

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013

A Bill

HOUSE BILL 1309

4
5 By: Representative Williams
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE TERMINOLOGY USED TO REFERENCE
9 INMATES IN PRISONS AND JAILS; AND FOR OTHER PURPOSES.

Subtitle

12 TO AMEND THE TERMINOLOGY USED TO
13 REFERENCE INMATES IN PRISONS AND JAILS.
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16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 12-29-105 is amended to read as follows:
20 12-29-105. Clergy.

21 (a) All clergy of every denomination shall be admitted free to a
22 Department of Correction prison or may visit any ~~convict~~ inmate confined
23 therein, subject to such rules as may be necessary to the good government and
24 discipline of the prison, and may administer the rites and ceremonies of the
25 church to which the clergy belong if the ~~convict~~ inmate desires it.

26 (b) The Director of the Department of Correction shall afford every
27 facility to a clergy to visit a ~~convict~~ an inmate and to administer rites,
28 ceremonies, and spiritual consolation to a ~~convict~~ inmate within the rules of
29 the prison.
30

31 SECTION 2. Arkansas Code § 12-29-106 is amended to read as follows:
32 12-29-106. Mail to or from inmates.

33 (a)(1) ~~No~~ A person without the consent of the Director of the
34 Department of Correction shall not bring into or carry out of a prison any
35 letter or writing to or from any ~~convict~~ inmate.

36 (2) Whoever shall violate the provisions of this section shall



1 be guilty of a misdemeanor and shall on conviction be fined not exceeding one
2 hundred dollars (\$100) or imprisoned in the county jail not exceeding thirty
3 (30) days, or both fined and imprisoned.

4 (b) However, all ~~convicts~~ inmates shall have the privilege, under the
5 proper supervision and inspection of the director or his or her employees, to
6 write and receive letters from their relations and friends.

7
8 SECTION 3. Arkansas Code § 12-29-115 is amended to read as follows:

9 12-29-115. Combination to escape – Authority of guards.

10 (a) The officers and guards of the Department of Correction shall use
11 all lawful and suitable means to defend themselves, secure the persons of
12 offenders, and prevent attempted violence and escape whenever two (2) or more
13 ~~convicts~~ inmates shall combine for the following purposes or whenever one (1)
14 or more ~~convicts~~ inmates shall:

15 (1) Offer violence to any officer, guard, or ~~convict~~ inmate;

16 (2) Do or attempt to do any injury to any building, workshop, or
17 appurtenance thereto;

18 (3) Attempt to escape; or

19 (4) Resist any lawful demand.

20 (b) If any of the officers or guards employed in the department shall,
21 in the attempt to prevent the escape of any ~~convict~~ inmate, any attempt to
22 retake any ~~convict~~ inmate who may have escaped, or in the attempt to suppress
23 any riot, revolt, or insurrection, take the life of any ~~convict~~ inmate, the
24 officer or guard shall not be held responsible therefor unless it is done
25 unnecessarily or wantonly.

26
27 SECTION 4. Arkansas Code § 12-29-116 is amended to read as follows:

28 12-29-116. Authority of director in case of alarm or danger.

29 The Director of the Department of Correction shall have the authority
30 of a county sheriff over the power of the county in which a Department of
31 Correction's prison or ~~convict~~ inmate camp is situated in all cases of alarm
32 or danger at the prison or camp, in the absence of the county sheriff or the
33 county sheriff's inability to act.

34
35 SECTION 5. The catchline for Arkansas Code § 12-29-403, concerning
36 disabled inmates, is amended to read as follows:

1 12-29-403. Disabled ~~convicts~~ inmates – Duty of physician.

2
3 SECTION 6. Arkansas Code § 12-30-308(b)(1), concerning the lease or
4 rental of land by the Board of Corrections, is amended to read as follows:

5 (b)(1) The board, in its discretion and with the Governor's approval,
6 may rent or lease additional lands for the planting and cultivation of crops
7 by ~~convicts~~ inmates.

8
9 SECTION 7. Arkansas Code § 12-42-101 is amended to read as follows:
10 12-42-101. Definition.

11 As used in §§ 12-42-109, 12-42-110, 12-42-112, 12-42-113, and 12-42-
12 115, "~~county convicts~~ inmates" means persons convicted of misdemeanors or
13 petty offenses and committed to jail in default of the payment of the fine
14 and costs adjudged against them.

15
16 SECTION 8. Arkansas Code § 12-42-106 is amended to read as follows:
17 12-42-106. Contracts with other counties, cities, or towns –
18 Liability.

19 (a)(1) The county court or the county judge thereof in vacation, or
20 the mayor of any city or incorporated town, when authorized to do so by an
21 ordinance duly adopted by the city or town council or other governing body of
22 the municipality, is authorized and empowered to make a contract with any
23 other county, city, or town for the maintenance, safekeeping, and working of
24 ~~prisoners~~ inmates committed to county or city jails except ~~prisoners~~ inmates
25 awaiting trial.

26 (2) The county court, county judge, or mayor may make such
27 contract as deemed in the best interests of the county, city, or incorporated
28 town.

29 (b) For the purpose of making a contract to effectuate the provisions
30 of this section and §§ 12-42-102, 12-42-104, 12-42-105, and 12-42-107, the
31 county court or county judge of any county, and the mayor, with the approval
32 of the city or town council, or other governing body of any municipality, is
33 vested with plenary power.

34 (c) Any county, city, or town contracting for the safekeeping of
35 ~~prisoners~~ inmates under the provisions of this section and §§ 12-42-102, 12-
36 42-104, 12-42-105, and 12-42-107, shall obligate itself to furnish the

1 ~~convicts~~ inmates with good and wholesome food, comfortable clothing, and
 2 medicine when sick and shall not require them to work at unreasonable hours
 3 or for a longer time during any one (1) day than other laborers doing the
 4 same kind of labor are accustomed to do.

5 (d) ~~No~~ A county sheriff, constable, mayor, or other officer to whom a
 6 person is committed for imprisonment to serve a sentence imposed for
 7 misdemeanor or petty offense or in default of the payment of fine and costs
 8 therefor shall not be responsible for the health, safety, or welfare of the
 9 person if the county sheriff, constable, mayor, or other officer shall
 10 deliver the person to any county, city, or town other than that of which the
 11 former is an officer, pursuant to a contract for the maintenance,
 12 safekeeping, and working of ~~prisoners~~ inmates authorized by statute.

13
 14 SECTION 9. Arkansas Code § 12-42-109 is amended to read as follows:

15 12-42-109. Management of ~~convicts~~ inmates not hired.

16 (a) Unless the ~~convicts~~ inmates are immediately hired out, the
 17 management and control of the county ~~convicts~~ inmates shall be confined to
 18 county courts either in term time or in vacation by the county judge.

19 (b) The county court or county judge shall always have the right to
 20 require the aid of the county sheriff and constables of their respective
 21 counties. All lawful orders or process necessary to be issued and executed
 22 shall be executed by the county sheriff or constable.

23
 24 SECTION 10. Arkansas Code § 12-42-110 is amended to read as follows:

25 12-42-110. Labor on public works restricted.

26 ~~No~~ A county ~~convict~~ inmate shall not be allowed to work on any public
 27 work or improvement whenever there may be danger of his or her escape, nor
 28 shall he or she be compelled to labor at any kind of business or in any
 29 avocation that would tend to impair his or her health or strength.

30
 31 SECTION 11. Arkansas Code § 12-42-113 is amended to read as follows:

32 12-42-113. Warrants for costs.

33 When ~~convicts~~ inmates employed on public works or improvements or in
 34 public workhouses shall have paid the full amount of their fines and costs by
 35 their labor, then the county court shall issue a warrant in favor of each
 36 officer to whom costs may be due, for the amount of his or her costs, on the

1 county treasurer, and it shall be paid if there are sufficient funds in the
2 county treasury.

3
4 SECTION 12. Arkansas Code § 12-42-115 is amended to read as follows:

5 12-42-115. Records of ~~convicts~~ inmates.

6 (a) The county court shall cause a record of all its proceedings under
7 §§ 12-42-101, 12-42-109, 12-42-110, 12-42-112, 12-42-113, and this section to
8 be recorded in a well-bound book to be provided for that purpose. The record
9 shall contain:

- 10 (1) A descriptive list of all persons known as county ~~convicts~~
11 inmates;
- 12 (2) How the ~~convict~~ inmate has been or is employed;
- 13 (3) The name of the party or parties hiring the ~~convict~~ inmate;
- 14 (4) The time when and the price at which the ~~convict~~ inmate has
15 been employed;
- 16 (5) The amount paid or allowed for the employed or hired ~~convict~~
17 inmate;
- 18 (6) The amount due by the ~~convict~~ inmate as fine and costs; and
- 19 (7) Such other information as may be necessary and required
20 under the rules adopted by the court.

21 (b) It shall be the duty of the contractor or superintendent to keep a
22 record in which shall be stated the name of the prisoner, his or her height,
23 race, age, complexion, color of eyes and hair, time of commitment, and the
24 punishment adjudged by the court or justice, as well as the number of days
25 the ~~convict~~ inmate may be held to labor and a record of the days worked by
26 the prisoner.

27
28 SECTION 13. Arkansas Code Title 27, Chapter 66, Subchapter 6, is
29 amended to read as follows:

30 Subchapter 6

31 - Employment of ~~Convicts~~ Inmates

32
33 27-66-601. State ~~convicts~~ inmates working on roads.

34 (a) The State Highway Commission shall employ and work as many of the
35 state ~~convicts~~ inmates on the public roads as may not be otherwise employed
36 by the Department of Correction.

(b) State ~~convicts~~ inmates working on roads shall be under the care and custody of wardens or other officers named by the Department of Correction, with the approval of the Governor.

(c)(1) The commission shall determine the work to be done by ~~such~~ ~~convicts~~ inmates, the time, place, and manner of the work, and the number of ~~convicts~~ inmates to work.

(2) The work shall be under the direct supervision of the Arkansas State Highway and Transportation Department.

(3) The ~~department~~ Arkansas State Highway and Transportation Department shall determine the number of ~~convicts~~ inmates needed and shall prescribe the rules and regulations under which they shall work.

(d) The pay of the wardens or other officers and the cost of maintenance, including clothing, food, and housing for the state ~~convicts~~ inmates while working on roads shall be paid out of the State Highway and Transportation Department Fund.

(e) The Department of Correction is to receive no profits for working the ~~convicts~~ inmates on state roads.

(f) The pay of the wardens or other officers and the cost of clothing state ~~convicts~~ inmates while on the public roads shall be borne by the state.

(g) The cost of feeding and housing such ~~convicts~~ inmates shall be borne by the county or improvement district where they may be worked.

27-66-602. County ~~convicts~~ inmates working on roads.

(a)(1) It shall be lawful to provide in any highway charter for working the male county ~~convicts~~ inmates of any county on the public roads and highways of that county.

(2) But if the county ~~convicts~~ inmates are to be worked in any district which is not coextensive with the county from which they came, then the working of ~~convicts~~ inmates shall have to be approved by the county court having jurisdiction thereof, which approval shall rest in the sound discretion of the court, irrespective of any vote or endorsement by the electors of the district.

(b)(1) Every charter providing for working county ~~convicts~~ inmates shall provide for the appointment of proper overseers, guards, physicians, and other officers and employees necessary and convenient for the control and well-being of the ~~convicts~~ inmates.

1 (2) The overseers, guards, and other officers herein provided
2 for the working of county ~~convicts~~ inmates shall have the same powers and
3 duties with reference to the ~~convicts~~ inmates as sheriffs, jailers, or other
4 peace officers have under similar circumstances.

5 (c) The expense of feeding, clothing, housing, and superintending
6 county ~~convicts~~ inmates shall be charged to the particular improvement
7 district or county where they are worked according to the time they may be
8 used in such district or county.

9 (1) Each county shall be credited or paid the amount of costs
10 incurred in the trial of every ~~convict~~ inmate, and the ~~convict~~ inmate shall
11 receive the same credit per day on costs and fine or penalty as is now
12 provided by law.

13 (2) If county ~~convicts~~ inmates are to be worked in any special
14 improvement district, each county furnishing ~~convicts~~ inmates may receive a
15 flat compensation for their labor of not less than seventy-five cents (75¢)
16 per day.

17 (3) All payments and settlements provided in this section shall
18 be made in cash.

19
20 27-66-603. ~~Convicts~~ Inmates preparing road materials.

21 Whenever practical, the State Highway Commission may engage such number
22 of state or county ~~convicts~~ inmates as may be available in preparing road
23 materials at quarries or elsewhere, and the expenses of the work shall be
24 charged to the state or the county or district receiving these materials.