~~The Administrative Services Manager of the Parole Board;~~
2 ~~(4) The Administrator of the Parole Board; and~~
3 ~~(5) Staff of the Parole Post-Prison Transfer Board.~~
4

5 SECTION 175. Arkansas Code § 16-93-211(a)(1)(A), concerning early
6 release to transitional housing facilities, is amended to read as follows:

7 (A) ~~Transferred or paroled~~ Paroled or transferred to post-
8 release supervision from the Division of Correction by the ~~Parole~~ Post-Prison
9 Transfer Board;
10

11 SECTION 176. Arkansas Code § 16-93-211(b)(1), concerning early release
12 to transitional housing facilities, is amended to read as follows:

13 (b)(1) To assist an offender who will be eligible for parole, post-
14 release supervision, or transfer to successfully reintegrate into the
15 community, the board is authorized to place the offender into approved
16 transitional housing up to one (1) year prior to the offender's date of
17 eligibility for parole or transfer.
18

19 SECTION 177. Arkansas Code § 16-93-212, is amended to read as follows:
20 16-93-212. Rulemaking authority.

21 The ~~Parole~~ Post-Prison Transfer Board may adopt rules to implement,
22 administer, and enforce this subchapter.
23

24 SECTION 178. The introductory language of Arkansas Code § 16-93-
25 213(a), concerning records to be posted on the website of the Post-Prison
26 Transfer Board, is amended to read as follows:

27 (a) To the extent permitted by federal law, the ~~Parole~~ Post-Prison
28 Transfer Board shall post on the board's website the following information
29 concerning an inmate who is being considered for parole or post-release
30 supervision no less than six (6) months before his or her transfer-
31 eligibility or parole-eligibility date or post-release supervision
32 eligibility date, or the date the board determines eligibility for parole or
33 transfer or post-release supervision if the inmate is past his or her
34 transfer-eligibility or parole-eligibility date or post-release supervision
35 eligibility date:
36

1 SECTION 179. Arkansas Code § 16-93-213(a)(5), concerning records to be
2 posted on the website of the Post-Prison Transfer Board, is amended to read
3 as follows:

4 (5) The number of times, if any, probation, ~~or parole,~~ or post-
5 release supervision has been revoked from the inmate; and

6
7 SECTION 180. Arkansas Code § 16-93-213(b)(3), concerning removal of
8 records posted on the website of the Post-Prison Transfer Board, is amended
9 to read as follows:

10 (3) May be removed when the inmate has been either granted or
11 denied parole or post-release supervision.

12
13 SECTION 181. Arkansas Code § 16-93-306(d)(2), concerning probation
14 supervision, is amended to add an additional subdivision to read as follows:

15 (C) The intermediate sanctioning grid shall include:

16 (i) An assignment of point values to commonly
17 occurring violations of terms of probation or criminal behavior;

18 (ii) An assignment of point values to behaviors that
19 decrease the likelihood of recidivism, including without limitation:

20 (a) Education;

21 (b) Workforce development;

22 (c) Community service; and

23 (d) Behavioral health programming;

24 (iii) Details on the mechanisms by which points are
25 accumulated and reduced; and

26 (iv) Guidance on which intermediate sanctions should
27 be applied at which point thresholds.

28
29 SECTION 182. Arkansas Code § 16-93-306(d)(3)(E)(ii)(d), concerning
30 probation supervision, is amended to read as follows:

31 (d) A probationer may not be incarcerated more
32 than two (2) times as a probation sanction in a Division of Community
33 Correction or Division of Correction facility during a two-year period.

34
35 SECTION 183. Arkansas Code § 16-93-310(c)(2)(A), concerning the
36 revocation of probation, is amended to read as follows:

1 (2)(A) The court shall commit the eligible offender to the
2 custody of the Division of Correction under this subchapter for judicial or
3 administrative transfer to the Division of Community Correction subject to
4 the following:

5 (i) That the sentence imposed provides that the
6 offender shall serve no more than three (3) years of confinement, with credit
7 for meritorious good time or earned release credits, with initial placement
8 in a Division of Community Correction facility; and

9 (ii) That the initial placement in the Division of
10 Community Correction is conditioned upon the offender's continuing
11 eligibility for Division of Community Correction placement and the offender's
12 compliance with all applicable rules established by the Board of Corrections
13 for community correction programs.

14
15 SECTION 184. Arkansas Code § 16-93-601(a), concerning felonies
16 committed before April 1, 1977, is amended to read as follows:

17 (a) Death Sentence. An individual under sentence of death is not
18 eligible for release on parole or post-release supervision.

19
20 SECTION 185. Arkansas Code § 16-93-609 is amended to read as follows:

21 16-93-609. Effect of more than one conviction for certain felonies –
22 Definition.

23 (a) Any person who commits murder in the first degree, § 5-10-102,
24 rape, § 5-14-103, or aggravated robbery, § 5-12-103, subsequent to March 24,
25 1983, and who has previously been found guilty of or pleaded guilty or nolo
26 contendere to murder in the first degree, § 5-10-102, rape, § 5-14-103, or
27 aggravated robbery, § 5-12-103, shall not be eligible for release on parole
28 by the ~~Parole~~ Post-Prison Transfer Board.

29 (b)(1) Any person who commits a violent felony offense or any felony
30 sex offense subsequent to August 13, 2001, but before January 1, 2025, and
31 who has previously been found guilty of or pleaded guilty or nolo contendere
32 to any violent felony offense or any felony sex offense shall not be eligible
33 for release on parole by the board.

34 (2) As used in this subsection, “a violent felony offense or any
35 felony sex offense” means those offenses listed in § 5-4-501(d)(2).

36 (c) A person who commits the offense of possession of firearms by

1 certain persons, § 5-73-103, in which the offense is under § 5-73-103(c)(1),
2 after April 27, 2021, is not eligible for parole.

3 (d)(1) Any person who commits a parole-ineligible felony on or after
4 January 1, 2024, but before January 1, 2025, is not eligible for release on
5 parole.

6 (2) As used in this subsection, “parole-ineligible felony” means
7 the same as a felony ineligible to receive earned release credits as defined
8 in § 16-93-1802.

9
10 SECTION 186. Arkansas Code § 16-93-612 is amended to read as follows:

11 16-93-612. Parole eligibility – Date of offense.

12 (a) A person’s parole eligibility shall be determined by the laws in
13 effect at the time of the offense for which he or she is sentenced to the
14 Division of Correction.

15 (b) For an offender serving a sentence for a felony committed before
16 April 1, 1977, § 16-93-601 governs that person’s parole eligibility.

17 (c) For an offender serving a sentence for a felony committed between
18 April 1, 1977, and April 1, 1983, § 16-93-604 governs that person’s parole
19 eligibility.

20 (d) For an offender serving a sentence for a felony committed on or
21 after April 1, 1983, but before January 1, 1994, § 16-93-607 governs that
22 person’s parole eligibility.

23 (e) For an offender serving a sentence for a felony committed on or
24 after January 1, 1994, but before January 1, 2025, § 16-93-614 governs that
25 person’s parole eligibility, unless otherwise noted and except:

26 (1) If the felony is murder in the first degree, § 5-10-102,
27 kidnapping, if a Class Y felony, § 5-11-102(b)(1), aggravated robbery, § 5-
28 12-103, rape, § 5-14-103, or causing a catastrophe, § 5-38-202(a), and the
29 offense occurred after July 28, 1995, but before January 1, 2025, § 16-93-618
30 governs that person’s parole eligibility;

31 (2) If the felony is manufacturing methamphetamine, § 5-64-
32 423(a) or the former § 5-64-401, or possession of drug paraphernalia with the
33 intent to manufacture methamphetamine, the former § 5-64-403(c)(5), and the
34 offense occurred after April 9, 1999, but before January 1, 2025, § 16-93-618
35 governs that person’s parole eligibility;

36 (3) If the felony is battery in the second degree, § 5-13-202,

1 aggravated assault, § 5-13-204, terroristic threatening, § 5-13-301, domestic
2 battering in the second degree, § 5-26-304, or residential burglary, § 5-39-
3 201(a), and the offense occurred on or after April 1, 2015, but before
4 January 1, 2025, § 16-93-620 governs that person's parole eligibility; ~~or~~

5 (4) If the felony was committed by a person who was a minor at
6 the time of the offense, he or she was committed to the former Department of
7 Correction, or to the division, and the offense occurred before, on, or after
8 March 20, 2017, § 16-93-621 governs the date on which that ~~person's parole~~
9 eligibility person becomes eligible for consideration for release;

10 (5) If the felony was committed prior to January 1, 2025, § 16-
11 93-701 et seq. governs procedures for consideration for parole or transfer to
12 the Division of Community Correction; and

13 (6) If the felony was committed on or after January 1, 2025, §
14 16-93-1901 et. seq., governs procedures for consideration for transfer to
15 post-release supervision.

16 (f) For an offender serving a sentence for a felony committed on or
17 after January 1, 1994, but before January 1, 2025, § 16-93-615 governs that
18 person's parole eligibility procedures.

19 (g) Notwithstanding any law allowing the award of meritorious good
20 time, earned release credits, or any other law to the contrary, if the felony
21 is an offense that is subject to delayed release under § 5-4-405 and was
22 committed on or after July 28, 2021, the person shall not be eligible for
23 parole or community correction transfer until the person serves a minimum of
24 eighty percent (80%) of the term of imprisonment to which the person is
25 sentenced.

26
27 SECTION 187. Arkansas Code § 16-93-614(b)(3), concerning offenses
28 committed after January 1, 1994, is amended to read as follows:

29 (3) A person who has committed a felony who is within a target
30 group as currently defined under § 16-93-1202(10) and who is released on
31 parole shall be eligible, pursuant to rules established by the ~~Parole Post-~~
32 Prison Transfer Board, for commitment to a community correction facility if
33 he or she is found to be in violation of any of his or her parole conditions,
34 unless the parole violation constitutes a nontarget felony offense.

35
36 SECTION 188. Arkansas Code § 16-93-615(a), concerning parole

1 eligibility procedures for offenses committed after January 1, 1994, is
2 amended to read as follows:

3 (a)(1)(A) An inmate under sentence for any felony, except those listed
4 in § 5-4-104(c)(2) or subsection (b) of this section, shall be transferred
5 from the Division of Correction to the Division of Community Correction under
6 this section and §§ 16-93-614, 16-93-616, and 16-93-617, subject to rules
7 promulgated by the Board of Corrections or the ~~Parole~~ Post-Prison Transfer
8 Board and conditions adopted by the ~~Parole~~ Post-Prison Transfer Board.

9 (B) The determination under subdivision (a)(1)(A) of this
10 section shall be made by reviewing information such as the result of the
11 risk-needs assessment to inform the decision of whether to release a person
12 on parole by quantifying that person's risk to reoffend, and if parole is
13 granted, this information shall be used to set conditions for supervision.

14 (C) The ~~Parole~~ Post-Prison Transfer Board shall begin
15 transfer release proceedings or a preliminary review under this subchapter no
16 later than six (6) months before a person's transfer eligibility date, and
17 the ~~Parole~~ Post-Prison Transfer Board shall authorize jacket review
18 procedures no later than six (6) months before a person's transfer
19 eligibility at all institutions holding parole-eligible inmates to prepare
20 parole applications.

21 (D) This review may be conducted without a hearing when
22 the inmate has not received a major disciplinary report against him or her
23 that resulted in the loss of good time, there has not been a request by a
24 victim to have input on transfer conditions, and there is no indication in
25 the risk-needs assessment review that special conditions need to be placed on
26 the inmate.

27 (2)(A) When one (1) or more of the circumstances in subdivision
28 (a)(1) of this section are present, the ~~Parole~~ Post-Prison Transfer Board
29 shall conduct a hearing to determine the appropriateness of the inmate for
30 transfer.

31 (B) The ~~Parole~~ Post-Prison Transfer Board has two (2)
32 options:

33 (i) To transfer the individual to the Division of
34 Community Correction accompanied by notice of conditions of the transfer,
35 including without limitation:

36 (a) Supervision levels;

1 (b) Economic fee sanction;
2 (c) Treatment program;
3 (d) Programming requirements; and
4 (e) Facility placement when appropriate; or
5 (ii) To deny transfer based on a set of established
6 criteria and to accompany the denial with a prescribed course of action to be
7 undertaken by the inmate to rectify the ~~Parole~~ Post-Prison Transfer Board's
8 concerns.

9 (C) Upon completion of the course of action determined by
10 the ~~Parole~~ Post-Prison Transfer Board and after final review of the inmate's
11 file to ensure successful completion, the ~~Parole~~ Post-Prison Transfer Board
12 shall authorize the inmate's transfer to the Division of Community Correction
13 under this section and §§ 16-93-614, 16-93-616, and 16-93-617, in accordance
14 with administrative policies and procedures governing the transfer and
15 subject to conditions attached to the transfer.

16 (3) Should an inmate fail to fulfill the course of action
17 outlined by the ~~Parole~~ Post-Prison Transfer Board to facilitate transfer to
18 community correction, it shall be the responsibility of the inmate to
19 petition the ~~Parole~~ Post-Prison Transfer Board for rehearing.

20 (4)(A) The ~~Parole~~ Post-Prison Transfer Board shall conduct open
21 meetings and shall make public its findings for each eligible candidate for
22 parole.

23 (B)(i) Open meetings held under subdivision (a)(2)(A) of
24 this section may be conducted through video-conference technology if the
25 person is housed at that time in a county jail and if the technology is
26 available.

27 (ii) Open meetings utilizing video-conference
28 technology shall be conducted in public.

29 (5) Inmate interviews and related deliberations may be closed to
30 the public.

31
32 SECTION 189. The introductory language of Arkansas Code § 16-93-
33 615(b)(1), concerning parole eligibility procedures for offenses committed
34 after January 1, 1994, is amended to read as follows:

35 (b)(1) An inmate under sentence for one (1) of the following felonies
36 is eligible for discretionary transfer to the Division of Community

1 Correction by the ~~Parole~~ Post-Prison Transfer Board after having served one-
2 third ($\frac{1}{3}$) or one-half ($\frac{1}{2}$) of his or her sentence, with credit for meritorious
3 good time, depending on the seriousness determination made by the Arkansas
4 Sentencing Commission, or one-half ($\frac{1}{2}$) of the time to which his or her
5 sentence is commuted by executive clemency, with credit for meritorious good
6 time:

7
8 SECTION 190. Arkansas Code § 16-93-615(b)(3)-(6), concerning parole
9 eligibility procedures for offenses committed after January 1, 1994, are
10 amended to read as follows:

11 (3)(A) Review of an inmate convicted of the enumerated offenses
12 in subdivision (b)(1) of this section shall be based upon policies and
13 procedures adopted by the ~~Parole~~ Post-Prison Transfer Board for the review,
14 and the ~~Parole~~ Post-Prison Transfer Board shall conduct a risk-needs
15 assessment review.

16 (B) The policies and procedures shall include a provision
17 for notification of the victim or victims that a hearing shall be held and
18 records kept of the proceedings and that there be a listing of the criteria
19 upon which a denial may be based.

20 (4) Any transfer of an offender specified in this subsection
21 shall be issued upon an order, duly adopted, of the ~~Parole~~ Post-Prison
22 Transfer Board in accordance with such policies and procedures.

23 (5) After the ~~Parole~~ Post-Prison Transfer Board has fully
24 considered and denied the transfer of an offender sentenced for committing an
25 offense listed in subdivision (b)(1) of this section, the ~~Parole~~ Post-Prison
26 Transfer Board may delay any reconsideration of the transfer for a maximum
27 period of two (2) years.

28 (6) Notification of the court, prosecutor, county sheriff, and
29 the victim or the victim's next of kin for a person convicted of an offense
30 listed in subdivision (b)(1) of this section shall follow the procedures set
31 forth below:

32 (A)(i) Before the ~~Parole~~ Post-Prison Transfer Board shall
33 grant any transfer, the ~~Parole~~ Post-Prison Transfer Board shall solicit the
34 written or oral recommendations of the committing court, the prosecuting
35 attorney, and the county sheriff of the county from which the inmate was
36 committed.

1 (ii) If the person whose transfer is being
2 considered by the ~~Parole~~ Post-Prison Transfer Board was convicted of one (1)
3 of the offenses enumerated in subdivision (b)(1) of this section, the ~~Parole~~
4 Post-Prison Transfer Board shall also notify the victim of the crime or the
5 victim's next of kin of the transfer hearing and shall solicit written or
6 oral recommendations of the victim or his or her next of kin regarding the
7 granting of the transfer unless the prosecuting attorney has notified the
8 ~~Parole~~ Post-Prison Transfer Board at the time of commitment of the prisoner
9 that the victim or his or her next of kin does not want to be notified of
10 future transfer hearings.

11 (iii) The recommendations shall not be binding upon
12 the ~~Parole~~ Post-Prison Transfer Board in the granting of any transfer but
13 shall be maintained in the inmate's file.

14 (iv) When soliciting recommendations from a victim
15 of a crime, the ~~Parole~~ Post-Prison Transfer Board shall notify the victim or
16 his or her next of kin of the date, time, and place of the transfer hearing;

17 (B)(i) The ~~Parole~~ Post-Prison Transfer Board shall not
18 schedule transfer hearings at which victims or relatives of victims of crimes
19 are invited to appear at a facility wherein inmates are housed other than the
20 Central Administration Building of the Division of Correction at Pine Bluff.

21 (ii) Nothing herein shall be construed as
22 prohibiting the ~~Parole~~ Post-Prison Transfer Board from conducting transfer
23 hearings in two (2) sessions, one (1) at the place of the inmate's
24 incarceration for interviews with the inmate, the inmate's witnesses, and
25 correctional personnel, and the second session for victims and relatives of
26 victims as set out in subdivision (b)(6)(B)(i) of this section;

27 (C)(i) At the time that any person eligible under
28 subdivision (c)(1) of this section is transferred by the ~~Parole~~ Post-Prison
29 Transfer Board, the Division of Community Correction shall give written
30 notice of the granting of the transfer to the county sheriff, the committing
31 court, and the chief of police of each city of the first class of the county
32 from which the person was sentenced.

33 (ii) If the person is transferred to a county other
34 than that from which he or she was committed, the ~~Parole~~ Post-Prison Transfer
35 Board shall give notice to the chief of police or marshal of the city to
36 which he or she is transferred, to the chief of police of each city of the

1 first class and the county sheriff of the county to which he or she is
2 transferred, and to the county sheriff of the county from which the person
3 was committed; and

4 (D)(i) It shall be the responsibility of the prosecuting
5 attorney of the county from which the inmate was committed to notify the
6 ~~Parole~~ Post-Prison Transfer Board at the time of commitment of the desire of
7 the victim or his or her next of kin to be notified of any future transfer
8 hearings and to forward to the ~~Parole~~ Post-Prison Transfer Board the last
9 known address and telephone number of the victim or his or her next of kin.

10 (ii) It shall be the responsibility of the victim or
11 his or her next of kin to notify the ~~Parole~~ Post-Prison Transfer Board of any
12 change in address or telephone number.

13 (iii) It shall be the responsibility of the victim
14 or his or her next of kin to notify the ~~Parole~~ Post-Prison Transfer Board
15 after the date of commitment of any change in regard to the desire to be
16 notified of any future transfer hearings.

17
18 SECTION 191. Arkansas Code § 16-93-615(c)-(i), concerning parole
19 eligibility procedures for offenses committed after January 1, 1994, are
20 amended to read as follows:

21 (c)(1) In all other felonies committed before January 1, 2025, before
22 the ~~Parole~~ Post-Prison Transfer Board sets conditions for transfer of an
23 inmate to community correction, a victim, or his or her next of kin in cases
24 in which the victim is unable to express his or her wishes, who has expressed
25 the wish to be consulted by the ~~Parole~~ Post-Prison Transfer Board shall be
26 notified of the date, time, and place of the transfer hearing.

27 (2)(A) A victim or his or her next of kin who wishes to be
28 consulted by the ~~Parole~~ Post-Prison Transfer Board shall inform the ~~Parole~~
29 Post-Prison Transfer Board in writing at the time of sentencing.

30 (B) A victim or his or her next of kin who does not so
31 inform the ~~Parole~~ Post-Prison Transfer Board shall not be notified by the
32 ~~Parole~~ Post-Prison Transfer Board.

33 (3)(A) Victim input to the ~~Parole~~ Post-Prison Transfer Board
34 shall be limited to oral or written recommendations on conditions relevant to
35 the offender under review for transfer.

36 (B) The recommendations shall not be binding on the ~~Parole~~

1 Post-Prison Transfer Board, but shall be given due consideration within the
2 resources available for transfer.

3 (d)(1) The ~~Parole~~ Post-Prison Transfer Board shall approve a set of
4 conditions that shall be applicable to all inmates transferred from the
5 Division of Correction to the Division of Community Correction.

6 (2) The set of conditions is subject to periodic review and
7 revision as the ~~Parole~~ Post-Prison Transfer Board deems necessary.

8 (e)(1) The course of action required by the ~~Parole~~ Post-Prison
9 Transfer Board shall not be outside the current resources of the Division of
10 Correction nor the conditions set be outside the current resources of the
11 Division of Community Correction.

12 (2) However, the Division of Correction and Division of
13 Community Correction shall strive to accommodate the actions required by the
14 Board of Corrections or the ~~Parole~~ Post-Prison Transfer Board to the best of
15 their abilities.

16 (f) Transfer is not an award of clemency, and it shall not be
17 considered as a reduction of sentence or a pardon.

18 (g) Every inmate while on transfer status shall remain in the legal
19 custody of the Division of Correction under the supervision of the Division
20 of Community Correction and subject to the orders of the ~~Parole~~ Post-Prison
21 Transfer Board.

22 (h) An inmate who is sentenced under the provisions of § 5-4-501(c) or
23 § 5-4-501(d) for a serious violent felony or a felony involving violence may
24 be considered eligible for parole or for community correction transfer upon
25 reaching regular parole or transfer eligibility, but only after reaching a
26 minimum age of fifty-five (55) years.

27 (i) Decisions on parole release, courses of action applicable prior to
28 transfer, and transfer conditions to be set by the ~~Parole~~ Post-Prison
29 Transfer Board shall be based on a reasoned and rational plan developed in
30 conjunction with an accepted risk-needs assessment tool such that each
31 decision is defensible based on preestablished criteria.

32

33 SECTION 192. Arkansas Code § 16-93-617(a), concerning revocation of
34 transfer for offenses committed after January 1, 1994, is amended to read as
35 follows:

36 (a) In the event an offender transferred under this section, §§ 16-93-

1 614 – 16-93-616, or § 16-93-618 violates the terms or conditions of his or
2 her transfer, a hearing shall follow all applicable legal requirements and
3 shall be subject to any additional policies and rules set by the ~~Parole Post-~~
4 Prison Transfer Board.

5
6 SECTION 193. The introductory language for Arkansas Code § 16-93-
7 618(a)(1), concerning parole eligibility for Class Y felony offenses and
8 certain methamphetamine offenses, is amended to read as follows:

9 (a)(1) Notwithstanding any law allowing the award of meritorious good
10 time or any other law to the contrary, and subject to provisions requiring
11 that an offender serve a greater percentage of his or her sentence in § 16-
12 93-609 or delayed release under § 5-4-405, a person who is found guilty of or
13 pleads guilty or nolo contendere to subdivisions (a)(1)(A)-(I) of this
14 section for an offense committed before January 1, 2025, shall not be
15 eligible for parole or community correction transfer, except as provided in
16 subdivision (a)(3) of this section or subsection (c) of this section, until
17 the person serves seventy percent (70%) of the term of imprisonment to which
18 the person is sentenced, including a sentence prescribed under § 5-4-501:

19
20 SECTION 194. Arkansas Code § 16-93-619 is amended to read as follows:

21 16-93-619. Rulemaking authority.

22 The ~~Parole Post-Prison Transfer~~ Board may adopt rules to implement,
23 administer, and enforce this subchapter.

24
25 SECTION 195. The introductory language of Arkansas Code § 16-93-
26 620(a), concerning parole eligibility procedures for offenses committed after
27 April 1, 2015, is amended to read as follows:

28 (a) An inmate sentenced for one (1) of the following felonies on or
29 after April 1, 2015, is eligible for discretionary transfer to the ~~Department~~
30 Division of Community Correction by the ~~Parole Post-Prison Transfer~~ Board
31 after having served one-third ($\frac{1}{3}$) or one-half ($\frac{1}{2}$) of his or her sentence,
32 with credit for meritorious good time, depending on the seriousness
33 determination made by the Arkansas Sentencing Commission, or one-half ($\frac{1}{2}$) of
34 the time to which his or her sentence is commuted:

35
36 SECTION 196. Arkansas Code § 16-93-621, is amended to read as follows:

1 16-93-621. Parole or post-release supervision eligibility – A person
2 who was a minor at the time of committing an offense that was committed
3 before, on, or after March 20, 2017.

4 (a)(1)(A) A minor who was convicted and sentenced to the former
5 Department of Correction or the Division of Correction for an offense
6 committed before he or she was eighteen (18) years of age and in which the
7 death of another person did not occur is eligible for release on parole or
8 transfer to post-release supervision no later than after twenty (20) years of
9 incarceration, including any applicable sentencing enhancements, and
10 including an instance in which multiple sentences are to be served
11 consecutively or concurrently, unless by law the minor is eligible for
12 earlier parole or post-release supervision eligibility.

13 (B) Subdivision (a)(1)(A) of this section applies
14 retroactively to a minor whose offense was committed before he or she was
15 eighteen (18) years of age, including a minor serving a sentence of life,
16 regardless of the original sentences that were imposed.

17 (2)(A) A minor who was convicted and sentenced to the department
18 or the division for an offense committed before he or she was eighteen (18)
19 years of age, in which the death of another person occurred, and that was
20 committed before, on, or after March 20, 2017, is eligible for release on
21 parole or transfer to post-release supervision no later than after twenty-
22 five (25) years of incarceration if he or she was convicted of murder in the
23 first degree, § 5-10-102, or no later than after thirty (30) years of
24 incarceration if he or she was convicted of capital murder, § 5-10-101,
25 including any applicable sentencing enhancements, unless by law the minor is
26 eligible for earlier parole or post-release supervision eligibility.

27 (B) Subdivision (a)(2)(A) of this section applies
28 retroactively to a minor whose offense was committed before he or she was
29 eighteen (18) years of age, including minors serving sentences of life,
30 regardless of the original sentences that were imposed.

31 (3) Credit for meritorious good time or earned release credits
32 shall not be applied to calculations of time served under this subsection for
33 minors convicted and sentenced for capital murder, § 5-10-101(c), or when a
34 life sentence is imposed for murder in the first degree, § 5-10-102.

35 (4) The calculation of the time periods under this subsection
36 shall include any applicable sentence enhancements to which the minor was

1 sentenced that accompany the sentence for the underlying offense.

2 (b)(1) The ~~Parole~~ Post-Prison Transfer Board shall ensure that a
3 hearing to consider the parole or post-release supervision eligibility of a
4 person who was a minor at the time of the offense that was committed before,
5 on, or after March 20, 2017, takes into account how a minor offender is
6 different from an adult offender and provides a person who was a minor at the
7 time of the offense that was committed before, on, or after March 20, 2017,
8 with a meaningful opportunity to be released on parole or post-release
9 supervision based on demonstrated maturity and rehabilitation.

10 (2) During a parole eligibility or transfer hearing involving a
11 person who was a minor at the time of the offense that was committed before,
12 on, or after March 20, 2017, the board shall take into consideration in
13 addition to other factors required by law to be considered by the board:

14 (A) The diminished culpability of minors as compared to
15 that of adults;

16 (B) The hallmark features of youth;

17 (C) Subsequent growth and increased maturity of the person
18 during incarceration;

19 (D) Age of the person at the time of the offense;

20 (E) Immaturity of the person at the time of the offense;

21 (F) The extent of the person's role in the offense and
22 whether and to what extent an adult was involved in the offense;

23 (G) The person's family and community circumstances at the
24 time of the offense, including any history of abuse, trauma, and involvement
25 in the child welfare system;

26 (H) The person's participation in available rehabilitative
27 and educational programs while in prison, if those programs have been made
28 available, or use of self-study for self-improvement;

29 (I) The results of comprehensive mental health evaluations
30 conducted by an adolescent mental health professional licensed in the state
31 at the time of sentencing and at the time the person becomes eligible for
32 parole or transfer to post-release supervision under this section; and

33 (J) Other factors the board deems relevant.

34 (3) A person eligible for parole or transfer to post-release
35 supervision under this section may have an attorney present to represent him
36 or her at the parole eligibility or transfer hearing.

1 (c)(1)(A) The board shall notify a victim of the crime before the
2 board reviews parole or transfer eligibility under this section for an inmate
3 convicted of the crime and provide information regarding victim input
4 meetings, as well as state and national victim resource information.

5 (B) If the victim is incapacitated or deceased, the notice
6 under subdivision (c)(1)(A) of this section shall be given to the victim's
7 family.

8 (C) If the victim is less than eighteen (18) years of age,
9 the notice under subdivision (c)(1)(A) of this section shall be given to the
10 victim's parent or guardian.

11 (2) Victim notification under this subsection shall include:

12 (A) The location, date, and time of parole or transfer
13 review; and

14 (B) The name and phone number of the individual to contact
15 for additional information.

16
17 SECTION 197. Arkansas Code § 16-93-622, is amended to read as follows:
18 16-93-622. Parole discharge for offenders who are minors –
19 Reinstatement of rights.

20 (a) The ~~Parole~~ Post-Prison Transfer Board may discharge a person from
21 parole or post-release supervision if:

22 (1) The person:

23 (A) Was released on parole or post-release supervision
24 under § 16-93-621 for having committed an offense as a minor; and

25 (B) Has served at least five (5) years on parole or post-
26 release supervision without a violation; and

27 (2) The prosecuting attorney in the county where the person was
28 originally convicted has consented to the discharge of the person from parole
29 or post-release supervision.

30 (b) Unless otherwise provided by Arkansas Constitution, Amendment 51,
31 a person who has been discharged from parole or post-release supervision
32 under subsection (a) of this section shall have his or her constitutional
33 right to vote restored.

34
35 SECTION 198. Arkansas Code § 16-93-701(a)(1), concerning the authority
36 of the Post-Prison Transfer Board to grant release, is amended to read as

1 follows:

2 (a)(1) The ~~Parole~~ Post-Prison Transfer Board may release on parole any
3 eligible inmate who is confined in any correctional institution administered
4 by the Division of Correction or the Division of Community Correction, when
5 in the board's opinion there is a reasonable probability that the inmate can
6 be released without detriment to the community or himself or herself and is
7 able and willing to fulfill the obligations of a law-abiding citizen.

8

9 SECTION 199. Arkansas Code § 16-93-702(a), concerning recommendations
10 solicited by the Post-Prison Transfer Board is amended to read as follows:

11 (a) Before the ~~Parole~~ Post-Prison Transfer Board shall grant any
12 parole, the board shall solicit the written or oral recommendations of the
13 committing court, the prosecuting attorney, and the county sheriff of the
14 county from which the inmate was committed.

15

16 SECTION 200. Arkansas Code § 16-93-703(a), concerning place of hearing
17 of the Post-Prison Transfer Board, is amended to read as follows:

18 (a) The ~~Parole~~ Post-Prison Transfer Board shall not schedule parole
19 hearings at which victims or relatives of victims of crime are invited to
20 appear at a facility wherein inmates are housed other than the Central
21 Administration Building of the Division of Correction at Pine Bluff.

22

23 SECTION 201. Arkansas Code § 16-93-704(a), concerning notice to law
24 enforcement personnel and the committing court before a hearing of the Post-
25 Prison Transfer Board, is amended to read as follows:

26 (a) At the time that any person is paroled by the ~~Parole~~ Post-Prison
27 Transfer Board, the board shall give written notice of the granting of the
28 parole to the county sheriff, the committing court, and the chief of police
29 of all cities of the first class of the county from which the person was
30 sentenced.

31

32 SECTION 202. Arkansas Code § 16-93-705(a)(1)(A)(i), concerning
33 procedures for parole revocation, is amended to read as follows:

34 (a)(1)(A)(i) At any time during a parolee's release on parole, the
35 ~~Parole~~ Post-Prison Transfer Board may issue a warrant for the arrest of the
36 parolee for violation of any conditions of parole or may issue a notice to

1 appear to answer a charge of a violation.

2

3 SECTION 203. Arkansas Code § 16-93-705(a)(4), concerning procedures
4 for parole revocation, is amended to read as follows:

5 (4) Any ~~parole~~ community supervision officer may arrest a
6 parolee without a warrant or may deputize any officer with power of arrest to
7 arrest the parolee without a warrant by giving him or her a written statement
8 setting forth that the parolee, in the judgment of the parole officer,
9 violated conditions of his or her parole.

10

11 SECTION 204. Arkansas Code § 16-93-705(b)(5)-(8), concerning
12 procedures for parole revocation, are amended to read as follows:

13 (5) If the ~~parole~~ revocation hearing judge finds that there is
14 reasonable cause to believe that the parolee has violated a condition of
15 parole, the ~~parole~~ revocation hearing judge may order the parolee returned to
16 the nearest facility of the Division of Correction or Division of Community
17 Correction where the parolee shall be placed in custody for a parole
18 revocation hearing before the board.

19 (6) If the ~~parole~~ revocation hearing judge finds that there is
20 reasonable cause to believe that the parolee has violated a condition of
21 parole, the ~~parole~~ revocation hearing judge may return the parolee to parole
22 supervision rather than to the custody of the Division of Correction and may
23 impose additional supervision conditions in response to the violating
24 conduct.

25 (7) If the ~~parole~~ revocation hearing judge does not find
26 reasonable cause, he or she shall order the parolee released from custody,
27 but that action shall not bar the board from holding a parole revocation
28 hearing on the alleged violation of parole or from ordering the parolee to
29 appear before the board.

30 (8) The ~~parole~~ revocation hearing judge shall prepare and
31 furnish to the board and the parolee a summary of the parole revocation
32 hearing, including the substance of the evidence and testimony considered
33 along with the ruling or determination, within twenty-one (21) days from the
34 date of the preliminary hearing, excluding a weekend, holiday, or delay
35 caused by an act of nature.

36

1 SECTION 205. Arkansas Code § 16-93-705(d)(1), concerning procedures
2 for parole revocation, is amended to read as follows:

3 (1) The parolee shall have the right to confront and cross-
4 examine adverse witnesses unless the ~~parole~~ revocation hearing judge or the
5 board or its designee specifically finds good cause for not allowing
6 confrontation; and

7
8 SECTION 206. Arkansas Code § 16-93-706(a)(1), concerning the subpoena
9 of witnesses and documents for a parole revocation hearing, is amended to
10 read as follows:

11 (a)(1) The Chair of the ~~Parole~~ Post-Prison Transfer Board or his or
12 her designee, the hearing officer presiding over any preliminary hearing with
13 respect to an alleged parole violation, the administrator of the ~~Parole Post-~~
14 Prison Transfer Board, or any member of the board pursuant to the authority
15 of the board to meet and determine whether to revoke parole shall have the
16 power to issue oaths and to subpoena witnesses to appear and testify and
17 bring before the hearing officer or the board any relevant books, papers,
18 records, or documents.

19
20 SECTION 207. Arkansas Code § 16-93-708(b)(1)(A), concerning home
21 detention as a parole alternative, is amended to read as follows:

22 (b)(1)(A) Subject to the provisions of subdivision (b)(2) of this
23 section, a defendant convicted of a felony or misdemeanor and sentenced to
24 imprisonment may be incarcerated in a home detention program when the
25 Director of the ~~Department~~ Division of Correction or the Director of the
26 ~~Department~~ Division of Community Correction communicates to the ~~Parole Post-~~
27 Prison Transfer Board when, in the independent opinions of either a
28 ~~Department~~ Division of Correction physician or ~~Department~~ Division of
29 Community Correction physician and a consultant physician in Arkansas, an
30 inmate is either terminally ill, permanently incapacitated, or would be
31 suitable for hospice care and should be considered for transfer to parole
32 supervision.

33
34 SECTION 208. Arkansas Code § 16-93-708(b)(1)(B), concerning home
35 detention as a parole alternative, is amended to read as follows:

36 (B) The Director of the ~~Department~~ Division of Correction

1 or the Director of the ~~Department~~ Division of Community Correction shall make
2 the facts described in subdivision (b)(1)(A) of this section known to the
3 ~~Parole~~ Post-Prison Transfer Board for consideration of early release to home
4 detention.

5
6 SECTION 209. Arkansas Code § 16-93-709(a), concerning the prohibition
7 on a sex offender residing with a minor, is amended to read as follows:

8 (a) Whenever an inmate in a facility of the Division of Correction who
9 has been found guilty of or has pleaded guilty or nolo contendere to any
10 sexual offense defined in § 5-14-101 et seq., or incest as defined by § 5-26-
11 202, and the sexual offense or incest was perpetrated against a minor,
12 becomes eligible for parole and makes application for release on parole, the
13 ~~Parole~~ Post-Prison Transfer Board shall prohibit, as a condition of granting
14 the parole, the parolee from residing upon parole in a residence with any
15 minor, unless the board makes a specific finding that the inmate poses no
16 danger to the minors residing in the residence.

17
18 SECTION 210. Arkansas Code § 16-93-710(a)(1), concerning parole for
19 inmates who have served imprisonment in the county jail prior to being
20 processed into the Division of Correction, is amended to read as follows:

21 (a)(1) Subject to conditions set by the ~~Parole~~ Post-Prison Transfer
22 Board, an offender convicted of a felony and sentenced to a term of
23 imprisonment of two (2) years or less in the Division of Correction, and who
24 has served his or her term of imprisonment in a county jail prior to being
25 processed into the Division of Correction, may be paroled from the Division
26 of Correction county jail backup facility directly to the Division of
27 Community Correction under parole supervision, and upon eligibility
28 determination, processed for release by the board.

29
30 SECTION 211. Arkansas Code § 16-93-711(b)(1)(B), concerning electronic
31 monitoring as a parole alternative, is amended to read as follows:

32 (B) The Director of the ~~Department~~ Division of Correction
33 shall make the facts described in subdivision (b)(1)(A) of this section known
34 to the ~~Parole~~ Post-Prison Transfer Board for consideration of electronic
35 monitoring.

36

1 SECTION 212. Arkansas Code § 16-93-712(a)(1), concerning parole
2 supervision, is amended to read as follows:

3 (a)(1) The ~~Parole~~ Post-Prison Transfer Board shall establish written
4 policies and procedures governing the supervision of parolees designed to
5 enhance public safety and to assist the parolees in reintegrating into
6 society.

7
8 SECTION 213. The introductory language of Arkansas Code § 16-93-
9 712(b), concerning parole supervision, is amended to read as follows:

10 (b) A ~~parole~~ community supervision officer shall:

11
12 SECTION 214. Arkansas Code § 16-93-712(b)(1), concerning the duties of
13 a community supervision officer in relation to parole supervision, is amended
14 to read as follows:

15 (1) Investigate each case referred to him or her by the Chair of
16 the ~~Parole~~ Post-Prison Transfer Board, the Division of Community Correction,
17 or the prosecuting attorney;

18
19 SECTION 215. Arkansas Code § 16-93-712(d)(2)(A)(i) and (ii),
20 concerning the sanctioning grid required for parole supervision, are amended
21 to read as follows:

22 (2)(A)(i) The Division of Community Correction shall develop an
23 intermediate sanctions procedure and grid to guide a ~~parole~~ community
24 supervision officer in determining the appropriate response to a violation of
25 conditions of supervision.

26 (ii) The intermediate sanctions procedure shall
27 include a requirement that the ~~parole~~ community supervision officer consider
28 multiple factors when determining the sanction to be imposed, including
29 previous violations and sanctions and the severity of the current and prior
30 violation.

31
32 SECTION 216. Arkansas Code § 16-93-712(d)(2), concerning the
33 sanctioning grid required for community supervision, is amended to add an
34 additional subdivision to read as follows:

35 (C) The intermediate sanctioning grid shall include:

36 (i) An assignment of point values to commonly

1 occurring violations of terms of parole or criminal behavior;

2 (ii) An assignment of point values to behaviors that
3 decrease the likelihood of recidivism, including without limitation:

4 (a) Education;

5 (b) Workforce development;

6 (c) Community service; and

7 (d) Behavioral health programming;

8 (iii) Details on the mechanisms by which points are
9 accumulated and reduced; and

10 (iv) Guidance on which intermediate sanctions should
11 be applied at which point thresholds.

12
13 SECTION 217. Arkansas Code § 16-93-712(d)(2)(B)(d), concerning
14 sanctions permitted for parole supervision, is amended to read as follows:

15 (d) A parolee may not be incarcerated more
16 than two (2) times as a parole sanction in a Division of Community Correction
17 facility or Division of Correction facility during a two-year period.

18
19 SECTION 218. Arkansas Code § 16-93-712(d)(3)(E)(ii)(b), concerning
20 sanctions permitted for parole supervision, is amended to read as follows:

21 (b) A parolee shall accumulate no more than
22 twenty-one (21) days' incarceration in a county jail or no more than two
23 hundred forty (240) days' incarceration in a Division of Community Correction
24 facility or Division of Correction facility as an intermediate sanction
25 before the ~~parole~~ community supervision officer recommends a violation of the
26 person's parole under § 16-93-706.

27
28 SECTION 219. Arkansas Code § 16-93-713, is amended to read as follows:
29 16-93-713. Rulemaking authority.

30 The ~~Parole~~ Post-Prison Transfer Board may adopt rules to implement,
31 administer, and enforce this subchapter.

32
33 SECTION 220. Arkansas Code § 16-93-714, is amended to read as follows:
34 16-93-714. Denial of parole – Detriment to the community.

35 The ~~Parole~~ Post-Prison Transfer Board may deny parole to any otherwise
36 eligible person, regardless of the sentence that he or she is serving, if

1 five (5) members of the board determine that the person upon release would be
2 a detriment to the community into which the person would be released.

3
4 SECTION 221. Arkansas Code § 16-93-715(b)(2)(C), concerning revocation
5 of parole after sanctions for technical violations, is amended to read as
6 follows:

7 (C) A parolee is subject to having his or her parole
8 revoked and being returned to the Division of Correction or the Division of
9 Community Correction under this section without having been sanctioned for a
10 period of confinement set out under § 16-93-712(d) or subdivision (a)(1) of
11 this section if the ~~Parole~~ Post-Prison Transfer Board determines by a
12 preponderance of the evidence that the parolee is engaging in or has engaged
13 in behavior that poses a threat to the community.

14
15 SECTION 222. Arkansas Code § 16-93-1202(4), concerning the definitions
16 to be used in relation to community correction, is amended to read as
17 follows:

18 (4) "Division of Community Correction" means the administrative
19 structure in place to oversee the development and operation of community
20 correction facilities, programs, and services, including probation, ~~and~~
21 parole, and post-release supervision;

22
23 SECTION 223. Arkansas Code § 16-93-1202(8), concerning the definitions
24 to be used in relation to community correction, is amended to read as
25 follows:

26 (8) "Supervision" means direct supervision at varying levels of
27 intensity by ~~either probation~~ community supervision officers in the case of
28 sentences to probation with a condition of community correction, ~~or parole~~
29 ~~and post-prison supervision officers, in the case of~~ or offenders eligible
30 for release on parole or offenders transferred to community correction or
31 community supervision from the Division of Correction;

32
33 SECTION 224. Arkansas Code § 16-93-1202(10), concerning the
34 definitions to be used in relation to community correction, is amended to
35 read as follows:

36 (10)(A)(i) "Target group" means a group of offenders who have

1 committed one (1) or more of the following offenses without limitation:
2 ~~(a) Terroristic threatening, § 5-13-301, if a~~
3 ~~firearm was not used or brandished during the commission of the offense;~~
4 ~~(b)(a)~~ Endangering the welfare of a minor in the
5 first degree, § 5-27-205;
6 ~~(e)(b)~~ Theft, § 5-36-101 et seq.;
7 ~~(d)(c)~~ Theft by receiving, § 5-36-106;
8 ~~(e)(d)~~ Fraudulent use of a credit card or debit
9 card, § 5-37-207;
10 ~~(f)(e)~~ Violation of the Arkansas Hot Check Law, § 5-
11 37-301 et seq.;
12 ~~(g)(f)~~ Criminal mischief in the first degree, § 5-
13 38-203, and criminal mischief in the second degree, § 5-38-204;
14 ~~(h)(g)~~ Commercial burglary, § 5-39-201(b);
15 ~~(i)(h)~~ Breaking or entering, § 5-39-202;
16 ~~(j)(i)~~ Failure to appear, § 5-54-120;
17 ~~(k)(j)~~ Drug paraphernalia, § 5-64-443;
18 ~~(l)(k)~~ Driving or boating while intoxicated, § 5-65-
19 103, fourth or subsequent offense;
20 ~~(m)(l)~~ Leaving the scene of an accident resulting in
21 death or injury, § 27-53-101;
22 ~~(n)(m)~~ A Class B felony, Class C felony, or Class D
23 felony that is not violent or sexual and that meets the eligibility criteria
24 determined by the General Assembly to have significant impact on the use of
25 correctional resources;
26 ~~(o)(n)~~ A controlled substance felony, other than
27 trafficking a controlled substance, § 5-64-440;
28 ~~(p)(o)~~ An unclassified felony for which the
29 prescribed limitations on the sentence do not exceed the prescribed
30 limitations for a Class B felony and that is not violent or sexual; and
31 ~~(q)(p)~~ Solicitation, attempt, or conspiracy to
32 commit an offense listed in this subdivision (10)(A)(i).
33 (ii) As used in this subdivision (10)(A), “violent or
34 sexual” includes:
35 (a) An offense against the person under § 5-10-101
36 et seq., § 5-11-101 et seq., § 5-12-101 et seq., § 5-13-201 et seq., § 5-13-

1 310, and § 5-14-101 et seq.; ~~and~~

2 (b) A felony ineligible to receive earned release
3 credits or a restricted release felony, as defined in § 16-93-1802; and

4 ~~(b)(c)~~ An offense containing as an element of the
5 offense the use of physical force, the threatened use of serious physical
6 force, the infliction of physical injury, or the creation of a substantial
7 risk of serious physical injury, and an offense for which the offender is
8 required to register as a sex offender under the Sex Offender Registration
9 Act of 1997, § 12-12-901 et seq.

10 (iii) For the purpose of the sealing of a criminal record
11 under § 16-93-1207, “target group” includes any misdemeanor conviction except
12 a misdemeanor conviction for which the offender is required to register as a
13 sex offender or a misdemeanor conviction for driving while intoxicated.

14 (B) Except for those offenders assigned to a technical violator
15 program, only those offenders falling within the target group population may
16 access community correction facilities whether by judicial transfer,
17 administrative transfer, drug court sanction, or probation sanction.

18 (C) Final determination of eligibility for placement in any
19 community correction center or program is the responsibility of the Division
20 of Community Correction;

21
22 SECTION 225. Arkansas Code § 16-93-1208(a)(1)(A), concerning post-
23 commitment transfer to community correction, is amended to read as follows:

24 (a)(1)(A) Upon commitment of an eligible offender to the Division of
25 Correction, the Division of Correction will transfer the eligible offender to
26 a community correction program, when he or she reaches his or her transfer
27 date, in accordance with the rules promulgated by the Board of Corrections
28 and conditions set by the ~~Parole~~ Post-Prison Transfer Board.

29
30 SECTION 226. Arkansas Code § 16-93-1208(a)(2), concerning post-
31 commitment transfer to community correction, is amended to read as follows:

32 (2) A person eligible for release from incarceration on parole
33 or post-release supervision may be placed in community correction programming
34 while under parole supervision or post-release supervision upon the
35 recommendation of the condition by the releasing authority.

36

1 SECTION 227. Arkansas Code § 16-93-1209, concerning post-commitment
2 transfer to community correction, is amended to read as follows:

3 16-93-1209. Liability.

4 The Division of Correction, the Board of Corrections, the Division of
5 Community Correction, the ~~Parole~~ Post-Prison Transfer Board, and all
6 governmental agencies and units utilizing eligible offenders in community
7 correction programs as defined in this subchapter are immune from liability
8 and suit for damages, and no tort action shall lie against the Division of
9 Correction, the Board of Corrections, the Division of Community Correction,
10 the ~~Parole~~ Post-Prison Transfer Board, and any governmental agency or unit or
11 any of their employees because of any acts of eligible offenders utilized
12 under the provisions of this subchapter.

13
14 SECTION 228. Arkansas Code § 16-93-1401(2), concerning notification of
15 offenders' acquired immune deficiency syndrome status and related
16 definitions, is amended to read as follows:

17 (2) "~~Parole or probation~~ Community supervision officer" means a
18 parole, post-release supervision, or probation officer of the ~~Department~~
19 Division of Community Correction.

20
21 SECTION 229. Arkansas Code § 16-93-1402(a), concerning notification of
22 offenders' acquired immune deficiency syndrome status, is amended to read as
23 follows:

24 (a) The purpose of this subchapter is to provide ~~parole or probation~~
25 community supervision officers with information so they can make informed
26 programming decisions and direct offenders to autoimmune deficiency syndrome-
27 related resources, including appropriate financial, housing, legal, medical,
28 and counseling services.

29
30 SECTION 230. Arkansas Code § 16-93-1402(b), concerning notification of
31 offenders' acquired immune deficiency syndrome status, is amended to read as
32 follows:

33 (b) Upon the release of an offender from a correctional institution, a
34 medical representative of the correctional institution shall notify the
35 offender's ~~parole or probation~~ community supervision officer when the
36 offender has tested positive for infection with human immunodeficiency virus

1 (HIV), or has been diagnosed as having acquired deficiency syndrome (AIDS) or
2 acquired immune deficiency syndrome-related conditions.

3
4 SECTION 231. Arkansas Code § 16-93-1402(c), concerning notification of
5 offenders' acquired immune deficiency syndrome status, is amended to read as
6 follows:

7 (c) Information obtained by a ~~parole or probation~~ community
8 supervision officer pursuant to this subchapter shall be confidential and
9 shall not be disclosed except as specifically authorized by this subchapter.

10
11 SECTION 232. Arkansas Code § 16-93-1602(3)(A), concerning definitions
12 related to transitional housing for offenders transferring from the Division
13 of Correction, is amended to read as follows:

14 (3)(A) "Transitional housing" means a program that provides
15 housing for one (1) or more offenders who either have been transferred or
16 paroled from the Division of Correction by the ~~Parole~~ Post-Prison Transfer
17 Board or placed on probation by a circuit court or district court.

18
19 SECTION 233. Arkansas Code § 16-93-1603(b)(1), concerning powers and
20 duties of the Board of Corrections related to transitional housing for
21 offenders transferring from the Division of Correction, is amended to read as
22 follows:

23 (b)(1) The ~~Parole~~ Post-Prison Transfer Board, a district court, or a
24 circuit court shall not release a transferee, parolee, or probationer to a
25 transitional housing facility as a resident unless the transitional housing
26 facility provides a copy of a current license issued by the Division of
27 Community Correction under § 16-93-1604.

28
29 SECTION 234. Arkansas Code § 16-97-103(1), concerning relevant
30 evidence related to sentencing, is amended to read as follows:

31 (1) The law applicable to parole, post-release supervision,
32 meritorious good time, earned release credits, or transfer;

33
34 SECTION 235. Arkansas Code § 16-112-208(c)(2)(C), concerning actions a
35 court may take upon finding that a person's assertion of actual innocence is
36 false, is amended to read as follows:

1 (C) Forward the finding to the Board of Corrections for
2 consideration in the awarding of meritorious good time or earned release
3 credits to the person; or
4

5 SECTION 236. Arkansas Code § 16-112-208(c)(2)(D), concerning new
6 evidence based on new deoxyribonucleic acid technology, is amended to read as
7 follows:

8 (D) Forward the finding to the ~~Parole~~ Post-Prison Transfer
9 Board for consideration in the granting of parole or post-release supervision
10 to the person.
11

12 SECTION 237. Arkansas Code § 17-1-103(d)(1), concerning registration,
13 certification, and licensing for criminal offenders and evidence of
14 rehabilitation, is amended to read as follows:

15 (1) Probation, ~~or parole, or post-release~~ supervision; and
16

17 SECTION 238. Arkansas Code § 17-19-301(a), concerning premiums for
18 bail bonds, is amended to read as follows:

19 (a)(1) ~~With the exception of other provisions of~~ Except as provided in
20 this section, the premium or compensation for giving bond or depositing money
21 or property as bail on any bond shall be ten percent (10%), except that the
22 amount may be rounded up to the nearest five-dollar amount.

23 (2)(A) The premium or compensation under subdivision (a)(1) of
24 this section shall be deposited in full prior to release.

25 (B) In no event shall all or a portion of the premium or
26 compensation under subdivision (a)(1) of this section be deposited after
27 release.

28 (3) If property is deposited as bail to meet the premium or
29 compensation under subdivision (a)(1) of this section, appropriate
30 documentation shall be submitted to the court verifying:

31 (A) The value of the property deposited as bail; and

32 (B) That title to the property has been transferred to the
33 surety.
34

35 SECTION 239. Arkansas Code § 19-5-302(12)(B)(ii), concerning the
36 Miscellaneous Agencies Fund Account that is part of the State General

1 Government Fund, is amended to read as follows:

2 (ii) Nonrevenue income derived from services
3 provided by the probation, parole, post-release supervision, and community
4 correction program; and

5

6 SECTION 240. Arkansas Code § 19-6-301(31), concerning enumerated
7 special revenues, is amended to read as follows:

8 (31) Fees recovered from ex-offenders on probation, ~~or parole,~~
9 or post-release supervision from a facility of the Division of Community
10 Correction, as enacted by Acts 1981, No. 70, and all laws amendatory thereto,
11 § 16-93-104;

12

13 SECTION 241. Arkansas Code § 19-10-204(b)(5), concerning the
14 jurisdiction of the Arkansas State Claims Commission, is amended to read as
15 follows:

16 (5) Brought against the Division of Community Correction for
17 acts committed by a person while that person is subject to conditions of
18 parole, post-release supervision, or probation under Arkansas law;

19

20 SECTION 242. Arkansas Code § 20-13-1704(b), concerning immunity for
21 seeking medical assistance related to a controlled substance, is amended to
22 read as follows:

23 (b) A person shall not be subject to penalties for a violation of a
24 permanent or temporary protective order or restraining order or sanctions for
25 a violation of a condition of pretrial release, condition of probation, or
26 condition of parole or post-release supervision based on the possession of a
27 controlled substance in violation of § 5-64-419 if the penalties or sanctions
28 are related to the seeking of medical assistance.

29

30 SECTION 243. Arkansas Code § 20-18-306 is amended to read as follows:
31 20-18-306. Fees for certified copies.

32 (a) ~~All~~ Except as provided in subsections (b) and (c) of this section,
33 all fees for certified copies of vital records or vital reports under this
34 chapter are listed in § 20-7-123.

35 (b)(1) ~~However, certified~~ Certified copies of the records shall be
36 furnished to veterans or their dependents without costs when the Department

1 of Veterans Affairs requires certified copies of the records.

2 (2) Any veteran or his or her dependents shall make application
3 and shall execute an unnotarized affidavit that he or she is a veteran or a
4 dependent of a veteran in order to obtain the free certified copy of any
5 vital record.

6 (3) Any person who falsely or fraudulently makes an application
7 and unnotarized affidavit that he or she is a veteran or a dependent of a
8 veteran when the person is not a veteran or a dependent of a veteran shall be
9 guilty of a misdemeanor. Upon conviction, the person shall be subject to a
10 fine of not less than fifty dollars (\$50.00) nor more than two hundred fifty
11 dollars (\$250) or imprisonment for not less than thirty (30) days nor more
12 than six (6) months, or both fine and imprisonment.

13 (c) Certified copies of the records shall be furnished to the
14 Department of Corrections on behalf on a state inmate without costs when
15 requested as release documentation for the state inmate.

16

17 SECTION 244. Arkansas Code § 20-38-105(d)(3)(D), concerning exceptions
18 to background checks and disqualification from employment, is amended to read
19 as follows:

20 (D) The person has completed probation, ~~or~~ parole, or
21 post-release supervision, paid all court-ordered fees or fines, including
22 restitution, and fully complied with all court orders pertaining to the
23 conviction or plea;

24

25 SECTION 245. Arkansas Code § 20-76-410(a)(6), concerning conduct that
26 warrants a reduction in a grant of assistance, is amended to read as follows:

27 (6) The individual flees prosecution or custody or confinement
28 following conviction or is in violation of the terms or conditions of parole,
29 post-release supervision, or probation.

30

31 SECTION 246. Arkansas Code § 25-16-904(11), concerning state boards
32 that may pay a stipend to members, is amended to read as follows:

33 (11) ~~Parole~~ Post-Prison Transfer Board;

34

35 SECTION 247. Arkansas Code § 25-43-402(a)(7), concerning state
36 entities transferred to the Department of Corrections, is amended to read as

1 follows:

2 (7) The ~~Parole~~ Post-Prison Transfer Board, created under § 16-
3 93-201;

4

5 SECTION 248. Arkansas Code § 25-43-403(c), concerning the Secretary of
6 the Department of Corrections, is amended to read as follows:

7 (c) The secretary may perform all duties to administer the department,
8 subject to Arkansas Constitution, Amendment 33, including without limitation:

9 (1) Delegate to the employees of the department any of the
10 powers or duties of the department required to administer the:

11 (A) Statutory duties; or

12 (B) Rules, orders, or directives promulgated or issued by
13 the state entities transferred to or established within the department;

14 (2) Hire department personnel; ~~and~~

15 (3) Perform or assign duties assigned to the department or to
16 the employees of the department; and

17 (4)(A) Ensure compliance with the balanced correctional plan
18 developed under § 16-90-802(d)(4) by reviewing the strategic plans of the
19 state entities transferred to or established within the department.

20 (B) Review by the secretary under subdivision (c)(4)(A) of
21 this section shall be conducted before the review and approval of the
22 authority of a state entity that is required to develop a strategic plan.

23

24 SECTION 249. Arkansas Code § 27-16-816 is amended to read as follows:
25 27-16-816. Probationer and parolee restricted permits.

26 (a)(1) If a person is on probation, ~~or~~ parole, or post-release
27 supervision, or is within ninety (90) days of release on probation, ~~or~~
28 parole, or post-release supervision, for an offense that did not involve the
29 operation of a motor vehicle ~~and he or she has his or her license suspended~~
30 ~~for a reason not listed under § 27-16-915(b)(2)(C)~~, the person may be
31 eligible for a restricted driving permit under this section that permits the
32 holder to drive a motor vehicle directly to and directly home from:

33 (A) A place where he or she is employed;

34 (B) A place where he or she, or his or her minor child,
35 attends school;

36 (C) A scheduled meeting with his or her ~~probation or~~

1 ~~parole~~ community supervision officer; or

2 (D) Any place, location, or meeting that the person's
3 ~~probation or parole~~ community supervision officer has directed the person on
4 probation or parole to travel to or attend.

5 (2) This section does not apply to a person with an expired
6 driver's license or a person who has failed to comply with license
7 reinstatement requirements under § 5-65-115(a) and § 5-65-121.

8 (3) The Department of Corrections shall provide access to the
9 programs required under § 5-65-115(a) and § 5-65-121 to inmates.

10 (b)(1)(A) The application for a restricted driving permit under this
11 section by a person on probation, ~~or~~ parole, or post-release supervision may
12 be submitted electronically to the Department of Finance and Administration
13 by a ~~probation or parole~~ community supervision officer employed by the
14 Division of Community Correction.

15 (B) The ~~department~~ Department of Finance and
16 Administration shall determine whether the restricted driving permit that
17 allows a person on probation, ~~or~~ parole, or post-release supervision to drive
18 a motor vehicle to and from a place listed under subsection (a) of this
19 section shall be issued.

20 (2)(A) A restricted driving permit issued under this section
21 shall be a standardized permit, and the person possessing a restricted
22 driving permit under this section shall have the restricted driving permit in
23 his or her possession at all times when the person is operating a motor
24 vehicle until the person's driver's license is no longer suspended.

25 (B)(i) A restricted driving permit shall include the
26 address of the person's residence and the address of each location to and
27 from where the person is permitted to drive under this section.

28 (ii) The person's name and address on a restricted
29 driving permit under this section shall match the person's name and address
30 as listed on a valid state-issued identification in the person's possession.

31 (3) The ~~department~~ Department of Finance and Administration may
32 revoke a restricted driving permit under this section at any time and for any
33 reason.

34 (c) A person who knowingly creates a fraudulent restricted driving
35 permit, the purpose of which is to be used as a restricted driving permit
36 under this section upon conviction is guilty of a Class A misdemeanor.

1 (d) A motor vehicle liability insurance carrier may provide liability
2 insurance for a person issued a restricted driving permit under this section
3 but is not required to issue an insurance policy for a person who has been
4 issued a restricted driving permit under this section.

5 (e)(1) A person on probation, ~~or~~ parole, or post-release supervision
6 who has been issued a restricted driving permit under this section shall
7 continue to have his or her driver's license suspended until the person has
8 satisfied all the requirements necessary to remove his or her driver's
9 license from suspension.

10 (2) Once the person on probation, ~~or~~ parole, or post-release
11 supervision has his or her driver's license removed from suspension, he or
12 she shall be free from the restrictions placed on him or her under this
13 section.

14 (f) A restricted driving permit issued under this section expires on
15 the date on which the person is released from probation, ~~or~~ parole, or post-
16 release supervision.

17 (g) The division and the ~~department~~ Department of Finance and
18 Administration may promulgate rules to implement this section.

19
20 SECTION 250. TEMPORARY LANGUAGE. DO NOT CODIFY. Legislative
21 Recidivism Reduction Task Force – Creation – Membership – Duties.

22 (a) There is created the Legislative Recidivism Reduction Task Force.

23 (b) The task force shall consist of the following nineteen (19)
24 members:

25 (1) One (1) member appointed by the Chief Justice of the Supreme
26 Court;

27 (2) Nine (9) members appointed by the Governor, as follows:

28 (A) One (1) member who is a county sheriff;

29 (B) One (1) member who is a representative of the Arkansas
30 Public Defender Commission;

31 (C) One (1) member who is a public defender;

32 (D) One (1) member who is a prosecuting attorney;

33 (E) One (1) member who is a member of the executive board
34 of the Arkansas Association of Chiefs of Police;

35 (F) One (1) member who is a victim of crime or an advocate
36 for victims of crime;

1 (G) One (1) member who is a member of a community affected
2 by crime and who may be a person with personal experience in the criminal
3 justice system; and

4 (H) Two (2) at-large members who are representative of the
5 racial, ethnic, gender, or geographical diversity of the state;

6 (3) Two (2) members of the Senate appointed by the President Pro
7 Tempore of the Senate;

8 (4) Two (2) members of the House of Representatives appointed by
9 the Speaker of the House of Representatives;

10 (5) The Chair of the Board of Corrections, or his or her
11 designee;

12 (6) The Chair of the Arkansas Parole Board, or his or her
13 designee;

14 (7) The Secretary of the Department of Corrections, or his or
15 her designee;

16 (8) The Director of the Division of Community Correction, or his
17 or her designee; and

18 (9) The Attorney General, or his or her designee.

19 (c) If a vacancy occurs on the task force, the vacancy shall be filled
20 by the same process as the original appointment.

21 (d)(1) The Senate members appointed by the President Pro Tempore of
22 the Senate shall call the first meeting of the task force no later than
23 August 31, 2023.

24 (2) At the first meeting of the task force, the members of the
25 task force shall elect from the membership a chair and other officers as
26 needed for the transaction of its business.

27 (3) The task force shall meet at least quarterly at the call of
28 the chair or a majority of the members of the task force.

29 (4) The task force shall meet at the State Capitol Building or
30 in the legislative committee rooms in the Multi-Agency Complex on the State
31 Capitol grounds.

32 (e)(1) The task force shall adopt rules and procedures for conducting
33 its business.

34 (2) Nine (9) members of the task force shall constitute a quorum
35 for transacting business.

36 (f) The purpose of the task force is to study and recommend

1 improvements to the criminal justice system outcomes in the State of
2 Arkansas.

3 (g) To achieve this purpose, the task force, working with the support
4 of the Council of State Governments Justice Center, shall:

5 (1) Conduct a comprehensive data analysis to identify the
6 drivers of Arkansas's high recidivism rates;

7 (2) Examine the effectiveness of current supervision practices
8 and responses to technical violations of supervision;

9 (3) Identify unnecessary barriers to successful reentry into
10 society;

11 (4) Determine gaps in behavioral health treatment, workforce
12 training, and other services for people on supervision and reentering society
13 from incarceration;

14 (5) Use data to identify how recidivism contributes to overall
15 crime and incarceration rates; and

16 (6) Develop data-driven recommendations for reducing recidivism
17 and improving outcomes for people on supervision and reentering society from
18 incarceration.

19 (h)(1) On or before December 31, 2023, the task force shall submit a
20 preliminary report to the Legislative Council, the Governor, and the Chief
21 Justice of the Supreme Court.

22 (2) On or before December 1, 2024, the task force shall submit
23 its final report to the Legislative Council, the Governor, and the Chief
24 Justice of the Supreme Court.

25 (3) The preliminary report and the final report shall include
26 the task force's activities, findings, and recommendations, including without
27 limitation:

28 (A) Recommendations for improvements to criminal justice
29 system outcomes;

30 (B) A summary of projected savings to the State of
31 Arkansas to be generated from adoption of the recommendations of the task
32 force; and

33 (C) The projected impact on public safety in the state
34 with adoption of the recommendations of the task force.

35 (i) The task force shall expire on December 31, 2024.
36

1 SECTION 251. DO NOT CODIFY. CORRECTION OF TECHNICAL ERRORS RELATED TO
2 IMPLEMENTATION OF the "Protect Arkansas Act".

3 (a)(1) The General Assembly finds that:

4 (A) The implementation of this act involves a multitude of
5 changes to existing Arkansas law;

6 (B) Many of the changes implicated by this act are highly
7 technical and require careful study of the purpose and context of each
8 Arkansas Code section, with the need for some of the changes not becoming
9 apparent until the implementation of this act;

10 (C) When implementing revisions as large and comprehensive
11 as the changes under this act, it is inevitable that certain sections of the
12 Arkansas Code requiring technical changes to follow the intent of this act
13 will be either omitted or amended in a manner that is later found to be
14 erroneous and unintentional;

15 (D) It is likewise inevitable that other acts enacted by
16 the Ninety-fourth General Assembly will not take into account the changes in
17 this act, resulting in technical inconsistencies between newly passed laws;
18 and

19 (E) If the correct statutory change to remedy an
20 unintentional error or an inconsistency between this act and another act of
21 the Ninety-fourth General Assembly is readily apparent and consistent with
22 the intent of this act, the unintentional error or inconsistency should be
23 corrected as part of the codification process due to the technical nature of
24 the unintentional error or inconsistency.

25 (2) It is the intent of the General Assembly to empower the
26 Arkansas Code Revision Commission to correct technical errors identified in
27 the Arkansas Code during the implementation of this act to allow this act to
28 be fully implemented.

29 (b)(1)(A) Any person or state entity identifying one (1) or more
30 sections of the Arkansas Code that require revision to implement the intent
31 of this act may notify the Director of the Bureau of Legislative Research or
32 his or her designee of the section or sections at issue.

33 (B) If the Bureau of Legislative Research, while assisting
34 the commission with the commission's powers and duties, becomes aware of one
35 (1) or more sections of the Arkansas Code that require revision to implement
36 the intent of this act for which it appears that the bureau and the

1 commission do not have authority to make the necessary revision under § 1-2-
2 303(d), the bureau may notify the commission of the section or sections at
3 issue.

4 (2) If the commission determines that the revision necessary to
5 one (1) or more sections of the Arkansas Code under subdivision (b)(1) of
6 this section is technical in nature, germane to the intent of this act, and
7 consistent with this act's policy and purposes, the commission may make the
8 revision to the Arkansas Code.

9 (3) The commission shall notify the publisher of the Arkansas
10 Code of a revision to the Arkansas Code under subdivision (b)(2) of this
11 section as soon as possible so that the revision may be reflected in the
12 official hard copy version of the Arkansas Code and official electronic
13 version of the Arkansas Code.

14 (4)(A) Except as provided in subdivision (b)(4)(B) of this
15 section, when the commission approves a revision to the Arkansas Code under
16 subdivision (b)(2) of this section, the commission shall notify the following
17 of the revision within thirty (30) days:

- 18 (i) The Speaker of the House of Representatives;
- 19 (ii) The President Pro Tempore of the Senate; and
- 20 (iii) The Legislative Council.

21 (B) The commission is not required to make a notification
22 under subdivision (b)(4)(A) of this section if the revision is made under §
23 1-2-303(d).

24 (c) The authority granted to the commission under this section is
25 supplemental to the commission's authority under § 1-2-303.

26 (d) This section shall expire on December 31, 2024.

27
28 SECTION 252. DO NOT CODIFY. CONSTRUCTION.

29 (a) Except as provided in subsection (b) of this section, to the
30 extent that a conflict exists between an act of the regular session of the
31 Ninety-Fourth General Assembly and this act:

32 (1) Section 1-2-107 shall not apply; and

33 (2) All of the enactments of each act shall be given effect
34 except to the extent of irreconcilable conflicts, in which case the
35 conflicting provision of this act shall prevail.

36 (b) This section shall not revive or re-enact any provision of the

1 Arkansas Code that has been repealed by an act of the regular session of the
2 Ninety-Fourth General Assembly, including without limitation this act.

3
4 SECTION 253. DO NOT CODIFY. Severability.

5 As provided in § 1-2-117, the provisions of this act are severable,
6 and, if any portion of this act is determined to be unconstitutional or
7 invalid, the remaining portions of the act remain in effect.

8
9 SECTION 254. DO NOT CODIFY. Revisions to position classification
10 titles.

11 (a) Any position classification title that is no longer appropriate in
12 light of the changes to Arkansas law under this act may be revised as
13 determined appropriate by the Office of Personnel Management, including
14 without limitation the revision of position classification titles that
15 reference the Parole Board to instead reference the Post-Prison Transfer
16 Board.

17 (b) The authority under subsection (a) of this section does not allow
18 for revisions to:

19 (1) A pay grade;

20 (2) A line item;

21 (3) The number of authorized classifications; or

22 (4) A job duty.

23
24 SECTION 255. DO NOT CODIFY. EFFECTIVE DATE.

25 Sections 1-249 of this act and sections 251-254 of this act are
26 effective on and after January 1, 2024.

27
28 */s/Gilmore*

29
30
31 **APPROVED: 4/11/23**

1 State of Arkansas As Engrossed: S4/3/25

2 95th General Assembly

A Bill

3 Regular Session, 2025

SENATE BILL 485

4

5 By: Senators C. Tucker, Gilmore

6 By: Representatives Gazaway, Dalby

7

8

For An Act To Be Entitled

9

AN ACT TO REDUCE RECIDIVISM; TO AMEND THE LAW

10

CONCERNING THE SUSPENDED IMPOSITION OF A SENTENCE,

11

PROBATION, PAROLE, AND POST-RELEASE SUPERVISION; AND

12

FOR OTHER PURPOSES.

13

14

15

Subtitle

16

TO REDUCE RECIDIVISM; AND TO AMEND THE

17

LAW CONCERNING THE SUSPENDED IMPOSITION

18

OF A SENTENCE, PROBATION, PAROLE, AND

19

POST-RELEASE SUPERVISION.

20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22

23

SECTION 1. Arkansas Code § 5-4-101, concerning definitions with respect to the disposition of offenders, is amended to add an additional subdivision to read as follows:

25

26

(8) "Criminogenic" means those factors which are static and dynamic personal and situational characteristics that increase the risk of criminality and reoffending.

29

30

SECTION 2. Arkansas Code § 5-4-303(a), concerning the requirements that a court shall attach as conditions of the suspension of a sentence or probation, is amended to read as follows:

32

33

(a)(1) If a court suspends imposition of sentence on a defendant or places him or her on probation, the court shall attach such conditions as are reasonably necessary to assist the defendant in leading a law-abiding life.

36

(2) Conditions attached by the court shall be narrowly tailored:



1 (A) To account for the rehabilitation of the defendant and
2 for public safety; and

3 (B) To the criminogenic risks and needs of the defendant.

4 (3)(A) If a presentence investigation has been conducted under §
5 5-4-102, the court shall take into consideration the findings of the
6 presentence investigation when determining the conditions of the defendant's
7 probation.

8 (B) If the court does not order a presentence
9 investigation, the court shall rely on all available information before the
10 court in determining the conditions of probation.

11
12 SECTION 3. Arkansas Code § 5-4-303(c), concerning the requirements
13 that a court may attach as conditions of the suspension of a sentence or
14 probation, is amended to read as follows:

15 (c) If the court suspends imposition of sentence on a defendant or
16 places him or her on probation, as a condition of its order the court may
17 require that the defendant:

18 (1) Support his or her dependents and meet his or her family
19 responsibilities;

20 (2) Undergo available medical or psychiatric treatment and enter
21 and remain in a specified institution when required for medical or
22 psychiatric treatment;

23 (3) Participate in a community-based rehabilitative program or
24 work-release program that uses practices proven to reduce recidivism and for
25 which the court may impose a reasonable fee or assessment on the defendant to
26 be used in support of the community-based rehabilitative program or work-
27 release program;

28 (4)(A) Refrain from frequenting an unlawful or designated place
29 or consorting with a designated person.

30 (B) A designated person may be a specific individual or a
31 specific class of persons, but only when reasons for such designation are set
32 forth in the order;

33 (5) Have no firearm in his or her possession;

34 (6) Make restitution to an aggrieved party in an amount the
35 defendant can afford to pay for the actual loss or damage caused by his or
36 her offense;

1 (7) Post a bond, with or without surety, conditioned on the
2 performance of a prescribed condition; and

3 (8) Satisfy any other condition reasonably related to the
4 rehabilitation of the defendant and not unduly restrictive of his or her
5 liberty or incompatible with his or her freedom of conscience.

6
7 SECTION 4. Arkansas Code § 5-4-306 is amended to read as follows:
8 5-4-306. Time period generally.

9 If a court suspends imposition of sentence on a defendant or places him
10 or her on probation, the period of suspension or probation shall be for a
11 definite period of time not to exceed the maximum jail or prison sentence
12 allowable for the offense charged taking into account the recommended periods
13 of suspension or probation as adopted by the Arkansas Sentencing Commission.

14
15 SECTION 5. Arkansas Code § 12-27-103(b)(18), concerning the functions,
16 power, and duties of the Division of Correction, is amended to read as
17 follows:

18 (18) The Department of Corrections shall establish the Evidence-
19 based Practices and Quality Assurance Unit that conducts programs of
20 research, evaluation, statistics, audit, and planning, including studies and
21 evaluation of the performance of various functions and activities of the
22 department and studies affecting the treatment of offenders and information
23 about other programs; and

24
25 SECTION 6. Arkansas Code § 12-27-126(d), concerning the duties of the
26 Director of the Division of Community Correction, is amended to read as
27 follows:

28 (d) Subject to the rules, policies, and procedures prescribed by the
29 Board of Corrections, the director shall:

30 (1) Administer the Division of Community Correction and
31 supervise the administration of all facilities, programs, and services under
32 the Division of Community Correction's jurisdiction;

33 (2) Employ such personnel as are required in the administration
34 of the provisions of this ~~act~~ subchapter, provided that the employment of
35 personnel shall be in accordance with the applicable laws and personnel rules
36 of the state;

1 (3) Institute programs for the training and development of
2 personnel within the Division of Community Correction and have authority to
3 suspend, discharge, or otherwise discipline personnel in accordance with
4 policies prescribed by the Board of Corrections;

5 (4) Make an annual report to the Board of Corrections, which
6 will be forwarded to the Governor and the General Assembly, on the work of
7 the Division of Community Correction, including statistics and other data,
8 income derived from fee collection, a summary of expenditures of the Division
9 of Community Correction, and progress reports regarding internal issues such
10 as offender success, programming development, bed space utilization, and
11 future needs; ~~and~~

12 (5) Cooperate with the Division of Correction, the Post-Prison
13 Transfer Board, the Arkansas Sentencing Commission, judicial districts,
14 counties, and municipalities to provide the guidance and services required to
15 ensure a full range of correctional and community correction options for the
16 state as a whole; and

17 (6) In consultation with the Evidence-based Practices and
18 Quality Assurance Unit, develop a system for evaluating and promoting a
19 community supervision officer based on dimensions that include without
20 limitation the community supervision officer's ability to:

21 (A) Accurately complete risk and needs assessments;

22 (B) Develop evidence-based supervision case plans based on
23 the results of the risk and needs assessment; and

24 (C) Engage and encourage a person to participate in the
25 rehabilitation-oriented case plan and to change his or her behaviors.

26
27 SECTION 7. Arkansas Code § 12-27-127(a), concerning the transfer of an
28 inmate to the Division of Community Correction, is amended to add an
29 additional subdivision to read as follows:

30 (3) When the committing court designates that a statutorily
31 eligible inmate may not be administratively transferred to a community
32 correction center, the committing court shall include in the sentencing order
33 under subdivision (a)(2) of this section a written explanation of how the
34 committing court determined that the inmate should not be administratively
35 transferred.

36

1 SECTION 8. Arkansas Code § 12-29-112, concerning the discharge or
2 release of an inmate from a state facility, is amended to add additional
3 subsections to read as follows:

4 (f) To the extent that an inmate is engaging in prosocial activities
5 while incarcerated, the inmate's reentry plan shall prioritize the
6 continuation of those activities, including without limitation continued
7 employment and continued participation in mental health treatment or
8 substance abuse treatment, or both.

9 (g) As used in this section, "prosocial" means positive behaviors,
10 activities, efforts, and attitudes that, according to current research,
11 encourage an individual to adhere to societal norms and avoid criminal
12 behavior.

13
14 SECTION 9. Arkansas Code § 16-10-103, concerning the training and
15 education of court personnel, is amended to add an additional subsection to
16 read as follows:

17 (c) The Administrative Office of the Courts shall consult with the
18 Department of Corrections to develop training and judicial education on the
19 use of evidence-based practices to reduce recidivism, including without
20 limitation the use of risk and needs assessment tools.

21
22 SECTION 10. Arkansas Code § 16-13-703(c)(2), concerning imprisonment
23 credit for a period of imprisonment for nonpayment of a fine, is amended to
24 read as follows:

25 (2)(A) The period of imprisonment shall not exceed one (1) day
26 for each ~~forty dollars (\$40.00)~~ one hundred dollars (\$100) of the fine,
27 thirty (30) days if the fine was imposed upon conviction of a misdemeanor, or
28 one (1) year if the fine was imposed upon conviction of a felony, whichever
29 is the shorter period.

30 (B)(i) ~~The~~ For a defendant who was eligible to be
31 represented by a public defender, the total amount of fines owed shall not
32 automatically be reduced by the period of imprisonment, but the court may
33 with a credit ~~forty dollars (\$40.00)~~ of one hundred dollars (\$100) for each
34 day of imprisonment against the total fine, excluding any amount owed for
35 restitution, the defendant has been sentenced to pay.

36 (ii) A defendant who was not eligible to be

1 represented by a public defender may petition the court for the relief
2 provided under subdivision (c)(2)(B)(i) of this section.

3
4 SECTION 11. Arkansas Code § 16-90-102, concerning presentence officers
5 appointed by the judicial district to prepare presentence reports, is amended
6 to add an additional subsection to read as follows:

7 (d) Notwithstanding subsections (a) through (c) of this section and
8 subject to funding by the General Assembly, the Administrative Office of the
9 Courts shall develop a pilot program to expand the number of presentence
10 officers dedicated to preparing presentence reports with a validated risk and
11 needs assessment component.

12
13 SECTION 12. Arkansas Code § 16-90-802(d)(1), concerning the powers and
14 duties of the Arkansas Sentencing Commission, is amended to read as follows:

15 (1)(A) The commission shall adopt an initial sentencing
16 standards grid and an offense seriousness reference table based upon the
17 statutory parameters and additional data and information gathered before
18 January 1, 1994.

19 (B) The commission shall also set:

20 (i) the The percentage of time within parameters set
21 by law to be served for offenses at each seriousness level before any type of
22 transfer or release; and

23 (ii) Guidelines for presumptive periods of
24 suspension or probation;

25
26 SECTION 13. Arkansas Code § 16-90-802(d)(11), concerning the powers
27 and duties of the Arkansas Sentencing Commission, is amended to read as
28 follows:

29 (11) Coordinate with the Director of the Arkansas Sentencing
30 Commission, the Division of Correction, and the Division of Community
31 Correction to develop policy to ensure that the intake process ~~best utilizes~~
32 maximizes the use of beds in nontraditional correctional facilities,
33 including without limitation community correction centers, work release
34 centers, and reentry facilities; and

35
36 SECTION 14. Arkansas Code § 16-90-1304(b), concerning the application

1 of earned discharge and completion of sentence, is amended to read as
2 follows:

3 (b)(1) ~~No less~~ If the Division of Community Correction proposes to
4 discharge the sentence of a person under community supervision under this
5 subchapter, no fewer than forty-five (45) days before the discharge date, the
6 ~~Division of Community Correction~~ division shall submit notice to:

7 (A) The prosecuting attorney; and

8 (B) The Post-Prison Transfer Board.

9 (2)(A) Within thirty (30) days of receipt of the earned
10 discharge notice under subdivision (b)(1) of this section, the prosecuting
11 attorney or the board may submit to the division ~~in writing~~ any reasonable
12 objection to early discharge under this subchapter warranting the forfeiture
13 of earned-discharge credit.

14 (B) An objection submitted under subdivision (b)(2)(A) of
15 this section shall be in writing and state the reason for the objection.

16 (3) If an objection under subdivision (b)(2) of this section is
17 lodged, the division shall immediately suspend the discharge of the sentence.

18 (4) The parolee or probationer may file a petition for review in
19 the sentencing court.

20 (5) A review shall be conducted in the sentencing court within
21 fourteen (14) days of the filing of the petition.

22 (6)(A) The sentencing court shall consider the objections
23 against the person based solely on the information contained in the petition.

24 (B) The sentencing court shall determine, based on a
25 preponderance of the evidence, whether the person should not be discharged
26 from the sentence because, if the information contained in the petition had
27 been known to the division, the division would have ordered the forfeiture of
28 any of the discharge credit earned to that point or if insufficient evidence
29 exists that would warrant the forfeiture of discharge credit.

30 (C) If the sentencing court finds sufficient evidence
31 warranting a forfeiture of discharge credits, the division shall make the
32 necessary forfeiture of earned discharge credit appropriate for the type of
33 misconduct asserted in the objection.

34 (D)(i) If the sentencing court does not find sufficient
35 evidence exists that warrants forfeiture of discharge credits, the division
36 shall discharge the person immediately if the date upon which the completion

1 of the sentence occurred has passed.

2 (ii) If the date for completion of the sentence has
3 not occurred, the person shall return to the status held at the point the
4 objection was filed.

5

6 SECTION 15. Arkansas Code § 16-93-101, concerning definitions with
7 respect to probation and parole, is amended to add additional subdivisions to
8 read as follows:

9 (16) "Criminogenic" means those factors which are static and
10 dynamic personal and situational characteristics that increase the risk of
11 criminality and reoffending; and

12 (17) "Prosocial" means positive behaviors, activities, efforts,
13 and attitudes that, according to current research, encourage an individual to
14 adhere to societal norms and avoid criminal behavior.

15

16 SECTION 16. Arkansas Code § 16-93-306(c), concerning probation
17 supervision generally, is amended to read as follows:

18 (c)(1) The Division of Community Correction shall allocate resources,
19 including the assignment of probation officers, to focus on moderate-risk and
20 high-risk offenders as determined by the actuarial assessment provided in
21 subdivision (b)(6) of this section.

22 (2) The Division of Community Correction shall require public
23 and private treatment and service providers that receive state funds for the
24 treatment of or service for probationers to use evidence-based programs and
25 practices.

26 (3) The Department of Corrections shall:

27 (A) Develop a process for annually evaluating each
28 provider under subdivision (c)(2) of this section; and

29 (B) Establish a clear policy disqualifying a noncompliant
30 provider from receiving public funds until the provider demonstrates the
31 ability to comply with the requirements of subdivision (c)(2) of this
32 section.

33 (4) In addition to the requirements in § 12-27-104, the Board of
34 Corrections shall include in its annual report the results of annual
35 evaluations under subdivision (c)(3)(A) of this section, listing each
36 provider determined to be noncompliant.

1 (5) The Division of Community Correction shall develop a
2 feedback system that routinely provides the Division of Community Correction
3 with process and aggregated outcome data.
4

5 SECTION 17. Arkansas Code § 16-93-306(d)(2), concerning
6 administrative sanctions while on probation supervision, is amended to read
7 as follows:

8 (2)(A) The Division of Community Correction shall develop an
9 ~~intermediate incentives and~~ sanctions procedure and grid to guide a probation
10 officer in determining the appropriate response to prosocial behavior or a
11 violation of conditions of supervision.

12 (B) ~~Intermediate sanctions~~ Sanctions administered by the
13 Division of Community Correction are required to conform to the incentives
14 and sanctioning grid.

15 (C) The ~~intermediate incentives and~~ sanctioning grid shall
16 include:

17 (i) An assignment of point values to commonly
18 occurring violations of terms of probation or criminal behavior;

19 (ii) An assignment of point values to and suitable
20 rewards for behaviors that demonstrate prosocial effort or decrease the
21 likelihood of recidivism, including without limitation:

22 (a) Education;

23 (b) Workforce development;

24 (c) Community service; ~~and~~

25 (d) Behavioral health programming; and

26 (e) Prosocial activity;

27 (iii) Details on the mechanisms by which points are
28 accumulated and reduced; ~~and~~

29 (iv) Guidance on which ~~intermediate~~ sanctions should
30 be applied at which point thresholds;

31 (v) Rewards that are attainable and meaningful at
32 each risk level to motivate individuals throughout stages of supervision,
33 including without limitation achieving individualized goals, milestones, and
34 accomplishments; and

35 (vi) Guidance on the appropriate motivational ratio
36 of rewards to sanctions.

1 (2)(A)(i) The Division of Community Correction shall develop an
2 ~~intermediate incentives and~~ sanctions procedure and grid to guide a community
3 supervision officer in determining the appropriate response to prosocial
4 behaviors or a violation of conditions of supervision.

5 (ii) The ~~intermediate incentives and~~ sanctions
6 procedure shall include a requirement that the community supervision officer
7 consider multiple factors when determining the sanction to be imposed,
8 including risk level, previous violations and sanctions, and the severity of
9 the current and prior violation.

10 (B) ~~Intermediate Incentives and~~ sanctions administered by
11 the Division of Community Correction are required to conform to the
12 incentives and sanctioning grid.

13 (C) The ~~intermediate incentives and~~ sanctioning grid shall
14 include:

15 (i) An assignment of point values to commonly
16 occurring violations of terms of parole or criminal behavior;

17 (ii) An assignment of point values to and suitable
18 rewards for behaviors that demonstrate prosocial effort or decrease the
19 likelihood of recidivism, including without limitation:

20 (a) Education;

21 (b) Workforce development;

22 (c) Community service; ~~and~~

23 (d) Behavioral health programming; and

24 (e) Prosocial activity;

25 (iii) Details on the mechanisms by which points are
26 accumulated and reduced; ~~and~~

27 (iv) Guidance on which ~~intermediate~~ sanctions should
28 be applied at which point thresholds;

29 (v) Rewards that are attainable and meaningful at
30 each risk level to encourage individuals throughout the stages of
31 supervision, including without limitation achieving individualized goals,
32 milestones, and accomplishments; and

33 (vi) Guidance on the appropriate motivational ratio
34 of rewards to sanctions.

35
36 SECTION 21. Arkansas Code § 16-93-1202(6), concerning the definition

1 of "eligibility" or "eligible offender" with respect to community correction,
2 is amended to read as follows:

3 (6) "Eligibility" or "eligible offender" means any person
4 convicted of a felony who is by law eligible for such sentence or who is
5 otherwise under the supervision of the Division of Community Correction ~~and~~
6 who:

7 (A) ~~who falls~~ Falls within the population targeted by the
8 General Assembly for inclusion in community correction facilities;

9 (B) ~~and who has~~ Has not been subject to a disciplinary
10 violation for a violent act or for sexual misconduct while in the custody of
11 a jail or correctional facility; and

12 (C) ~~does~~ Does not have a current or previous conviction
13 for a violent or sexual offense listed under subdivision (10)(A)(ii) of this
14 section unless the previous conviction:

15 (i) Was more than five (5) years before the instant
16 offense; and

17 (ii) Resulted in a sentence that has expired;
18

19 SECTION 22. Arkansas Code § 16-93-1906(a)(3), concerning post-release
20 supervision, is amended to add an additional subdivision to read as follows:

21 (C) Conditions of post-release supervision shall be
22 narrowly tailored to:

23 (i) Account for the rehabilitation of the offender
24 and for public safety; and

25 (ii) The criminogenic risks and needs of the
26 offender.
27

28 SECTION 23. Arkansas Code § 16-93-1906(c), concerning the services
29 provided people who are under post-release supervision, is amended to add
30 additional subdivisions to read as follows:

31 (3) The Department of Corrections shall:

32 (A) Develop a process for annually evaluating each
33 provider under subdivision (c)(2) of this section; and

34 (B) Establish a clear policy disqualifying a noncompliant
35 provider from receiving public funds until the provider demonstrates the
36 ability to comply with the requirements of subdivision (c)(2) of this

1 section.

2 (4) In addition to the requirements in § 12-27-104, the Board of
3 Corrections shall include in the annual report the results of annual
4 evaluations under subdivision (c)(3)(A) of this section, listing each
5 provider determined to be noncompliant.

6
7 SECTION 24. Arkansas Code § 16-93-1907(a)(2), concerning
8 administrative sanctions while on post-release supervision, is amended to
9 read as follows:

10 (2)(A) The Division of Community Correction shall develop an
11 ~~intermediate~~ incentives and sanctions procedure and an ~~intermediate~~
12 incentives and sanctions grid to guide a community supervision officer in
13 determining the appropriate response to prosocial behavior or a violation of
14 the conditions of supervision.

15 (B) ~~Intermediate~~ Incentives and sanctions administered by
16 the Division of Community Correction shall conform to the ~~intermediate~~
17 incentives and sanctions grid.

18 (C) The ~~intermediate~~ incentives and sanctions grid shall
19 include:

20 (i) An assignment of point values to commonly
21 occurring violations of terms of post-release supervision or criminal
22 behavior;

23 (ii) An assignment of point values to and suitable
24 rewards for behaviors that demonstrate prosocial effort or decrease the
25 likelihood of recidivism including without limitation:

26 (a) Education;

27 (b) Workforce development;

28 (c) Community service; ~~and~~

29 (d) Behavioral health programming; and

30 (e) Prosocial activity;

31 (iii) Details on the mechanisms by which points are
32 accumulated and reduced; ~~and~~

33 (iv) Guidance on which ~~intermediate~~ sanctions should
34 be applied at which ~~points~~ point thresholds;

35 (v) Rewards that are attainable and meaningful at
36 each risk level to encourage individuals throughout the stages of

1 supervision, including without limitation achieving individualized goals,
2 milestones, and accomplishments; and
3 (vi) Guidance on the appropriate motivational ratio
4 of rewards to sanctions.

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/s/C. Tucker

APPROVED: 4/16/25

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

As Engrossed: S4/1/25

A Bill

SENATE BILL 539

5 By: Senator Gilmore
6 By: Representative Gazaway
7

For An Act To Be Entitled

9 AN ACT TO UPDATE AND CLARIFY CERTAIN PORTIONS OF THE
10 LAW REGARDING THE DIVISION OF COMMUNITY CORRECTION
11 AND THE DIVISION OF CORRECTION; TO CLARIFY REFERENCES
12 TO COMMUNITY CORRECTION CENTERS; TO TRANSFER SEX
13 OFFENDER COMMUNITY NOTIFICATION ASSESSMENTS TO THE
14 DEPARTMENT OF CORRECTIONS; TO DECLARE AN EMERGENCY;
15 AND FOR OTHER PURPOSES.
16
17

Subtitle

19 TO UPDATE AND CLARIFY CERTAIN PORTIONS
20 OF THE LAW REGARDING THE DIVISION OF
21 COMMUNITY CORRECTION AND THE DIVISION OF
22 CORRECTION; TO CLARIFY REFERENCES TO
23 COMMUNITY CORRECTION CENTERS; AND TO
24 DECLARE AN EMERGENCY.
25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27

28 SECTION 1. Arkansas Code § 5-4-304(c)(1), concerning confinement as a
29 condition of a suspended sentence or probation, is amended to read as
30 follows:

31 (c)(1)(A) The period actually spent in confinement pursuant to this
32 section in a county jail, city jail, or other authorized local detention,
33 correctional, or rehabilitative facility shall not exceed:

34 (i) One hundred twenty (120) days in the case of a
35 felony; or

36 (ii) Thirty (30) days in the case of a misdemeanor.



1 (B) In the case of confinement to a ~~facility in the~~
2 ~~Division of Community Correction~~ community correction center operated or
3 contracted by a division of the Department of Corrections, the period
4 actually spent in confinement under this section shall not exceed three
5 hundred sixty-five (365) days.

6
7 SECTION 2. Arkansas Code § 5-4-312(b), concerning placement in a
8 community correction program, is amended to read as follows:

9 (b) Upon a preliminary determination by a court that a defendant is an
10 eligible offender and that placement in a community correction program under
11 § 16-93-1201 et seq. is proper, the court may:

12 (1)(A) Suspend the imposition of the sentence or place the
13 defendant on probation, under § 5-4-104, § 5-4-201 et seq., §§ 5-4-301 – 5-4-
14 307, and § 16-93-314.

15 (B) A sentence under subdivision (b)(1)(A) of this section
16 may be accompanied by assignment to a community correction program under §
17 16-93-1201 et seq. for a designated period of time commensurate with the
18 goals of the community correction program assignment and the rules
19 established by the Board of Corrections for the operation of community
20 correction programs.

21 (C) The court shall maintain jurisdiction over the
22 defendant sentenced under subdivision (b)(1)(A) of this section with
23 supervision outside the confines of the specific programming provided by
24 probation officers assigned to the court.

25 (D)(i) If a person sentenced under subdivision (b)(1)(A)
26 of this section violates any term or condition of his or her sentence or term
27 of probation, revocation of the sentence or term of probation shall be
28 consistent with the procedures established by law for the revocation of
29 suspended imposition of sentence or probation.

30 (ii) Upon revocation as described in subdivision
31 (b)(1)(D)(i) of this section, the court shall determine whether the defendant
32 shall remain under the jurisdiction of the court and be assigned to a more
33 restrictive community correction program, facility, or institution for a
34 period of time or committed to ~~the Division of Correction~~, a secured facility
35 operated or contracted by a division of the Department of Corrections;

36 ~~(iii) If the defendant is committed to the Division~~

1 ~~of Correction under subdivision (b)(1)(D)(ii) of this section, the court~~
2 ~~shall specify if the commitment is for judicial transfer of the defendant to~~
3 ~~the Division of Community Correction or is a commitment to the Division of~~
4 ~~Correction;~~

5 (2)(A) Commit the defendant to the custody of the Division of
6 Correction for judicial transfer to ~~the Division of Community Correction a~~
7 community correction center operated or contracted by a division of the
8 department subject to the following:

9 (i) That the sentence imposed provides that the
10 defendant shall not serve more than three (3) years of confinement, with
11 credit for meritorious good time or earned release credits, with initial
12 placement in a ~~Division of Community Correction facility~~ community correction
13 center operated or contracted by a division of the department; and

14 (ii) That the preliminary placement in ~~the Division~~
15 ~~of Community Correction facility~~ a community correction center operated or
16 contracted by a division of the department is conditioned upon the ~~Division~~
17 ~~of Community Correction's~~ department's final determination of the defendant's
18 initial and continuing eligibility for ~~Division of Community Correction~~
19 community correction center placement and the defendant's compliance with all
20 applicable rules established by the Board of Corrections for community
21 correction programs.

22 (B) Post-prison supervision of the defendant shall
23 accompany and follow the community correction program when appropriate; or

24 (3)(A) Sentence the defendant to the Division of Correction,
25 granting the Division of Correction the ability to administratively transfer
26 the defendant to ~~the Division of Community Correction a~~ community correction
27 center operated or contracted by a division of the department if the Division
28 of Correction determines that the sentence imposed meets the eligibility
29 requirements for placement in a community correction program under this
30 subchapter and § 16-93-1201 et seq.

31 (B) Administrative transfer to ~~the Division of Community~~
32 ~~Correction a~~ community correction center operated or contracted by a division
33 of the department under subdivision (b)(3)(A) of this section is conditioned
34 upon bed space availability and upon the ~~Division of Community Correction's~~
35 department's final determination of the defendant's initial and continuing
36 eligibility for ~~Division of Community Correction~~ community correction center

1 placement.

2 (C) A determination of ineligibility under subdivision
3 (b)(3)(B) of this section by the ~~Division of Community Correction~~ department
4 shall result in the immediate ~~return~~ removal of the defendant ~~to the Division~~
5 ~~of Correction~~ from the community correction center.

6 (D) A decision to release a defendant administratively
7 transferred to ~~the Division of Community Correction~~ from the Division of
8 ~~Correction~~ a community correction center under subdivision (b)(3)(A) of this
9 section is vested solely with the Post-Prison Transfer Board.

10

11 SECTION 3. Arkansas Code § 5-4-312(d)(1), concerning a defendant not
12 eligible for placement in a community correction program, is amended to read
13 as follows:

14 (d)(1) If after receipt of an order directing a defendant to a
15 community correction center, the ~~Division of Community Correction~~ department
16 determines that the defendant is not eligible for placement in a community
17 correction program under § 16-93-1201 et seq., the ~~Division of Community~~
18 ~~Correction~~ department shall not admit the defendant to the community
19 correction center but shall immediately notify the prosecuting attorney in
20 writing.

21

22 SECTION 4. Arkansas Code § 12-12-911(b)(1), concerning the Sex and
23 Child Offenders Registration Fund, is amended to read as follows:

24 (b)(1) This fund shall consist of special revenues collected pursuant
25 to § 12-12-910, there to be used equally by the Arkansas Crime Information
26 Center and the ~~Division of Correction~~ Department of Corrections for the
27 administration of this subchapter.

28

29 SECTION 5. Arkansas Code § 12-12-913(c) and (d), concerning the
30 disclosure of sex offender registration records, are amended to read as
31 follows:

32 (c)(1)(A) The Sex Offender Assessment Committee shall promulgate
33 guidelines and procedures for the disclosure of relevant and necessary
34 information regarding sex offenders to the public when the release of the
35 information is necessary for public protection.

36 (B) In developing the guidelines and procedures, the Sex

1 Offender Assessment Committee shall consult with persons who, by experience
2 or training, have a personal interest or professional expertise in law
3 enforcement, crime prevention, victim advocacy, criminology, psychology,
4 parole, post-release supervision, public education, and community relations.

5 (2)(A) The guidelines and procedures shall identify factors
6 relevant to a sex offender's future dangerousness and likelihood of reoffense
7 or threat to the community.

8 (B) The guidelines and procedures shall also address the
9 extent of the information to be disclosed and the scope of the community to
10 whom disclosure shall be made as these factors relate to the:

11 (i) Level of the sex offender's dangerousness;

12 (ii) Sex offender's pattern of offending behavior;

13 and

14 (iii) Need of community members for information to
15 enhance their individual and collective safety.

16 (3) The Sex Offender Assessment Committee shall submit the
17 proposed guidelines and procedures to the House Committee on Public Health,
18 Welfare, and Labor and the Senate Committee on Public Health, Welfare, and
19 Labor for their review ~~and shall report to the House Committee on Public~~
20 ~~Health, Welfare, and Labor and the Senate Committee on Public Health,~~
21 ~~Welfare, and Labor every six (6) months on the implementation of this~~
22 ~~section.~~

23 (d)(1) A local law enforcement agency having jurisdiction that decides
24 to disclose information pursuant to this section shall make a good faith
25 effort to notify the public and residents at least fourteen (14) days before
26 a sex offender is released or placed into the community.

27 (2) If a change occurs in a sex offender's release plan, this
28 notification provision shall not require an extension of the release date.

29 (3) In conjunction with the notice provided under § 12-12-914,
30 the ~~Division of Correction~~ Department of Corrections and the Department of
31 Human Services shall make available to a local law enforcement agency having
32 jurisdiction all information that the ~~Division of Correction~~ Department of
33 corrections and the Department of Human Services have concerning the sex
34 offender, including information on risk factors in the sex offender's
35 history.

36

1 SECTION 6. Arkansas Code § 12-12-917(g)(1), concerning the assessment
2 of a sex offender, is amended to read as follows:

3 (g)(1) In cooperation with the committee, the ~~Division of Correction~~
4 Department of Corrections shall promulgate rules to establish the review
5 process for assessment determinations.

6
7 SECTION 7. Arkansas Code § 12-12-918(b)(2), concerning the evaluation
8 to determine that a defendant is a sexually dangerous person, is amended to
9 read as follows:

10 (2) The cost of the evaluation shall be paid by the ~~Division of~~
11 Correction Department of Corrections.

12
13 SECTION 8. Arkansas Code § 12-27-113 is amended to read as follows:

14 12-27-113. Commitments to the Division of Correction – Records.

15 (a)(1) All commitments to the Division of Correction shall be to the
16 Division of Correction and not to a particular institution.

17 (2) Commitments may provide for judicial or administrative
18 transfer to ~~the Division of Community Correction~~ a community correction
19 center operated or contracted by a division of the Department of Corrections.

20 (b)(1) The Director of the Division of Correction, in accordance with
21 the rules and procedures promulgated by the Board of Corrections, shall
22 transfer an inmate to ~~the Division of Community Correction~~ a community
23 correction center operated or contracted by a division of the department,
24 pursuant to a judicial transfer, determine the administrative transfer of an
25 inmate to ~~the Division of Community Correction~~ a community correction center
26 operated or contracted by a division of the department, or assign a newly
27 committed inmate to an appropriate facility of the Division of Correction.

28 (2) The director may transfer an inmate from one (1) facility to
29 another consistent with the commitment and in accordance with treatment,
30 training, and security needs.

31 (3) Inmates may be transferred between ~~the Division of~~
32 Correction and the Division of Community Correction secured facilities
33 operated or contracted by a division of the department within the constraints
34 of law applicable to judicial or administrative transfer, subject to the
35 policies and rules established by the Board of Corrections and conditions set
36 by the Post-Prison Transfer Board.

1 (4) The Division of Correction shall retain legal custody of all
2 inmates transferred to community correction unless altered by court order.

3 (c)(1) When a prisoner is committed to the Division of Correction, his
4 or her commitment papers must include a report on the circumstances attending
5 the offense, particularly such circumstances as tend to aggravate or
6 extenuate the offense, which report shall be kept in the permanent file of
7 such prisoner.

8 (2) The report shall be prepared by the prosecutor or deputy
9 prosecutor who represented the state in the proceeding against the prisoner.
10 The report shall be approved by the sentencing judge.

11 (d)(1) A county sheriff, a deputy county sheriff, or a trained
12 security contractor shall transport all inmates committed to ~~the Division of~~
13 ~~Correction or the Division of Community Correction~~ a secured facility
14 operated or contracted by a division of the department as described in this
15 subsection, and the county sheriff is entitled to the fees provided by law.

16 (2) A county sheriff shall notify the director of the number of
17 inmates in his or her charge who are under commitment to ~~the Division of~~
18 ~~Correction~~ a secured facility operated or contracted by a division of the
19 department, and upon request to the county sheriff by the director, the
20 county sheriff, the deputy county sheriff, or the trained security contractor
21 shall send for, take charge of, and safely transport the inmates to the
22 nearest appropriate secured facility as determined by the Division of
23 Correction or the Division of Community Correction.

24 (3) However, if the county sheriff determines that it would be
25 in the best interest of an inmate and the public to immediately transport the
26 inmate to the Division of Correction or the Division of Community Correction
27 because of overcrowding or another issue, the county sheriff may notify the
28 Division of Correction or the Division of Community Correction of the need
29 *for immediate transport and the ~~Division of Correction or the Division of~~*
30 ~~*Community Correction*~~ department *shall consider the request in scheduling*
31 *inmates for intake.*

32 (e)(1) The director shall make and preserve a full and complete record
33 *of every inmate committed to ~~the Division of Correction~~ a secured facility*
34 operated or contracted by a division of the department, *along with a*
35 photograph of the inmate and data pertaining to his or her trial conviction
36 and past history.

1 (2)(A) To protect the integrity of records described in
2 subdivision (e)(1) of this section and to ensure their proper use, it is
3 unlawful to permit inspection of or disclose information contained in records
4 described in subdivision (e)(1) of this section or to copy or issue a copy of
5 all or part of a record described in subdivision (e)(1) of this section
6 except:

7 (i) As authorized by rule;

8 (ii) By order of a court of competent jurisdiction;

9 or

10 (iii) Records posted on the Division of Correction's
11 website as required by § 12-27-145.

12 (B) A rule under subdivision (e)(2)(A) of this section
13 shall provide for adequate standards of security and confidentiality of
14 records described in subdivision (e)(1) of this section.

15 ~~(3) For those inmates committed to the Division of Correction~~
16 ~~and judicially or administratively transferred to the Division of Community~~
17 ~~Correction, the preparation of a record described in subdivision (e)(1) of~~
18 ~~this section may be delegated to the Division of Community Correction~~
19 ~~pursuant to policies applicable to records transmission adopted by the Board~~
20 ~~of Corrections.~~

21 ~~(4)(3)~~ A rule under subdivision (e)(2)(A) of this section may
22 authorize the disclosure of information contained in a record described in
23 subdivision (e)(1) of this section for research purposes.

24 ~~(5)(4)(A)(i)~~ Upon written request, an employee of the Bureau of
25 Legislative Research acting on behalf of a member of the General Assembly may
26 view all records described in subdivision (e)(1) of this section of a current
27 or former inmate.

28 (ii) A request under subdivision ~~(e)(5)(A)(i)~~
29 (e)(4)(A)(i) of this section shall be made in good faith.

30 (B) A view of records under this subdivision ~~(e)(5)~~ (e)(4)
31 by an employee may be performed only if the employee is assigned to one (1)
32 or more of the following committees:

33 (i) Senate Committee on Judiciary;

34 (ii) House Committee on Judiciary; or

35 (iii) Charitable, Penal, and Correctional
36 Institutions Subcommittee of the Legislative Council.

1 (C) ~~The Division of Correction~~ Secretary of the Department
2 of Corrections shall ensure that the employee authorized under subdivision
3 ~~(e)(5)(B)~~ (e)(4)(B) of this section to view records is provided access to the
4 records.

5 (D) A record requested to be viewed under this subdivision
6 ~~(e)(5)~~ (e)(4) is privileged and confidential and shall not be shown to any
7 person not authorized to have access to the record under this section and
8 shall not be used for any political purpose, including without limitation
9 political advertising, fundraising, or campaigning.

10
11 SECTION 9. Arkansas Code § 12-27-114 is amended to read as follows:

12 12-27-114. Inmates in county jails – Reimbursement of county – Medical
13 care.

14 (a)(1)(A)~~(i)~~ In the event ~~the Division of Correction~~ a division of the
15 Department of Corrections cannot accept inmates from county jails due to
16 insufficient bed space, the ~~Division of Correction~~ department shall reimburse
17 the counties from the County Jail Reimbursement Fund at rates determined by
18 the Chief Fiscal Officer of the State, after consultation with Arkansas
19 Legislative Audit and the ~~Division of Correction~~ department and upon approval
20 by the Governor, until the appropriation and funding provided for that
21 purpose are exhausted.

22 ~~(ii)(B)~~ The reimbursement rate shall include the
23 county's cost of transporting the inmates to the ~~Division of Correction~~
24 division.

25 ~~(B)(i)(2)(A)~~ Reimbursement under subdivision (a)(1)~~(A)~~ of
26 this section shall begin accruing on the date of sentencing.

27 ~~(ii)(B)~~ The ~~Division of Correction~~ department shall
28 not reimburse the county until the ~~Division of Correction~~ department receives
29 a complete and accurate sentencing order.

30 ~~(2)(A)~~ ~~In the event the Division of Community Correction cannot~~
31 ~~accept inmates from county jails due to insufficient bed space or shall have~~
32 ~~an inmate confined in a county jail under any prerelease program or sanction~~
33 ~~imposed in response to a violation of supervision conditions, the Division of~~
34 ~~Community Correction shall reimburse the counties from the fund at rates~~
35 ~~determined by the Chief Fiscal Officer of the State, after consultation with~~
36 ~~Arkansas Legislative Audit and the Division of Correction, and upon approval~~

1 ~~by the Governor, until the appropriation and funding provided for that~~
2 ~~purpose are exhausted.~~

3 ~~(B)(i) Reimbursement under subdivision (a)(2)(A) of this~~
4 ~~section shall begin accruing on either the date of sentencing or the date of~~
5 ~~placement on probation accompanied with incarceration in the Division of~~
6 ~~Community Correction.~~

7 ~~(ii) The Division of Community Correction shall not~~
8 ~~reimburse the county until the Division of Community Correction receives a~~
9 ~~complete and accurate sentencing order or an order or waiver for a sanction~~
10 ~~to a community correction center.~~

11 (b)(1)(A) ~~The Division of Correction and the Division of Community~~
12 ~~Correction~~ department shall prepare an invoice during the first week of each
13 month that lists each state inmate that is on the county jail backup list
14 during the previous month.

15 (B) The invoice shall reflect the number of days a state
16 inmate was in the county jail in an awaiting-bed-space status.

17 (2)(A) ~~The Division of Correction and the Division of Community~~
18 ~~Correction~~ department shall verify and forward the invoices to the applicable
19 county sheriff to certify the actual number of days the state inmates were
20 physically housed in the county jail.

21 (B)(i) Upon written request of a county judge, county
22 treasurer, or county sheriff, ~~the Division of Correction and the Division of~~
23 ~~Community Correction~~ department shall provide to the county official making
24 the request a written report summarizing the year-to-date county jail
25 reimbursement invoices prepared and forwarded for verification by the
26 ~~Division of Correction and the Division of Community Correction~~ department
27 and payment from the fund.

28 (ii) In addition, the written report shall include a
29 summary of invoices returned by each county for payment for previous months
30 within the fiscal year, the amounts paid, and any balances owed.

31 (3)(A) The certified invoices shall then be returned to the
32 ~~Division of Correction and the Division of Community Correction~~ department
33 for payment from the fund.

34 (B) Payment from the fund shall be made within five (5)
35 business days of receipt of signed and certified invoices returned by each
36 county, subject to funding made available for payment of the certified

1 notices.

2 (4) The county sheriff shall maintain documentation for three
3 (3) calendar years to confirm the number of days each state inmate was
4 physically housed in the county jail.

5 (5) The documentation maintained by the county sheriff is
6 subject to review by Arkansas Legislative Audit.

7 (6) Invoices under this subsection may be mailed or sent
8 electronically.

9 (c)(1) The Board of Corrections shall adopt rules by which the
10 ~~Division of Correction or the Division of Community Correction~~ department
11 shall reimburse any county that is required to retain an inmate awaiting
12 delivery to the custody of either the Division of Correction or the Division
13 of Community Correction, upon receipt of a complete and accurate sentencing
14 order or an order or waiver for a sanction to a community correction center,
15 for the actual costs paid for any emergency medical care for physical injury
16 or illness of the inmate retained under this section if the physical injury
17 or illness is directly related to the incarceration and the county is
18 required by law to provide the care for inmates in the jail.

19 (2) The ~~Director of the Division of Correction or his or her~~
20 ~~designee or the Director of the Division of Community Correction or his or~~
21 ~~her designee~~ department may accept custody of any inmate as soon as possible
22 upon request of the county upon determining that the inmate is required to
23 have extended medical care.

24 (3)(A) Reimbursements for medical expenses under this subsection
25 shall require prior approval of the ~~Division of Correction or the Division of~~
26 ~~Community Correction~~ department before the rendering of health care.

27 (B)(i) In a true emergency situation, health care may be
28 rendered without prior approval.

29 (ii) The ~~Division of Correction or the Division of~~
30 ~~Community Correction~~ department shall be notified of a true emergency
31 situation immediately after the true emergency situation.

32 (C)(i) Reimbursements under this subsection begin accruing
33 on the date of sentencing.

34 (ii) The ~~Division of Correction or Division of~~
35 ~~Community Correction~~ department shall not reimburse the county under this
36 subsection until the ~~Division of Correction or Division of Community~~

1 ~~Correction~~ department receives a complete and accurate sentencing order or an
2 order or waiver for a sanction to a community correction center.

3 (d)(1)(A) ~~The Division of Correction and Division of Community~~
4 ~~Correction~~ department shall prepare a monthly report of county jail
5 reimbursement invoices under this section for payment from the ~~County Jail~~
6 ~~Reimbursement Fund~~ fund.

7 (B) The monthly report under subdivision (d)(1)(A) of this
8 section shall:

9 (i) Be posted on the website of the ~~Division of~~
10 ~~Correction and the website of the Division of Community Correction~~ department
11 for at least three (3) years; and

12 (ii) Include a summary of invoices returned by each
13 county for payment for previous months within the fiscal year, the amounts
14 paid, and any balances owed.

15 (2) The monthly reports under subdivision (d)(1)(A) of this
16 section shall be combined into one (1) annual report at the end of each
17 fiscal year.

18

19 SECTION 10. Arkansas Code § 12-27-115 is amended to read as follows:
20 12-27-115. Claims of counties for expenses – Verification.

21 (a) When any county in which ~~an institution of the Department of~~
22 ~~Correction~~ a secured facility operated or contracted by a division of the
23 Department of Corrections is located shall incur expenses in connection with
24 any legal proceedings involved or occasioned by any inmate of a ~~penal~~
25 ~~institution~~ the secured facility, the county shall be entitled to
26 reimbursement for such expenses ~~from the Department of Correction Fund~~ by the
27 department.

28 (b) All claims by counties against the fund pursuant to this section
29 shall be itemized, and the claims shall be verified by the county judge and
30 presented to the ~~Director of the Department of Correction~~ department within
31 ninety (90) days after the expense is incurred.

32 (c) Upon receipt of the verified claims, the ~~director~~ department shall
33 pay the claim ~~from funds appropriated for the maintenance and operation of~~
34 ~~the department~~.

35

36 SECTION 11. Arkansas Code § 12-27-125 is amended to read as follows:

1 12-27-125. Division of Community Correction – Creation – Powers and
2 duties.

3 (a) There is established, under the supervision, control, and
4 direction of the Board of Corrections, a Division of Community Correction.

5 (b) The Division of Community Correction shall have the following
6 functions, powers, and duties, administered in accordance with the policies
7 and rules promulgated by the Board of Corrections:

8 (1) It shall assume management and control over all properties,
9 both real and personal, facilities, books, records, equipment, supplies,
10 materials, contracts, funds, moneys, equities, and all other properties
11 belonging to the Arkansas Adult Probation Commission [abolished], and all
12 such properties transferred from the Department of Correction, as the
13 Division of Correction was known as prior to July 1, 2019, by the Board of
14 Corrections;

15 (2)~~(A)~~ It shall have management and control over ~~all~~ community
16 correction services, except management of secured community correction
17 centers;

18 ~~(B) It shall have management and control over all~~
19 ~~community correction facilities within the purview of the Board of~~
20 ~~Corrections existing on or created after July 1, 1993;~~

21 (3) It shall employ such officers, employees, and agents and
22 shall secure such offices and quarters as deemed necessary to discharge the
23 functions of the Division of Community Correction, and which are
24 appropriately funded;

25 (4) It may establish and operate regional community correction
26 facilities if funds for the regional community correction facilities have
27 been authorized and appropriated by the General Assembly;

28 (5)(A) It may exercise all legally sanctioned supervision and
29 appropriate care over all offenders referred with proper documentation from
30 the circuit courts and all offenders transferred with proper documentation
31 from the Division of Correction pursuant to policies established by the Board
32 of Corrections and conditions set by the Post-Prison Transfer Board.

33 (B) Legal custody remains with the referring court or the
34 Division of Correction;

35 (6) It shall administer the provision of probation services for
36 offenders processed through circuit courts;

1 (7) It shall administer the provision of parole and post-release
2 supervision services in coordination with the Post-Prison Transfer Board and
3 in cooperation with the Division of Correction;

4 (8) It shall provide support services to the Post-Prison
5 Transfer Board or its designated representatives as determined by the Post-
6 Prison Transfer Board;

7 (9) It shall assist the Board of Corrections in the furtherance
8 of its goals by staffing the specific charges articulated for it through
9 legislation and by the Board of Corrections;

10 (10) It shall conduct statewide public education and training to
11 foster the provision of correctional supervision and service in community
12 settings;

13 (11) It shall provide technical assistance when necessary to any
14 entity, program, division, or agency receiving assistance or clients through
15 the Division of Community Correction;

16 (12) It shall facilitate the development of a comprehensive
17 community correction plan through the provision of funding, criteria review,
18 and ongoing evaluation to ensure the maintenance of quality in supervision
19 and programming;

20 (13) It may accept gifts, grants, and funds from both public and
21 private sources with prior approval of the Board of Corrections;

22 (14) It shall establish minimum standards for case loads,
23 programs, facilities, and equipment and other aspects of the operation of
24 community correction programs and facilities necessary for the provision of
25 adequate and effective supervision and service;

26 (15) It shall establish minimum standards for the employment of
27 community correction employees;

28 ~~(16) It shall establish programs of research, evaluation,~~
29 ~~statistics, audit, and planning, including studies and evaluation of the~~
30 ~~performance of various functions and activities of the Department of~~
31 ~~Corrections and studies affecting the treatment of offenders and information~~
32 ~~about other programs;~~

33 ~~(17)~~(16)(A) It may receive and disburse moneys ordered to be
34 paid by offenders pursuant to statutory economic sanctions.

35 (B) It may receive fees to be levied by the courts or
36 authorized by the Board of Corrections for participation in specified

1 programs and to be paid by offenders on community correction.

2 (C) The payment of such sanctions and fees may be a
3 condition of probation, parole, post-release supervision, or post-prison
4 transfer or attached to admission and participation in a community correction
5 program.

6 (D) The moneys collected shall be deposited into an
7 earmarked account at the state level to be used solely for the continuation
8 and expansion of community correction in this state.

9 (E) Economic sanction officers are to be authorized by the
10 Division of Community Correction to perform these duties pursuant to policies
11 and procedures adopted by the Board of Corrections and in accord with any
12 state statutory accounting requirements;

13 ~~(18)~~(17) It may cooperate and contract with the federal
14 government, with governmental agencies of Arkansas and other states, with
15 political subdivisions of Arkansas, and with private contractors to provide
16 and improve community correction options;

17 ~~(19)~~(18) It may inspect and evaluate any community correction
18 site and conduct audits of financial and service records at any reasonable
19 time to determine compliance with the Board of Corrections' rules and
20 standards;

21 ~~(20)~~(19)(A) It shall maintain a full and complete record of each
22 offender under its supervision.

23 (B)(i) To protect the integrity of a record described in
24 subdivision ~~(b)(20)(A)~~ (b)(19)(A) of this section and to ensure its proper
25 use, it is unlawful to permit inspection of or disclose information contained
26 in a record described in subdivision ~~(b)(20)(A)~~ (b)(19)(A) of this section or
27 to copy or issue a copy of any part of the record except:

28 (a) As authorized by administrative rule;

29 (b) By order of a court of competent
30 jurisdiction; or

31 (c) Records posted on the Division of
32 Community Correction's website as required by § 12-27-145.

33 (ii) The rules under subdivision ~~(b)(20)(B)(i)(a)~~
34 (b)(19)(B)(i)(a) shall provide for adequate standards of security and
35 confidentiality of a record described in subdivision ~~(b)(20)(A)~~ (b)(19)(A) of
36 this section; and

1 ~~(21)~~(20) Subject to availability of funds, it shall employ
2 officers, employees, and agents and secure sufficient offices for monitoring
3 each sex offender on parole, post-release supervision, or probation who is
4 required to register under the Sex Offender Registration Act of 1997, § 12-
5 12-901 et seq., and who has been assessed as a risk Level 3 or Level 4
6 offender; ~~and~~

7 ~~(22)(A)~~ ~~It may issue an arrest warrant for the arrest of~~
8 ~~any person who, while in its custody, unlawfully escapes from the Division of~~
9 ~~Community Correction.~~

10 ~~(B)~~ ~~The arrest warrant shall authorize:~~

11 ~~(i)~~ ~~All law enforcement officers of this state to~~
12 ~~take into custody and return the person named in the arrest warrant to the~~
13 ~~custody of the Division of Community Correction or the Division of~~
14 ~~Correction; and~~

15 ~~(ii)~~ ~~All law enforcement officers of this state, any~~
16 ~~other state, or the federal government to take into custody and detain the~~
17 ~~person in a suitable detention facility while awaiting further transfer to~~
18 ~~the Division of Community Correction or the Division of Correction.~~

19
20 SECTION 12. Arkansas Code § 12-27-127 is amended to read as follows:

21 12-27-127. Transfer to ~~the Division of Community Correction~~ community
22 correction center - Transfer of an inmate between divisions.

23 (a)(1) A commitment shall be treated as a commitment to the Division
24 of Correction and subject to regular transfer eligibility.

25 (2) However, an inmate may be judicially or administratively
26 transferred to ~~the Division of Community Correction~~ a community correction
27 center by the Division of Correction unless the court indicates on the
28 sentencing order that the Division of Correction shall not administratively
29 transfer a statutorily eligible inmate to ~~the Division of Community~~
30 ~~Correction~~ a community correction center in accordance with the rules
31 promulgated by the Board of Corrections.

32 (b)(1) In accordance with rules and procedures promulgated by the
33 Board of Corrections and the orders of the committing court, the Director of
34 the Division of ~~Community~~ Correction shall assign a newly transferred inmate
35 to an appropriate facility, placement, program, or status within the Division
36 of ~~Community Correction~~ community correction center.

1 (2) The director may transfer an inmate from one facility,
2 placement, program, or status to another facility, placement, program, or
3 status consistent with the commitment, applicable law, and in accordance with
4 treatment, training, and security needs.

5 (3)(A) An inmate may be ~~administratively transferred back to the~~
6 ~~Division of Correction from the Division of Community Correction~~ removed from
7 a community correction center by the Post-Prison Transfer Board following a
8 hearing in which the inmate is found ineligible for placement in a ~~Division~~
9 ~~of Community Correction facility~~ community correction center as he or she
10 fails to meet the criteria or standards established by law or policy adopted
11 by the Board of Corrections or has been found guilty of a violation of the
12 rules of the facility.

13 (B) Time served in a community correction facility or
14 under supervision by ~~the Division of Community Correction~~ a community
15 correction center shall be credited against the sentence contained in the
16 commitment to the Division of Correction.

17 (c)(1) In accordance with rules and procedures promulgated by the
18 Board of Corrections, upon receipt of a referral from the director or his or
19 her designee, the Post-Prison Transfer Board may release from confinement an
20 inmate who has been:

21 (A) Sentenced and judicially or administratively
22 transferred to ~~the Division of Community Correction~~ a community correction
23 center;

24 (B) Incarcerated for a minimum of:

25 (i) One hundred eighty (180) days for a sentence of
26 four (4) years or less; or

27 (ii) Two hundred seventy (270) days for a sentence of
28 more than four (4) years but less than six (6) years; and

29 (C) Determined by the ~~Division of Community Correction~~
30 Secretary of the Department of Corrections to have successfully completed ~~its~~
31 the therapeutic program prescribed by the secretary.

32 (2)(A) The General Assembly finds that the power granted to the
33 Post-Prison Transfer Board under subdivision (c)(1) of this section will:

34 (i) Aid the therapeutic rehabilitation of the
35 inmates judicially or administratively transferred to the Division of
36 Community Correction; and

1 (ii) More efficiently use the correctional resources
2 of the State of Arkansas.

3 (B) The power granted to the Post-Prison Transfer Board
4 under subdivision (c)(1) of this section shall be the sole authority required
5 for the accomplishment of the purposes set forth in this subdivision (c)(2),
6 and when the Post-Prison Transfer Board exercises its power under this
7 section, it shall not be necessary for the Post-Prison Transfer Board to
8 comply with general provisions of other laws dealing with the minimum time
9 constraints as applied to release eligibility.

10 (3) This subsection does not grant the Post-Prison Transfer
11 Board or the ~~Division of Community Correction~~ Department of Corrections the
12 authority either to detain an inmate beyond the sentence imposed upon him or
13 her by a transferring court or to shorten that sentence.

14 (d)(1) An inmate of the Division of Correction who is to be
15 transferred to post-release supervision may be administratively transferred
16 to the Division of Community Correction when the inmate is within eighteen
17 (18) months of his or her projected release date for the purpose of
18 participating in a reentry program of at least six (6) months in length.

19 (2) Each inmate administratively transferred under this
20 subsection shall be thoroughly screened and approved for participation by the
21 director or his or her designee.

22 (3) In accordance with rules promulgated by the Board of
23 Corrections, upon receipt of a referral from the director or his or her
24 designee, the Post-Prison Transfer Board may release from incarceration an
25 inmate who has been:

26 (A) Administratively transferred to the Division of
27 Community Correction; and

28 (B) Determined by the Division of Community Correction to
29 have successfully completed its reentry program.

30 (4) An inmate who has been administratively transferred under
31 this subsection shall be administratively transferred back to the Division of
32 Correction if he or she:

33 (A) Is denied parole or transfer to post-release
34 supervision; or

35 (B) Fails to complete or is removed from the reentry
36 program.

1
2 SECTION 13. Arkansas Code § 12-29-205(a)(1), concerning good time
3 earned pending transfer to the Division of Correction or Division of
4 Community Correction, is amended to read as follows:

5 (a)(1) Any person who is sentenced by a circuit court to ~~the Division~~
6 ~~of Correction or the Division of Community Correction~~ an imposed period of
7 incarceration at a facility operated or contracted by a division of the
8 Department of Corrections and is awaiting transfer to ~~the Division of~~
9 ~~Correction or Division of Community Correction~~ a facility operated or
10 contracted by a division of the department may earn meritorious good time in
11 accordance with law and rules as adopted by the Board of Corrections.
12

13 SECTION 14. Arkansas Code § 16-93-306(d)(3), concerning administrative
14 sanctions for probationers, is amended to read as follows:

15 (3) Intermediate sanctions shall include without limitation:

16 (A) Day reporting;

17 (B) Community service;

18 (C) *Increased substance abuse screening ~~and~~ or treatment,*
19 *or both;*

20 (D) Increased monitoring, including electronic monitoring
21 and home confinement; and

22 (E)(i) Incarceration in a county jail for no more than
23 seven (7) days or incarceration in a ~~Division of Community Correction or~~
24 ~~Division of Correction~~ facility operated or contracted by a division of the
25 department for no more than one hundred eighty (180) days.

26 (ii)(a) Incarceration as an intermediate sanction
27 shall not be used more than six (6) times with an individual probationer.

28 (b) A probationer shall accumulate no more
29 than thirty (30) days' incarceration in a county jail or no more than three
30 hundred sixty (360) days' incarceration in a ~~Division of Community Correction~~
31 ~~or Division of Correction~~ facility operated or contracted by a division of
32 the Department of Corrections as an intermediate sanction before the
33 probation officer recommends a violation of the person's probation under §
34 16-93-307.

35 (c) A probationer is subject to a period of
36 incarceration of:

1 (1) Up to ninety (90) days in a ~~Division~~
2 ~~of Community Correction or Division of Correction~~ facility operated or
3 contracted by a division of the department for a technical conditions
4 violation; and

5 (2) Exactly one hundred eighty (180)
6 days in a ~~Division of Community Correction or Division of Correction~~ facility
7 operated or contracted by a division of the department for a serious
8 conditions violation.

9 (d) A probationer may not be incarcerated more
10 than two (2) times as a probation sanction in a ~~Division of Community~~
11 ~~Correction or Division of Correction~~ facility operated or contracted by a
12 division of the department during a two-year period.

13
14 SECTION 15. Arkansas Code § 16-93-306(g), concerning the period of
15 incarceration for an administrative sanction of a probationer, is amended to
16 read as follows:

17 (g) A period of incarceration under this section:

18 (1) May be reduced by ~~the Division of Correction or the Division~~
19 ~~of Community Correction~~ a division of the department for good behavior and
20 successful program completion; and

21 (2) Shall not be reduced under this section for more than fifty
22 percent (50%) of the total time of incarceration ordered to be served.

23
24 SECTION 16. Arkansas Code § 16-93-308(i)(1)(B), concerning a probation
25 revocation is amended to read as follows:

26 (B)(i) A defendant on probation is subject to having his
27 or her probation revoked and being sentenced to ~~the Division of Correction or~~
28 ~~the Division of Community Correction~~ a facility operated or contracted by a
29 division of the Department of Corrections for a subsequent violation of his
30 or her probation if the defendant has been confined six (6) times under § 16-
31 93-306(d).

32 (ii) After a defendant on probation has been
33 confined two (2) times under either § 16-93-306(d) or § 16-93-309(a)(4) for
34 any combination of a technical conditions violation or serious conditions
35 violation for any period of time, the defendant on probation is subject to
36 having his or her probation revoked and being sentenced to ~~the Division of~~

1 ~~Correction or the Division of Community Correction~~ a facility operated or
2 contracted by a division of the department for a subsequent violation of his
3 or her probation.

4
5 SECTION 17. Arkansas Code § 16-93-309(b)(1), concerning a period of
6 confinement imposed by a court on a person who is serving a suspended
7 imposition of sentence or on probation after a revocation hearing, is amended
8 to read as follows:

9 (b)(1) A period of confinement under subdivision (a)(4) of this
10 section may be reduced by ~~the Division of Correction or the Division of~~
11 ~~Community Correction~~ a division of the Department of Corrections for good
12 behavior and successful program completion.

13
14 SECTION 18. Arkansas Code § 16-93-310 is amended to read as follows:
15 16-93-310. Probation generally – Revocation – Community correction
16 program.

17 (a) When a person sentenced under a community correction program, § 5-
18 4-312, violates any terms or conditions of his or her sentence or term of
19 probation, revocation of the sentence or term of probation shall be
20 consistent with the procedures under this subchapter.

21 (b) Upon revocation, the court of jurisdiction shall determine whether
22 the offender shall remain under the jurisdiction of the court and be assigned
23 to a more restrictive community correction program, facility, or institution
24 for a period of time or committed to ~~the Division of Community Correction~~ a
25 community correction center.

26 (c)(1) If committed to the Division of Correction, the court shall
27 specify if the commitment is for judicial transfer of the offender to ~~the~~
28 ~~Division of Community Correction or is a regular commitment~~ a community
29 correction center.

30 (2)(A) The court shall commit the eligible offender to the
31 custody of the Division of Correction under this subchapter for judicial or
32 administrative transfer to ~~the Division of Community Correction~~ a community
33 correction center subject to the following:

34 (i) That the sentence imposed provides that the
35 offender shall serve no more than three (3) years of confinement, with credit
36 for meritorious good time or earned release credits, with initial placement

1 in a ~~Division of Community Correction facility~~ community correction center;
2 and

3 (ii) That the initial placement in ~~the Division of~~
4 ~~Community Correction~~ a community correction center is conditioned upon the
5 offender's continuing eligibility for ~~Division of Community Correction~~
6 community correction center placement and the offender's compliance with all
7 applicable rules established by the Board of Corrections for community
8 correction programs.

9 (B) Post-prison supervision shall accompany and follow
10 community correction programming when appropriate.

11
12 SECTION 19. Arkansas Code § 16-93-614(c)(2), concerning parole
13 eligibility for offenses committed after January 1, 1994, is amended to read
14 as follows:

15 (2)(A)(i)(a) An offender convicted of a target offense under §
16 16-93-1201 et seq. may be committed to the Division of Correction and
17 judicially or administratively transferred to ~~the Division of Community~~
18 ~~Correction~~ a community correction center by provision in the commitment that
19 the trial court order or authorize such a transfer.

20 (b) No other offender is eligible for transfer
21 to a ~~Division of Community Correction facility~~ a community correction center.

22 (ii) A copy of the commitment shall be forwarded
23 immediately to the ~~Division of Correction and to the Division of Community~~
24 ~~Correction~~ Department of Corrections.

25 (iii) In the event that an offender is sentenced to
26 the Division of Correction without judicial or administrative transfer on one
27 (1) sentence and concurrently sentenced to the Division of Correction with
28 judicial or administrative transfer on another sentence, the offender shall
29 remain in the Division of Correction, and the sentence with judicial or
30 administrative transfer may be discharged in the same manner as that of an
31 offender transferred back to the Division of Correction.

32 ~~(B) The Division of Community Correction shall take over~~
33 ~~supervision of the offender in accordance with the order of the court.~~

34 ~~(C) The Division of Community Correction shall provide for~~
35 ~~the appropriate disposition of the offender as expeditiously as practicable~~
36 ~~under rules developed by the Board of Corrections.~~

1 ~~(D) The offender shall not be transported to the Division~~
2 ~~of Correction on the initial placement in a Division of Community Correction~~
3 ~~facility pursuant to a judicial or administrative transfer.~~

4 ~~(E)(B)~~ An offender who is ~~transferred back to the Division~~
5 ~~of Correction~~ removed from a community correction center for disciplinary
6 reasons may be considered for transfer to Division of Community Correction
7 supervision after earning good-time credit equal to one-half ($\frac{1}{2}$) of the
8 remainder of his or her sentence.

9 ~~(F)(C)~~ An offender who is sentenced after July 31, 2007,
10 and who ~~is transferred back to the Division of Correction~~ removed from a
11 community correction center for administrative reasons is eligible for
12 transfer to Division of Community Correction supervision in the same manner
13 as an offender who is sentenced to the Division of Correction without a
14 judicial or administrative transfer to ~~the Division of Community Correction a~~
15 community correction center; and

16
17 SECTION 20. Arkansas Code § 16-93-617 is amended to read as follows:

18 16-93-617. Parole eligibility procedures – Offenses committed after
19 January 1, 1994 – Revocation of transfer.

20 (a) In the event an offender transferred under this section, §§ 16-93-
21 614 – 16-93-616, or § 16-93-618 violates the terms or conditions of his or
22 her transfer, a hearing shall follow all applicable legal requirements and
23 shall be subject to any additional policies and rules set by the Post-Prison
24 Transfer Board.

25 (b)(1) In the event an offender transferred under this section and §§
26 16-93-614 – 16-93-616, or § 16-93-618 is found to be or becomes ineligible
27 for transfer into a ~~Division of Community Correction facility~~ community
28 correction center, he or she shall be transported to ~~the a~~ Division of
29 Correction facility to serve the remainder of his or her sentence.

30 (2) Notice of the ineligibility and the reasons therefor shall
31 be provided to the offender, and a hearing may be requested before the board
32 if the offender contests the factual basis of the ineligibility. Otherwise,
33 the board may administratively approve the ~~transfer to the Division of~~
34 ~~Correction~~ removal from a community correction center.

35 (c) An offender who is judicially transferred to a ~~Division of~~
36 ~~Community Correction facility and subsequently transferred back to the~~

1 ~~Division of Correction~~ a community correction center and subsequently removed
2 by the board for disciplinary or administrative reasons may not become
3 eligible for any further transfer under § 16-93-614(c)(2)~~(E) and (F)~~(B) and
4 (C).

5
6 SECTION 21. Arkansas Code § 16-93-712(d)(3), concerning administrative
7 sanctions for parolees, is amended to read as follows:

8 (3) Intermediate sanctions shall include without limitation:

9 (A) Day reporting;

10 (B) Community service;

11 (C) Increased substance abuse screening or treatment, or
12 both;

13 (D) Increased monitoring, including electronic monitoring
14 and home confinement; and

15 (E)(i) Incarceration in a county jail for no more than
16 seven (7) days or incarceration in a ~~Division of Community Correction~~
17 ~~facility or Division of Correction~~ facility operated or contracted by a
18 division of the Department of Corrections for no more than one hundred twenty
19 (120) days.

20 (ii)(a) Incarceration as an intermediate sanction
21 shall not be used more than six (6) times with an individual parolee.

22 (b) A parolee shall accumulate no more than
23 twenty-one (21) days' incarceration in a county jail or no more than two
24 hundred forty (240) days' incarceration in a ~~Division of Community Correction~~
25 ~~facility or Division of Correction~~ facility operated or contracted by a
26 division of the department as an intermediate sanction before the community
27 supervision officer recommends a violation of the person's parole under § 16-
28 93-706.

29 (c) A parolee is subject to a period of
30 incarceration of:

31 (1) Up to sixty (60) days in a ~~Division~~
32 ~~of Community Correction facility or Division of Correction~~ facility operated
33 or contracted by a division of the department for a technical conditions
34 violation; and

35 (2) One hundred twenty (120) days in a
36 ~~Division of Community Correction facility or Division of Correction~~ facility

1 operated or contracted by a division of the department for a serious
2 conditions violation.

3 (d) A parolee may not be incarcerated more
4 than two (2) times as a parole sanction in a ~~Division of Community Correction~~
5 ~~facility or Division of Correction~~ operated or contracted by a division of
6 the department facility during a two-year period.

7
8 SECTION 22. Arkansas Code § 16-93-1202(2)(G)(i), concerning the things
9 included in the definition of "community correction" with respect to
10 community correction programs, is amended to read as follows:

11 (G)(i) Community correction ~~facilities~~ centers,
12 multipurpose facilities encompassing security, correction, and services such
13 that offenders can be housed therein when necessary but can also be assigned
14 to or access correction programs and services which are housed there.

15
16 SECTION 23. Arkansas Code § 16-93-1202(4)-(6), concerning definitions
17 with respect to community correction, is amended to read as follows:

18 (4) "Division of Community Correction" means the administrative
19 structure in place to oversee the development and operation of community
20 correction ~~facilities~~, programs, and services, including probation, parole,
21 and post-release supervision;

22 (5) "Division of Correction" means the administrative structure
23 in place to oversee the daily operation of secure prison facilities and the
24 security functions of community correction centers;

25 (6) "Eligibility" or "eligible offender" means any person
26 convicted of a felony who is by law eligible for such sentence or who is
27 otherwise under the supervision of the Division of Community Correction and
28 who falls within the population targeted by the General Assembly for
29 inclusion in community correction ~~facilities~~ centers and who has not been
30 subject to a disciplinary violation for a violent act or for sexual
31 misconduct while in the custody of a jail or correctional facility and does
32 not have a current or previous conviction for a violent or sexual offense
33 listed under subdivision (10)(A)(ii) of this section;

34
35 SECTION 24. Arkansas Code § 16-93-1202(8), concerning the definition
36 of "supervision" with respect to community correction, is amended to read as

1 follows:

2 (8) "Supervision" means direct supervision at varying levels of
3 intensity by community supervision officers in the case of sentences to
4 probation with a condition of community correction or offenders eligible for
5 release on parole or post-release supervision or offenders transferred to
6 community correction or community supervision from the Division of
7 Correction;

8

9 SECTION 25. Arkansas Code § 16-93-1202(10)(C), concerning the
10 definition of "target group" with respect to community correction, is amended
11 to read as follows:

12 (C) Final determination of eligibility for placement in any
13 community correction ~~center or program~~ is the responsibility of the Division
14 of ~~Community~~ Correction;

15

16 SECTION 26. Arkansas Code § 16-93-1205 is amended to read as follows:
17 16-93-1205. Operation and supervision of community correction programs.

18 (a) The Board of Corrections shall promulgate policies and rules
19 relating to the operation of community correction facilities and programs,
20 the supervision of eligible offenders participating therein, and the
21 termination of that participation, including but not limited to:

22 (1) The terms, conditions, and qualifications of program
23 eligibility;

24 (2) The time to be spent in specific correction and treatment
25 programs designated as community correction;

26 (3) Receipt of compensation in the form of fees or other
27 available sources from the eligible offender while participating in a
28 community correction program;

29 (4) Allocation of compensation received by an eligible offender
30 while participating in a community correction program, including designation
31 to the ~~Division of Community Correction~~ Department of Corrections of a
32 percentage of any compensation received for the purpose of defraying the
33 costs to the ~~division~~ department of establishing and operating community
34 correction programs and the costs of the offender's custody and care;

35 (5) Receipt of compensation from public entities who benefit
36 from the labor of offenders involved in community correction work programs;

1 and

2 (6) Collection of economic sanctions imposed by the court,
3 including, but not limited to, restitution, fines, fees, or other monetary
4 penalties attached to an offender's sentence.

5 (b) The ~~division~~ department shall supervise all eligible offenders
6 participating in any community correction program with the goal of promoting
7 the safety and welfare of the people of the state.

8

9 SECTION 27. Arkansas Code § 16-93-1207(a) and (b), concerning an order
10 of the court placing an offender on probation and an order sealing an
11 offender's criminal record, are amended to read as follows:

12 (a) Upon the sentencing or placing on probation of any person under
13 the provisions of this subchapter, the sentencing court shall issue an order
14 or commitment, whichever is appropriate, in writing, setting forth the
15 following:

16 (1) That the offender is being:

17 (A) Committed to the Division of Correction;

18 (B) Committed to the Division of Correction with judicial
19 transfer to ~~the Division of Community Correction~~ a community correction
20 center;

21 (C) Placed on suspended imposition of sentence;

22 (D) Placed on probation under the provisions of this
23 subchapter; or

24 (E) Committed to a county jail for a misdemeanor offense
25 committed after January 1, 2007;

26 (2) That the offender has knowledge and understanding of the
27 consequences of the sentence or placement on probation and violations
28 thereof;

29 (3) A designation of sentence or supervision length along with
30 community correction program distinctions of that sentence or supervision
31 length;

32 (4) Any applicable terms and conditions of the sentence or
33 probation term; and

34 (5) Presentence investigation or sentencing information,
35 including, but not limited to, criminal history elements and other
36 appropriate or necessary information for correctional use.

1 (b)(1) Upon the successful completion of probation or a commitment to
2 the Division of Correction with judicial transfer to ~~the Division of~~
3 ~~Community Correction~~ a community correction center or a commitment to a
4 county jail for one (1) of the offenses targeted by the General Assembly for
5 community correction placement, the court may direct that the record of the
6 offender be sealed with regards to the offense of which the offender was
7 either convicted or placed on probation under the condition that the offender
8 has no more than one (1) previous felony conviction and that the previous
9 felony was other than a conviction for:

- 10 (A) A capital offense;
11 (B) Murder in the first degree, § 5-10-102;
12 (C) Murder in the second degree, § 5-10-103;
13 (D) Rape, § 5-14-103;
14 (E) Kidnapping, § 5-11-102;
15 (F) Aggravated robbery, § 5-12-103; or
16 (G) Delivering controlled substances to a minor as
17 prohibited in the former § 5-64-410.

18 (2) The fact that a prior felony conviction has been previously
19 sealed shall not prevent its counting as a prior conviction for the purposes
20 of this subsection.

21 (3) The procedure, effect, and definition of “sealed” for the
22 purposes of this subsection shall be in accordance with that established in
23 the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq.
24

25 SECTION 28. Arkansas Code § 16-93-1804(1), concerning release
26 eligibility for felonies committed on or after January 1, 2025, is amended to
27 read as follows:

28 (1) A person who commits an offense meeting the definition of
29 target group as defined under § 16-93-1202 and who is judicially or
30 administratively transferred to a community correction center is eligible for
31 transfer to post-release supervision as follows:

- 32 (A) If the person is ~~transferred back to the Division of~~
33 ~~Correction~~ removed from the community correction center for disciplinary
34 reasons, he or she is ineligible to accrue earned release credits against the
35 sentence for which he or she is ~~transferred to the Division of Correction~~
36 removed from the community correction center for disciplinary reasons;

1 (B) If the person is ~~transferred back to the Division of~~
 2 ~~Correction~~ removed from the community correction center for administrative
 3 reasons, he or she may be considered for transfer to post-release supervision
 4 as otherwise authorized in § 16-93-1803 and this section;

5 (C) If the person is not ~~transferred back to the Division~~
 6 ~~of Correction~~ removed from the community correction center for administrative
 7 or disciplinary reasons, he or she is eligible for release under § 12-27-
 8 127(c); and

9 (D) A person who has committed a felony that is within the
 10 target group as defined under § 16-93-1202 and who is transferred to
 11 community supervision is eligible, under the rules established by the Post-
 12 Prison Transfer Board, for commitment to a community correction facility if
 13 he or she is found to be in violation of any of his or her conditions of
 14 post-release supervision, unless the post-release supervision violation
 15 constitutes a non-target felony offense;

16
 17 *SECTION 29. Arkansas Code § 16-93-1907(a)(3), concerning*
 18 *administrative sanctions for post-release supervision, is amended to read as*
 19 *follows:*

20 (3) *Intermediate sanctions shall include without limitation:*

21 (A) *Community service;*

22 (B) *Increased substance abuse screening and treatment;*

23 (C) *Increased monitoring, including electronic monitoring*
 24 *and home confinement; and*

25 (D)(i) *Incarceration in a county or regional jail for no*
 26 *more than seven (7) days or incarceration in a ~~Division of Correction~~*
 27 *~~facility or a Division of Community Correction~~ facility operated or*
 28 *contracted by a division of the Department of Corrections for no more than*
 29 *ninety (90) days.*

30 (ii)(a) *Incarceration as an intermediate sanction*
 31 *shall not be used more than six (6) times with an offender on post-release*
 32 *supervision.*

33 (b) *If an offender on post-release supervision*
 34 *accumulates more than thirty (30) days' incarceration in a county or regional*
 35 *jail or more than three hundred sixty (360) days' incarceration in a ~~Division~~*
 36 *~~of Correction facility or a Division of Community Correction~~ facility*

1 operated or contracted by a division of the department as an intermediate
2 sanction, the community supervision officer shall recommend a revocation of
3 the offender's post-release supervision under § 16-93-1908.

4 (c) An offender shall not be incarcerated more
5 than two (2) times as a result of an intermediate sanction in a ~~Division of~~
6 ~~Correction~~ facility operated or contracted by a division of the department
7 during any two-year period.

8
9 SECTION 30. DO NOT CODIFY. Temporary language.

10 The Residential Services Section of the Division of Community
11 Correction's statutory powers, duties, and functions, including the functions
12 of budgeting or purchasing, records, contracts, personnel, property, and
13 unexpended balances of appropriations, allocations, and other funds that are
14 utilized for the operation of community correction centers are transferred to
15 the Division of Correction within the Department of Corrections.

16
17 SECTION 31. DO NOT CODIFY. Temporary language.

18 The Sex Offender Community Notification Section of the Division of
19 Correction's statutory powers, duties, and functions, including the functions
20 of budgeting or purchasing, records, contracts, personnel, property, and
21 unexpended balances of appropriations, allocations, and other funds are
22 transferred to the Department of Corrections.

23
24 SECTION 32. EMERGENCY CLAUSE. It is found and determined by the
25 General Assembly of the State of Arkansas that repeat criminal activity
26 threatens the safety of the state; that the transfer of certain powers and
27 duties of the Department of Corrections to the appropriate divisions will
28 improve the ability of the department to address repeat criminal activity;
29 and that this act is immediately necessary to ensure the timely transfer of
30 certain powers and duties of the department to the appropriate division to
31 reduce the rate of recidivism. Therefore, an emergency is declared to exist,
32 and this act being immediately necessary for the preservation of the public
33 peace, health, and safety shall become effective on:

34 (1) The date of its approval by the Governor;

35 (2) If the bill is neither approved nor vetoed by the Governor,
36 the expiration of the period of time during which the Governor may veto the

1 bill; or

2 (3) If the bill is vetoed by the Governor and the veto is
3 overriden, the date the last house overrides the veto.

4
5 SECTION 33. DO NOT CODIFY. CONSTRUCTION.

6 (a) Except as provided in subsection (b) of this section, to the
7 extent that a conflict exists between an act of the regular session of the
8 Ninety-Fifth General Assembly and this act:

9 (1) Section 1-2-107 shall not apply; and

10 (2) All of the enactments of each act shall be given effect
11 except to the extent of irreconcilable conflicts, in which case the
12 conflicting provision of this act shall prevail.

13 (b) This section shall not revive or re-enact any provision of the
14 Arkansas Code that has been repealed by an act of the regular session of the
15 Ninety-Fifth General Assembly, including without limitation this act.

16
17 /s/Gilmore

18
19
20 APPROVED: 4/17/25

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

As Engrossed: H4/14/25

A Bill

SENATE BILL 457

5 By: Senator G. Leding
6 By: Representative Hudson
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE RELEASE FROM
10 PAROLE OR POST-RELEASE SUPERVISION OF CERTAIN PERSONS
11 WHO COMMITTED CRIMES WHEN THEY WERE UNDER THE AGE OF
12 EIGHTEEN; AND FOR OTHER PURPOSES.
13
14

Subtitle

16 TO AMEND THE LAW CONCERNING THE RELEASE
17 FROM PAROLE OR POST-RELEASE SUPERVISION
18 OF CERTAIN PERSONS WHO COMMITTED CRIMES
19 WHEN THEY WERE UNDER THE AGE OF
20 EIGHTEEN.
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 16-93-622, as amended by Section 2 of Acts
25 2025, No. 173, is amended to read as follows:

26 16-93-622. Parole or post-release supervision discharge for offenders
27 who are minors – Reinstatement of rights.

28 (a) The Post-Prison Transfer Board may discharge a person from parole
29 or post-release supervision if+

30 ~~(1)~~—The the person:

31 ~~(A)~~(1) Was released on parole or post-release supervision
32 under § 16-93-621 or any provision of this chapter in which the person's
33 parole or post-release supervision term exceeds five (5) years, for having
34 committed an offense as a minor; and

35 ~~(B)~~(2) Has served at least five (5) years on parole or
36 post-release supervision without a violation; ~~and~~



