

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: H2/19/13

A Bill

HOUSE BILL 1350

5 By: Representative Williams
6

For An Act To Be Entitled

8 AN ACT AMENDING STATUTES CONCERNING CRIMINAL
9 DEFENDANTS, THE DEPARTMENT OF CORRECTION, AND THE
10 DEPARTMENT OF COMMUNITY CORRECTION; AND FOR OTHER
11 PURPOSES.
12
13

Subtitle

14 AMENDING STATUTES CONCERNING CRIMINAL
15 DEFENDANTS, THE DEPARTMENT OF CORRECTION,
16 AND THE DEPARTMENT OF COMMUNITY
17 CORRECTION.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 12-27-127(a), regarding judicial transfer
24 to the Department of Community Correction, is amended to read as follows:

25 (a) All commitments ~~must~~ shall specify that the inmate is to be
26 judicially transferred to the Department of Community Correction ~~pursuant to~~
27 ~~§ 16-93-1206(b)(3)~~ or the commitment will be treated as a commitment to the
28 Department of Correction and subject to regular transfer eligibility.
29

30 SECTION 2. Arkansas Code § 16-90-402 is amended to read as follows:
31 16-90-402. Delivery of defendant and copy of judgment to proper
32 officials.

33 (a)(1) ~~The sheriff, in~~ In executing a judgment of confinement, the
34 county sheriff shall deliver the defendant with a certified, standardized
35 copy of the ~~judgment and commitment~~ sentencing order to ~~the officials of the~~
36 Department of Correction, Department of Community Correction, or to ~~the~~



1 ~~jailer~~ another detention facility, as indicated in the ~~judgment~~ sentencing
2 order.

3 (2) If electronic filing of court records has been implemented
4 by the circuit clerk in the county where the defendant's conviction occurred,
5 the standardized copy of the sentencing order may be electronically
6 transmitted by the circuit clerk to the Department of Correction, the
7 Department of Community Correction, or to another detention facility, as
8 indicated in the sentencing order.

9 (b) The standardized copy of the sentencing order shall be developed
10 by representatives from the Department of Correction, the ~~Arkansas Judicial~~
11 ~~Council, and the Arkansas Prosecuting Attorneys' Association~~ Administrative
12 Office of the Courts, the Arkansas Sentencing Commission, and the Prosecutor
13 Coordinator's office.

14

15 SECTION 3. Arkansas Code § 16-90-1304(b)(1) and (2), regarding certain
16 time frames involved in an inmate's discharge date, is amended to read as
17 follows:

18 (b)(1) No less than ~~seven (7)~~ thirty (30) days before the discharge
19 date, the Department of Community Correction shall submit notice to:

20 (A) The prosecuting attorney; and

21 (B) The Parole Board.

22 (2) Within ~~thirty (30)~~ fourteen (14) days before the discharge
23 date, the prosecuting attorney or the Parole Board may file a petition in the
24 sentencing court stating any reasonable objection to early discharge under
25 this subchapter warranting the forfeiture of earned-discharge credit.

26

27 SECTION 4. Arkansas Code § 16-93-618(d), regarding the reward of
28 meritorious good time, is amended to read as follows:

29 (d) The awarding of meritorious good time under § 12-29-201 or § 12-
30 29-202 ~~shall not be applicable~~ does not apply to persons sentenced under
31 subdivisions ~~(a)(1)(A)-(H)~~ (a)(1)(A)-(E) of this section.

32

33 SECTION 5. Arkansas Code § 16-93-708(a)(1), concerning the definition
34 of "approved electronic monitoring or supervising device", is amended to read
35 as follows:

36 (1) "Approved electronic monitoring or supervising device" means ~~any~~

1 an electronic device approved by the Board of Corrections that meets the
2 minimum Federal Communications Commission regulations and requirements, and
3 that ~~is limited in capability to recording or transmitting information as to~~
4 ~~the criminal defendant's presence in the home~~ utilizes available technology
5 that is able to track a person's location and monitor his or her location;
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7 SECTION 6. Arkansas Code § 16-93-711(b)(1)(B), regarding who notifies
8 the Parole Board regarding inmates eligible for electronic monitoring of
9 parolees, is amended to read as follows:

10 (B) The Director of the Department of Correction ~~or the Director of~~
11 ~~the Department of Community Correction~~ shall make the facts described in
12 subdivision (b)(1)(A) of this section known to the Parole Board for
13 consideration of electronic monitoring.
14

15 SECTION 7. Arkansas Code § 19-5-1139 is amended to read as follows:
16 19-5-1139. Best Practices Fund.

17 (a) There is created on the books of the Treasurer of State, the
18 Auditor of State, and the Chief Fiscal Officer of the State a trust fund to
19 be known as the "Best Practices Fund".

20 (b) The Best Practices Fund may consist of the proceeds from the
21 payment of parole or probation supervision fees under § 16-93-104(a).

22 (c)(1) Expenditures from the Best Practices Fund shall be used to
23 establish and maintain programs and services that implement practices that
24 are proven to reduce the risk of having repeat offenders or recidivism,
25 including programs that address treatment needs of offenders.

26 (2) Programs funded by the Best Practices Fund, whether provided
27 by the Department of Community Correction, or another state agency, or
28 contracted with a private vendor, shall meet criteria promulgated in
29 Department of Community Correction rules that establish evidence-based
30 practices.

31 (3)(A) The funds deposited into the Best Practices Fund
32 supplement and do not replace the state and local resources that are
33 currently directed toward offender rehabilitation programs through the
34 Department of Community Correction, the Department of Human Services, or any
35 other state agency.

36 (B) ~~Any~~ An expenditure from the General Revenue Fund

1 Account of the State Apportionment Fund or the Community Correction Revolving
2 Fund shall not be reduced based on the availability of funds in the Best
3 Practices Fund.

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/s/Williams