

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **First Extraordinary Session, 1994**  
4 **By: Senators Bell, Bookout, Russ and Dowd**

# A Bill

Call Item 8

**SENATE 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