

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

# A Bill

HOUSE BILL 1599

4  
5 By: Representative Thomas

## For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 12-30-407 PERTAINING TO THE  
10 ELIGIBILITY DATES FOR RELEASE TO APPROVED JAIL FACILITIES  
11 OR COMMUNITY PUNISHMENT CENTERS; AND FOR OTHER PURPOSES."

## Subtitle

14 "AN ACT TO AMEND ARKANSAS CODE 12-30-407  
15 PERTAINING TO THE ELIGIBILITY DATES FOR  
16 RELEASE TO APPROVED JAIL FACILITIES OR  
17 COMMUNITY PUNISHMENT CENTERS; AND FOR  
18 OTHER PURPOSES."

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

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22 SECTION 1. Arkansas Code 12-30-407 is amended to read as follows:

23 "12-30-407. Housing of participants.

24 (a)(1) The Board of Correction and Community Punishment may promulgate  
25 rules and regulations to allow the proper classification of inmates to be  
26 released to the sheriffs of approved jail facilities or community punishment  
27 centers outside the Department of Correction. Such inmates are to work at jobs  
28 that directly benefit those facilities and are to be under supervision at all  
29 times.

30 (2)(A) Inmates so released shall be entitled to credit on their  
31 sentences under the meritorious classification system of the Department of  
32 Correction.

33 (B) ~~However~~ Except as provided in subdivision C of this section, no  
34 inmate shall be eligible to be released to the sheriff of an approved jail  
35 facility unless the inmate is within thirty (30) months of his first parole  
36 eligibility date or his first post-prison transfer eligibility date, unless:

1 (i) The inmate is returning to the county from which he was tried and  
 2 convicted; or

3 (ii)(a) If the inmate is released to a county other than a county from  
 4 which he was tried and convicted, the sheriff of the county from which he was  
 5 tried and convicted shall be notified.

6 (b) Unless the sheriff responds within fifteen (15) days of  
 7 notification that he disapproves of the transfer, the inmate may be  
 8 transferred as provided in this section.

9 (C) No inmate shall be eligible to be released to the sheriff of an  
 10 approved jail facility unless:

11 (i) The inmate convicted of a class Y felony is within five (5) years  
 12 of the first parole eligibility date or the first post-prison transfer  
 13 eligibility date;

14 (ii) The inmate convicted of a class A felony has served five (5) years  
 15 of the sentence or is within five (5) years of the first parole eligibility  
 16 date or the first post-prison transfer eligibility date, whichever is earlier;  
 17 or

18 (iii) The inmate convicted of a class B felony has served two (2) years  
 19 of the sentence or is within two (2) years of the first parole eligibility  
 20 date or the first post-prison transfer eligibility date, whichever is earlier.

21 (b) The number of persons on prerelease and work-release programs of  
 22 the Department of Correction that may be housed at the Benton Services Center  
 23 shall not exceed two hundred twenty-five (225). Provided, with the approval of  
 24 the State Hospital Board and the Administrator of the Benton Services Center,  
 25 a maximum of three hundred twenty-five (325) persons on prerelease and work-  
 26 release programs may be housed at the center.

27 (c) Inmates released to the sheriff of approved jail facilities or  
 28 community punishment centers pursuant to § 12-30-407 prior to July 28, 1995  
 29 shall remain eligible for release, notwithstanding the provisions of this  
 30 section."

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

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36 SECTION 3. If any provision of this act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect  
2 other provisions or applications of the act which can be given effect without  
3 the invalid provision or application, and to this end the provisions of this  
4 act are declared to be severable.

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

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