

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: S2/13/07

# A Bill

SENATE BILL 216

5 By: Senator Hendren  
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## For An Act To Be Entitled

9 AN ACT TO PROVIDE THAT NONVIOLENT FELONY SEX  
10 OFFENDERS AWAITING TRANSFER TO THE DEPARTMENT OF  
11 CORRECTION OR THE DEPARTMENT OF COMMUNITY  
12 CORRECTION SHALL NOT BE TEMPORARILY RELEASED FROM  
13 THE CUSTODY OF A SHERIFF; AND FOR OTHER PURPOSES.  
14

## Subtitle

15 TO PROVIDE THAT NONVIOLENT FELONY SEX  
16 OFFENDERS AWAITING TRANSFER TO THE  
17 DEPARTMENT OF CORRECTION OR THE  
18 DEPARTMENT OF COMMUNITY CORRECTION SHALL  
19 NOT BE TEMPORARILY RELEASED FROM THE  
20 CUSTODY OF A SHERIFF.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code § 16-90-122 is amended to read as follows:

27 *16-90-122. Post-conviction release of nonviolent offenders.*

28 *(a) ~~Any~~ Except as provided in subsection (b) of this section, any*  
29 *circuit judge may authorize the temporary release of an offender in the*  
30 *sheriff's custody who has:*

31 *(1) Been found guilty of or pleaded guilty or nolo contendere to*  
32 *a nonviolent felony offense in circuit court, ~~except nonviolent Class Y~~*  
33 *~~felony offenses listed in § 16-93-611; and~~*

34 *(2) Been sentenced to a term of imprisonment and committed to*  
35 *the Department of Correction or the Department of Community Correction and is*  
36 *awaiting transfer to the Department of Correction or the Department of*



1 Community Correction.

2 (b) A circuit judge shall not authorize the temporary release of an  
3 offender under subsection (a) of this section if the offender has been found  
4 guilty of or pleaded guilty or nolo contendere to a:

5 (1) Class Y felony offense listed in § 16-93-611; or

6 (2) Felony sex offense listed in the definition of "sex offense"  
7 in § 12-12-903.

8 ~~(b)(1)(c)(1)~~ The circuit judge may authorize the release under the  
9 terms and conditions which he or she determines are necessary to protect the  
10 public and to ensure the offender's return to custody upon notice that bed  
11 space is available at the Department of Correction or the Department of  
12 Community Correction.

13 (2) The circuit judge may require a cash or professional bond to  
14 be posted in an amount suitable to ensure the offender's return to custody.

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16 /s/ Hendren  
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