

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

*As Engrossed: H2/22/05*

# A Bill

HOUSE BILL 1432

5 By: Representative Lamoureux  
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## 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) An offender transferred to community  
21 punishment under subdivision (c)(4)(A)(i) of this section may be subject to  
22 transitional housing as a condition of transfer. The supervision of an  
23 offender subject to transitional housing as a condition of transfer shall be  
24 in accordance with the rules of the Board of Corrections.

25 (B)(i) The Board of Corrections shall promulgate rules  
26 that will establish minimum standards for all transitional housing utilized  
27 under subdivision (c)(4)(A)(iii) of this section.

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

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32 SECTION 2. Arkansas Code § 16-93-1301(a), pertaining to transfer  
33 provisions for parole, is amended to read as follows:

34 (a) As used in this subchapter, :

35 (1) ~~"felonies"~~ "Felonies" means those crimes classified as Class  
36 Y, Class A, Class B, Class C, Class D, or unclassified felonies by the laws

1 of this state; and

2 (2) "Transitional housing" means a program that provides housing for  
3 one (1) or more offenders who have either been transferred or paroled from  
4 the Department of Correction by the Post Prison Transfer Board or placed on  
5 probation by a circuit or district court. An offender's home or the  
6 residence of an offender's family member shall not be considered a  
7 transitional housing facility for purposes of this subchapter.

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/s/ Lamoureux

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