

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1666

5 By: Representative Vines
6 By: Senator J. Hutchinson
7

For An Act To Be Entitled

8
9 AN ACT CONCERNING THE APPLICATION TO TERMINATE A
10 PERSON'S PAROLE OR PROBATION; AND FOR OTHER PURPOSES.
11

Subtitle

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14 CONCERNING THE APPLICATION TO TERMINATE A
15 PERSON'S PAROLE OR PROBATION.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 16-90-1304 is amended to read as follows:
21 16-90-1304. Application.

22 (a)(1) When a person has accumulated enough days, through a
23 combination of served and earned time equal to the total number of days of
24 the sentence imposed by the sentencing court, he or she ~~shall have attained~~
25 ~~completion of his or her sentence under this subchapter~~ may petition the
26 circuit court to release him or her from supervision and attain completion of
27 his or her sentence under this subchapter.

28 (2) The petition filed under this subsection shall contain a
29 notarized statement from the person's supervising parole or probation officer
30 that the person is in compliance with the terms and conditions of his or her
31 supervision.

32 (b)(1) No less than forty-five (45) days before the discharge date and
33 after the person has filed the petition under subsection (a) of this section
34 in the circuit court, the Department of Community Correction shall submit
35 notice and a copy of the petition to:

36 (A) The prosecuting attorney; and



1 (B) The Parole Board.

2 (2) Within thirty (30) days before the discharge date and after
3 receiving of the copy of the petition under subdivision (b)(1) of this
4 section, the prosecuting attorney or the Parole Board may file a response to
5 the petition in the sentencing court stating any reasonable objection to
6 early discharge under this subchapter warranting the forfeiture of earned-
7 discharge credit.

8 (3) If a ~~petition~~ response stating an objection under
9 subdivision (b)(2) of this section is lodged, the department shall
10 immediately suspend the discharge of the sentence pending a review of the
11 evidence contained in the objection by the sentencing court.

12 (4) A review shall be conducted in the sentencing court within
13 fourteen (14) days of the filing of the ~~petition~~ response under subdivision
14 (b)(2) of this section.

15 (5)(A) Upon the request of the prosecuting attorney or the
16 ~~Parole Board~~ board, the sentencing court shall consider the objections
17 against the person based solely on the information contained in the ~~petition~~
18 response under subdivision (b)(2) of this section.

19 (B) The sentencing court shall determine, based on a
20 preponderance of the evidence, whether the person should not be discharged
21 from the sentence because, if the information contained in the ~~petition~~
22 response under subdivision (b)(2) of this section had been known to the
23 ~~Department of Community Correction~~ department, the department would have
24 ordered the forfeiture of any of the discharge credit earned to that point or
25 if insufficient evidence exists that would warrant the forfeiture of
26 discharge credit.

27 (C) If the sentencing court finds sufficient evidence
28 warranting a forfeiture of discharge credits, the department shall make the
29 necessary forfeiture of earned discharge credit appropriate for the type of
30 misconduct asserted in the ~~objection~~ response under subdivision (b)(2) of
31 this section.

32 (D)(i) If the sentencing court does not find that
33 sufficient evidence exists that warrants forfeiture of discharge credits, the
34 department shall discharge the person immediately if the date upon which the
35 completion of the sentence occurred has passed.

36 (ii) If the date for completion of the sentence has

1 not occurred, the person shall return to the status held at the point the
2 ~~objection~~ response under subdivision (b)(2) of this section was filed.

3 (6) An appeal may not be taken by either party from the
4 sentencing court's findings or the department's decision for early discharge.
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