

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

HOUSE BILL 1289

4 By: Representative B. G. Hendrix

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 12-29-404 RELATING TO THE
9 DISPOSITION OF INMATES WHO HAVE AN INCURABLE ILLNESS AND
10 THOSE WHO ARE PERMANENTLY PHYSICALLY OR MENTALLY
11 INCAPACITATED; FOR OTHER PURPOSES."

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Subtitle

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

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20 SECTION 1. Arkansas Code 12-29-404 is amended to read as follows:

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"12-29-404. Incurable diseases.

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23 When in the independent opinions of a prison physician and a consultant
24 physician from the community, an inmate has an incurable illness which, on
25 the average, will result in death within 12 months, or an individual is
26 permanently physically or mentally incapacitated to the degree that the
27 community criteria are met for placement in a nursing home, rehabilitation
28 facility or similar setting providing a level of care not available in the
29 Department of Correction or the Department of Community Punishment, the
30 Director of the Department of Correction or the Director of the Department of
31 Community Punishment, shall make the facts known to the Post Prison Transfer
32 Board. The Post Prison Transfer Board shall assemble or request all such
33 information as is germane to making a decision. If the facts warrant, the
34 Post Prison Transfer Board may make the inmate eligible for immediate
35 transfer to parole supervision."

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1 SECTION 2. All provisions of this act of a general and permanent
2 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
3 Code Revision Commission shall incorporate the same in the Code.

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5 SECTION 3. If any provision of this act or the application thereof to
6 any person or circumstance is held invalid, such invalidity shall not affect
7 other provisions or applications of the act which can be given effect without
8 the invalid provision or application, and to this end the provisions of this
9 act are declared to be severable.

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11 SECTION 4. All laws and parts of laws in conflict with this act are
12 hereby repealed.

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