

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

As Engrossed: H3/2/07
A Bill

HOUSE BILL 2224

5 By: Representative S. Dobbins
6
7

8 **For An Act To Be Entitled**

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

15 **Subtitle**

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

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

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

28 10-3-2401. Title.

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

32 10-3-2402. Purpose.

33 The purpose of this subchapter is to clarify the duties of the
34 Charitable, Penal, and Correctional Institutions Subcommittee of the
35 Legislative Council in regard to the review, inspection, and monitoring of
36 the following with the goal of improving the condition and operation of the



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 Correction;

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.

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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.

