

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 1375

5 By: Representative Pennartz
6 By: Senator P. Malone
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For An Act To Be Entitled

10 AN ACT TO PROTECT THE HEALTH OF INMATES COMMITTED
11 TO THE DEPARTMENT OF CORRECTION; TO ENSURE THAT
12 ORDERS BY MEDICAL PROVIDERS FOR RESTRICTIONS ON
13 WORK BY INMATES ARE FOLLOWED BY THE DEPARTMENT OF
14 CORRECTION; AND FOR OTHER PURPOSES.
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Subtitle

16 TO PROTECT THE HEALTH OF INMATES
17 COMMITTED TO THE DEPARTMENT OF
18 CORRECTION AND TO ENSURE THAT ORDERS BY
19 MEDICAL PROVIDERS FOR RESTRICTIONS ON
20 WORK BY INMATES ARE FOLLOWED BY THE
21 DEPARTMENT.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 12-29-403 is amended to read as follows:
28 12-29-403. Disabled convicts – Duty of physician.

29 (a)(1) ~~In the case of any convict claiming to be unable to labor by~~
30 ~~reason of sickness, it shall be the duty of the physician to examine the~~
31 ~~convict~~ Each new inmate committed to the Department of Correction shall be
32 given a medical examination during the intake process.

33 (2)(A) ~~If in the opinion of the physician the convict is unable~~
34 ~~to labor, the physician shall immediately certify his or her opinion to the~~
35 ~~Director of the Department of Correction~~ During the medical examination
36 required under subdivision (a)(1) of this section, the medical provider shall



1 determine what restrictions if any shall be placed upon the inmate's work
2 assignments.

3 (B) ~~The convict shall then be relieved from labor and sent~~
4 ~~to his or her cell or admitted to the hospital or elsewhere for medical~~
5 ~~treatment, as the physician may direct, with due regard being given to the~~
6 ~~safekeeping of the convict~~ Restrictions placed upon an inmate's work
7 assignments under subdivision (a)(2)(A) of this section shall be updated as
8 medically necessary.

9 (b) ~~The convict shall not be required to labor so long as the~~
10 ~~disability continues~~ The department shall not assign an inmate to a work
11 assignment that conflicts with a restriction determined by the medical
12 provider for the department under subdivision (a)(2) of this section.

13 (c) ~~Whenever the physician shall certify that the convict has~~
14 ~~recovered, he shall be returned to labor and not before~~ medical provider
15 updates the restrictions under subdivision (a)(2) of this section, the
16 department shall adjust the inmate's work assignments as necessary to comply
17 with the updated restrictions.

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