

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 86th General Assembly  
3 Regular Session, 2007  
4

# A Bill

HOUSE BILL 2224

5 By: Representative S. Dobbins  
6  
7

## For An Act To Be Entitled

9 AN ACT TO PROVIDE OVERSIGHT OF THE PRISON SYSTEM  
10 AND JUVENILE DETENTION FACILITIES IN ORDER TO  
11 IMPROVE THEIR CONDITION AND OPERATION; TO AMEND  
12 THE DUTIES AND COMPOSITION OF THE CHARITABLE,  
13 PENAL, AND CORRECTIONAL INSTITUTIONS  
14 SUBCOMMITTEE; AND FOR OTHER PURPOSES.  
15

## Subtitle

16 TO PROVIDE OVERSIGHT OF THE PRISON  
17 SYSTEM AND JUVENILE DETENTION FACILITIES  
18 TO IMPROVE THEIR CONDITION AND OPERATION  
19 BY AMENDING THE DUTIES AND COMPOSITION  
20 OF THE CHARITABLE, PENAL, AND  
21 CORRECTIONAL INSTITUTIONS SUBCOMMITTEE.  
22  
23  
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
26

27 SECTION 1. Arkansas Code Title 10, Chapter 3, is amended to add an  
28 additional subchapter to read as follows:

29 10-3-2401. Title.

30 This subchapter shall be known as the "Inspection and Monitoring of the  
31 Prison System Act".  
32

33 10-3-2402. Purpose.

34 The purpose of this subchapter is to clarify the duties of the  
35 Charitable, Penal, and Correctional Institutions Subcommittee of the  
36 Legislative Council in regard to the review, inspection, and monitoring of



1 the following with the goal of improving the condition and operation of the  
2 state prison system:

- 3 (1) The practices of the Department of Correction; and
- 4 (2) The litigation that has been filed against the department.

5  
6 10-3-2403. Duties.

7 The Charitable, Penal, and Correctional Institutions Subcommittee of  
8 the Legislative Council shall:

- 9 (1) Establish and maintain a continuing program of inspection  
10 for each state correctional institution;
- 11 (2) Evaluate and assist in the development of programs to  
12 improve the condition or operation of each state correctional institution;
- 13 (3) Work with the Litigation Subcommittee of the Legislative  
14 Council and the Joint Performance Review Committee to collect and examine any  
15 data regarding litigation or complaints made against the Department of  
16 Correction;
- 17 (4) Work with the Legislative Joint Auditing Committee and the  
18 Division of Legislative Audit to examine the nature and extent of financial  
19 accountability within the department;
- 20 (5) Prepare a report for submission to each succeeding General  
21 Assembly to include the following:
  - 22 (A) Findings from inspections, testimony, or other  
23 sources;
  - 24 (B) An evaluation of any programs that have been proposed  
25 or developed to improve the condition or operation of each state correctional  
26 institution; and
  - 27 (C) An evaluation of the inmate grievance procedure at  
28 each state correctional institution; and
- 29 (6) Recommend to the General Assembly specific changes to the  
30 law that will improve the condition or operation of each state correctional  
31 institution.

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33 10-3-2404. Grievances.

34 (a) The Charitable, Penal, and Correctional Institutions Subcommittee  
35 of Legislative Council shall evaluate the inmate grievance procedure at each  
36 state correctional institution to see if the inmate grievance procedure

1 prevents costly litigation by quickly addressing underlying problems that  
 2 would otherwise end up in court.

3 (b)(1) At a minimum, the subcommittee shall conduct a paper review of  
 4 grievances for the purpose of evaluation.

5 (2) The Department of Correction shall provide to the  
 6 subcommittee statistical reports for each month on the number of grievances  
 7 filed and the subjects of the grievances with the data for each state  
 8 correctional institution reported separately.

9  
 10 10-3-2405. Access to state correctional institutions.

11 (a) A member of the Charitable, Penal, and Correctional Institutions  
 12 Subcommittee of Legislative Council, a staff person of the subcommittee, or a  
 13 member of a committee working with the subcommittee shall have the right to  
 14 enter into any part of any state correctional institution at any time during  
 15 normal business hours without advance notice.

16 (b) This section applies to a state correctional institution that is  
 17 operated by the Department of Correction, the Department of Community  
 18 Correction, or a private entity.

19  
 20 10-3-2406. Inspections.

21 (a) The Charitable, Penal, and Correctional Institutions Subcommittee  
 22 of Legislative Council shall make an inspection of each state correctional  
 23 institution at least one (1) time during each biennium as provided under this  
 24 section.

25 (b)(1) An inspection under this section shall not be conducted unless  
 26 the Chair of the Charitable, Penal, and Correctional Institutions  
 27 Subcommittee grants prior approval for the inspection.

28 (2)(A) If the chair determines that an inspection must be  
 29 conducted outside of normal business hours for any reason and the chair  
 30 states his or her determination in his or her grant of prior approval, then  
 31 the subcommittee member or staff person may enter into any part of any state  
 32 correctional institution at any time without advance notice.

33 (B) A reason for an after-hours inspection may include  
 34 without limitation:

35 (i) Emergency circumstances; or

36 (ii) A justifiable cause that perpetuates the

1 mission of the subcommittee.

2 (c) An inspection under this section shall not be conducted unless one  
3 (1) of the following applies:

4 (1) At least two (2) subcommittee members are present for the  
5 inspection; or

6 (2) At least one (1) subcommittee member and at least one (1)  
7 staff member are present for the inspection.

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9 10-3-2407. Access, inspection, and monitoring of juvenile detention  
10 facilities.

11 A member of the Charitable, Penal, and Correctional Institutions  
12 Subcommittee of Legislative Council or a staff person assigned to the  
13 subcommittee may enter, inspect, and monitor each juvenile detention facility  
14 in the state in the same manner as provided under this subchapter for  
15 entering, inspecting, and monitoring each state correctional institution.

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17 SECTION 2. Arkansas Code § 10-3-316 is amended to read as follows:

18 10-3-316. Charitable, Penal, and Correctional Institutions  
19 Subcommittee.

20 ~~The cochairs of the Legislative Council shall appoint a member of the~~  
21 ~~Senate Interim Committee on City, County and Local Affairs and a member of~~  
22 ~~the House Interim Committee on City, County and Local Affairs to serve as~~  
23 ~~members of the Charitable, Penal and Correctional Institutions Subcommittee~~  
24 ~~of the Legislative Council. The Charitable, Penal, and Correctional~~  
25 Institutions Subcommittee of Legislative Council shall consist of seven (7)  
26 members from the membership of Legislative Council:

27 (1) Three (3) members from the Senate appointed by the Senate  
28 cochair of the Legislative Council, at least one (1) of whom that has served  
29 during a regular session on the Senate Committee on Public Health, Welfare  
30 and Labor and at least one (1) of whom that has served during a regular  
31 session on the Senate Judiciary Committee; and

32 (2) Four (4) members from the House of Representatives appointed  
33 by the House co-chair of the Legislative Council, at least one (1) of whom  
34 that has served during a regular session on the House Committee on Public  
35 Health, Welfare and Labor and at least one (1) of whom that has served during  
36 a regular session on the House Judiciary Committee.