

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.

State of Arkansas
86th General Assembly
Regular Session, 2007

As Engrossed: H2/21/07

A Bill

HOUSE BILL 1444

By: Representatives Allen, E. Brown, Chesterfield, Davis, S. Dobbins, Walters

For An Act To Be Entitled

AN ACT TO MINIMIZE THE SPREAD OF THE COMMUNICABLE
DISEASE OF HUMAN IMMUNODEFICIENCY VIRUS (HIV)
CARRIED BY INMATES OR EMPLOYEES OF THE DEPARTMENT
OF CORRECTION; TO REQUIRE TESTING OR SCREENING OF
EMPLOYEES AND INMATES UNDER CERTAIN
CIRCUMSTANCES; AND FOR OTHER PURPOSES.

Subtitle

TO MINIMIZE THE SPREAD OF THE
COMMUNICABLE DISEASE OF HUMAN
IMMUNODEFICIENCY VIRUS (HIV) CARRIED BY
INMATES OR EMPLOYEES OF THE DEPARTMENT
OF CORRECTION AND TO REQUIRE TESTING OR
SCREENING.

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

SECTION 1. Arkansas Code § 12-27-103 is amended to read as follows:
12-27-103. Department of Correction - Creation - Powers and duties.

(a) There is established, under the supervision, control, and
direction of the Board of Corrections, a Department of Correction.

(b) The Department of Correction shall have the following functions,
powers, and duties, administered in accordance with the policies, rules, and
regulations promulgated by the Board of Corrections:

(1) The Department of Correction shall have exclusive
jurisdiction over the care, charge, custody, control, management,
administration, and supervision of all persons and offenders committed to, or



1 in the custody of, the state penitentiary;

2 (2) The ~~department~~ Department of Correction shall assume
3 management and control over all properties, both real and personal,
4 facilities, books, records, equipment, supplies, materials, contracts, funds,
5 moneys, equities, and all other properties belonging to the state
6 penitentiary, except those deemed by the board to be more appropriate for
7 placement in the Department of Community Correction. The Department of
8 Correction shall administer said properties in accordance with the provisions
9 of this act and other laws applicable to the administration of the state
10 correctional system;

11 (3) The Department of Correction shall assume all obligations,
12 contracts, indebtedness, liabilities, and other obligations of the state
13 penitentiary system existing on March 1, 1968;

14 (4)(A) The Department of Correction shall have custody,
15 management, and control over all institutions and facilities, and the inmates
16 therein, now belonging to the state penitentiary or hereafter established by
17 the Department of Correction for the custodial correction and rehabilitation
18 of persons committed to the ~~department~~ Department of Correction for its care,
19 except for those institutions established by or transferred to the Department
20 of Community Correction.

21 (B) Legal custody of inmates transferred to the Department
22 of Community Correction shall remain with the Department of Correction unless
23 altered by court order;

24 (5) The Department of Correction shall establish and operate
25 classification committees, diagnosis and treatment programs, and such other
26 programs as may be desirable to fulfill the purposes of this act;

27 (6) The Department of Correction shall employ such officers,
28 employees, and agents and shall secure such offices and quarters as are
29 deemed necessary to discharge the functions of the Department of Correction;

30 (7) The Department of Correction shall receive all offenders
31 committed to the Department of Correction for conviction of felonies or other
32 offenses, the punishment of which is commitment to the penitentiary under the
33 laws of this state, and shall be responsible for the care, custody, and
34 correction of such persons pursuant to policies established by the Board of
35 Corrections;

36 (8) The Department of Correction shall operate all farming,

1 livestock, industries, and other income-producing facilities of the
2 Department of Correction and shall sell the products of its industries and
3 farms in the manner provided by law;

4 (9) The Department of Correction may establish and operate
5 regional adult detention facilities, provided funds therefor have been
6 authorized and appropriated by the General Assembly;

7 (10) The Department of Correction shall cooperate with
8 municipalities and counties in this state in providing consulting services
9 when requested with respect to detention and correctional facilities operated
10 by the municipalities or counties;

11 (11) The Department of Correction shall cooperate with law
12 enforcement agencies of this state, the United States, institutions of this
13 state for the detention, custody, and care of delinquent and dependent
14 juveniles, and with all agencies and departments of this state offering
15 services or programs of welfare, rehabilitation, and other services for the
16 benefit of persons committed to the Department of Correction;

17 (12) The Department of Correction may accept gifts, grants, and
18 funds from public and private sources with prior approval of the Board of
19 Corrections and administer the same in furtherance of the purposes of this
20 act;

21 (13)(A) The Department of Correction shall have the authority to
22 issue warrants for the retaking of any person who, committed to its custody,
23 unlawfully escapes therefrom.

24 (B) The warrant shall:

25 (i) Authorize all law enforcement officials of this
26 state to take custody and return the person named therein to the custody of
27 the Department of Correction; and

28 (ii) Authorize all law enforcement officials of this
29 state, any other state, and the federal government to take custody and detain
30 the person in any suitable detention facility while awaiting further transfer
31 to the Department of Correction;

32 (14) The Department of Correction may cooperate with and
33 contract with the federal government, governmental agencies of Arkansas and
34 other states, political subdivisions of Arkansas, and private contractors to
35 provide and improve correctional operations;

36 (15) The Department of Correction shall cooperate with the

1 Department of Community Correction, the Post Prison Transfer Board, the
2 Arkansas Sentencing Commission, judicial districts, municipalities, and
3 counties in this state in providing guidance and services required to ensure
4 a full range of correctional options for the state as a whole;

5 (16) The Department of Correction shall provide support to the
6 Department of Community Correction as determined by the Board of Corrections;

7 (17) The Department of Correction shall assist the Board of
8 Corrections in the furtherance of its goals by staffing the specific charges
9 articulated for it through legislation and by the Board of Corrections; ~~and~~

10 (18) The Department of Correction shall establish programs of
11 research, evaluation, statistics, audit, and planning, including studies and
12 evaluation of the performance of various functions and activities of the
13 ~~department~~ Department of Correction and studies affecting the treatment of
14 offenders and information about other programs; and

15 (19) The Department of Correction shall provide:

16 (A) Testing or screening of each employee of the
17 Department of Correction on at least a yearly basis for human
18 immunodeficiency virus (HIV); and

19 (B) Counseling regarding treatment options if an employee
20 of the Department of Correction tests positive for human immunodeficiency
21 virus (HIV).

22
23 SECTION 2. Arkansas Code § 12-29-112 is amended to read as follows:
24 12-29-112. Discharge or release.

25 (a) Inmates released upon completion of their term or released on
26 parole shall be supplied with satisfactory clothing and a travel subsidy as
27 prescribed by the Board of Corrections.

28 (b) Upon release of any inmate from any unit or center of the
29 Department of Correction, the department shall provide transportation for the
30 inmate to the closest commercial transportation pick-up point.

31 (c) Before the release of an inmate from any unit or center of the
32 department, the department shall provide:

33 (1) Testing or screening of the inmate for human
34 immunodeficiency virus (HIV); and

35 (2) Counseling regarding treatment options if the inmate tests
36 positive for human immunodeficiency virus (HIV).

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/s/ Allen, et al