1 State of Arkansas

A Bill

2 85th General Assembly

3 Regular Session, 2005   SENATE BILL 389

4

5 By: Senator Luker

6 By: Representatives D. Johnson, Bond

7

8

9   **For An Act To Be Entitled**

10   AN ACT TO AMEND ARKANSAS CODE § 12-27-127 TO

11   CREATE AN INCENTIVE FOR SUCCESSFUL

12   REHABILITATION; AND FOR PURPOSES.

13

14   **Subtitle**

15   AN ACT TO AMEND ARKANSAS CODE § 12-27-

16   127 TO CREATE AN INCENTIVE FOR

17   SUCCESSFUL REHABILITATION.

18

19

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

21

22   SECTION 1. Arkansas Code § 12-27-127 is amended to add an additional

23 subsection to read as follows:

24   (c)(1) Upon receipt of a referral from the Director of the Department

25 of Community Correction or his or her designee, the Post Prison Transfer

26 Board shall have the power, in accordance with rules and procedures

27 promulgated by the Board of Corrections, to release from confinement an

28 inmate who has been:

29   (A) Sentenced and judicially transferred to the Department

30 of Community Correction;

31   (B) Incarcerated for a minimum of two hundred seventy

32 (270) days; and

33   (C) Determined by the Department of Community Correction

34 to have successfully completed its therapeutic program.

35   (2)(A) The General Assembly finds that the power granted to the

36 Post Prison Transfer Board under subdivision (c)(1) of this section will:

1   (i) Aid the therapeutic rehabilitation of the

2 inmates judicially transferred to the Department of Community Correction; and

3   (ii) More efficiently use the correctional resources

4 of the State of Arkansas.

5   (B) The power granted to the Post Prison Transfer Board

6 under subdivision (c)(1) of this section shall be the sole authority required

7 for the accomplishment of the purposes set forth in this subdivision (c)(2),

8 and it shall not be necessary for the Post Prison Transfer Board to comply

9 with general provisions of other laws dealing with the minimum time

10 constraints as applied to release eligibility.

11   (3) Nothing in this subsection (c) shall be construed as

12 granting the Post Prison Transfer Board or the Department of Community

13 Correction the authority to either detain an inmate beyond the sentence

14 imposed upon him or her by a transferring court or to shorten that sentence.

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36