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2 90th General Assembly
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4

As Engrossed: S2/26/15
A Bill

SENATE BILL 472

5 By: Senators J. Hutchinson, *Bledsoe, E. Cheatham, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Files,*
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9

10 **For An Act To Be Entitled**

11 AN ACT TO BE KNOWN AS THE CRIMINAL JUSTICE REFORM ACT
12 OF 2015; TO IMPLEMENT MEASURES DESIGNED TO ENHANCE
13 PUBLIC SAFETY AND REDUCE THE PRISON POPULATION; AND
14 FOR OTHER PURPOSES.
15
16

17 **Subtitle**

18 TO BE KNOWN AS THE CRIMINAL JUSTICE
19 REFORM ACT OF 2015; AND TO IMPLEMENT
20 MEASURES DESIGNED TO ENHANCE PUBLIC
21 SAFETY AND REDUCE THE PRISON POPULATION.
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. DO NOT CODIFY. Legislative intent.

27 It is the intent of the General Assembly to implement wide-ranging
28 reforms to the criminal justice system in order to address prison
29 overcrowding, promote seamless reentry into society, reduce medical costs
30 incurred by the state and local governments, aid law enforcement agencies in
31 fighting crime and keeping the peace, and to enhance public safety.
32

33 SECTION 2. DO NOT CODIFY. Temporary legislation.

34 (a) The Department of Correction shall coordinate and, if
35 advantageous, contract with counties, the federal government, governmental
36 agencies of Arkansas and other states, counties, regional correctional



1 facilities, political subdivisions of Arkansas, political subdivisions of
2 other states, and private contractors to address the matter of this state's
3 current prison overcrowding problem, as permitted by § 12-27-103(b)(14), in
4 order to provide and improve correctional operations.

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

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

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

14 (2) As used in this subsection, "felony involving violence"
15 means:

16 (A) Any of the following felonies:

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

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

19 (iii) Kidnapping, § 5-11-102;

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

21 (v) Rape, § 5-14-103;

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

23 (vii) Terroristic act, § 5-13-310;

24 (viii) Sexual assault in the first degree, § 5-14-
25 124;

26 (ix) Sexual assault in the second degree, § 5-14-
27 125;

28 (x) Domestic battering in the first degree, § 5-26-
29 303;

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

31 ~~(xi)~~(xii) Aggravated residential burglary, § 5-39-
32 204;

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

35 ~~(xiii)~~(xiv) Criminal use of prohibited weapons, § 5-
36 73-104, involving an activity making it a Class B felony; or

1 ~~(xiv)~~(xv) A felony attempt, solicitation, or
2 conspiracy to commit:

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

11 5-26-303; ~~or~~

12 (i) Residential burglary, § 5-39-201; or

13 ~~(i)~~(j) Aggravated residential burglary, § 5-
14 39-204; or

15 (B) A conviction of a comparable felony involving violence
16 from another jurisdiction.

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

20
21 Subchapter 28 – Legislative Criminal Justice Oversight Task Force

22
23 10-3-2801. Legislative Criminal Justice Oversight Task Force.

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

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

29 (b) The task force shall be composed of no more than *nineteen (19)*
30 members, as follows:

31 (1) No more than *eleven (11)* members may be appointed by the
32 Governor from the following persons:

33 (A) *One (1) or two (2) members who are circuit court*
34 *judges and who operate a specialty court program as defined under § 16-10-*
35 *139(a);*

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

6 (F) No more than (2) members who are Medicaid providers;
7 and

8 (G) No more than three (3) at-large members in order to
9 reflect the racial, ethnic, gender, and geographical diversity of the state;

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

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

14 (4) One (1) member who is the Chair of the Senate Judiciary
15 Committee;

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

18 (6) The Chair of the Board of Corrections, or his or her
19 designee;

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

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

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

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

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

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

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

33 (1) To track the implementation of and evaluate compliance with
34 this act;

35 (2) To review performance and outcome measure reports submitted
36 semiannually by the Department of Correction, Department of Community

1 Correction, Parole Board, Arkansas Sentencing Commission, and Specialty Court
2 Program Advisory Committee under this act and evaluate the impact; and

3 (3)(A) To prepare and submit an annual report of the performance
4 and outcome measures that are part of this act to the Legislative Council,
5 the Governor, and the Chief Justice of the Supreme Court.

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

9
10 *SECTION 5. Arkansas Code Title 10, Chapter 3, is amended to add an*
11 *additional subchapter to read as follows:*

12
13 Subchapter 29 – Specialty Court Program Advisory Committee

14
15 10-3-2901. Specialty Court Program Advisory Committee.

16 (a) There is created a Specialty Court Program Advisory Committee.

17 (b) The Specialty Court Program Advisory Committee shall consist of
18 the following members:

19 (1) The Chief Justice of the Supreme Court or the Chief
20 Justice’s designee who shall serve as chair;

21 (2) The Director of the Administrative Office of the Courts or
22 the director’s designee;

23 (3) Three (3) circuit court judges who preside over a specialty
24 court program as defined under § 16-10-139(a) to be appointed by the Arkansas
25 Judicial Council;

26 (4) One (1) district court judge who presides over a specialty
27 court program as defined under § 16-10-139(a) to be appointed by the Arkansas
28 District Judges Council;

29 (5) The Director of the Department of Community Correction or
30 the director’s designee;

31 (6) The Director of the Department of Human Services or the
32 director’s designee;

33 (7) The Director of the Division of Behavioral Health Services
34 or the director’s designee;

35 (8) A prosecutor appointed by the Prosecutor Coordinator;

36 (9) A public defender appointed by the Executive Director of the

1 Arkansas Public Defender Commission;

2 (10) A member of the Senate appointed by the President Pro
3 Tempore of the Senate;

4 (11) A member of the House of Representatives appointed by the
5 Speaker of the House of Representatives; and

6 (12) The Arkansas Drug Director or the director's designee.

7 (c) The chair or the chair's designee shall promptly call the first
8 meeting within thirty (30) days after the effective date of this act.

9 (d)(1) The Specialty Court Program Advisory Committee shall conduct
10 its meetings at the State Capitol Building or at any place designated by the
11 chair or the chair's designee.

12 (2) Meetings shall be held at least one (1) time every three (3)
13 months but may occur more often at the call of the chair.

14 (e) If any vacancy occurs on the Specialty Court Program Advisory
15 Committee, the vacancy shall be filled by the same process as the original
16 appointment.

17 (f) The Specialty Court Program Advisory Committee shall establish
18 rules and procedures for conducting its business.

19 (g) Members of the Specialty Court Program Advisory Committee shall
20 serve without compensation.

21 (h) A majority of the members of the Specialty Court Program Advisory
22 Committee shall constitute a quorum for transacting any business of the
23 Specialty Court Program Advisory Committee.

24 (i) The Specialty Court Program Advisory Committee is established to:

25 (1) Promote collaboration and provide recommendations on issues
26 involving specialty courts; and

27 (2) Design and complete the comprehensive evaluation of
28 specialty court programs as required by § 16-10-139.

29
30 SECTION 6. Arkansas Code § 12-27-113(e), concerning records kept by the
31 Department of Correction, is amended to read as follows:

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

36 (2)(A) To protect the integrity of ~~those~~ records described in

1 subdivision (e)(1) of this section and to ensure their proper use, it ~~shall~~
2 be is unlawful to permit inspection of or disclose information contained in
3 ~~those records~~ described in subdivision (e)(1) of this section or to copy or
4 issue a copy of all or part of ~~any record~~ a record described in subdivision
5 (e)(1) of this section except as authorized by ~~administrative regulation~~
6 rule, or by order of a court of competent jurisdiction.

7 (B) ~~The regulations~~ A rule under subdivision (e)(2)(A) of
8 this section shall provide for adequate standards of security and
9 confidentiality of ~~those records~~ described in subdivision (e)(1) of this
10 section.

11 (3) For those inmates committed to the Department of Correction
12 and judicially transferred to the Department of Community Correction, the
13 preparation of ~~this record~~ a record described in subdivision (e)(1) of this
14 section may be delegated to the Department of Community Correction pursuant
15 to policies applicable to records transmission adopted by the Board of
16 Corrections.

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

21 (5)(A)(i) Upon written request, an employee of the Bureau of
22 Legislative Research acting on behalf of a member of the General Assembly may
23 view all records described in subdivision (e)(1) of this section of a current
24 or former inmate.

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

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

30 (i) Senate Committee on Judiciary;

31 (ii) House Committee on Judiciary; or

32 (iii) Charitable, Penal and Correctional
33 Institutions Subcommittee of the Legislative Council.

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

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

6
7 SECTION 7. Arkansas Code Title 12, Chapter 27, is amended to add a new
8 section to read as follows:

9 12-27-144. Department of Community Correction – Receipt of grant
10 money for certain purposes.

11 (a) The Department of Community Correction may receive money from any
12 source to be deposited into the Accountability Court Fund to be used for
13 specialty court programs as defined under § 16-10-139.

14 (b) The department may promulgate rules to implement this section.

15
16 SECTION 8. Arkansas Code Title 12, Chapter 27, is amended to add an
17 additional subchapter to read as follows:

18 Subchapter 2 – Pay-for-Success Act

19
20 12-27-201. Title.

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

22
23 12-27-202. Legislative findings and intent.

24 (a) The General Assembly finds that:

25 (1) Incarceration and reincarceration are costly for the
26 government and for taxpayers;

27 (2) Certain intervention measures have been found to reduce
28 reincarceration rates;

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

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

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

5
6 12-27-203. Definitions.

7 As used in this subchapter:

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

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

16
17 12-27-204. Pay-for-success programs.

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

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

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

31 (2) Make a written determination that the agreement will result
32 in specific performance improvements and budgetary savings if the performance
33 targets are achieved.

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

35 (1) Shall include the following:

36 (A) A requirement that payment be conditioned on the

1 achievement of specific outcomes based on defined performance targets; and

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

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

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

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

11 (B) One (1) or more guarantees for loans obtained under
 12 this section;

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

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

17 (i) Making necessary financial arrangements;

18 (ii) Training staff;

19 (iii) Selecting service providers;

20 (iv) Overseeing the intervention measures;

21 (v) Monitoring pay-for-success program

22 participation; and

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

25
 26 SECTION 9. Arkansas Code § 12-29-112 is amended to read as follows:

27 12-29-112. Discharge or release.

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

31 ~~(b) Upon release of any inmate from any unit or center of the~~
 32 ~~Department of Correction, the department shall provide transportation for the~~
 33 ~~inmate to the closest commercial transportation pick-up point.~~

34 (a) At least one hundred twenty (120) days before an inmate's
 35 anticipated release date, the Department of Correction, in collaboration with
 36 the inmate and the Department of Community Correction and the Parole Board,

1 shall complete a prerelease assessment and reentry plan, which may include a
2 travel subsidy and transportation to the closest commercial transportation
3 pick-up point.

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

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

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

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

12
13 SECTION 10. Arkansas Code § 12-29-401(e), concerning the application
14 for Medicaid benefits on behalf of an inmate in the Department of Correction
15 or person in the custody of the Department of Community Correction, is
16 amended to add an additional subdivision to read as follows:

17 (5) The Department of Human Services shall allow online
18 applications for Medicaid coverage and benefits to be submitted up to forty-
19 five (45) days before the release of:

20 (A) An inmate or offender not previously qualified or
21 previously qualified and subsequently suspended; or

22 (B) A juvenile adjudicated as delinquent not previously
23 qualified or previously qualified and subsequently suspended.

24
25 SECTION 11. Arkansas Code Title 12, Chapter 29, Subchapter 4, is
26 amended to add an additional section to read as follows:

27 12-29-407. Medicaid suspension.

28 (a) When an individual who is enrolled in a Medicaid program or the
29 Health Care Independence Program is incarcerated to the custody of the
30 Department of Correction, the Department of Community Correction, or detained
31 in a county jail, city jail, juvenile detention facility, or other Division
32 of Youth Services commitment, the Department of Human Services shall suspend,
33 to the degree feasible, the individual's coverage during the period of
34 incarceration for up to twelve (12) months from the initial approval or
35 renewal, unless prohibited by law.

36 (b) When an individual with suspended Medicaid eligibility receives

1 eligible medical treatment or is released from custody, the Department of
2 Human Services shall reinstate, to the degree feasible, the individual's
3 coverage for up to twelve (12) months from the initial approval or renewal,
4 unless prohibited by law.

5 (c) The Department of Human Services shall ensure that the suspension
6 and reinstatement process is automated and that protocols are developed to
7 maximize Medicaid reimbursement for allowable medical services and essential
8 health benefits.

9
10 SECTION 12. Arkansas Code § 12-41-106, concerning the Medicaid
11 eligibility of an inmate in a local correctional facility, is amended to add
12 an additional subsection to read as follows:

13 (e) The Department of Human Services shall allow and online
14 application for Medicaid coverage and benefits to be submitted up to forty-
15 five (45) days prior to the release of an inmate or offender who is in the
16 custody of the Department of Corrections or Department of Community
17 Corrections and who was not previously qualified or previously qualified and
18 subsequently suspended.

19
20 SECTION 13. Arkansas Code Title 16, Chapter 10, Subchapter 1, is
21 amended to add an additional section to read as follows:

22 16-10-139. Specialty court program evaluation and approval.

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

25 (1) A pre-adjudication program under § 5-4-901;

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

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

29 (4) Any other specialty court program that has been approved by
30 the Supreme Court, including without limitation specialty court programs
31 known as:

32 (A) A DWI court;

33 (B) A mental health court;

34 (C) A veteran's court;

35 (D) A juvenile drug court;

36 (E) A "HOPE" court; and

1 (F) A "smarter sentencing" court.

2 (b) A specialty court program operated by a circuit court or district
3 court must be approved by the Supreme Court in the administrative plan
4 submitted under Supreme Court Administrative Order No. 14.

5 (c)(1) The Specialty Courts Advisory Committee shall evaluate and make
6 findings with respect to all specialty court programs operated by a circuit
7 court or district court in this state and refer the findings to the Supreme
8 Court.

9 (2) An evaluation under this section shall reflect nationally
10 recognized and peer-reviewed standards for each particular type of specialty
11 court program.

12 (3) The Specialty Court Program Advisory Committee shall also:

13 (A) Establish, implement, and operate a uniform specialty
14 court program evaluation process to ensure specialty court program resources
15 are uniformly directed to high-risk and medium-risk offenders and that
16 specialty court programs provide effective and proven practices that reduce
17 recidivism, as well as other factors such as substance dependency, among
18 participants;

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

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

24 (d) A specialty court program shall be evaluated under the following
25 schedule:

26 (1) A specialty court program established on or after the
27 effective date of this act shall be evaluated after its second year of funded
28 operation;

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

32 (3) A specialty court program shall be reevaluated every two (2)
33 years after the initial evaluation.

34

35 SECTION 14. Arkansas Code § 16-10-305(a)(6), concerning court costs for
36 possessing less than four ounces (4 oz.) of a Schedule VI controlled

1 substance, is repealed.

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

5 ~~(B) One hundred fifty dollars (\$150) of the court costs~~
 6 ~~collected under subdivision (a)(6) of this section shall be remitted to the~~
 7 ~~Treasurer of State by the court clerk for deposit into the Drug Abuse~~
 8 ~~Prevention and Treatment Fund for the Division of Behavioral Health Services~~
 9 ~~to be used exclusively for drug courts or other substance abuse and~~
 10 ~~prevention activities; and~~

11

12 SECTION 15. Arkansas Code Title 16, Chapter 10, Subchapter 7, is
 13 amended to add an additional section to read as follows:

14 16-10-701. Additional fees for specialty court programs.

15 (a) As used in this section:

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

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

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

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

24 (2) "Specialty court program" means:

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

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

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

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

33 (i) A DWI court;

34 (ii) A mental health court;

35 (iii) A veteran's court;

36 (iv) A juvenile drug court;

1 (v) A "HOPE" court; and

2 (vi) A "smarter sentencing" court.

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

4 (1) A specialty court program user fee of one hundred twenty-
5 five dollars (\$125) shall be assessed on any participant in a specialty court
6 program and remitted to the Administration of Justice Funds Section of the
7 Department of Finance and Administration by the court clerk for deposit into
8 the State Treasury as special revenues credited to the Specialty Court
9 Program Fund; and

10 (2) A specialty court program public defender user fee not to
11 exceed two hundred fifty dollars (\$250) may be assessed by the court for a
12 defendant who participates in a specialty court program designed for
13 preadjudication purposes and who is appointed representation by a public
14 defender and remitted to the Administration of Justice Funds Section of the
15 Department of Finance and Administration by the court clerk for deposit into
16 the State Treasury as special revenues credited to the Specialty Court
17 Program Fund.

18 (c) A district court or circuit court may not assess and collect a fee
19 under this section if the district court or circuit court is operating a
20 specialty court program that has not been previously approved by or no longer
21 meets the approval criteria of the Supreme Court.

22
23 SECTION 16. Arkansas Code § 16-93-101, concerning definitions, is
24 amended to add an additional subdivision to read as follows:

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

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

28 (B) Exhibited violence or repeated violent tendencies;

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

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

33 (i) Demonstrated a documented lack of respect for
34 authority towards law enforcement or prison officials while in the custody of
35 the Department of Correction, the Department of Community Correction, or a
36 law enforcement agency; or

1 (ii) Accrued multiple disciplinary violations while in the
2 custody of the Department of Correction, the Department of Community
3 Correction, or a law enforcement agency, including at least one (1)
4 disciplinary violation involving violence or sexual assault while in the
5 custody of the Department of Correction, the Department of Community
6 Correction, or a law enforcement agency.

7
8 SECTION 17. Arkansas Code Title 16, Chapter 93, Subchapter 1, is
9 amended to add an additional section to read as follows:

10 16-93-106. Warrantless search by any law enforcement officer for a
11 probationer or parolee.

12 (a)(1) A person who is placed on supervised probation or is released
13 on parole under this chapter is required to agree to a waiver as a condition
14 of his or her supervised probation or parole that allows any certified law
15 enforcement officer or Department of Community Correction officer to conduct
16 a warrantless search of his or her person, place of residence, or motor
17 vehicle at any time, day or night, whenever requested by the certified law
18 enforcement officer or Department of Community Correction officer.

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

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

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

29
30 SECTION 18. Arkansas Code Title 16, Chapter 93, Subchapter 1, is
31 amended to add an additional section to read as follows:

32 16-93-107. Medicaid eligibility of a parolee or a probationer.

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

36 (b) If an inmate nearing release from incarceration, parolee, or

1 probationer receives medical services, including substance abuse and mental
2 health treatment, that meet criteria for Medicaid coverage, the parole
3 officer, probation officer, or Department of Correction official or Department
4 of Community Correction official may apply for Medicaid coverage for the
5 inmate nearing release from incarceration, parolee, or probationer under this
6 section.

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

11 (2) However, the parole officer, probation officer, or
12 Department of Correction official or Department of Community Correction
13 official shall be the authorized representative for purposes of establishing
14 and maintaining Medicaid eligibility under this subsection if:

15 (A) The inmate nearing release from incarceration,
16 parolee, or probationer does not designate an authorized representative
17 within three (3) business days after request; or

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

21 (d) An authorized representative under this section:

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

24 (2) May provide and receive information in connection with
25 establishing and maintaining Medicaid eligibility, including confidential
26 information.

27 (e)(1) The parole officer, probation officer, or Department of
28 Correction official or Department of Community Correction official or the
29 designee of the parole officer, probation officer, or Department of
30 Correction official or Department of Community Correction official may access
31 information necessary to determine if a Medicaid application has been filed
32 on behalf of the inmate nearing release from incarceration, parolee, or
33 probationer.

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

35 (A) Establish Medicaid eligibility;

36 (B) Provide healthcare services; or

1 (C) Pay for healthcare services.

2 (f) As used in this section, "Medicaid eligibility" means eligibility
3 for any healthcare coverage offered by the Department of Human Services.

4
5 SECTION 19. Arkansas Code Title 16, Chapter 93, Subchapter 1, is
6 amended to add additional sections to read as follows:

7 16-93-108. Mental health and substance abuse treatment.

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

12
13 16-93-109. Medicaid reimbursement for essential healthcare services.

14 Unless otherwise prohibited by law, the Department of Human Services
15 shall cooperate with the Department of Correction and the Department of
16 Community Correction to establish protocols for utilizing Medicaid to
17 reimburse the Department of Correction, Department of Community Correction,
18 Division of Behavioral Health Services, Division of Youth Services, a
19 healthcare provider, or a third party for essential healthcare services,
20 including mental health and substance abuse treatment.

21
22 16-93-110. Contracting with Medicaid provider.

23 The Department of Correction and the Department of Community Correction
24 each may contract with a provider in order to facilitate the enrollment of an
25 inmate, a probationer, or a parolee in Medicaid.

26
27 SECTION 20. Arkansas Code § 16-93-201 is amended to read as follows:

28 16-93-201. Creation – Members – Qualifications and training.

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

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

36 (ii)(a) A member of the board who is currently

1 serving as of the effective date of this act shall terminate any other
 2 employment that has not been approved as required by subdivision
 3 (a)(2)(A)(ii)(b) of this section.

4 (b) A member may engage in employment that has
 5 a limited time commitment with approval from the Chair of the Parole Board.

6 (B)(i) The Governor shall appoint one (1) member as the
 7 chair who shall be the chief executive, administrative, budgetary, and fiscal
 8 officer of the board and the chair shall serve at the will of the Governor.

9 (ii) The chair shall have general supervisory duties
 10 over the members and staff of the board but may not remove a member of the
 11 board except as provided under subsection (e) of this section.

12 (iii) The board may review and approve budget and
 13 personnel requests prior to submission for executive and legislative
 14 approval.

15 (C) The board shall elect from its membership a vice chair
 16 and a secretary who shall assume, in that order and with the consent of the
 17 Governor, the duties of the chair in the case of extended absence, vacancy,
 18 or other similar disability of the chair until the Governor designates a new
 19 chair of the board.

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

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

- 27 (i) Parole supervision;
- 28 (ii) Probation supervision;
- 29 (iii) Corrections;
- 30 (iv) Criminal justice;
- 31 (v) Law;
- 32 (vi) Law enforcement;
- 33 (vii) Psychology;
- 34 (viii) Psychiatry;
- 35 (ix) Sociology;
- 36 (x) Social work; or

1 (xi) Other related field.

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

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

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

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

17 (i) Data-driven decision making;

18 (ii)(a) Evidence-based practice.

19 (b) As used in this section, "evidence-based
20 practice" means practices proven through research to reduce recidivism;

21 (iii) Stakeholder collaboration; and

22 (iv) Recidivism reduction.

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

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

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

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

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

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

36 (B) No longer meets the eligibility requirements to serve

1 as a member of the board.

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

6
7 SECTION 21. Arkansas Code § 16-93-202, concerning records and reports
8 of the Parole Board, is amended to add an additional subsection to read as
9 follows:

10 (e)(1)(A) Upon written request, a member of the General Assembly or an
11 employee of the House of Representatives, Senate, or the Bureau of
12 Legislative Research acting on the member's behalf may view all
13 classification, disciplinary, demographic, and parole hearing records of a
14 current or former inmate or parolee who is currently or was formerly granted
15 parole by the board.

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

18 (2) A view of records under subdivision (e)(1) of this section
19 by an employee may be performed only if the employee is assigned to one (1)
20 or more of the following committees:

21 (A) Senate Committee on Judiciary;

22 (B) House Committee on Judiciary; or

23 (C) Charitable, Penal and Correctional Institutions
24 Subcommittee of the Legislative Council.

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

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

33
34 SECTION 22. Arkansas Code § 16-93-612(e), concerning parole
35 eligibility procedures for offenses that occurred after January 1, 1994, is
36 amended to read as follows:

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

4 (1) If the felony is murder in the first degree, § 5-10-102,
5 kidnapping, if a Class Y felony, § 5-11-102(b)(1), aggravated robbery, § 5-
6 12-103, rape, § 5-14-103, or causing a catastrophe, § 5-38-202(a), and the
7 offense occurred after July 28, 1995, § 16-93-618 governs that person's
8 parole eligibility; ~~or~~

9 (2) If the felony is manufacturing methamphetamine, § 5-64-
10 423(a) or the former § 5-64-401, or possession of drug paraphernalia with the
11 intent to manufacture methamphetamine, the former § 5-64-403(c)(5), and the
12 offense occurred after April 9, 1999, § 16-93-618 governs that person's
13 parole eligibility; or

14 (3) If the felony is battery in the second degree, § 5-13-202,
15 aggravated assault, § 5-13-204, terroristic threatening, § 5-13-301, domestic
16 battering in the second degree, § 5-26-304, or residential burglary, § 5-39-
17 201, and the offense occurred on or after the effective date of this act, §
18 16-93-619 governs that person's parole eligibility.

19
20 SECTION 23. Arkansas Code § 16-93-615(a)(5), concerning inmate
21 interviews by the Parole Board, is amended to read as follows:

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

24
25 SECTION 24. Arkansas Code Title 16, Chapter 93, Subchapter 6, is
26 amended to add a new section to read as follows:

27 16-93-619. Parole eligibility procedures – Certain offenses committed
28 on or after the effective date of this act.

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

36 (1) Battery in the second degree, § 5-13-202;

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

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

7 (c) All other provisions governing the procedures regarding the
 8 granting and administration of parole for persons convicted of an offense
 9 listed under subsection (a) of this section shall be governed by §§ 16-93-615
 10 - 16-93-617.

11

12 SECTION 25. Arkansas Code § 16-93-708 is amended to read as follows:
 13 16-93-708. Parole alternative – Home detention.

14 (a) As used in this section:

15 (1) “Approved electronic monitoring or supervising device” means
 16 an electronic device approved by the Board of Corrections that meets the
 17 minimum Federal Communications Commission regulations and requirements, and
 18 that utilizes available technology that is able to track a person’s location
 19 and monitor his or her location;

20 (2) “Hospice” means an autonomous, centrally administered,
 21 medically directed, coordinated program providing a continuum of home,
 22 outpatient, and homelike inpatient care for the terminally ill patient and
 23 the patient’s family, and which employs an interdisciplinary team to assist
 24 in providing palliative and supportive care to meet the special needs arising
 25 out of the physical, emotional, spiritual, social, and economic stresses that
 26 are experienced during the final stages of illness and during dying and
 27 bereavement;

28 ~~(2)~~(3) “Permanently incapacitated” means an inmate who, as
 29 determined by a licensed physician:

30 (A) Has a medical condition that is not necessarily
 31 terminal but renders him or her permanently and irreversibly incapacitated;
 32 and

33 (B) Requires immediate and long-term care; and

34 ~~(3)~~(4) “Terminally ill” means an inmate who, as determined by a
 35 licensed physician:

36 (A) Has an incurable condition caused by illness or

1 disease; and

2 (B) Will likely die within two (2) years due to the
3 illness or disease.

4 (b)(1)(A) Subject to the provisions of subdivision (b)(2) of this
5 section, a defendant convicted of a felony or misdemeanor and sentenced to
6 imprisonment may be incarcerated in a home detention program when the
7 Director of the Department of Correction or the Director of the Department of
8 Community Correction ~~shall communicate~~ communicates to the Parole Board when,
9 in the independent opinions of either a Department of Correction physician or
10 Department of Community Correction physician and a consultant physician in
11 Arkansas, an inmate is either terminally ill, ~~or~~ permanently incapacitated,
12 or would be suitable for hospice care and should be considered for transfer
13 to parole supervision.

14 (B) The Director of the Department of Correction or the
15 Director of the Department of Community Correction shall make the facts
16 described in subdivision (b)(1)(A) of this section known to the Parole Board
17 for consideration of early release to home detention.

18 (2) The Board of Corrections shall promulgate rules that will
19 establish policy and procedures for incarceration in a home detention
20 program.

21 (c)(1) In all instances ~~where~~ in which the Department of Correction
22 may release any inmate to community supervision, in addition to all other
23 conditions that may be imposed by the Department of Correction, the
24 Department of Correction may require the criminal defendant to participate in
25 a home detention program.

26 (2)(A) The term of the home detention shall not exceed the
27 maximum number of years of imprisonment or supervision to which the inmate
28 could be sentenced.

29 (B) The length of time the defendant participates in a
30 home detention program and any good-time credit awarded shall be credited
31 against the defendant's sentence.

32 (d)(1) The Board of Corrections shall establish policy and procedures
33 for participation in a home detention program, including, but not limited to,
34 program criteria, terms, and conditions of release.

35 (2) An inmate who is not serving a sentence of life without
36 parole who is released on parole under this section because he or she is

1 terminally ill, permanently incapacitated, or would be suitable for hospice
 2 care may be released to the care of his or her family or other person,
 3 subject to board approval.

4 (e) If the medical condition of a inmate who is released under this
 5 section because he or she is terminally ill, permanently incapacitated, or
 6 would be suitable for hospice care changes to the point that the inmate is no
 7 longer terminally ill, permanently incapacitated, or would be suitable for
 8 hospice care, the inmate shall be returned to the custody of the Department
 9 of Correction and shall be required to be reconsidered for parole.

10
 11 SECTION 26. Arkansas Code § 16-93-711(b)(1)(A), concerning the
 12 requirement for electronic monitoring on parole, is amended to read as
 13 follows:

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

17 (i) Sentence was not the result of a jury or bench
 18 verdict;

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

21 (iii) Inmate has an approved parole plan;

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

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

28 (a) An incarceration range of thirty-six (36)
 29 months or less; or

30 (b) A presumptive sentence of probation;

31 ~~(v)(vi)~~ Conviction is for a Class C or Class D
 32 felony;

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

35 ~~(vii)(viii)~~ Conviction is not a sex offense,
 36 including failure to register as a sex offender under § 12-12-906, regardless

1 of felony level;
2 ~~(viii)~~(ix) Conviction is not for manufacturing
3 methamphetamine, § 5-64-423(a) or the former § 5-64-401;
4 ~~(ix)~~(x) Conviction is not for possession of drug
5 paraphernalia with the purpose to manufacture methamphetamine, § 5-64-443, if
6 the conviction is a Class C felony or higher;
7 ~~(x)~~(xi) Conviction is not for a crime involving the
8 use or threat of violence or bodily harm;
9 ~~(xi)~~(xii) Conviction is not for a crime that
10 resulted in a death; and
11 ~~(xii)~~(xiii) Inmate has not previously failed a drug
12 court program.
13

14 SECTION 27. Arkansas Code § 16-93-712(d)(2), concerning the authority
15 to sanction a parolee administratively by the Department of Community
16 Correction, is amended to read as follows:

17 (2)(A)(i) The department shall develop an intermediate sanctions
18 procedure and grid to guide a parole officer in determining the appropriate
19 response to a violation of conditions of supervision.

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

24 (B) Intermediate sanctions administered by the department
25 are required to conform to the sanctioning grid.
26

27 SECTION 28. Arkansas Code Title 16, Chapter 93, Subchapter 7, is
28 amended to add an additional section to read as follows:

29 16-93-713. Denial of parole – Detriment to the community.

30 The Parole Board may deny parole to any otherwise eligible person,
31 regardless of the sentence that he or she is serving, if five (5) members of
32 the board determine that the person upon release would be a detriment to the
33 community into which the person would be released.
34

35 SECTION 29. Arkansas Code § 16-98-301(b)(1), concerning the definition
36 of "evidence-based practices" under the Arkansas Drug Court Act, is amended

1 to read as follows:

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

4
5 SECTION 30. Arkansas Code § 16-98-303(a), concerning the structure,
6 method, and operation of a drug court, is amended to read as follows:

7 (a)(1) Each judicial district of this state is authorized to establish
8 a drug court program under this subchapter.

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

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

15 ~~(B)(i)(3)(A)~~ A drug court program may be preadjudication or
16 postadjudication for an adult *offender* or a juvenile offender.

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

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

22 ~~(3)(4)~~ Notwithstanding the authorization described in
23 subdivision (a)(1) of this section, ~~ne~~ a judge of a circuit court, drug
24 court, or juvenile court may not order any services or treatment under
25 subsection (b) of this section or § 16-98-305 unless:

26 (A) An administrative and programmatic appropriation has
27 been made for those purposes;

28 (B) Administrative and programmatic funding is available
29 for those purposes; and

30 (C) Administrative and programmatic positions have been
31 authorized for those purposes.

32 (5)(A) As determined by the Department of Community Correction,
33 an adult drug court program established under this section shall target high-
34 risk offenders and medium-risk offenders.

35

36 SECTION 31. Arkansas Code § 16-98-303(b)(2), concerning the duties of

1 the Department of Community Correction under the Arkansas Drug Court Act, is
2 amended to read as follows:

3 (2) Subject to an appropriation, funding, and position
4 authorization, both programmatic and administrative, the Department of
5 Community Correction shall:

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

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

10 ~~(B)(C)~~ Provide for drug testing for drug court program
11 participants;

12 ~~(C)(D)~~ Provide for intensive outpatient treatment for drug
13 court program participants;

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

16 ~~(E)(F)~~ Develop clinical assessment capacity, including
17 drug testing, to identify participants with a substance addiction and develop
18 a treatment protocol that improves the person's likelihood of success.
19

20 SECTION 32. Arkansas Code § 16-98-303(b)(4)(B), concerning the
21 responsibilities of the Administrative Office of the Courts pertaining to
22 drug courts, is amended to read as follows:

23 (B) Administer funds for the maintenance and operation of
24 local approved drug court programs;
25

26 SECTION 33. Arkansas Code § 16-98-303(f)(6), concerning the duties of
27 the Drug Court Coordinator, is amended to read as follows:

28 (6) Oversee the disbursement of funds appropriated to the
29 Administrative Office of the Courts for the maintenance and operation of
30 local approved drug court programs based on a formula developed by the
31 Administrative Office of the Courts and reviewed by the Drug Court Advisory
32 *Committee; and*
33

34 SECTION 34. Arkansas Code § 16-98-304 is amended to read as follows:
35 16-98-304. *Cost and fees.*

36 (a) *The drug court judge may order the offender to pay:*

- 1 (1) Court costs as provided in § 16-10-305;
- 2 (2) Treatment costs;
- 3 (3) Drug testing costs;
- 4 (4) A local program user fee;
- 5 (5) Necessary supervision fees, including any applicable
- 6 residential treatment fees; and
- 7 (6) Any fees determined or authorized under § 12-27-
- 8 125(b)(17)(B) or § 16-93-104(a)(1) ~~which~~ that are to be paid to the
- 9 Department of Community Correction.

10 (b)(1) The drug court judge shall establish a schedule for the payment

11 of costs and fees.

12 (2) The cost for treatment, drug testing, and supervision shall

13 be set by the treatment and supervision providers respectively and made part

14 of the order of the drug court judge for payment.

15 (3) Program user fees shall be set by the drug court judge.

16 (4) Treatment, drug testing, and supervision costs or fees shall

17 be paid to the respective providers.

18 (5) Fees determined or authorized under § 12-27-125(b)(17)(B) or

19 § 16-93-104(a)(1) shall be paid to the Department of Community Correction.

20 ~~(6)(A) The MAGNUM Drug Court Fund is a special revenue fund~~

21 ~~created and established on the books of the Treasurer of State, the Auditor~~

22 ~~of State, and the Chief Fiscal Officer of the State.~~

23 ~~(B) The MAGNUM Drug Court Fund shall consist of other~~

24 ~~moneys provided by law.~~

25 ~~(7)(A)~~ (6)(A) All court costs and program user fees assessed by

26 the drug court judge shall be paid to the court clerk for remittance to the

27 county treasury under § 14-14-1313.

28 (B) All installment payments shall initially be deemed to

29 be collection of court costs under § 16-10-305 until the court costs have

30 been collected in full with any remaining payments representing collections

31 of other fees and costs as authorized in this section and shall be credited

32 to the county administration of justice fund and distributed under § 16-10-

33 307.

34 (C) ~~All~~ Local program user fees shall be credited to a

35 fund known as the drug court program fund and appropriated by the quorum

36 court for the benefit and administration of the drug court program.

1 ~~(8)~~(7) Court orders for costs and fees shall remain an
2 obligation of the offender with court monitoring until fully paid.

3
4 SECTION 35. The lead-in language to Arkansas Code § 16-98-305,
5 concerning the required resources of a drug court program, is amended to read
6 as follows:

7 Each approved drug court program established under this subchapter,
8 subject to an appropriation, funding, and position authorization, both
9 programmatic and administrative, shall be provided with the following
10 resources:

11
12 SECTION 36. Arkansas Code § 16-98-305(1)(E)(iii), concerning
13 expenditures of funds for treatment services allocated to each drug court
14 program, is amended to read as follows:

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

20
21 SECTION 37. Arkansas Code § 16-98-305(3), concerning the duties of the
22 Administrative Office of the Courts under the Drug Court Act, is amended to
23 read as follows:

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

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

30 (B) Provide direct support to the drug court judge and
31 drug court program;

32 (C) Provide coordination between the multidisciplinary
33 team and the drug court judge;

34 (D) Provide case management;

35 (E) Monitor compliance of drug court participants with
36 drug court program requirements; and

1 ~~(F) Provide drug court program evaluation and~~
 2 ~~accountability Provide assistance and support to the Specialty Court Advisory~~
 3 ~~Committee for the evaluation of specialty court programs.~~

4
 5 SECTION 38. Arkansas Code § 16-98-306 is amended to read as follows:
 6 16-98-306. Collection of data.

7 (a)(1) A An approved drug court program shall collect and provide
 8 monthly data on drug court applicants and all participants as required by the
 9 ~~Division of Drug Court Programs within the Administrative Office of the~~
 10 ~~Courts Specialty Court Program Advisory Committee~~ in accordance with the
 11 rules promulgated under ~~§ 16-98-307~~ § 10-3-2901.

12 (2) The data shall include:

13 (A) The total number of applicants;

14 (B) The total number of participants;

15 (C) The total number of successful applicants;

16 (D) The total number of successful participants;

17 (E) The total number of unsuccessful participants and the
 18 reason why each unsuccessful participant did not complete the program;

19 (F) Information about what happened to each unsuccessful
 20 participant;

21 (G) The total number of participants who were arrested for
 22 a new criminal offense while in the drug court program;

23 (H) The total number of participants who were convicted of
 24 a new criminal offense while in the drug court program;

25 (I) The total number of participants who committed a
 26 violation of one (1) or more conditions of the drug court program and the
 27 resulting sanction;

28 (J) The results of the initial risk-needs assessment
 29 ~~review for each participant~~ or other appropriate clinical assessment
 30 conducted on each participant; and

31 (K) The total amount of time each program participant was
 32 in the program; and

33 ~~(K)(L)~~ (L) Any other data or information as required by the
 34 ~~Division of Drug Court Programs within the Administrative Office of the~~
 35 ~~Courts Specialty Court Program Advisory Committee~~ in accordance with the
 36 rules promulgated under ~~§ 16-98-307~~ § 10-3-2901.

1 (b) The data collected for evaluation purposes under subsection (a) of
2 this section shall:

3 (1) Include a minimum standard data set developed and specified
4 by the ~~Division of Drug Court Programs~~ Specialty Court Program Advisory
5 Committee; and

6 (2) Be maintained in the court files or be otherwise accessible
7 by the courts and the ~~Division of Drug Court Programs~~ Specialty Court Program
8 Advisory Committee.

9 (c)(1) As directed by the ~~Division of Drug Court Programs~~ Specialty
10 Court Program Advisory Committee, after an individual is discharged either
11 upon completion or termination of a drug court program, the drug court
12 program shall conduct, as much as practical, follow-up contacts with and
13 reviews of former drug court participants for key outcome indicators of drug
14 use, recidivism, and employment.

15 (2)(A) The follow-up contacts with and reviews of former drug
16 court participants shall be conducted as frequently and for a period of time
17 as determined by the ~~Division of Drug Court Programs~~ Specialty Court Program
18 Advisory Committee based upon the nature of the drug court program and the
19 nature of the participants.

20 (B) The follow-up contacts with and reviews of former drug court
21 participants are not extensions of the drug court's jurisdiction over the
22 drug court participants.

23 (d) For purposes of standardized measurement of success of drug court
24 programs across the state, ~~the Division of Drug Court Programs in~~
25 ~~consultation with other state agencies and subject to the review of the Drug~~
26 Specialty Court Advisory Committee shall adopt an operational definition of
27 terms such as "recidivism", "retention", "relapses", "restarts", "sanctions
28 imposed", and "incentives given" to be used in any evaluation and report of
29 drug court programs.

30 (e) Each drug court program shall provide to the ~~Division of Drug~~
31 ~~Court Programs~~ Specialty Court Program Advisory Committee all information
32 requested by the Division of Drug Court Programs.

33 (f) The Division of Drug Court Programs, the Department of Community
34 Correction, the ~~Office of Alcohol and Drug Abuse Prevention~~ Division of
35 Behavioral Health Services, and the Arkansas Crime Information Center shall
36 work together to share and make available data to provide a comprehensive
37 data management system for the state's drug court programs.

38 (g)~~(1)~~ The Administrative Office of the Courts shall~~+~~

1 ~~(A) Develop a statewide evaluation model to be reviewed by~~
 2 ~~the Drug Court Advisory Committee; and collect monthly data reports submitted~~
 3 ~~by approved drug courts and provide the monthly data reports to the Specialty~~
 4 ~~Court Program Advisory Committee.~~

5 ~~(B) Conduct ongoing evaluations of the effectiveness and efficiency of~~
 6 ~~all drug court programs.~~

7 (h) The Specialty Court Program Advisory Committee shall:

8 (1) Submit a report by July 1 of each year summarizing the data
 9 collected and outcomes achieved by all approved drug courts; and

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

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

15
 16 SECTION 39. Arkansas Code § 16-98-307 is repealed.

17 ~~16-98-307. Drug Court Advisory Committee — Creation.~~

18 ~~(a) There is created a Drug Court Advisory Committee.~~

19 ~~(b) The Drug Court Advisory Committee shall consist of the following~~
 20 ~~members:~~

21 ~~(1) The Chief Justice of the Supreme Court or the Chief Justice's~~
 22 ~~designee who shall serve as chair;~~

23 ~~(2) The Director of the Administrative Office of the Courts or~~
 24 ~~the director's designee;~~

25 ~~(3) A judge to be appointed by the Arkansas Judicial Council;~~

26 ~~(4) The Director of the Department of Community Correction or the~~
 27 ~~director's designee;~~

28 ~~(5) The Director of the Department of Human Services or the~~
 29 ~~director's designee;~~

30 ~~(6) The Director of the Division of Behavioral Health Services or~~
 31 ~~the director's designee;~~

32 ~~(7) A prosecutor appointed by the Prosecutor Coordinator;~~

33 ~~(8) A public defender appointed by the Executive Director of the~~
 34 ~~Arkansas Public Defender Commission;~~

35 ~~(9) A member of the Senate appointed by the President Pro Tempore~~
 36 ~~of the Senate;~~

1 ~~(10) A member of the House of Representatives appointed by the~~
 2 ~~Speaker of the House of Representatives;~~

3 ~~(11) The Arkansas Drug Director or the director's designee;~~

4 ~~(12) The Chair of the Board of Corrections or the chair's~~
 5 ~~designee; and~~

6 ~~(13) The Chair of the Parole Board or the chair's designee.~~

7 ~~(e) The chair or the chair's designee shall promptly call the first~~
 8 ~~meeting after April 4, 2007.~~

9 ~~(d)(1) The committee shall conduct its meetings at the State Capitol or~~
 10 ~~at any place designated by the chair or the chair's designee.~~

11 ~~(2) Meetings shall be held at least one (1) time every three (3)~~
 12 ~~months but may occur more often at the call of the chair.~~

13 ~~(e) If any vacancy occurs on the committee, the vacancy shall be filled~~
 14 ~~by the same process as the original appointment.~~

15 ~~(f) The committee shall establish rules and procedures for conducting~~
 16 ~~its business.~~

17 ~~(g) Members of the committee shall serve without compensation.~~

18 ~~(h) A majority of the members of the committee shall constitute a~~
 19 ~~quorum for transacting any business of the committee.~~

20 ~~(i)(1) The committee is established to promote collaboration and~~
 21 ~~provide recommendations on issues involving drug courts.~~

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

24 ~~(A) Provisions to identify data to be collected for~~
 25 ~~evaluation; and~~

26 ~~(B) Provisions to ensure uniform data collection.~~

27
 28 SECTION 40. Arkansas Code Title 19, Chapter 5, Subchapter 11, is
 29 amended to add an additional section to read as follows:

30 19-5-1142. Social Innovation Fund.

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

34 (b) The fund shall consist of:

35 (1) Any loans, investments, or other amounts received by the
 36 Department of Community Correction under the Pay-for-Success Act, § 12-27-201

1 et seq.;

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

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

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

6
7 SECTION 41. Arkansas Code Title 19, Chapter 5, Subchapter 11, is
8 amended to add an additional section to read as follows:

9 19-5-1143. Accountability Court Fund.

10 (a) There is created on the books of the Treasurer of State, the
11 Auditor of State, and the Chief Fiscal Officer of the State a trust fund to
12 be known as the "Accountability Court Fund".

13 (b) The fund shall consist of:

14 (1) Grants made by any person or federal government agency; and

15 (2) Any other funds authorized or provided by law.

16 (c) The fund shall be used by the Department of Community Correction
17 for specialty court programs as defined under § 16-10-139.

18
19 SECTION 42. Arkansas Code § 19-6-301(216), concerning special revenue
20 funds, is amended to read as follows:

21 (216) Drug court program user fees, §§ 16-98-304 and ~~19-6-489~~
22 specialty court program user fees, § 16-10-701;

23
24 SECTION 43. Arkansas Code § 19-6-489 is amended to read as follows:

25 19-6-489. MAGNUM Drug Specialty Court Program Fund.

26 ~~(a) A drug court judge may order an offender to pay:~~

27 ~~(1) Court costs;~~

28 ~~(2) Treatment costs;~~

29 ~~(3) Drug testing costs;~~

30 ~~(4) A program user fee not to exceed twenty dollars (\$20.00) per~~
31 ~~month; and~~

32 ~~(5) Necessary supervision fees, including any applicable~~
33 ~~residential treatment fees.~~

34 ~~(b)(1) A drug court judge shall establish a schedule for the payment~~
35 ~~of costs and fees.~~

36 ~~(2) The cost for treatment, drug testing, and supervision shall~~

~~1 be set by the treatment and supervision providers respectively and made part
2 of the order of the drug court judge for payment.~~

~~3 (3) User fees shall be set by the drug court judge within the
4 maximum amount authorized by this subsection and payable directly to the
5 court clerk for the benefit and administration of the drug court program.~~

~~6 (4) Treatment, drug testing, and supervision costs shall be paid
7 to the respective providers.~~

~~8 (5) The court clerk or the designee of the drug court judge
9 shall collect all other costs and fees ordered.~~

~~10 (6)(A) The remaining user fees shall be remitted to the
11 Treasurer of State by the court clerk for deposit in the MAGNUM Drug Court
12 Fund, which is a special revenue fund created and established on the books of
13 the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of
14 the State.~~

~~15 (B) The MAGNUM Drug Court Fund shall consist of user fees
16 and any other moneys provided by law.~~

~~17 (7) Court orders for costs and fees shall remain an obligation
18 of the offender with court monitoring until fully paid.~~

~~19 (a) There is created on the books of the Treasurer of State, the
20 Auditor of State, and the Chief Fiscal Officer of the State a special revenue
21 fund to be known as the "Specialty Court Program Fund".~~

~~22 (b) The Specialty Court Program Fund shall consist of the specialty
23 court program user fees under § 16-10-701 and any other moneys provided by
24 law.~~

~~25 (c) The fund shall be used exclusively for:~~

~~26 (1) Treatment services provided by the Department of Community
27 Correction as defined by and distributed under § 16-98-305(1)(E);~~

~~28 (2) Treatment services provided by the Department of Human
29 Services as defined by and distributed under § 16-9-305(2)(C);~~

~~30 (3) The cost of the evaluation of specialty court programs by
31 the Specialty Court Advisory Committee as required under § 16-10-139; and~~

~~32 (4) Drug and mental health crisis intervention centers."~~

33
34 SECTION 44. Arkansas Code § 27-16-801, concerning the issuance of a
35 driver's license, is amended to add an additional subsection to read as
36 follows:

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

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

5 (B) "Qualified applicant" means:

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

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

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

14 (3) The Department of Correction and the Department of Community
15 Correction shall identify eligible inmates to apply for a replacement or
16 renewal driver's license or identification card.

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

19
20 *SECTION 45. Arkansas Code § 27-16-1105(a)(3)(A), concerning minimum*
21 *issuance standards for driver's licenses, is amended to read as follows:*

22 *(3)(A)(i) The office may establish by rule a written and defined*
23 *exceptions process for a person who is unable to present all the necessary*
24 *documents for a driver's license or identification card and who must rely*
25 *upon alternate documents.*

26 *(ii) The office shall accept alternate documents only*
27 *to establish identity or date of birth of the person.*

28 *(iii)(a) An eligible inmate as defined under § 27-*
29 *16-801(i)(1)(A) may satisfy the identity document requirement under this*
30 *section by submitting a sentencing order to the Office of Driver Services*
31 *before his or her release from incarceration.*

32 *(b) The exception to the identity document*
33 *requirement under subdivision (a)(3)(A)(iii)(a) of this section shall not be*
34 *applicable to a first-time issuance of a driver's license or identification*
35 *card nor may it be used to waive any documentation requirements for non-*
36 *United States citizens.*

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/s/J. Hutchinson