

State of Arkansas
86th General Assembly
Regular Session, 2007

A Bill

SENATE BILL 912

By: Senator Baker

For An Act To Be Entitled

AN ACT TO ESTABLISH A MINIMUM TWO-YEAR WAITING PERIOD FOR RECONSIDERATION BY THE PAROLE BOARD OF A TRANSFER TO THE DEPARTMENT OF COMMUNITY CORRECTION FOR OFFENDERS SENTENCED FOR SERIOUS OFFENSES; AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH A MINIMUM TWO-YEAR WAITING PERIOD FOR RECONSIDERATION BY THE PAROLE BOARD OF A TRANSFER TO THE DEPARTMENT OF COMMUNITY CORRECTION FOR CERTAIN OFFENDERS.

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

SECTION 1. Arkansas Code § 16-93-206(c), concerning Parole Board procedures, is amended to read as follows:

(c)(1) A person who commits the following felonies on or after January 1, 1994, shall be eligible to be considered for discretionary transfer to the Department of Community Correction by the Parole Board after having served one-third (1/3) or one-half (1/2) of his or her sentence, with credit for meritorious good time, depending on the seriousness determination made by the Arkansas Sentencing Commission, or one-half (1/2) of the time to which his or her sentence is commuted by executive clemency, with credit for meritorious good time:

(A) Any homicide, §§ 5-10-101 - 5-10-105;

(B) Sexual assault in the second degree, § 5-14-125;



(C) Battery in the first degree, § 5-13-201;

(D) Domestic battering in the first degree, § 5-26-303;

(E) The following Class Y felonies:

(i) Kidnapping, § 5-11-102;

(ii) Rape, § 5-14-103;

(iii) Aggravated robbery, § 5-12-103;

(iv) Causing a catastrophe, § 5-38-202(a);

(F) Engaging in a continuing criminal enterprise, § 5-64-405; or

(G) Simultaneous possession of drugs and firearms, § 5-74-106.

(2)(A) The transfer of an offender convicted of an above-listed offense is not automatic.

(B) The Parole Board will have the authority to transfer such an inmate at a time when, based on a combination of its opinion and appropriate assessment by a risk needs assessment tool, there is reasonable probability that the inmate can be released without detriment to the community or the inmate.

(C) After the Parole Board has fully considered and denied the transfer of an offender sentenced for committing an offense listed in subdivision (c)(1) of this section, the Parole Board may delay any reconsideration of the transfer for a maximum period of two (2) years.

(3) Notification of the court, prosecutor, sheriff, and the victim or the victim's next of kin shall follow the procedures set forth below:

(A)(i) Before the Parole Board shall grant any transfer, the Parole Board shall solicit the written or oral recommendations of the committing court, the prosecuting attorney, and the sheriff of the county from which the inmate was committed.

(ii) If the person whose transfer is being considered by the Parole Board was convicted of one (1) of the Class Y felonies enumerated in subdivision (c)(1) of this section, the Parole Board shall also notify the victim of the crime or the victim's next of kin of the transfer hearing and shall solicit written or oral recommendations of the victim or his or her next of kin regarding the granting of the transfer unless the prosecuting attorney has notified the Parole Board at the time of

1 commitment of the prisoner that the victim or his or her next of kin does not
2 want to be notified of future transfer hearings.

3 (iii) The recommendations shall not be binding upon
4 the Parole Board in the granting of any transfer but shall be maintained in
5 the inmate's file.

6 (iv) When soliciting recommendations from a victim
7 of a crime, the Parole Board shall notify the victim or his or her next of
8 kin of the date, time, and place of the transfer hearing;

9 (B)(i) The Parole Board shall not schedule transfer
10 hearings at which victims or relatives of victims of crimes are invited to
11 appear at a facility wherein inmates are housed other than the central
12 administration building of the Department of Correction at Pine Bluff.

13 (ii) Nothing herein shall be construed as
14 prohibiting the Parole Board from conducting transfer hearings in two (2)
15 sessions, one (1) at the place of the inmate's incarceration for interviews
16 with the inmate, the inmate's witnesses, and correctional personnel, and the
17 second session for victims and relatives of victims as set out in subdivision
18 (c)(3)(B)(i) of this section;

19 (C)(i) At the time that any person eligible under
20 subdivision (c)(1) of this section is transferred by the Parole Board, the
21 Department of Community Correction shall give written notice of the granting
22 of the transfer to the sheriff, the committing court, and the chief of police
23 of each city of the first class of the county from which the person was
24 sentenced.

25 (ii) If the person is transferred to a county other
26 than that from which he or she was committed, the Parole Board shall give
27 notice to the chief of police or marshal of the city to which he or she is
28 transferred, to the chief of police of each city of the first class and the
29 sheriff of the county to which he or she is transferred, and to the sheriff
30 of the county from which the person was committed; and

31 (D)(i) It shall be the responsibility of the prosecuting
32 attorney of the county from which the inmate was committed to notify the
33 Parole Board at the time of commitment of the desire of the victim or his or
34 her next of kin to be notified of any future transfer hearings and to forward
35 to the Parole Board the last known address and telephone number of the victim
36 or his or her next of kin.

1 (ii) It shall be the responsibility of the victim or
2 his or her next of kin to notify the Parole Board of any change in address or
3 telephone number.

4 (iii) It shall be the responsibility of the victim
5 or his or her next of kin to notify the Parole Board after the date of
6 commitment of any change in regard to the desire to be notified of any future
7 transfer hearings.