

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

A Bill

SENATE BILL 472

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

For An Act To Be Entitled

9 AN ACT TO BE KNOWN AS THE CRIMINAL JUSTICE REFORM ACT
10 OF 2015; TO IMPLEMENT MEASURES DESIGNED TO ENHANCE
11 PUBLIC SAFETY AND REDUCE THE PRISON POPULATION; AND
12 FOR OTHER PURPOSES.
13
14

Subtitle

15 TO BE KNOWN AS THE CRIMINAL JUSTICE
16 REFORM ACT OF 2015; AND TO IMPLEMENT
17 MEASURES DESIGNED TO ENHANCE PUBLIC
18 SAFETY AND REDUCE THE PRISON POPULATION.
19
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21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. DO NOT CODIFY. Legislative intent.

25 It is the intent of the General Assembly to implement wide-ranging
26 reforms to the criminal justice system in order to address prison
27 overcrowding, promote seamless reentry into society, reduce medical costs
28 incurred by the state and local governments, aid law enforcement agencies in
29 fighting crime and keeping the peace, and to enhance public safety.
30

31 SECTION 2. DO NOT CODIFY. Temporary legislation.

32 (a) The Department of Correction shall coordinate and, if
33 advantageous, contract with counties, the federal government, governmental
34 agencies of Arkansas and other states, political subdivisions of Arkansas,
35 political subdivisions of other states, and private contractors to address
36 the matter of this state's current prison overcrowding problem, as permitted



1 by § 12-27-103(b)(14), in order to provide and improve correctional
2 operations.

3 (b) The department shall submit a report to the Governor, Legislative
4 Council, the Senate Judiciary Committee, and the House Committee on Judiciary
5 by December 1, 2015, on its efforts under and successful contracting with an
6 entity under subsection (a) of this section.

7 (c) This section expires on December 1, 2015.

8
9 SECTION 3. Arkansas Code § 5-4-501(d)(2), concerning what is
10 considered a "felony involving violence" for the purposes of the habitual
11 offender statute, is amended to read as follows:

12 (2) As used in this subsection, "felony involving violence"
13 means:

14 (A) Any of the following felonies:

15 (i) Murder in the first degree, § 5-10-102;

16 (ii) Murder in the second degree, § 5-10-103;

17 (iii) Kidnapping, § 5-11-102;

18 (iv) Aggravated robbery, § 5-12-103;

19 (v) Rape, § 5-14-103;

20 (vi) Battery in the first degree, § 5-13-201;

21 (vii) Terroristic act, § 5-13-310;

22 (viii) Sexual assault in the first degree, § 5-14-
23 124;

24 (ix) Sexual assault in the second degree, § 5-14-
25 125;

26 (x) Domestic battering in the first degree, § 5-26-
27 303;

28 (xi) Residential burglary, § 5-39-201;

29 ~~(xi)-(xii)~~ Aggravated residential burglary, § 5-39-
30 204;

31 ~~(xii)-(xiii)~~ Unlawful discharge of a firearm from a
32 vehicle, § 5-74-107;

33 ~~(xiii)-(xiv)~~ Criminal use of prohibited weapons, § 5-
34 73-104, involving an activity making it a Class B felony; or

35 ~~(xiv)-(xv)~~ A felony attempt, solicitation, or
36 conspiracy to commit:

- 1 (a) Capital murder, § 5-10-101;
- 2 (b) Murder in the first degree, § 5-10-102;
- 3 (c) Murder in the second degree, § 5-10-103;
- 4 (d) Kidnapping, § 5-11-102;
- 5 (e) Aggravated robbery, § 5-12-103;
- 6 (f) Rape, § 5-14-103;
- 7 (g) Battery in the first degree, § 5-13-201;
- 8 (h) Domestic battering in the first degree, §

9 5-26-303; ~~or~~

- 10 (i) Residential burglary, § 5-39-201; or
- 11 ~~(i)-(j)~~ Aggravated residential burglary, § 5-
- 12 39-204; or

13 (B) A conviction of a comparable felony involving violence
14 from another jurisdiction.

15
16 SECTION 4. Arkansas Code Title 10, Chapter 3, is amended to add an
17 additional subchapter to read as follows:

18
19 Subchapter 28 – Legislative Criminal Justice Oversight Task Force

20
21 10-3-2801. Legislative Criminal Justice Oversight Task Force.

22 (a)(1) There is created the Legislative Criminal Justice Oversight
23 Task Force responsible for studying the performance and outcome measures
24 related to this act.

25 (2) The Bureau of Legislative Research shall provide staff
26 support for the task force.

27 (b) The task force shall be composed of no more than fourteen (14)
28 members, as follows:

29 (1) No more than six (6) members may be appointed by the
30 Governor from the following persons:

31 (A) One (1) or two (2) members who are circuit court
32 judges who operate a drug court program under the Arkansas Drug Court Act, §
33 16-98-301 et seq., a probation program within the Swift and Certain
34 Accountability on Probation Pilot Program under § 16-93-1701 et seq., or a
35 preadjudication probation program under § 5-4-901 et seq.;

36 (B) No more than one (1) county sheriff;

1 (C) No more than one (1) member from the Arkansas Public
2 Defender Commission;

3 (D) No more than (1) member who is a prosecuting attorney;
4 and

5 (E) No more than (1) member who is a member of the
6 executive board of the Arkansas Association of Chiefs of Police;

7 (2) One (1) member of the General Assembly to be appointed by
8 the President Pro Tempore of the Senate;

9 (3) One (1) member of the General Assembly to be appointed by
10 the Speaker of the House of Representatives;

11 (4) One (1) member who is the Chair of the Senate Judiciary
12 Committee;

13 (5) One (1) member who is the Chair of the House Committee on
14 Judiciary;

15 (6) The Chair of the Board of Corrections, or his or her
16 designee;

17 (7) The Chair of the Parole Board, or his or her designee;

18 (8) The Director of the Department of Correction, or his or her
19 designee; and

20 (9) The Director of the Department of Community Correction, or
21 his or her designee.

22 (c)(1) The task force shall meet on or before the thirtieth day after
23 the effective date of this act, at the call of the Chair of the Senate
24 Judiciary Committee, and organize itself by electing one (1) of its members
25 as chair and such other officers as the task force may consider necessary.

26 (2) Thereafter, the task force shall meet at least quarterly and
27 at the call of the chair or by a majority of the members.

28 (3) A quorum of the task force consists of seven (7) members.

29 (d) The task force has the following powers and duties:

30 (1) To track the implementation of and evaluate compliance with
31 this act;

32 (2) To review performance and outcome measure reports submitted
33 semiannually by the Department of Correction, Department of Community
34 Correction, Parole Board, Arkansas Sentencing Commission, and Administrative
35 Office of the Courts under this act and evaluate the impact; and

36 (3)(A) To prepare and submit an annual report of the performance

1 and outcome measures that are part of this act to the Legislative Council,
 2 the Governor, and the Chief Justice of the Supreme Court.

3 (B) The annual report shall include recommendations for
 4 improvements and a summary of savings generated from and the impact on public
 5 safety as the result of this act.

6
 7 SECTION 5. Arkansas Code § 12-27-113(e), concerning records kept by
 8 the Department of Correction, is amended to read as follows:

9 (e)(1) The director shall make and preserve a full and complete record
 10 of ~~each and every person~~ inmate committed to the Department of Correction,
 11 along with a photograph of the ~~person~~ inmate and data pertaining to his or
 12 her trial conviction and past history.

13 (2)(A) To protect the integrity of ~~those~~ records described in
 14 subdivision (e)(1) of this section and to ensure their proper use, it ~~shall~~
 15 ~~be~~ is unlawful to permit inspection of or disclose information contained in
 16 ~~those~~ records described in subdivision (e)(1) of this section or to copy or
 17 issue a copy of all or part of ~~any record~~ a record described in subdivision
 18 (e)(1) of this section except as authorized by ~~administrative regulation~~
 19 rule, or by order of a court of competent jurisdiction, or by other law.

20 (B) ~~The regulations~~ A rule under subdivision (e)(2)(A) of
 21 this section shall provide for adequate standards of security and
 22 confidentiality of ~~those~~ records described in subdivision (e)(1) of this
 23 section.

24 (3) For those inmates committed to the Department of Correction
 25 and judicially transferred to the Department of Community Correction, the
 26 preparation of ~~this record~~ a record described in subdivision (e)(1) of this
 27 section may be delegated to the Department of Community Correction pursuant
 28 to policies applicable to records transmission adopted by the Board of
 29 Corrections.

30 (4) ~~Administrative regulations~~ A rule under subdivision
 31 (e)(2)(A) of this section may authorize the disclosure of information
 32 contained in ~~such records~~ a record described in subdivision (e)(1) of this
 33 section for research purposes.

34 (5)(A)(i) Upon written request, an employee of the Bureau of
 35 Legislative Research acting on behalf of a member of the General Assembly may
 36 view all records described in subdivision (e)(1) of this section of a current

1 or former inmate.

2 (ii) A request under subdivision (e)(5)(A)(i) of
3 this section shall be made in good faith.

4 (B) A view of records under subdivision (e)(5) of this
5 section by an employee may be performed only if the employee is assigned to
6 one (1) or more of the following committees:

7 (i) Senate Committee on Judiciary;

8 (ii) House Committee on Judiciary; or

9 (iii) Charitable, Penal and Correctional

10 Institutions Subcommittee of the Legislative Council.

11 (C) The Department of Correction shall ensure that the
12 employee authorized under subdivision (e)(5)(B) of this section to view
13 records is provided access to the records.

14 (D) A record requested to be viewed under subdivision
15 (e)(5) of this section is privileged and confidential and shall not be shown
16 to any person not authorized to have access to the record under this section
17 and shall not be used for any political purpose, including without limitation
18 political advertising, fundraising, or campaigning.

19

20 SECTION 6. Arkansas Code Title 12, Chapter 27, is amended to add an
21 additional subchapter to read as follows:

22 Subchapter 2 – Pay-for-Success Act

23

24 12-27-201. Title.

25 This subchapter shall be known as the “Pay-for-Success Act”.

26

27 12-27-202. Legislative findings and intent.

28 (a) The General Assembly finds that:

29 (1) Incarceration and reincarceration are costly for the
30 government and for taxpayers;

31 (2) Certain intervention measures have been found to reduce
32 reincarceration rates;

33 (3) Pay-for-success contracts can serve as an effective tool for
34 addressing certain issues concerning Arkansas correctional facilities,
35 including overcrowding, by enabling the state to finance programs aimed at
36 reducing recidivism rates; and

1 (4) It is in the best interests of Arkansas residents to
2 encourage and enable the Department of Community Correction to obtain
3 financing for certain intervention services to reduce the recidivism rate in
4 Arkansas correctional facilities.

5 (b) The General Assembly intends for this subchapter to enable the
6 department to obtain private financing for intervention services on a pay-
7 for-success basis to reduce the reincarceration rate in Arkansas correctional
8 facilities.

9
10 12-27-203. Definitions.

11 As used in this subchapter:

12 (1) "Incarcerated" means the condition of being committed to a
13 state correctional facility; and

14 (2) "Pay-for-success program" means a program in which the
15 Department of Community Correction pays for intervention services only if
16 certain performance targets are met, including without limitation a reduction
17 in the reincarceration rate in Arkansas correctional facilities through
18 intervention measures that focus on improving personal responsibility and
19 decision making.

20
21 12-27-204. Pay-for-success programs.

22 (a) The Department of Community Correction may enter into an agreement
23 with entities, including without limitation accredited community-based
24 providers specializing in behavioral health, case management, and job
25 placement services, and two-year or four-year public universities to create a
26 pay-for-success program for incarcerated individuals or individuals on parole
27 or probation that requires the department to pay for the intervention
28 services only if the performance targets stated in the agreement are
29 achieved.

30 (b) Before entering into an agreement under subsection (a) of this
31 section, the department shall:

32 (1) Calculate the amount and timing of the payments that would
33 be earned by the entity providing the intervention services during each year
34 of the agreement if the performance targets are achieved; and

35 (2) Make a written determination that the agreement will result
36 in specific performance improvements and budgetary savings if the performance

1 targets are achieved.

2 (c) An agreement entered into under subsection (a) of this section:

3 (1) Shall include the following:

4 (A) A requirement that payment be conditioned on the
5 achievement of specific outcomes based on defined performance targets; and

6 (B) An agreement with an independent third party to
7 evaluate the pay-for-success program to determine whether the performance
8 targets have been achieved;

9 (2) May contain a graduated payment schedule to allow for
10 varying payments based on different levels of performance targets; and

11 (3) May include without limitation an agreement with one (1) or
12 more private entities regarding the following:

13 (A) One (1) or more loans to fund the pay-for-success
14 program's delivery and operations;

15 (B) One (1) or more guarantees for loans obtained under
16 this section;

17 (C) Payment based on reduced rates of reincarceration or
18 other agreed-upon measures of success; and

19 (D) Oversight and implementation of the pay-for-success
20 program, including without limitation the following:

21 (i) Making necessary financial arrangements;

22 (ii) Training staff;

23 (iii) Selecting service providers;

24 (iv) Overseeing the intervention measures;

25 (v) Monitoring pay-for-success program

26 participation; and

27 (vi) Designation of one (1) entity to serve as a
28 liaison among all parties to the agreement.

29
30 SECTION 7. Arkansas Code § 12-29-112 is amended to read as follows:

31 12-29-112. Discharge or release.

32 ~~(a) Inmates released upon completion of their term or released on~~
33 ~~parole shall be supplied with satisfactory clothing and a travel subsidy as~~
34 ~~prescribed by the Board of Corrections.~~

35 ~~(b) Upon release of any inmate from any unit or center of the~~
36 ~~Department of Correction, the department shall provide transportation for the~~

1 ~~inmate to the closest commercial transportation pick-up point.~~

2 (a) At least one hundred twenty (120) days before an inmate's
3 anticipated release date, the Department of Correction, in collaboration with
4 the inmate and the Department of Community Correction and the Parole Board,
5 shall complete a prerelease assessment and reentry plan.

6 (b) A copy of the reentry plan under this section shall be provided to
7 the inmate and the assigned parole officer, if applicable.

8 (c) An inmate released upon completion of his or her terms of
9 incarceration shall be provided:

10 (1) Written and certified proof that he or she completed and
11 satisfied all the terms of his or her incarceration; and

12 (2) Information on how to reinstate his or her voting rights
13 upon discharge of his or her sentence.

14
15 SECTION 8. Arkansas Code § 12-29-401(e), concerning the application
16 for Medicaid benefits on behalf of an inmate in the Department of Correction
17 or person in the custody of the Department of Community Correction, is
18 amended to add an additional subdivision to read as follows:

19 (5) The Department of Human Services shall allow applications
20 for Medicaid coverage and benefits to be submitted up to one hundred twenty
21 (120) days before the release of an inmate or offender not previously
22 qualified and subsequently suspended

23
24 SECTION 9. Arkansas Code Title 12, Chapter 29, Subchapter 4, is
25 amended to add an additional section to read as follows:

26 12-29-407. Medicaid suspension.

27 (a) When an individual who is enrolled in a Medicaid program or the
28 Health Care Independence Program is incarcerated to the custody of the
29 Department of Correction, the Department of Community Correction, or detained
30 in a county or city jail, the individual shall have Medicaid eligibility
31 suspended, but not terminated, during the period of incarceration.

32 (b) When an individual with suspended Medicaid eligibility receives
33 eligible medical treatment or is released from custody, Medicaid eligibility
34 and coverage shall be reinstated.

35 (c) The Department of Human Services shall ensure that the suspension
36 and reinstatement process is automated and that protocols are developed to

1 maximize Medicaid reimbursement for allowable medical services and essential
2 health benefits.

3
4 SECTION 10. Arkansas Code § 12-41-106, concerning the Medicaid
5 eligibility of an inmate in a local correctional facility, is amended to add
6 an additional subsection to read as follows:

7 (e) The Department of Human Services shall allow applications for
8 Medicaid coverage and benefits to be submitted up to one hundred twenty (120)
9 days prior to the release of an inmate or offender not previously qualified
10 and subsequently suspended.

11
12 SECTION 11. Arkansas Code Title 16, Chapter 10, Subchapter 1, is
13 amended to add an additional section to read as follows:

14 16-10-139. Specialty court program evaluation and approval.

15 (a) As used in this section, "specialty court program" means one of
16 the following:

- 17 (1) A pre-adjudication program under § 5-4-901;
- 18 (2) A approved drug court program under § 16-98-301 et seq.;
- 19 (3) A Swift and Certain Accountability on Probation Pilot
20 Program under § 16-93-1701 et seq.; and

21 (4) Any other specialty court program that has been approved by
22 the Supreme Court including without limitation specialty court programs known
23 as:

- 24 (A) A DWI court;
- 25 (B) A mental health court;
- 26 (C) A veteran's court;
- 27 (D) A "HOPE" court; and
- 28 (E) A "smarter sentencing" court.

29 (b) All specialty court programs operated by a circuit court or
30 district court must be approved by the Supreme Court in the administrative
31 plan submitted under Supreme Court Administrative Order No. 14.

32 (c)(1) The Administrative Office of the Courts shall evaluate and make
33 findings with respect to all specialty court programs operated by a circuit
34 court or district court in this state and refer the findings to the Supreme
35 Court.

36 (2) An evaluation under this section shall reflect nationally

1 recognized and peer-reviewed standards for each particular type of specialty
2 court program.

3 (3) The office shall also:

4 (A) Establish, implement, and operate a uniform specialty
5 court program evaluation process to ensure specialty court program resources
6 are uniformly directed to high-risk and medium-risk offenders and that
7 specialty court programs provide effective and proven practices that reduce
8 recidivism, as well as other factors such as substance dependency, among
9 participants;

10 (B) Establish a evaluation process that ensures that any
11 new and existing specialty court program that is a drug court meets standards
12 for drug court operation under § 16-98-302(b); and

13 (C) Promulgate rules to be approved by the Supreme Court
14 to carry out the evaluation process under this section.

15 (d) A specialty court program shall be evaluated under the following
16 schedule:

17 (1) A specialty court program application submitted on or after
18 the effective date of this act shall require evaluation of the specialty
19 court program based on the proposed specialty court program plan;

20 (2) A specialty court program established on or after the
21 effective date of this act shall be evaluated after its second year of funded
22 operation;

23 (3) A specialty court program in existence on the effective date
24 of this act shall be evaluated under the requirements of this section prior
25 to expending resources budgeted for fiscal year 2017; and

26 (4) A specialty court program shall be reevaluated every two (2)
27 years after the initial evaluation.

28
29 SECTION 12. Arkansas Code § 16-10-305(a)(6), concerning court costs for
30 possessing less than four ounces (4 oz.) of a Schedule VI controlled
31 substance, is repealed.

32 ~~(6)(A) In circuit court or district court, three hundred dollars~~
33 ~~(\$300) for possessing less than four ounces (4 oz.) of a Schedule VI~~
34 ~~controlled substance.~~

35 ~~(B) One hundred fifty dollars (\$150) of the court costs~~
36 ~~collected under subdivision (a)(6) of this section shall be remitted to the~~

~~Treasurer of State by the court clerk for deposit into the Drug Abuse Prevention and Treatment Fund for the Division of Behavioral Health Services to be used exclusively for drug courts or other substance abuse and prevention activities; and~~

SECTION 13. Arkansas Code Title 16, Chapter 10, Subchapter 7, is amended to add an additional section to read as follows:

16-10-701. Additional fees for specialty court programs.

(a) As used in this section:

(1) "Pre-adjudication" means the period of time after:

(A) The prosecuting attorney files a criminal information or an indictment is filed in circuit court;

(B) The person named in the criminal information or indictment is arraigned on the charge in circuit court; and

(C) The person enters a specialty court program without a guilty plea or the person enters a plea of guilty but before the circuit court enters a judgment and pronounces a sentence against the person; and

(2) "Specialty court program" means:

(A) A preadjudication program under § 5-4-901;

(B) A approved drug court program under § 16-98-301 et seq.;

(C) A Swift and Certain Accountability on Probation Pilot Program under § 16-93-1701 et seq.; and

(D) Any other specialty court program that has been approved by the Supreme Court including without limitation specialty court programs known as:

(i) A DWI court;

(ii) A mental health court;

(iii) A veteran's court;

(iv) A "HOPE" court; and

(v) A "smarter sentencing" court.

(b) In addition to any other court cost or court fee provided by law:

(1) A specialty court program user fee of one hundred twenty-five dollars (\$125) shall be assessed and remitted to the Administration of Justice Funds Section of the Department of Finance and Administration by the court clerk for deposit into the State Treasury as special revenues credited

1 to the Best Practices Fund, § 19-5-1139; and

2 (2) A specialty court program public defender user fee not to
 3 exceed two hundred fifty dollars (\$250) may be assessed by the court for a
 4 defendant who participates in a specialty court program designed for
 5 preadjudication purposes and who is appointed representation by a public
 6 defender.

7
 8 SECTION 14. Arkansas Code § 16-93-101, concerning definitions, is
 9 amended to add an additional subdivision to read as follows:

10 (12) "Detriment to the community" means a person who has:

11 (A) Demonstrated a pattern of behavior that indicates disregard
 12 for the safety and welfare of others;

13 (B) Exhibited violence or repeated violent tendencies;

14 (C) Has been convicted of a felony involving violence, as
 15 defined under § 5-4-501(d)(2); or

16 (D) During the three (3) calendar years before the person's
 17 parole hearing:

18 (i) Demonstrated a lack of respect for authority towards
 19 law enforcement or prison officials while in the custody of the Department of
 20 Correction, the Department of Community Correction, or a law enforcement
 21 agency; or

22 (ii) Accrued multiple disciplinary violations while in the
 23 custody of the Department of Correction, the Department of Community
 24 Correction, or a law enforcement agency, including at least one (1)
 25 disciplinary violation involving violence or sexual assault while in the
 26 custody of the Department of Correction, the Department of Community
 27 Correction, or a law enforcement agency.

28
 29 SECTION 15. Arkansas Code Title 16, Chapter 93, Subchapter 1, is
 30 amended to add an additional section to read as follows:

31 16-93-106. Warrantless search by any law enforcement officer for a
 32 probationer or parolee.

33 (a)(1) A person who is placed on supervised probation or is released
 34 on parole under this chapter is required to agree to a waiver as a condition
 35 of his or her supervised probation or parole that allows any certified law
 36 enforcement officer or Department of Community Correction officer to conduct

1 a warrantless search of his or her person, place of residence, or motor
2 vehicle at any time, day or night, whenever requested by the certified law
3 enforcement officer or Department of Community Correction officer.

4 (2) A warrantless search that is based on a waiver required by
5 this section shall be conducted in a reasonable manner but does not need to
6 be based on an articulable suspicion that the person is committing or has
7 committed a criminal offense.

8 (b)(1) A person who will be placed on supervised probation or parole
9 and is required to agree to the waiver required by this section shall
10 acknowledge and sign the waiver.

11 (2) If the person fails to acknowledge and sign the waiver
12 required by this section, he or she is ineligible to be placed on supervised
13 probation or parole.

14
15 SECTION 16. Arkansas Code Title 16, Chapter 93, Subchapter 1, is
16 amended to add an additional section to read as follows:

17 16-93-107. Medicaid eligibility of a parolee or a probationer.

18 (a) The Department of Correction shall screen inmates nearing release
19 from incarceration and the Department of Community Correction shall screen
20 parolees and probationers under supervision for Medicaid eligibility.

21 (b) If an inmate nearing release from incarceration, parolee, or
22 probationer receives medical services, including substance abuse and mental
23 health treatment, that meet criteria for Medicaid coverage, the parole
24 officer, probation officer, or Department of Correction official or Department
25 of Community Correction official may apply for Medicaid coverage for the
26 inmate nearing release from incarceration, parolee, or probationer under this
27 section.

28 (c)(1) The inmate nearing release from incarceration, parolee, or
29 probationer may designate an authorized representative for the purposes of
30 filing a Medicaid application and complying with Medicaid requirements for
31 determining and maintaining eligibility.

32 (2) However, the parole officer, probation officer, or
33 Department of Correction official or Department of Community Correction
34 official shall be the authorized representative for purposes of establishing
35 and maintaining Medicaid eligibility under this subsection if:

36 (A) The inmate nearing release from incarceration,

1 parolee, or probationer does not designate an authorized representative
2 within three (3) business days after request; or

3 (B) The authorized representative designated under
4 subdivision (c)(1) of this section does not file a Medicaid application
5 within three (3) business days after appointment and request.

6 (d) An authorized representative under this section:

7 (1) Shall have access to the information necessary to comply
8 with Medicaid requirements; and

9 (2) May provide and receive information in connection with
10 establishing and maintaining Medicaid eligibility, including confidential
11 information.

12 (e)(1) The parole officer, probation officer, or Department of
13 Correction official or Department of Community Correction official or the
14 designee of the parole officer, probation officer, or Department of
15 Correction official or Department of Community Correction official may access
16 information necessary to determine if a Medicaid application has been filed
17 on behalf of the inmate nearing release from incarceration, parolee, or
18 probationer.

19 (2) Access under subdivision (e)(1) of this section shall be to:

20 (A) Establish Medicaid eligibility;

21 (B) Provide healthcare services; or

22 (C) Pay for healthcare services.

23
24 SECTION 17. Arkansas Code Title 16, Chapter 93, Subchapter 1, is
25 amended to add additional sections to read as follows:

26 16-93-108. Mental health and substance abuse treatment.

27 A parolee or probationer who is enrolled in a Medicaid program shall be
28 referred to mental health or substance abuse treatment, or both, when the
29 referral is included as part of a court order, supervision plan, or treatment
30 plan.

31
32 16-93-109. Medicaid reimbursement for essential healthcare services.

33 Unless otherwise prohibited by law, the Department of Human Services
34 shall cooperate with the Department of Correction and the Department of
35 Community Correction to establish protocols for utilizing Medicaid to
36 reimburse the Department of Correction, Department of Community Correction, a

1 healthcare provider, or a third party for essential healthcare services,
 2 including mental health and substance abuse treatment.

3
 4 16-93-110. Contracting with Medicaid provider.

5 The Department of Correction and the Department of Community Correction
 6 each may contract with a healthcare provider in order to facilitate the
 7 enrollment of an inmate, a probationer, or a parolee in Medicaid.

8
 9 SECTION 18. Arkansas Code § 16-93-201 is amended to read as follows:

10 16-93-201. Creation – Members – Qualifications and training.

11 (a)(1) There is created the Parole Board, to be composed of seven (7)
 12 members to be appointed from the state at large by the Governor and confirmed
 13 by the Senate.

14 (2)(A)(i) ~~Seven (7) members~~ A member of the board shall be a
 15 full-time official of this state, one (1) of whom shall be
 16 designated by the Governor as the chair of the board and shall not have any
 17 other employment for the duration of his or her appointment to the board.

18 (ii)(a) A member of the board who is currently
 19 -serving as of the effective date of this act shall immediately terminate any
 20 other employment.

21 (b) A member may engage in employment that has
 22 a limited time commitment and after approval from the Chair of the Parole
 23 Board.

24 (B)(i) The Governor shall designate one (1) member as the
 25 Chair of the Parole Board who shall be the chief executive, administrative,
 26 budgetary, and fiscal officer of the board.

27 (ii) The chair shall have general supervisory power
 28 and control over the members and staff of the board but may not remove a
 29 member of the board except as provided under subsection (e) of this section.

30 (iii) The chair shall permit the board to review and
 31 approve budget and personnel requests prior to submission for executive and
 32 legislative approval.

33 (C) The board shall elect from its membership a vice chair
 34 and a secretary who shall assume, in that order and with the consent of the
 35 Governor, the duties of the chair in the case of extended absence, vacancy,
 36 or other similar disability of the chair until such time as the Governor may

1 designate a permanent chair of the board.

2 (3) Each member shall serve a seven-year term, except that the
3 terms shall be staggered by the Governor so that the term of one (1) member
4 expires each year.

5 (4)(A) A member ~~must~~ shall have at least a bachelor's degree
6 from an accredited college or university, ~~and the member should have~~ and no
7 less than five (5) years' professional experience in one (1) or more of the
8 following fields:

- 9 (i) Parole supervision;
- 10 (ii) Probation supervision;
- 11 (iii) Corrections;
- 12 (iv) Criminal justice;
- 13 (v) Law;
- 14 (vi) Law enforcement;
- 15 (vii) Psychology;
- 16 (viii) Psychiatry;
- 17 (ix) Sociology;
- 18 (x) Social work; or
- 19 (xi) Other related field.

20 (B) If the member does not have at least a bachelor's
21 degree from an accredited college or university, he or she ~~must~~ shall have no
22 less than seven (7) years' experience in a field listed in subdivision
23 (a)(4)(A) of this section.

24 (5)(A) A member appointed after July 1, 2011, whether or not he
25 or she has served on the board previously, shall complete a comprehensive
26 training course developed in compliance with guidelines from the National
27 Institute of Corrections, the Association of Paroling Authorities
28 International, Inc., or the American Probation and Parole Association.

29 (B) All members shall complete annual training developed
30 in compliance with guidelines from the National Institute of Corrections, the
31 Association of Paroling Authorities International, Inc., or the American
32 Probation and Parole Association.

33 (C) Training components under this subdivision (a)(5)
34 shall include an emphasis on the following subjects:

- 35 (i) Data-driven decision making;
- 36 (ii)(a) Evidence-based practice.

1 (b) As used in this section, “evidence-based
2 practice” means practices proven through research to reduce recidivism;

3 (iii) Stakeholder collaboration; and

4 (iv) Recidivism reduction.

5 (b) If any vacancy occurs on the board prior to the expiration of a
6 term, the Governor shall fill the vacancy for the remainder of the unexpired
7 term, subject to confirmation by the Senate at its next regular session.

8 (c) The members of the board may receive expense reimbursement and
9 stipends in accordance with § 25-16-901 et seq.

10 (d)(1) Four (4) members of the board shall constitute a quorum for the
11 purpose of holding an official meeting.

12 (2) However, the affirmative vote of at least five (5) of the
13 members of the board is required for any action by the board.

14 (e)(1) A member of the board may be removed by the Governor after the
15 Governor has received notification from the chair that the member:

16 (A) Has been derelict in his or her duties as a member of
17 the board; or

18 (B) No longer meets the eligibility requirements to serve
19 as a member of the board.

20 (2) The member of the board who has been reported to the
21 Governor under subdivision (e)(1) of this section shall receive written
22 notice of the notification by the chair to the Governor and the member of the
23 board shall be allowed an opportunity to respond within seven (7) days.

24
25 SECTION 19. Arkansas Code § 16-93-202, concerning records and reports
26 of the Parole Board, is amended to add an additional subsection to read as
27 follows:

28 (e)(1)(A) Upon written request, a member of the General Assembly or an
29 employee of the House of Representatives, Senate, or the Bureau of
30 Legislative Research acting on the member’s behalf may view all
31 classification, disciplinary, demographic, and parole hearing records of a
32 current or former inmate or parolee who is currently or was formerly granted
33 parole by the board.

34 (B) A request made on behalf of a member of the General
35 Assembly shall be made in good faith.

36 (2) A view of records under subdivision (e)(1) of this section

1 by an employee may be performed only if the employee is assigned to one (1)
 2 or more of the following committees:

- 3 (A) Senate Committee on Judiciary;
- 4 (B) House Committee on Judiciary; or
- 5 (C) Charitable, Penal and Correctional Institutions
 6 Subcommittee of the Legislative Council.

7 (3) The board shall ensure that the employee authorized under
 8 subdivision (e)(2) of this section to view records is provided access to the
 9 records.

10 (4) A record requested to be viewed under subdivision (e)(1) of
 11 this section is privileged and confidential and shall not be shown to any
 12 person not authorized to have access to the record under this section and
 13 shall not be used for any political purpose, including without limitation
 14 political advertising, fundraising, or campaigning.

15
 16 SECTION 20. Arkansas Code § 16-93-612(e), concerning parole
 17 eligibility procedures for offenses that occurred after January 1, 1994, is
 18 amended to read as follows:

19 (e) For an offender serving a sentence for a felony committed on or
 20 after January 1, 1994, § 16-93-614 governs that person’s parole eligibility,
 21 unless otherwise noted and except:

22 (1) If the felony is murder in the first degree, § 5-10-102,
 23 kidnapping, if a Class Y felony, § 5-11-102(b)(1), aggravated robbery, § 5-
 24 12-103, rape, § 5-14-103, or causing a catastrophe, § 5-38-202(a), and the
 25 offense occurred after July 28, 1995, § 16-93-618 governs that person’s
 26 parole eligibility; ~~or~~

27 (2) If the felony is manufacturing methamphetamine, § 5-64-
 28 423(a) or the former § 5-64-401, or possession of drug paraphernalia with the
 29 intent to manufacture methamphetamine, the former § 5-64-403(c)(5), and the
 30 offense occurred after April 9, 1999, § 16-93-618 governs that person’s
 31 parole eligibility; or

32 (3) If the felony is battery in the second degree, § 5-13-202,
 33 aggravated assault, § 5-13-204, terroristic threatening, § 5-13-301, domestic
 34 battering in the second degree, § 5-26-304, or residential burglary, § 5-39-
 35 201, and the offense occurred on or after the effective date of this act, §
 36 16-93-619 governs that person’s parole eligibility.

1
2 SECTION 21. Arkansas Code § 16-93-615(a)(5), concerning inmate
3 interviews by the Parole Board, is amended to read as follows:

4 (5) Inmate interviews and related deliberations may be closed to
5 the public.

6
7 SECTION 22. Arkansas Code Title 16, Chapter 93, Subchapter 6, is
8 amended to add a new section to read as follows:

9 16-93-619. Parole eligibility procedures – Certain offenses committed
10 on or after the effective date of this act.

11 (a) An inmate sentenced for one (1) of the following felonies on or
12 after the effective date of this act is eligible for discretionary transfer
13 to the Department of Community Correction by the Parole Board after having
14 served one-third (1/3) or one-half (1/2) of his or her sentence, with credit
15 for meritorious good time, depending on the seriousness determination made by
16 the Arkansas Sentencing Commission, or one-half (1/2) of the time to which
17 his or her sentence is commuted:

- 18 (1) Battery in the second degree, § 5-13-202;
- 19 (2) Aggravated assault, § 5-13-204;
- 20 (3) Terroristic threatening, § 5-13-301;
- 21 (4) Domestic battering in the second degree, § 5-26-304; or
- 22 (5) Residential burglary, § 5-39-201.

23 (b) The transfer of an inmate convicted of an offense listed in this
24 section is not automatic.

25 (c) All other provisions governing the procedures regarding the
26 granting and administration of parole for persons convicted of an offense
27 listed under subsection (a) of this section shall be governed by §§ 16-93-615
28 – 16-93-617.

29
30 SECTION 23. Arkansas Code § 16-93-711(b)(1)(A), concerning the
31 requirement for electronic monitoring on parole, is amended to read as
32 follows:

33 (b)(1)(A) Subject to the provisions of subdivision (b)(2) of this
34 section, an inmate serving a sentence in the Department of Correction may be
35 released from incarceration if the:

- 36 (i) Sentence was not the result of a jury or bench

1 verdict;

2 (ii) Inmate has served one hundred twenty (120) days
3 of his or her sentence;

4 (iii) Inmate has an approved parole plan;

5 (iv) Inmate does not have a prior felony conviction
6 for a sex offense or for a felony offense that involved the use or threat of
7 violence or bodily harm;

8 ~~(iv)(v)~~ Inmate was sentenced from a cell in the
9 sentencing guidelines ~~that does not include incarceration in the presumptive~~
10 ~~range with:~~

11 (a) An incarceration range of thirty-six (36)
12 months or less; or

13 (b) A presumptive sentence of probation;

14 ~~(v)(vi)~~ Conviction is for a Class C or Class D
15 felony;

16 ~~(vi)(vii)~~ Conviction is not for a crime of violence,
17 regardless of felony level;

18 ~~(vii)(viii)~~ Conviction is not a sex offense,
19 including failure to register as a sex offender under § 12-12-906, regardless
20 of felony level;

21 ~~(viii)(ix)~~ Conviction is not for manufacturing
22 methamphetamine, § 5-64-423(a) or the former § 5-64-401;

23 ~~(ix)(x)~~ Conviction is not for possession of drug
24 paraphernalia with the purpose to manufacture methamphetamine, § 5-64-443, if
25 the conviction is a Class C felony or higher;

26 ~~(x)(xi)~~ Conviction is not for a crime involving the
27 use or threat of violence or bodily harm;

28 ~~(xi)(xii)~~ Conviction is not for a crime that
29 resulted in a death; and

30 ~~(xii)(xiii)~~ Inmate has not previously failed a drug
31 court program.

32
33 SECTION 24. Arkansas Code § 16-93-712(d)(2), concerning the authority
34 to sanction a parolee administratively by the Department of Community
35 Correction, is amended to read as follows:

36 (2)(A)(i) The department shall develop an intermediate sanctions

1 procedure and grid to guide a parole officer in determining the appropriate
2 response to a violation of conditions of supervision.

3 (ii) The intermediate sanctions procedure shall
4 include a requirement that the parole officer consider multiple factors when
5 determining the sanction to be imposed, including previous violations and
6 sanctions and the severity of the current and prior violation.

7 (B) Intermediate sanctions administered by the department
8 are required to conform to the sanctioning grid.

9
10 SECTION 25. Arkansas Code Title 16, Chapter 93, Subchapter 7, is
11 amended to add an additional section to read as follows:

12 16-93-713. Denial of parole – Detriment to the community.

13 The Parole Board may deny parole to any otherwise eligible person,
14 regardless of the sentence that he or she is serving, if five (5) members of
15 the board determine that the person upon release would be a detriment to the
16 community into which the person would be released.

17
18 SECTION 26. Arkansas Code § 16-93-1701(1), concerning the establishment
19 of the Swift and Certain Accountability on Probation Pilot Program, is
20 amended to read as follows:

21 (1) Create the Swift and Certain Accountability on Probation
22 Pilot Program, awarding up to ~~five (5)~~ ten (10) grants ~~in the program's first~~
23 ~~year~~ to counties or judicial districts requesting funds to establish
24 probation programs to be administered by the Department of Community
25 Correction designed to reduce recidivism by requiring swift, certain, and
26 graduated sanctions for probationers in noncompliance;

27
28 SECTION 27. Arkansas Code § 16-98-301(b)(1), concerning the definition
29 of "evidence-based practices" under the Arkansas Drug Court Act, is amended
30 to read as follows:

31 (1) "Evidence-based practices" means supervision, policies,
32 procedures, and practices proven through research to reduce recidivism;

33
34 SECTION 28. Arkansas Code § 16-98-303(a), concerning the structure,
35 method, and operation of a drug court, is amended to read as follows:

36 (a)(1) Each judicial district of this state is authorized to establish

1 a drug court program under this subchapter.

2 (2) A drug court established under this subchapter shall be
3 approved under § 16-10-139.

4 ~~(2)(A) The structure, method, and operation of each drug court~~
5 ~~program may differ and should be based upon the specific needs of and~~
6 ~~resources available to the judicial district where the drug court program is~~
7 ~~located.~~

8 ~~(B)(i)(3)(A)~~ A drug court program may be preadjudication or
9 postadjudication for an adult offender.

10 ~~(ii)(B)~~ A juvenile drug court program or services may be
11 used in a delinquency case or a family in need of services case pursuant to a
12 diversion agreement under § 9-27-323.

13 ~~(iii)(C)~~ A juvenile drug court program or services may be
14 used in a dependency-neglect case under § 9-27-334.

15 ~~(3)(4)~~ Notwithstanding the authorization described in
16 subdivision (a)(1) of this section, ~~no~~ a judge of a circuit court, drug
17 court, or juvenile court may not order any services or treatment under
18 subsection (b) of this section or § 16-98-305 unless:

19 (A) An administrative and programmatic appropriation has
20 been made for those purposes;

21 (B) Administrative and programmatic funding is available
22 for those purposes; and

23 (C) Administrative and programmatic positions have been
24 authorized for those purposes.

25 (5)(A) As determined by the Department of Community Correction,
26 a drug court program established under this section shall target high-risk
27 offenders and medium-risk offenders.

28
29 SECTION 29. Arkansas Code § 16-98-303(b)(2), concerning the duties of
30 the Department of Community Correction under the Arkansas Drug Court Act, is
31 amended to read as follows:

32 (2) Subject to an appropriation, funding, and position
33 authorization, both programmatic and administrative, the Department of
34 Community Correction shall:

35 (A) Establish standards regarding the classification of a
36 person as a high-risk offenders or medium-risk offenders;

1 ~~(A)~~(B) Provide positions for persons to serve as probation
2 officers, drug counselors, and administrative assistants;

3 ~~(B)~~(C) Provide for drug testing for drug court program
4 participants;

5 ~~(C)~~(D) Provide for intensive outpatient treatment for drug
6 court program participants;

7 ~~(D)~~(E) Provide for intensive short-term and long-term
8 residential treatment for drug court program participants; and

9 ~~(E)~~(F) Develop clinical assessment capacity, including
10 drug testing, to identify participants with a substance addiction and develop
11 a treatment protocol that improves the person's likelihood of success.
12

13 SECTION 30. Arkansas Code § 16-98-303(b)(4)(B), concerning the
14 responsibilities of the Administrative Office of the Courts pertaining to
15 drug courts, is amended to read as follows:

16 (B) Administer funds for the maintenance and operation of
17 local approved drug court programs;
18

19 SECTION 31. Arkansas Code § 16-98-303(f)(6), concerning the duties of
20 the Drug Court Coordinator, is amended to read as follows:

21 (6) Oversee the disbursement of funds appropriated to the
22 Administrative Office of the Courts for the maintenance and operation of
23 local approved drug court programs based on a formula developed by the
24 Administrative Office of the Courts and reviewed by the Drug Court Advisory
25 Committee; and
26

27 SECTION 32. The lead-in language to Arkansas Code § 16-98-305,
28 concerning the required resources of a drug court program, is amended to read
29 as follows:

30 Each approved drug court program established under this subchapter,
31 subject to an appropriation, funding, and position authorization, both
32 programmatic and administrative, shall be provided with the following
33 resources:
34

35 SECTION 33. Arkansas Code § 16-98-305(1)(E)(iii), concerning
36 expenditures of funds for treatment services allocated to each drug court

1 program, is amended to read as follows:

2 (iii) Expenditures of funds for treatment services
3 allocated to each approved drug court program under the formula described in
4 subdivision (1)(E)(i) of this section shall be at the direction of a drug
5 court judge, except as limited by the procedures adopted in the memorandum of
6 understanding described in subdivision (1)(E)(ii) of this section;

7
8 SECTION 34. Arkansas Code § 16-98-305(3), concerning the duties of the
9 Administrative Office of the Courts under the Drug Court Act, is amended to
10 read as follows:

11 (3) The Administrative Office of the Courts shall:

12 (A) Provide funding to be reviewed by the Drug Court
13 Advisory Committee for additional ongoing maintenance and operation costs of
14 a local approved drug court programs program not provided by the Department
15 of Community Correction or the Department of Human Services, including local
16 drug court program supplies, education, travel, and related expenses;

17 (B) Provide direct support to the drug court judge and
18 drug court program;

19 (C) Provide coordination between the multidisciplinary
20 team and the drug court judge;

21 (D) Provide case management;

22 (E) Monitor compliance of drug court participants with
23 drug court program requirements; and

24 (F) ~~Provide drug court program evaluation and~~
25 accountability Certify and recertify drug court applications that meet
26 standards established in accordance with this subchapter.

27
28 SECTION 35. Arkansas Code § 16-98-306 is amended to read as follows:
29 16-98-306. Collection of data.

30 (a)(1) A approved drug court program shall collect and provide monthly
31 data on drug court applicants and all participants as required by the
32 Division of Drug Court Programs within the Administrative Office of the
33 Courts in accordance with the rules promulgated under § 16-98-307.

34 (2) The data shall include:

35 (A) The total number of applicants;

36 (B) The total number of participants;

- 1 (C) The total number of successful applicants;
- 2 (D) The total number of successful participants;
- 3 (E) The total number of unsuccessful participants and the
 4 reason why each unsuccessful participant did not complete the program;
- 5 (F) Information about what happened to each unsuccessful
 6 participant;
- 7 (G) The total number of participants who were arrested for
 8 a new criminal offense while in the drug court program;
- 9 (H) The total number of participants who were convicted of
 10 a new criminal offense while in the drug court program;
- 11 (I) The total number of participants who committed a
 12 violation of one (1) or more conditions of the drug court program and the
 13 resulting sanction;
- 14 (J) The results of the initial risk-needs assessment
 15 ~~review for each participant~~ or other appropriate clinical assessment
 16 conducted on each participant; and
- 17 (K) The total amount of time each program participant was
 18 in the program; and
- 19 ~~(K)~~(L) Any other data or information as required by the
 20 Division of Drug Court Programs within the Administrative Office of the
 21 Courts in accordance with the rules promulgated under § 16-98-307.
- 22 (b) The data collected for evaluation purposes under subsection (a) of
 23 this section shall:
- 24 (1) Include a minimum standard data set developed and specified
 25 by the Division of Drug Court Programs; and
- 26 (2) Be maintained in the court files or be otherwise accessible
 27 by the courts and the Division of Drug Court Programs.
- 28 (c)(1) As directed by the Division of Drug Court Programs, after an
 29 individual is discharged either upon completion or termination of a drug
 30 court program, the drug court program shall conduct, as much as practical,
 31 follow-up contacts with and reviews of former drug court participants for key
 32 outcome indicators of drug use, recidivism, and employment.
- 33 (2)(A) The follow-up contacts with and reviews of former drug
 34 court participants shall be conducted as frequently and for a period of time
 35 as determined by the Division of Drug Court Programs based upon the nature of
 36 the drug court program and the nature of the participants.

1 (B) The follow-up contacts with and reviews of former drug
 2 court participants are not extensions of the drug court’s jurisdiction over
 3 the drug court participants.

4 (d) For purposes of standardized measurement of success of drug court
 5 programs across the state, the Division of Drug Court Programs in
 6 consultation with other state agencies and subject to the review of the Drug
 7 Court Advisory Committee shall adopt an operational definition of terms such
 8 as “recidivism”, “retention”, “relapses”, “restarts”, “sanctions imposed”,
 9 and “incentives given” to be used in any evaluation and report of drug court
 10 programs.

11 (e) Each drug court program shall provide to the Division of Drug
 12 Court Programs all information requested by the Division of Drug Court
 13 Programs.

14 (f) The Division of Drug Court Programs, the Department of Community
 15 Correction, the ~~Office of Alcohol and Drug Abuse Prevention~~ Division of
 16 Behavioral Health Services, and the Arkansas Crime Information Center shall
 17 work together to share and make available data to provide a comprehensive
 18 data management system for the state’s drug court programs.

19 (g)(1) The Administrative Office of the Courts shall:

20 (A) ~~Develop a statewide evaluation model to be reviewed by~~
 21 ~~the Drug Court Advisory Committee~~ Collect monthly data reports submitted by
 22 approved drug courts and provide those reports to the Drug Court Advisory
 23 Committee; and

24 (B) ~~Conduct ongoing evaluations of the effectiveness and~~
 25 ~~efficiency of all drug court programs~~ Submit a report by July 1 of each year
 26 summarizing the data collected and outcomes achieved by all approved drug
 27 courts; and

28 (C) Contract with a third-party evaluator every three (3)
 29 years to conduct an evaluation on the effectiveness of the drug court program
 30 in complying with the key components of § 16-98-302(b).

31 (2) A report of the evaluations of the Administrative Office of
 32 the Courts shall be submitted to the General Assembly by July 1 of each year.

33
 34 SECTION 36. Arkansas Code § 16-98-307(i), concerning the Drug Court
 35 Advisory Committee, is amended to read as follows:

36 (i)(1) The committee is established to promote collaboration and

1 provide recommendations on issues involving drug courts.

2 (2) The committee may provide advice and review on at least the
3 following:

4 (A) Provisions to identify data to be collected for
5 evaluation; and

6 (B) Provisions to ensure uniform data collection.

7 (3) The committee shall review the monthly reports submitted to
8 the Administrative Office of the Courts by each approved drug court and
9 provide recommendations, as necessary, to the Chief Justice of the Supreme
10 Court and the Director of the Administrative Office of the Courts.

11
12 SECTION 37. Arkansas Code § 19-5-1139 is amended to read as follows:
13 19-5-1139. Best Practices Fund.

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

17 (b) The Best Practices Fund may consist of:

18 (1) the The proceeds from the payment of parole or probation
19 supervision fees under § 16-93-104(a); and

20 (2) Specialty court program user fees under § 16-10-701.

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

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

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

4
5 SECTION 38. Arkansas Code Title 19, Chapter 5, Subchapter 11, is
6 amended to add an additional section to read as follows:

7 19-5-1142. Social Innovation Fund.

8 (a) There is created on the books of the Treasurer of State, the
9 Auditor of State, and the Chief Fiscal Officer of the State a trust fund to
10 be known as the "Social Innovation Fund".

11 (b) The fund shall consist of:

12 (1) Any loans, investments, or other amounts received by the
13 Department of Community Correction under the Pay-for-Success Act, § 12-27-201
14 et seq.;

15 (2) Grants made by any person or federal government agency; and

16 (3) Any other funds authorized or provided by law.

17 (c) The fund shall be used by the department to make any payments
18 required under the Pay-for-Success Act, § 12-27-201 et seq.

19
20 SECTION 39. Arkansas Code § 27-16-801, concerning the issuance of a
21 driver's license, is amended to add an additional subsection to read as
22 follows:

23 (i)(1) As used in this subsection:

24 (A) "Eligible inmate" means a person who is within one
25 hundred twenty (120) days of release from custody by the Department of
26 Correction or the Department of Community Correction; and

27 (B) "Qualified applicant" means:

28 (i) A person who has previously been issued an
29 Arkansas identification card; and

30 (ii) A person who has previously been issued an
31 Arkansas driver's license.

32 (2) The office shall issue a driver's license or personal
33 identification card for qualified applicants who are to be released from the
34 custody of the Department of Correction or the Department of Community
35 Correction.

36 (3) The Department of Correction and the Department of Community

1 Correction shall identify eligible inmates to apply for a replacement or
2 renewal driver's license or identification card.

3 (4) Any fees for a replacement personal identification card
4 under § 27-16-805 shall be waived for an eligible inmate.

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