

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

4 By: Representative Ferrell

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A Bill

HOUSE BILL

1698

For An Act To Be Entitled

8 "AN ACT TO ALLOW THE CRIME VICTIMS REPARATIONS BOARD TO
9 PROVIDE REPARATIONS TO CERTAIN VICTIMS WHOSE PRIMARY
10 RESIDENCE HAS BEEN DAMAGED AS A RESULT OF A CRIMINAL ACT;
11 AND FOR OTHER PURPOSES."

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Subtitle

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

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SECTION 1. INTENT. It is the intent of this act to provide a method of reparations whereby victims whose primary residence is damaged or whose personal property is stolen from their primary residence as a result of criminal acts and who do not have adequate available resources or a collateral source of reimbursement, such as insurance, to cover the cost of repairs to their primary residence or replacement of the personal property may receive assistance in the form of inmate or probationer labor to make repairs and cleanup their primary residence and the surrounding real property.

SECTION 2. (a) The Crime Victims Reparations Board and the Board of Correction and Community Punishment with the cooperation and assistance of the Department of Community Punishment working in conjunction with each other shall promulgate the necessary rules and regulations to establish a program whereby eligible inmates released to or sentenced directly to community

1 punishment and probationers may perform labor on the primary residence and
2 surrounding real property of victims whose primary residence has suffered
3 damage as a result of a criminal act or whose personal property has been
4 stolen from their primary residence whose owner does not have adequate
5 available resources or any collateral source of reimbursement, such as
6 insurance, to cover the costs of repairs or replacement. *The safety of the*
7 *victim, probationer, and the inmate shall be given first priority in*
8 *promulgating the rules and regulations.*

9 (b) Persons who have suffered damage to their primary residence and
10 surrounding real property in an amount in excess of five hundred dollars
11 (\$500.00) as a result of a criminal act or have had personal property stolen
12 from their primary residence valued in excess of five hundred dollars
13 (\$500.00), and do not have adequate available resources or any collateral
14 source of reimbursement, such as insurance, to cover the costs of repairs to
15 their property may file a claim with the Crime Victims Reparations Board in
16 the manner and form as is presently required by the Crime Victims Reparations
17 Board for crime victims and the Crime Victims Reparations Board shall have
18 the power to provide labor for repairs and cleanup supplied by eligible
19 offenders serving community punishment and probationers in accordance with
20 rules and regulations promulgated by the Board of Correction and Community
21 Punishment, and by this act the Department of Community Punishment is
22 authorized and directed to promulgate necessary rules and regulations
23 permitting the use of eligible inmates transferred to or sentenced directly
24 to community punishment and probationers to perform the repair and cleanup
25 work contemplated by this act and consistent with guidelines established by
26 the Crime Victims Reparations Board.

27 (c) Inmates who have been convicted of violent crimes or residential
28 burglary, even if transferred to or sentenced directly to community
29 punishment, and probationers who have been convicted of violent crimes,
30 residential burglary or theft of property shall be ineligible to participate
31 in this program and the regulations governing this program shall reflect this
32 prohibition.

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34 *SECTION 3. Whenever a dollar amount of property damage or loss is*
35 *referred to in Section 2 of this act, the dollar amount shall refer to the*

1 *fair market repair or replacement value. Further, no award shall be made*
2 *under the provisions of this act for a loss based on the dollar amount of an*
3 *insurance deductible which is five hundred dollars (\$500.00) or less.*

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5 SECTION 4. All provisions of this act of a general and permanent
6 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
7 Code Revision Commission shall incorporate the same in the Code.

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

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

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/s/Rep. Ferrell

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As Engrossed: 2/22/95 3/17/95

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