

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Senator Bookout

# A Bill

SENATE BILL 215

## 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."

## Subtitle

14 "RELATING TO DISPOSITION OF INMATES WHO  
15 HAVE AN INCURABLE ILLNESS AND THOSE WHO  
16 ARE PERMANENTLY INCAPACITATED."

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

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

21 "12-29-404. Incurable diseases.

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

1 supervision."

2

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

6

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

12

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14 hereby repealed.

15

*/s/Bookout*

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

1

2