

1 **State of Arkansas**
2 **79th General Assembly**
3 **First Extraordinary Session, 1994**
4 **By: Representative Argue**

A Bill

Call Item 8

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO ALLOW PERSONS WHO COMMITTED A TARGET OFFENSE
9 PRIOR TO JANUARY 1, 1994, TO BE ELIGIBLE TO FOR TRANSFER
10 TO A COMMUNITY PUNISHMENT FACILITY ONE HUNDRED AND TWENTY
11 (120) DAYS PRIOR TO THEIR PROJECTED PAROLE ELIGIBILITY AND
12 MINIMUM RELEASE DATE; AND FOR OTHER PURPOSES."

Subtitle

15 "TO ALLOW PERSONS WHO COMMITTED A TARGET
16 OFFENSE TO BE ELIGIBLE FOR TRANSFER TO
17 COMMUNITY PUNISHMENT."

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

21 SECTION 1. Arkansas Code Annotated § 16-93-206(b)(1) is amended to read
22 as follows:

23 "(b)(1)(A)(i) For persons who commit felonies, except those enumerated
24 in subdivision (c)(1) of this section, on or after January 1, 1994, under the
25 provisions of a transfer date, the Department of Correction will transfer
26 inmates to the Department of Community Punishment subject to rules and
27 regulations promulgated by the Board of Correction and Community Punishment
28 and conditions set by the Post Prison Transfer Board.

29 (ii) For persons who committed felonies prior to
30 January 1, 1994, and who are within a target group as defined under the
31 Community Punishment Act, Arkansas Code Annotated 16-93-1201, et seq., the
32 Post Prison Transfer Board may transfer persons based on conditions set by the
33 Post Prison Transfer Board and subject to rules and regulations promulgated by
34 the Post Prison Transfer Board.

35 (B) The conditions under which transfer shall occur

1 include, but are not limited to, level of supervision, economic fee sanction,
2 treatment program, and other conditions relevant to the individual under
3 review.

4 (C) This review may be conducted without a hearing when the
5 inmate has not received a major disciplinary report against him which resulted
6 in the loss of good time, there has not been a request by a victim to have
7 input on transfer conditions, and there is no indication in the risk needs
8 assessment review that special conditions need to be placed on the inmate."
9

10 SECTION 2. Arkansas Code Annotated § 16-93-1301(b) is amended to read
11 as follows:

12 "(b)(1) Persons who committed felonies prior to January 1, 1994, and
13 who were convicted and incarcerated for those felonies, shall be eligible for
14 release on parole in accordance with the parole eligibility law in effect at
15 the time the crime was committed.

16 (2) Persons who committed felonies prior to January 1, 1994, and
17 who are within a target group as currently defined under the Community
18 Punishment Act, Arkansas Code Annotated § 16-93-1201, et seq., shall be
19 eligible for transfer to a community punishment facility one hundred and
20 twenty (120) days prior to their projected parole eligibility and minimum
21 release date."
22

23 SECTION 3. The inmate transfer provisions in Arkansas Code Annotated
24 §16-93-206(b)(1)(A)(ii) and §16-93-1301(b)(2) shall expire on April 1, 1995.
25

26 SECTION 4. All provisions of this act of a general and permanent nature
27 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
28 Revision Commission shall incorporate the same in the Code.
29

30 SECTION 5. If any provision of this act or the application thereof to
31 any person or circumstance is held invalid, such invalidity shall not affect
32 other provisions or applications of the act which can be given effect without
33 the invalid provision or application, and to this end the provisions of this
34 act are declared to be severable.
35

1 SECTION 6. All laws and parts of laws in conflict with this act are
2 hereby repealed.

3

4 SECTION 7. EMERGENCY. It is hereby found and determined by the
5 Seventy-Ninth General Assembly that the correctional policies of the State of
6 Arkansas are in need of immediate reform in order to better provide for a
7 balanced correctional system and to better effectuate the rehabilitation of
8 persons convicted of crimes and to make possible their return as useful
9 members of the community and passage of this act is necessary to facilitate
10 these reforms. Therefore, an emergency is hereby declared to exist and this
11 act being necessary for the immediate preservation of the public peace, health
12 and safety shall be in full force and effect from and after its passage and
13 approval.

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

- 1
- 2
- 3