

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

SENATE BILL 76

By: Senator Madison

For An Act To Be Entitled

AN ACT TO MAKE VARIOUS CORRECTIONS TO TITLE 25 OF
THE ARKANSAS CODE OF 1987 ANNOTATED; AND FOR
OTHER PURPOSES.

Subtitle

AN ACT TO MAKE VARIOUS CORRECTIONS TO
TITLE 25 OF THE ARKANSAS CODE OF 1987
ANNOTATED.

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

SECTION 1. Arkansas Code § 25-10-102 is amended to read as follows to
repeal obsolete language, to correct agency names, and to make stylistic
changes:

25-10-102. Organization generally.

~~(a) All references in this chapter to "department" mean the Department
of Health and Human Services or, if the Department of Health is established,
the Department of Human Services. All references in this chapter to
"director" shall mean the Director of the Department of Health and Human
Services or, if the Department of Health is established, the Director of the
Department of Human Services.~~

~~(b)~~(a) The ~~department~~ Department of Human Services shall consist of
and be operated under an integrated service system consisting of the
following divisions with responsibilities and programs assigned to them as
determined by the ~~director~~ Director of the Department of Human Services:

(1)(A) A Division of Aging and Adult Services.

(B) The Division of Aging and Adult Services may include



1 the Office of Public Guardian for Adults;

2 (2) A Division of Medical Services;

3 (3) A Division of Behavioral Health Services, which shall
4 include community mental health centers, state hospitals, and the Office of
5 Alcohol and Drug Abuse Prevention;

6 (4) A Division of Developmental Disabilities Services, which
7 shall include both community programs and human development centers;

8 (5) A Division of County Operations;

9 (6) A Division of Administrative Services;

10 (7) A Division of Youth Services, which shall include serious
11 offender and community-based programs and the youth service centers;

12 (8) A Division of Volunteerism;

13 (9) A Division of State Services for the Blind;

14 (10) A Division of Children and Family Services; and

15 (11) A Division of Child Care and Early Childhood Education; ~~and~~

16 .

17 ~~(12) A Division of Health, subject to the establishment of a~~
18 ~~Department of Health.~~

19 ~~(e)~~(b)(1)(A) Each division of the department shall be under the
20 direction, control, and supervision of the director.

21 (B) From time to time, the director may transfer or assign
22 existing duties or new programs or duties of the department to offices,
23 sections, or units as he or she deems necessary for the efficient and
24 necessary operation of the department.

25 (C) ~~Prior to~~ Before implementation of any reorganization,
26 the director shall obtain the advice of the House Interim Committee on State
27 Agencies and Governmental Affairs and the Senate Interim Committee on State
28 Agencies and Governmental Affairs.

29 (2)(A) However, the state institutions and the operation of
30 state institutional programs under the jurisdiction of the Board of
31 Developmental Disabilities Services and the Department of Human Services
32 State Institutional System Board, ~~as provided by law~~, shall be under the
33 control of their respective boards, as provided by law.

34 (B) The boards shall perform their respective functions
35 and duties under the general guidelines and standards promulgated by the
36 director.

(3) The Division of State Services for the Blind and the Board of the Division of State Services for the Blind shall continue to function within the department with the powers prescribed in § 25-10-201 et seq.

SECTION 2. Arkansas Code § 25-10-401 is amended to read as follows to correct agency names:

25-10-401. Creation.

The state institutions known as the ~~State Hospital for the Mentally Ill at Little Rock~~ Arkansas State Hospital at Little Rock, the long-term care facility at Benton the Arkansas Health Center at Benton, the George W. Jackson Mental Health Center at Jonesboro the Arkansas Services Center at Jonesboro, the youth services center located at North Little Rock, the Arkansas Juvenile Assessment and Treatment Center located in Saline County, and all other facilities owned and operated by the department for youth services or mental health treatment are consolidated to form the Department of Human Services State Institutional System.

SECTION 3. Arkansas Code § 25-10-402(a) is amended to read as follows to correct agency names:

(a) The ~~Department State Institutional System Board~~ Department of Human Services State Institutional System Board is established to manage the ~~Department State Institutional System~~ Department of Human Services State Institutional System, as provided and intended by Arkansas Constitution, Amendment 33.

SECTION 4. Arkansas Code § 25-17-304(c) is amended to read as follows to correct an agency name, to subdivide the subsection for clarity, and to correct word usage:

(c)(1) ~~None of the~~ The present jurisdictional powers or responsibility of the county sheriffs or city police over the land or property of institutions or persons on the land shall not be ceded to the law enforcement officers of state institutions.

(2) The appointment or designation of institutional law enforcement officers ~~shall not be deemed to~~ does not supersede, in any way, the authority of the ~~state police~~ Department of Arkansas State Police or the county sheriffs or that of the law enforcement officers of the jurisdiction

1 within which the institution, or portions of it, ~~shall be~~ are located.

2
3 SECTION 5. Arkansas Code § 25-17-305(b) is amended to read as follows
4 to clarify references and to make stylistic changes:

5 (b)(1) ~~He or she~~ An institutional law enforcement officer shall have
6 and exercise police supervision on behalf of the institution and ~~is~~
7 ~~authorized~~ as a law enforcement officer ~~to~~ may arrest any person upon or in
8 the institutional law enforcement officer's primary jurisdiction who is
9 committing an offense against any law of the State of Arkansas or against the
10 ordinances of the city ~~wherein~~ in which the institution is located and to
11 deliver that person before any court of competent jurisdiction to be dealt
12 with according to law.

13 (2) ~~He or she shall have the authority to~~ An institutional law
14 enforcement officer may summon a posse comitatus if necessary.

15
16 SECTION 6. The enactment and adoption of this act shall not repeal,
17 expressly or impliedly, the acts passed at the regular session of the 87th
18 General Assembly. All such acts shall have full effect and, so far as those
19 acts intentionally vary from or conflict with any provision contained in this
20 act, those acts shall have the effect of subsequent acts and as amending or
21 repealing the appropriate parts of the Arkansas Code of 1987.