

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003  
4

*As Engrossed: S3/26/03*

# A Bill

SENATE BILL 736

5 By: Senator Critcher  
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## For An Act To Be Entitled

9 AN ACT TO ALLOW THE EARNING OF GOOD TIME FOR NOT  
10 ABUSING SICK CALL; AND FOR OTHER PURPOSES.

### Subtitle

12 AN ACT TO ALLOW THE EARNING OF GOOD TIME  
13 FOR NOT ABUSING SICK CALL.  
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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19 SECTION 1. Arkansas Code § 12-29-201 is amended to read as follows:  
20 12-29-201. Meritorious good time.

21 (a) An inmate may be entitled to "meritorious good time" reducing his  
22 transfer eligibility date up to thirty (30) days for each month incarcerated  
23 after imposition of sentence in one (1) of the units, facilities, and centers  
24 maintained by the Department of Correction or the Department of Community  
25 ~~Punishment~~ Correction.

26 (b) Meritorious good time shall be allocated under rules and  
27 regulations promulgated by the Board of ~~Correction~~ Corrections and ~~Community~~  
28 ~~Punishment~~ and administered by the respective department staff subject to the  
29 provisions of this subchapter for good discipline, behavior, work practices,  
30 job responsibilities, and involvement in rehabilitative activities while in  
31 the custody of the Department of Correction or the Department of Community  
32 ~~Punishment~~ Correction.

33 (c) Meritorious good time will not be applied to reduce the length of  
34 a sentence.

35 (d)~~(1)~~ Meritorious good time shall apply to an inmate's transfer  
36 eligibility date from the Department of Correction or a community ~~punishment~~



1 correction facility.

2 ~~(2) Meritorious good time shall under no circumstances reduce an~~  
 3 ~~inmate's time served in prison by more than one half (1/2) of the percentage~~  
 4 ~~required by law for transfer eligibility.~~

5 ~~(3) Meritorious good time shall under no circumstances reduce an~~  
 6 ~~inmate's confinement in a community punishment facility by more than one half~~  
 7 ~~(1/2).~~

8 (e)(1) The Department of Correction or the Department of Community  
 9 Punishment shall determine a date at which the inmate who has acquired the  
 10 maximum amount of meritorious good time necessary is to be administratively  
 11 transferred to a less restrictive placement or supervision level within the  
 12 Department of Community ~~Punishment~~ Correction.

13 (2) Such date will be determined in accordance with the policies  
 14 developed by the Arkansas Sentencing Commission within the parameters allowed  
 15 by law.

16 (f)(1) Inmates under sentence of death or life imprisonment without  
 17 parole shall not be eligible for meritorious good time under this subchapter,  
 18 but may be pardoned or have their sentences commuted by the Governor, as  
 19 provided by law.

20 (2) Inmates sentenced to life imprisonment shall not receive  
 21 meritorious good time calculated on their sentences unless the sentence is  
 22 commuted to a term of years by executive clemency.

23 (3) Upon commutation, the inmate shall be eligible to receive  
 24 meritorious good time at the rate established by this subchapter.

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26 SECTION 2. Arkansas Code § 12-29-202 is amended to read as follows:

27 12-29-202. Classification committee - Classifications.

28 (a)(1) There is established a classification committee to be defined  
 29 by administrative regulations approved by the Board of ~~Correction~~ Corrections  
 30 and Community ~~Punishment~~ Correction.

31 (2) Members of the committee will be selected by wardens or  
 32 supervisors of the various units, facilities, or centers of the departments  
 33 per board regulation governing their selection.

34 (3) This committee shall meet as often as necessary to classify  
 35 the inmates into no more than four (4) classes according to good behavior,  
 36 good discipline, medical condition, job responsibilities, and involvement in

1 rehabilitative activities.

2 (b)(1)(A) Inmates who maintain class through good behavior, good  
3 discipline, work practices, job responsibilities, and involvement in  
4 rehabilitative activities may earn up to one (1) day for every day served as  
5 a reduction toward their transfer eligibility date for each day incarcerated  
6 after the imposition of sentence.

7 (B)(i) Upon recommendation of the classification  
8 committee, the director may award up to ninety (90) additional days of  
9 meritorious good time awards for completion of rehabilitative programs,  
10 special jobs performed, as a result of heroic acts or other exceptional  
11 circumstances, and not to exceed ninety (90) days annually for the  
12 appropriate use of sick call.

13 (ii) These awards will be given as defined under  
14 administrative regulations approved by the Board of Corrections.

15 (2) Inmates who are reduced to the lowest class, established  
16 through board policy, as a result of disciplinary action shall not be  
17 entitled to earn meritorious good time.

18 (3) Inmates serving a punitive disciplinary sentence in punitive  
19 segregation shall not be entitled to earn meritorious good time.

20 (c) Inmates may be reclassified as often as the committee deems  
21 necessary or in accordance with current board regulations to carry out the  
22 purpose of this subchapter and to maintain good discipline, order, and  
23 efficiency at the units, facilities, or centers.

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25 SECTION 3. Arkansas Code § 12-29-204 is amended to read as follows:

26 12-29-204. Statutory good time - Maximum reduction.

27 Those inmates sentenced to the Department of Correction prior to April  
28 2, 1971, shall be entitled to "statutory good time" as provided in Acts 1968  
29 (1st Ex. Sess.), No. 50, § 14 [repealed], ~~provided no inmate shall ever~~  
30 ~~receive a reduction under this subchapter, or this subchapter and another~~  
31 ~~subchapter jointly, of more than thirty (30) days for each month served.~~

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33 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the  
34 General Assembly of the State of Arkansas that there is serious overcrowding  
35 in the Department of Correction facilities and that such overcrowding is  
36 likely to worsen unless appropriate action is taken immediately; that this

1 act is immediately necessary because it is designed to allow a procedure for  
2 helping to alleviate this problem. Therefore, an emergency is declared to  
3 exist and this act being necessary for the preservation of the public peace,  
4 health, and safety shall become effective on July 1, 2003.

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6 */s/ Critcher*  
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