

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

A Bill

SENATE BILL 942

4
5 By: Senator Elliott
6
7

For An Act To Be Entitled

8
9 AN ACT TO CREATE THE ARKANSAS LEGISLATIVE TASK
10 FORCE ON CRIMINAL JUSTICE; AND FOR OTHER
11 PURPOSES.
12

Subtitle

13
14 TO CREATE THE ARKANSAS LEGISLATIVE TASK
15 FORCE ON CRIMINAL JUSTICE.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. NOT TO BE CODIFIED. Creation of task force.

21 (a) There is created the Arkansas Legislative Task Force on Criminal
22 Justice.

23 (b)(1) The task force shall consist of the following members:

24 (A) Two (2) members of the Senate appointed by the
25 President Pro Tempore of the Senate;

26 (B) Two (2) members of the House of Representatives
27 appointed by the Speaker of the House of Representatives;

28 (C) The Attorney General or his or her designee;

29 (D) One (1) former member of the judiciary appointed by
30 the Chief Justice of the Supreme Court;

31 (E) The Executive Director of the Arkansas Public Defender
32 Commission or his or her designee;

33 (F) The President of the Arkansas Bar Association or his
34 or her designee;

35 (G) A representative of the W. Harold Flowers Law Society;

36 (H) A representative of the County Prosecutors



1 Association;

2 (I) A representative of the Arkansas Association of
 3 Criminal Defense Lawyers;

4 (J) A representative of the Arkansas Association of Chiefs
 5 of Police;

6 (K) A representative of the Arkansas Sheriffs Association;

7 (L) A full-time faculty member of a state law school in
 8 Arkansas, appointed by the President of the University of Arkansas System;
 9 and

10 (M) Four (4) persons appointed by the Governor to
 11 represent:

12 (i) The families of murder victims;

13 (ii) Religious and ethical organizations; and

14 (iii) Associations and organizations that work with
 15 criminal justice issues.

16 (2) In making appointments, the appointing authorities shall
 17 make every effort to ensure that the membership of the commission:

18 (A) Is balanced by gender; and

19 (B) Reflects the population of the state with regard to
 20 race and ethnicity.

21 (c)(1) The President Pro Tempore of the Senate shall designate one (1)
 22 of the members of the Senate appointed to the task force to:

23 (A) Call the first meeting of the task force; and

24 (B) Serve as chair at the first meeting.

25 (2) At the first meeting, the members of the task force shall
 26 elect from its membership a chair, a vice chair, and other officers as needed
 27 for the transaction of its business.

28 (3) The task force shall conduct its meetings in Pulaski County
 29 at the State Capitol.

30 (d) If a vacancy occurs on the task force, the vacancy shall be filled
 31 by the same process as the original appointment.

32 (e)(1) Nonlegislative members of the task force shall serve without
 33 compensation.

34 (2) Legislative members of the task force shall be entitled to
 35 reimbursement for per diem and mileage at the same rate and from the same
 36 source as provided by law for members of the General Assembly attending

1 meetings of interim committees.

2 (f) A majority of the members of the task force shall constitute a
3 quorum for transacting any business of the task force.

4 (g) The task force may request data and other assistance from state
5 agencies.

6 (h) Upon the approval of the Legislative Council, the Director of the
7 Bureau of Legislative Research shall provide staff for the task force.

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9 SECTION 2. NOT TO BE CODIFIED. Duties of Arkansas Legislative Task
10 Force on Criminal Justice.

11 The Arkansas Legislative Task Force on Criminal Justice shall:

12 (1)(A) Examine by judicial district the original criminal
13 charges filed involving Class Y felonies, Class A felonies, and capital
14 punishment and compare the charges to the final disposition, noting the
15 number of charges resolved with a plea bargain, the number of the charges
16 brought to trial, and the number of charges dismissed.

17 (B) In examining the disposition of charges under this
18 subdivision (1), the task force shall note the:

19 (i) Age, gender, race, and ethnicity of the victim;
20 (ii) Socioeconomic status of the victim;
21 (iii) Age, gender, race, and ethnicity of the person
22 charged with the crime; and
23 (iv) Socioeconomic status of the person charged with
24 the crime;

25 (2) Examine by judicial district the sentences for convictions
26 involving Class Y felonies, Class A felonies, and capital punishment obtained
27 at trial to determine the following:

28 (A) The age, gender, race, and ethnicity of the victim;
29 (B) The socioeconomic status of the victim;
30 (C) The age, gender, race, and ethnicity of the
31 perpetrator; and

32 (D) The socioeconomic status of the perpetrator;

33 (3) Examine by judicial district the percentage of persons
34 charged with drug possession diverted to drug courts, considering the
35 following:

36 (A) The age, gender, race, and ethnicity of the

1 perpetrator; and

2 (B) The socioeconomic status of the perpetrator;

3 (4) Study the effectiveness of current criminal penalties in
 4 detering future crimes of the same nature;

5 (5) Determine the average cost of prosecution and defense for
 6 the following:

7 (A) Capital murder;

8 (B) Class Y felonies; and

9 (C) Class A felonies;

10 (6) Determine the average daily cost of state incarceration at
 11 the following classifications:

12 (A) Drug treatment;

13 (B) Minimum security;

14 (C) General population; and

15 (D) Maximum security;

16 (7) Determine the adequacy of current victim compensation laws,
 17 including without limitation an examination of the effect of:

18 (A) The desires of the victim's families in violent
 19 crimes; and

20 (B) The charges filed by prosecutor;

21 (8) Determine the adequacy of current data systems to record and
 22 retrieve data that will enable ongoing monitoring of the criminal justice
 23 system to determine if it is functioning fairly and equitably; and

24 (9) Investigate other issues that the task force finds relevant
 25 to the issues identified in this section.

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 27 SECTION 3. NOT TO BE CODIFIED. Report of findings – Expiration of task
 28 force.

29 (a) The Arkansas Legislative Task Force on Criminal Justice shall
 30 report its findings and its recommendations for proposed legislation, if any,
 31 to the Governor, the President Pro Tempore of the Senate, the Speaker of the
 32 House of Representatives, the Senate Judiciary Committee, and the House
 33 Judiciary Committee by August 15, 2010.

34 (b) The task force shall cease to exist effective October 1, 2010.

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