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	As Engrossed: H3/2/07		
2	86th General Assembly	A Bill		
3	Regular Session, 2007		HOUSE BILL	2224
4				
5	By: Representative S. Dobl	oins		
6				
7				
8		For An Act To Be Entitled		
9	AN ACT	TO PROVIDE OVERSIGHT OF THE PRISON SYST	TEM	
10	IN ORD	ER TO IMPROVE ITS CONDITION AND OPERATION	ON;	
11	TO AME	ND THE DUTIES AND COMPOSITION OF THE		
12	CHARIT	ABLE, PENAL, AND CORRECTIONAL INSTITUTION	ONS	
13	SUBCOM	MITTEE; AND FOR OTHER PURPOSES.		
14				
15		Subtitle		
16	TO	PROVIDE OVERSIGHT OF THE PRISON		
17	SYS	STEM TO IMPROVE ITS CONDITION AND		
18	OPE	CRATION BY AMENDING THE DUTIES AND		
19	COM	MPOSITION OF THE CHARITABLE, PENAL,		
20	AND	CORRECTIONAL INSTITUTIONS		
21	SUB	GCOMMITTEE.		
22				
23				
24	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE OF ARKANS	SAS:	
25				
26	SECTION 1. Arl	kansas Code Title 10, Chapter 3, is amer	nded to add an	l
27	additional subchapte:	r to read as follows:		
28	10-3-2401. Tit	tle.		
29	This subchapte:	r shall be known as the "Inspection and	Monitoring of	the
30	Prison System Act".			
31				
32	10-3-2402. Pu	rpose.		
33	The purpose of	this subchapter is to clarify the dutie	es of the	
34	Charitable, Penal, an	nd Correctional Institutions Subcommitte	ee of the	
35	Legislative Council	in regard to the review, inspection, and	l monitoring o	<u>of</u>
36	the following with th	he goal of improving the condition and c	operation of t	:he

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1	state prison system:
2	(1) The practices of the Department of Correction; and
3	(2) The litigation that has been filed against the department.
4	
5	10-3-2403. Duties.
6	The Charitable, Penal, and Correctional Institutions Subcommittee of
7	the Legislative Council shall:
8	(1) Establish and maintain a continuing program of inspection
9	for each state correctional institution;
10	(2) Evaluate and assist in the development of programs to
11	improve the condition or operation of each state correctional institution;
12	(3) Work with the Litigation Subcommittee of the Legislative
13	Council and the Joint Performance Review Committee to collect and examine any
14	data regarding litigation or complaints made against the Department of
15	<pre>Correction;</pre>
16	(4) Work with the Legislative Joint Auditing Committee and the
17	Division of Legislative Audit to examine the nature and extent of financial
18	accountability within the department;
19	(5) Prepare a report for submission to each succeeding General
20	Assembly to include the following:
21	(A) Findings from inspections, testimony, or other
22	sources;
23	(B) An evaluation of any programs that have been proposed
24	or developed to improve the condition or operation of each state correctional
25	institution; and
26	(C) An evaluation of the inmate grievance procedure at
27	each state correctional institution; and
28	(6) Recommend to the General Assembly specific changes to the
29	law that will improve the condition or operation of each state correctional
30	institution.
31	
32	10-3-2404. Grievances.
33	(a) The Charitable, Penal, and Correctional Institutions Subcommittee
34	of Legislative Council shall evaluate the inmate grievance procedure at each
35	state correctional institution to see if the inmate grievance procedure
36	prevents costly litigation by quickly addressing underlying problems that

1

would otherwise end up in court.

2	(b)(1) At a minimum, the subcommittee shall conduct a paper review of
3	grievances for the purpose of evaluation.
4	(2) The Department of Correction shall provide to the
5	subcommittee statistical reports for each month on the number of grievances
6	filed and the subjects of the grievances with the data for each state
7	correctional institution reported separately.
8	
9	10-3-2405. Access to state correctional institutions.
10	(a) A member of the Charitable, Penal, and Correctional Institutions
11	Subcommittee of Legislative Council, a staff person of the subcommittee, or a
12	member of a committee working with the subcommittee shall have the right to
13	enter into any part of any state correctional institution at any time during
14	normal business hours without advance notice.
15	(b) This section applies to a state correctional institution that is
16	operated by the Department of Correction, the Department of Community
17	Correction, or a private entity.
18	
19	10-3-2406. Inspections.
20	(a) The Charitable, Penal, and Correctional Institutions Subcommittee
21	of Legislative Council shall make an inspection of each state correctional
22	institution at least one (1) time during each biennium as provided under this
23	section.
24	(b)(1) An inspection under this section shall not be conducted unless
25	the Chair of the Charitable, Penal, and Correctional Institutions
26	Subcommittee grants prior approval for the inspection.
27	(2)(A) If the chair determines that an inspection must be
28	conducted outside of normal business hours for any reason and the chair
29	states his or her determination in his or her grant of prior approval, then
30	the subcommittee member or staff person may enter into any part of any state
31	correctional institution at any time without advance notice.
32	(B) A reason for an after-hours inspection may include
33	without limitation:
34	(i) Emergency circumstances; or
35	(ii) A justifiable cause that perpetuates the
36	mission of the subcommittee.

1	<u>(c) An inspection under this section shall not be conducted unless one</u>	
2	(1) of the following applies:	
3	(1) At least two (2) subcommittee members are present for the	
4	inspection; or	
5	(2) At least one (1) subcommittee member and at least one (1)	
6	staff member are present for the inspection.	
7		
8	SECTION 2. Arkansas Code § 10-3-316 is amended to read as follows:	
9	10-3-316. Charitable, Penal, and Correctional Institutions	
10	Subcommittee.	
11	The cochairs of the Legislative Council shall appoint a member of the	
12	Senate Interim Committee on City, County and Local Affairs and a member of	
13	the House Interim Committee on City, County and Local Affairs to serve as	
14	members of the Charitable, Penal and Gorrectional Institutions Subcommittee	
15	of the Legislative Council. The Charitable, Penal, and Correctional	
16	Institutions Subcommittee of Legislative Council shall consist of seven (7)	
17	members from the membership of Legislative Council:	
18	(1) Three (3) members from the Senate appointed by the Senate	
19	cochair of the Legislative Council, at least one (1) of whom that has served	
20	during a regular session on the Senate Committee on Public Health, Welfare	
21	and Labor and at least one (1) of whom that has served during a regular	
22	session on the Senate Judiciary Committee; and	
23	(2) Four (4) members from the House of Representatives appointed	
24	by the House co-chair of the Legislative Council, at least one (1) of whom	
25	that has served during a regular session on the House Committee on Public	
26	Health, Welfare and Labor and at least one (1) of whom that has served during	
27	a regular session on the House Judiciary Committee.	
28	/s/ S. Dobbins	
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