

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 85th General Assembly
3 Regular Session, 2005
4

A Bill

HOUSE BILL 1432

5 By: Representative Lamoureux
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7

For An Act To Be Entitled

9 AN ACT TO AUTHORIZE AN EXPEDITED PAROLE FOR
10 PERSONS CONVICTED OF SIMPLE POSSESSION OF
11 CONTROLLED SUBSTANCES; AND FOR OTHER PURPOSES.
12

Subtitle

14 AN ACT TO AUTHORIZE AN EXPEDITED PAROLE
15 FOR PERSONS CONVICTED OF SIMPLE
16 POSSESSION OF CONTROLLED SUBSTANCES.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 16-93-1301(c), pertaining to transfer
22 provisions for parole, is amended to read as follows:

23 (c) Persons who commit felonies on or after January 1, 1994, and who
24 shall be convicted and incarcerated for those felonies, shall be eligible for
25 transfer to community punishment as follows:

26 (1)(A) Inmates under sentence of death or life imprisonment
27 without parole shall not be eligible for transfer, but may be pardoned or
28 have their sentences commuted by the Governor, as provided by law.

29 (B) Inmates sentenced to life imprisonment shall not be
30 eligible for transfer unless the sentences are commuted to a term of years by
31 executive clemency.

32 (C) Upon commutation, inmates shall be eligible for
33 transfer as provided in this subchapter;

34 (2)(A)(i)(a) Offenders convicted of a target offense under the
35 Community Punishment Act, § 16-93-1201 et seq., may be committed to the
36 Department of Correction and judicially transferred to the Department of



1 Community Correction by specific provision in the commitment that the trial
 2 court orders such a transfer.

3 (b) No other offenders are eligible for
 4 transfer to a Department of Community Correction facility.

5 (ii) A copy of such commitment shall be immediately
 6 forwarded to the Department of Correction and to the Department of Community
 7 Correction.

8 (iii) In the event that an offender is sentenced to
 9 the Department of Correction without judicial transfer on one (1) sentence
 10 and concurrently sentenced to the Department of Correction with judicial
 11 transfer on another sentence, the offender shall remain in the Department of
 12 Correction, and the sentence with judicial transfer may be discharged in the
 13 same manner as those offenders transferred back to the Department of
 14 Correction.

15 (B) The Department of Community Correction shall take over
 16 supervision of the offender in accordance with the order of the court.

17 (C) The Department of Community Correction shall provide
 18 for the appropriate disposition of the offender as expeditiously as
 19 practicable under rules and regulations developed by the Board of
 20 Corrections.

21 (D) The offender shall not be transported to the
 22 Department of Correction on the initial placement in a Department of
 23 Community Correction facility pursuant to a judicial transfer.

24 (E) An offender who is transferred back to the Department
 25 of Correction for disciplinary reasons may be considered for transfer to
 26 Department of Community Correction supervision after earning good-time credit
 27 equal to one-half (1/2) of the remainder of his sentence.

28 (F) An offender who is transferred back to the Department
 29 of Correction for administrative reasons may be considered for transfer to
 30 Department of Community Correction supervision after earning good-time credit
 31 equal to one-half (1/2) of his sentence.

32 (3)(A) Except as provided in subdivision (c)(4) of this section,
 33 ~~All~~ all other classified or unclassified felons who are incarcerated
 34 therefore shall be eligible for transfer to community punishment after having
 35 served one-third (1/3) or one-half (1/2), with credit for meritorious good
 36 time, of their sentences depending on the seriousness determination made by

1 the Arkansas Sentencing Commission, or one-half (1/2), with credit for
 2 meritorious good time, of the time to which their sentences are commuted by
 3 executive clemency.

4 (B) For example, a six-year sentence with optimal
 5 meritorious good time credits will make the offender eligible for transfer in
 6 one (1) year if he is required to serve one third (1/3) of his sentence, or
 7 one and one-half (1 1/2) years if he is required to serve one-half (1/2) of
 8 his sentence.

9 (4)(A)(i) An offender who is incarcerated after the effective
 10 date of this subdivision (c)(4)(A)(i) for a violation of § 5-64-401(c) shall
 11 be eligible for transfer to community punishment after having served one-
 12 sixth (1/6) or one-half (1/2), with credit for meritorious good time, of his
 13 or her sentence depending on the seriousness determination of the Arkansas
 14 Sentencing Commission as described in §§ 16-90-801 – 16-90-803.

15 (ii) For example, a twelve-year sentence with
 16 optimal meritorious good time credits will make the offender eligible for
 17 transfer to community punishment in one (1) year if he or she is required to
 18 serve one-sixth (1/6) of his or her sentence, or three (3) years if he or she
 19 is required to serve one-half (1/2) of his or her sentence.

20 (iii) Transfers to community punishment under
 21 subdivision (c)(4)(A)(i) of this section shall be subject to additional
 22 supervision of specially designated facilities or caretakers.

23 (B)(i) The Board of Corrections shall promulgate rules
 24 that will set minimum standards for all facilities or caretakers providing
 25 supervision under subdivision (c)(4)(A)(iii) of this section.

26 (ii) The Board of Corrections may make additions,
 27 amendments, changes, or alterations to the rules in accordance with the
 28 Arkansas Administrative Procedure Act, § 25-15-201 et seq.

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