

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

A Bill

HOUSE BILL 2492

4
5 By: Representative Dickinson
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For An Act To Be Entitled

8
9 AN ACT TO REPEAL OBSOLETE LAWS CONCERNING THE
10 CORRECTIONS RESOURCES COMMISSION; AND FOR OTHER
11 PURPOSES.
12

Subtitle

13
14 AN ACT TO REPEAL OBSOLETE LAWS
15 CONCERNING THE CORRECTIONS RESOURCES
16 COMMISSION.
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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 Arkansas Code Title 12, Chapter 31 is repealed.

22 ~~Chapter 31. — Corrections Resources Commission.~~

23
24 ~~12-31-101. Creation.~~

25 ~~There is hereby created a commission to be known as the "Corrections~~
26 ~~Resources Commission".~~
27

28 ~~12-32-102. Members — Meetings — Report.~~

29 ~~(a) The Corrections Resources Commission shall consist of the~~
30 ~~following seventeen (17) members:~~

31 ~~(1) The President Pro Tempore of the Senate;~~

32 ~~(2) The Speaker of the House of Representatives;~~

33 ~~(3) The Director of the Department of Correction;~~

34 ~~(4) The Lieutenant Governor, or appointed designee;~~

35 ~~(5) The Attorney General, or appointed designee;~~

36 ~~(6) The Chair of the Post Prison Transfer Board;~~



1 ~~(7) The Director of the Arkansas Adult Probation Commission;~~
 2 ~~(8) The Chief Justice of the Arkansas Supreme Court, or~~
 3 ~~designated Associate Justice of the Arkansas Supreme Court;~~
 4 ~~(9) Two (2) circuit judges to be appointed by the Governor;~~
 5 ~~(10) One (1) prosecuting attorney to be appointed by the~~
 6 ~~Governor;~~
 7 ~~(11) One (1) public defender to be appointed by the Governor;~~
 8 ~~(12) One (1) county judge to be appointed by the Governor;~~
 9 ~~(13) One (1) county sheriff to be appointed by the Governor; and~~
 10 ~~(14) Three (3) members of the general public to be appointed by~~
 11 ~~the Governor.~~

12 ~~(b) All members shall serve for a term of two (2) years.~~

13 ~~(c) Members of the commission shall not be entitled to compensation~~
 14 ~~for their services but may receive expense reimbursement in accordance with §~~
 15 ~~25-16-901 et seq.~~

16 ~~(d) The commission shall hold monthly meetings.~~

17 ~~(e) The Governor shall designate a chair of the commission from the~~
 18 ~~commission membership.~~

19 ~~(f) The commission is established for a two-year period and shall~~
 20 ~~report to the General Assembly concerning the feasibility of maintaining and~~
 21 ~~funding the commission beyond its initial period.~~

22
 23 ~~12-31-103. Duties.~~

24 ~~(a) The Corrections Resources Commission shall have the following~~
 25 ~~three (3) primary duties relating to the development of a more balanced~~
 26 ~~correctional system which operates within the limits of an established~~
 27 ~~institutional capacity, and emphasizes the appropriate function of community-~~
 28 ~~based punishment for certain low-risk offenders.~~

29 ~~(1)(A) The commission shall develop guidelines for presentation~~
 30 ~~to the General Assembly for use by a sentencing court in determining the most~~
 31 ~~appropriate sanction to be imposed for all criminal offenses.~~

32 ~~(B) The guidelines shall include a determination whether~~
 33 ~~to impose probation, intensive supervision, residential confinement,~~
 34 ~~electronic monitoring, incarceration, or other available options.~~

35 ~~(C) Presumptive penalties shall be established based on~~
 36 ~~the severity of the crime in combination with key criminal history variables.~~

1 ~~(D) The sentencing policy proposed will be consistent with~~
 2 ~~the planned institutional capacity of the state.~~

3 ~~(E) In developing guidelines, the commission should be~~
 4 ~~guided by the following principles:~~

5 ~~(i) The primary purpose of a criminal sanction is to~~
 6 ~~punish the offender and enhance the public's protection;~~

7 ~~(ii) Punishment refers to a process through which~~
 8 ~~the offender makes restitution or pays back the victim or the community~~
 9 ~~monetarily or through work service or through incarceration;~~

10 ~~(iii) The offender's liberty is controlled until~~
 11 ~~restitution occurs;~~

12 ~~(iv) Determination of the sanctions should include~~
 13 ~~consideration of the seriousness of the offense, the criminal history of the~~
 14 ~~offender, and aggravating and mitigating circumstances;~~

15 ~~(v) Guidelines are intended to coordinate and~~
 16 ~~enhance, rather than diminish, judicial discretion;~~

17 ~~(vi) Efficient use of correctional resources~~
 18 ~~requires a balanced consideration of all available correction options at the~~
 19 ~~point of sentencing;~~

20 ~~(vii) A sentencing policy should be consistent with~~
 21 ~~the limited availability of institutional capacity;~~

22 ~~(2) The commission shall develop a proposed Community~~
 23 ~~Corrections Act for presentation to the General Assembly, which will~~
 24 ~~establish a formal state and local partnership in corrections through which~~
 25 ~~the state will provide monetary incentives to local governments for the~~
 26 ~~operation of local corrections programs which assist in alleviating prison~~
 27 ~~crowding. The proposed act will authorize the establishment of local boards~~
 28 ~~to control the operation of programs and statewide criteria to ensure maximum~~
 29 ~~participation and compliance;~~

30 ~~(3)(A) The commission may recommend revision of existing laws~~
 31 ~~for presentation to the General Assembly which enable and define the~~
 32 ~~organizations, structures, and authorities of the Department of Correction,~~
 33 ~~the Post Prison Transfer Board, and the Adult Probation Commission, and their~~
 34 ~~relationship to each other and other state correctional units.~~

35 ~~(B) The commission is authorized to hold public hearings~~
 36 ~~and to seek the assistance and services of any state or local criminal~~

1 ~~justice agency and to conduct, under contract with an outside organization, a~~
2 ~~professional independent review of Arkansas probation laws and policies.~~

3 ~~(C) Based on the professional independent review, the~~
4 ~~commission will establish a policy to redefine the structure, function, and~~
5 ~~organizational position of Arkansas probation laws and policies in a manner~~
6 ~~designed to ensure the maximization of community based punishment and~~
7 ~~corrections options.~~

8 ~~(b) Where appropriate, the commission shall give due consideration to~~
9 ~~the encouragement of rehabilitative programs for offenders.~~

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11 ~~12-31-104. Authority to employ staff.~~

12 ~~The commission may employ such staff and consultants as authorized by~~
13 ~~law and fix their compensation, duties, authority, and responsibilities.~~

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