

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 87th General Assembly
3 Regular Session, 2009
4

A Bill

HOUSE BILL 1030

5 By: Representative Harrelson
6 By: Senator D. Johnson
7

For An Act To Be Entitled

10 AN ACT TO GRANT THE DEPARTMENT OF COMMUNITY
11 CORRECTION THE AUTHORITY TO SHUT DOWN UNLICENSED
12 TRANSITIONAL HOUSING FOR CRIMINAL OFFENDERS WHO
13 HAVE BEEN TRANSFERRED, PAROLED, OR PLACED ON
14 PROBATION THROUGH THE ARKANSAS CRIMINAL JUSTICE
15 SYSTEM; TO ALLOW FOR CIVIL PENALTIES FOR
16 OPERATION OF UNLICENSED TRANSITIONAL HOUSING; AND
17 FOR OTHER PURPOSES.

Subtitle

18
19 AN ACT TO AUTHORIZE THE CLOSING OF
20 UNLICENSED TRANSITIONAL HOUSING FOR
21 CRIMINAL OFFENDERS; AND TO ALLOW CIVIL
22 PENALTIES FOR OPERATION OF UNLICENSED
23 TRANSITIONAL HOUSING.
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27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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29 SECTION 1. Arkansas Code § 16-93-1604 (b)(2), concerning the powers
30 and duties of the Department of Community Correction with regard to
31 enforcement of the rules for transitional housing facilities, is amended to
32 add an additional subdivision to read as follows:

33 (b)(1) The department shall be responsible for the enforcement of the
34 rules established by the Board of Corrections under § 16-93-1603.

35 (2) The department shall establish all procedures and forms that
36 it deems necessary to implement the rules, and the procedures shall include,



1 but not be limited to, the following:

2 (A) Creating a state-issued Arkansas transitional housing
3 facility license for applicant facilities that have met the standards
4 established by the rules of the board;

5 (B) Establishing the process to be followed by an
6 applicant in making application to the department to receive a license to
7 operate an approved transitional housing facility, which shall include a
8 reasonable application fee to be established by the board;

9 (C) Establishing procedures for the department to accept
10 applications for facilities wishing to obtain a license to operate a
11 transitional housing facility and to investigate whether applicants meet the
12 standards established by the rules of the board;

13 (D)(i) Establishing procedures for the department to
14 notify an applicant when its application has been approved or denied.

15 (ii) All denials shall specify in writing the reason
16 for the application's denial;

17 (E) Establishing procedures to investigate complaints that
18 a licensed transitional housing facility is in violation of the standards
19 established by the rules of the board; ~~and~~

20 (F) Establishing procedures for the department to suspend
21 or revoke a license when a license holder is no longer in compliance with or
22 violates the rules of the board; and

23 (G) Establishing procedures for the department to
24 impose civil penalties for the operation of a transitional housing facility
25 without a valid license issued by the department.

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27 SECTION 2. Arkansas Code Title 16, Chapter 93, Subchapter 16 is
28 amended to add a new section to read as follows:

29 16-93-1605. License required.

30 (a) In order to operate a transitional housing facility for criminal
31 offenders who have been transferred, paroled, or placed on probation through
32 the Arkansas criminal justice system, the operator shall obtain a license
33 from the Department of Community Corrections.

34 (b)(1) Operation of a transitional housing facility without a license
35 issued by the department shall result in the imposition of civil penalties
36 against the operator by the department.

1 (2) Civil penalties for operation of a transitional housing
2 facility without a valid license shall not exceed five hundred dollars (\$500)
3 per day for each day the violation continues.

4 (3) However, no civil penalty may be assessed until the person
5 charged with the violation has been given the opportunity for a hearing on
6 the violation.

7 (c) A criminal offender who has been transferred, paroled, or placed
8 on probation through the Arkansas criminal justice system shall not be sent
9 via court order to a transitional housing facility that is not properly
10 licensed by the department.

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