1	State of Arkansas	As Engrossed: H3/20/15	
2	90th General Assembly	A Bill	
3	Regular Session, 2015		HOUSE BILL 1666
4			
5	By: Representative Vines		
6	By: Senator J. Hutchinson		
7			
8		For An Act To Be Entitled	
9	AN ACT CONCERNING THE APPLICATION TO TERMINATE A		
10	PERSON'S PAROLE OR PROBATION; AND FOR OTHER PURPOSES.		
11			
12			
13		Subtitle	
14	CONG	CERNING THE APPLICATION TO TERMINATE	A
15	PERS	SON'S PAROLE OR PROBATION.	
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18	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE OF ARK	ANSAS:
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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) When a pei	rson has accumulated enough days, thi	rough a combination
23	of served and earned time equal to the total number of days of the sentence		
24	imposed by the senter	ncing court, he or she shall have att	ained completion of
25	be eligible for consi	ideration of discharge of his or her	sentence under this
26	subchapter.		
27	(b)(1) No less	s than forty-five (45) days before th	ne discharge date,
28	the Department of Com	mmunity Correction shall submit notic	e to:
29	(A)	The prosecuting attorney; and	
30	<i>(B)</i>	The Parole Board.	
31	(2) With	nin thirty (30) days before the disch	arge date <u>of receipt</u>
32	of the earned dischar	rge notice, the prosecuting attorney	or the Parole Board
33	may file a petition i	in the sentencing court stating <u>submi</u>	it to the department
34	<u>in writing</u> any reason	nable objection to early discharge un	nder this subchapter
35	warranting the forfer	iture of earned-discharge credit.	
36	(3) If t	r petition stating an objection under	subdivision (b)(2)

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of this section is lodged, the department shall immediately suspend the

- 2 discharge of the sentence $\frac{pending}{pending}$ a review of the evidence contained in the
- 3 objection by the sentencing court.
- 4 <u>(4) The parolee or probationer may file a petition for review in</u> 5 the sentencing court.
- 8 $\frac{(5)(A)(6)(A)}{(6)(A)}$ Upon the request of the prosecuting attorney or the
- 9 Parole Board, the <u>The</u> sentencing court shall consider the objections against
- 10 the person based solely on the information contained in the petition.
- 11 (B) The sentencing court shall determine, based on a
- 12 preponderance of the evidence, whether the person should not be discharged
- 13 from the sentence because, if the information contained in the petition had
- 14 been known to the Department of Community Correction, the department would
- 15 have ordered the forfeiture of any of the discharge credit earned to that
- 16 point or if insufficient evidence exists that would warrant the forfeiture of
- 17 discharge credit.
- 18 (C) If the sentencing court finds sufficient evidence
- 19 warranting a forfeiture of discharge credits, the department shall make the
- 20 necessary forfeiture of earned discharge credit appropriate for the type of
- 21 misconduct asserted in the objection.
- 22 (D)(i) If the sentencing court does not find sufficient
- 23 evidence exists that warrants forfeiture of discharge credits, the department
- 24 shall discharge the person immediately if the date upon which the completion
- 25 of the sentence occurred has passed.
- 26 (ii) If the date for completion of the sentence has
- 27 not occurred, the person shall return to the status held at the point the
- 28 objection was filed.
- 29 <u>(c) If the prosecuting attorney or the board does not file an</u>
- 30 objection, upon the filing of a petition in the sentencing court by the
- 31 parolee or probationer stating that no objections have been filed, the court
- 32 <u>may discharge the person immediately if the date upon which the completion of</u>
- 33 <u>the sentence has passed.</u>
- 34 (6)(d) An appeal may not be taken by either party from the sentencing
- 35 court's findings or the department's decision for early discharge.

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1	SECTION 2. EMERGENCY CLAUSE. It is found and determined by the		
2	General Assembly of the State of Arkansas that the Department of Community		
3	Correction has changed the system for discharging probationers and the		
4	department discontinued the former system at the beginning of the year; that		
5	the new system is automated and is ready for implementation; and that this		
6	act is immediately necessary because in order for a seamless implementation		
7	the department would like to begin the new system at the same time the		
8	changes in this act become effective. Therefore, an emergency is declared t		
9	exist, and this act being immediately necessary for the preservation of the		
10	public peace, health, and safety shall become effective on:		
11	(1) The date of its approval by the Governor;		
12	(2) If the bill is neither approved nor vetoed by the Governor,		
13	the expiration of the period of time during which the Governor may veto the		
14	bill; or		
15	(3) If the bill is vetoed by the Governor and the veto is		
16	overridden, the date the last house overrides the veto.		
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18	/s/Vines		
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