

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

SENATE BILL 384

4
5 By: Senator Luker
6 By: Representatives Bond, D. Johnson

For An Act To Be Entitled

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10 AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF
11 TRANSITIONAL HOUSING FACILITIES; TO REDUCE THE
12 RECIDIVISM RATE OF OFFENDERS INCARCERATED IN THE
13 STATE OF ARKANSAS; TO PROVIDE ADDITIONAL
14 PROTECTION TO THE CITIZENS OF THE STATE OF
15 ARKANSAS; AND FOR OTHER PURPOSES.

Subtitle

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18 AN ACT TO PROVIDE FOR THE ESTABLISHMENT
19 OF TRANSITIONAL HOUSING FACILITIES; TO
20 REDUCE THE RECIDIVISM RATE OF OFFENDERS;
21 AND TO PROVIDE ADDITIONAL PROTECTION TO
22 THE CITIZENS OF THE STATE OF ARKANSAS.

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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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27 SECTION 1. Legislative intent. It is the intent of the General
28 Assembly to:

29 (a) Establish rules for facilities that house offenders who have been
30 transferred, paroled, or placed on probation through the Arkansas criminal
31 justice system in order to promote, protect, and improve the health, safety,
32 and welfare of the citizens of the State of Arkansas; and

33 (b) Establish these rules in order to help reduce recidivism in our
34 criminal justice system and to provide regulations to protect the individuals
35 in the programs and to protect the neighborhoods and communities in which the
36 programs and facilities are located.



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2 SECTION 2. Arkansas Code Title 16, Chapter 93 is amended to add an
3 additional subchapter to read as follows:

4 Subchapter 16 - Transitional Housing Facilities.

5 16-93-1601. Definitions.

6 As used in this subchapter:

7 (1) "Applicant" means any individual, business, or organization
8 that has applied to receive an Arkansas Transitional Housing Facility
9 License;

10 (2) "License" means Arkansas Transitional Housing Facility
11 License; and

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

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19 16-93-1602. Powers and duties of the Board of Corrections.

20 (a) The Board of Corrections shall promulgate rules that will set
21 minimum standards for all transitional housing facilities in the State of
22 Arkansas.

23 (b) All of the standards set by the rules described in subsection (a)
24 of this section must be established prior to the Post Prison Transfer Board
25 or a district or circuit court releasing a transferee, parolee, or
26 probationer to a transitional housing facility as a resident.

27 (c) The rules described in subsection (a) of this section shall
28 include at least the following:

29 (1) Compliance with any local health and safety codes, including
30 housing codes, fire codes, plumbing codes, and electrical codes, set by the
31 jurisdiction or jurisdictions in which the facility is located;

32 (2) Compliance with any local zoning ordinances;

33 (3) Compliance with any state and federal health and safety
34 codes;

35 (4) Allowable ratio of facility square footage to residents; and

36 (5) Allowable ratio of bathing and restroom facilities to

1 residents.

2 (d)(1) The rules described in subsection (a) of this section shall be
3 promulgated on or before January 1, 2006.

4 (2) The Board of Corrections is authorized to make additions,
5 amendments, changes, or alterations to the rules in accordance with the
6 Arkansas Administrative Procedure Act, § 25-15-201 et seq.

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8 16-93-1603. Powers and duties of the Department of Community
9 Correction.

10 (a) The Department of Community Correction shall implement the rules
11 described in § 16-93-1602 on or before July 1, 2006.

12 (b)(1) The Department of Community Correction shall be responsible for
13 the enforcement of the rules established by the Board of Corrections under §
14 16-93-1602.

15 (2) The Department of Community Correction shall establish all
16 procedures and forms it deems necessary to implement the rules, and the
17 procedures shall include, but not be limited to, the following:

18 (A) Creating a state-issued Arkansas Transitional Housing
19 Facility License for applicant facilities that have met the standards
20 established by the rules of the Board of Corrections;

21 (B) Establish the process to be followed by individuals,
22 businesses, or organizations in making application to the Department of
23 Community Correction to receive a state-issued license to operate an approved
24 transitional housing facility, which will include a reasonable application
25 fee to be established by the Board of Corrections;

26 (C) Establish procedures for the Department of Community
27 Correction to accept applications for facilities wishing to obtain a license
28 to operate a transitional housing facility and to investigate whether
29 applicants meet the standards established by the rules of the Board of
30 Corrections;

31 (D) Establish procedures for the Department of Community
32 Correction to notify an applicant when its application has been approved or
33 denied. All denials shall specify in writing the reason for the
34 application's denial;

35 (E) Establish procedures to investigate complaints that a
36 licensed facility is in violation of the standards established by the rules

1 of the Board of Corrections; and

2 (F) Establish procedures for the Department of Community
3 Correction to suspend or revoke licenses when a license holder is no longer
4 in compliance with or violates the rules of the Board of Corrections.

5 (c) The Director and staff of the Department of Community Correction
6 shall provide administrative support to the Board of Corrections.

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