

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

SENATE BILL

360

By: Senator Bookout

For An Act To Be Entitled

"AN ACT TO ABOLISH THE STATE BOARD OF PARDONS AND PAROLES AND THE COMMISSION ON COMMUNITY-BASED REHABILITATION; TO CREATE A BOARD TO BE KNOWN AS THE 'STATE BOARD OF PAROLE AND COMMUNITY REHABILITATION' TO BE COMPOSED OF SEVEN MEMBERS TO BE APPOINTED BY THE GOVERNOR AND CONFIRMED BY THE SENATE; TO TRANSFER ALL POWERS, FUNCTIONS AND DUTIES OF THE PRESENT STATE BOARD OF PARDONS AND PAROLES AND THE COMMISSION ON COMMUNITY-BASED REHABILITATION TO THE STATE BOARD OF PAROLE AND COMMUNITY REHABILITATION; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. The State Board of Pardons and Paroles created by Act 621 of 1969, as amended, and the Commission on Community-Based Rehabilitation created by Act 378 of 1975, as amended, are hereby abolished and all powers, functions and duties of said Board and Commission are hereby transferred under a Type 2 transfer as set forth in Arkansas Code 25-2-105 to and vested in the State Board of Parole and Community Rehabilitation herein created.

SECTION 2. There is hereby created the State Board of Parole and Community Rehabilitation to be composed of seven (7) members to be appointed by the Governor and confirmed by the Senate. One (1) member of the Board shall be appointed from each Congressional District and the remaining members shall be appointed from the State at-large. The Governor shall designate the terms of the initial members in such manner that the term of one (1) member shall expire on January 14 of each year beginning January 14, 1990. Thereafter, terms shall be 7 years long and members shall serve until their replacement is appointed. If any vacancy shall occur on the State Board of Parole and Community Rehabilitation prior to the expiration of the term, the

Governor shall fill such vacancy for the remainder of the unexpired term, subject to confirmation by the Senate at its next regular session. Four (4) members of the State Board of Parole and Community Rehabilitation shall receive the same amount per day as is paid to the members of the Arkansas Board of Correction for each day they are actually engaged in attending the official Board meetings or official Board business. In addition thereto, these four (4) members shall be entitled to be compensated for actual expenses incurred in the attendance of such meetings or business, and shall be entitled to be compensated for mileage at the same rate authorized by state travel regulations for state employees for each mile traveled in attending official Board meetings or Board business.

The reimbursement for use of private airplanes shall be in accordance with state travel regulations.

The moneys to be paid and reimbursed to Board members pursuant to this section shall be payable from funds made available for that purpose by law.

One (1) member of the State Board of Parole and Community Rehabilitation shall be a full-time official of the State of Arkansas, and shall be designated as the Chairman of the State Board of Parole and Community Rehabilitation. The Chairman of the State Board of Parole and Community Rehabilitation shall be appointed by the Governor and confirmed by the Senate. The initial term for this office shall begin upon the effective date of this Act and will expire on January 14, 1996 with successors appointed for terms of seven (7) years. If a vacancy in this position shall occur prior to the expiration of the term, the Governor shall fill such vacancy for the remainder of the unexpired term, subject to confirmation by the Senate at its next regular session.

The remaining two (2) members of the State Board of Parole and Community Rehabilitation shall also be full-time officials of the State of Arkansas to be appointed by the Governor and confirmed by the Senate.

No member of the State Board of Parole and Community Rehabilitation shall serve more than two (2) terms.

SECTION 3. Board members may be removed by the Governor in the manner provided in Arkansas Code 25-17-210.

SECTION 4. The Chairman of the State Board of Parole and Community

Rehabilitation, as created by this Act, shall serve as a non-voting ex-officio member of the Board of Correction.

SECTION 5. Four (4) members of the State Board of Parole and Community Rehabilitation shall constitute a quorum. However, the three (3) full-time members of the State Board of Parole and Community Rehabilitation shall have the authority to make decisions relating to the granting, denial or revocation of parole or early release when meeting as a three (3) member panel, but only by a unanimous vote. The types of cases to be reviewed by the panel shall be set forth by a majority vote of the full Board.

SECTION 6. Arkansas Code of 1987 Annotated 16-93-701(b) (1) is hereby amended to read as follows:

"(b) (1) Before ordering the release of any prisoner, the prisoner shall be interviewed by the Board or a panel designated by the Board."

SECTION 7. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 8. Arkansas Code of 1987 Annotated 16-93-201 and all other laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 9. It is hereby found and determined by the General Assembly that the present State Board of Pardons and Paroles consisting of five (5) part-time members and the Commission on Community-Based Rehabilitation consisting of six (6) part-time members are not adequately staffed to properly review potential releases of eligible inmates and applications for pardons and executive clemency and that it is essential to the proper administration of justice in this State that a new seven (7) member State Board of Parole and Community Rehabilitation be established immediately. Therefore, an emergency is hereby declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.