

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

As Engrossed: S2/26/15

A Bill

SENATE BILL 57

5 By: Senator J. Woods
6 By: Representative C. Fite
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE USE OF A VICTIM IMPACT
10 STATEMENT DURING AN INMATE'S PAROLE DETERMINATION;
11 AND FOR OTHER PURPOSES.
12
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Subtitle

15 CONCERNING THE USE OF A VICTIM IMPACT
16 STATEMENT DURING AN INMATE'S PAROLE
17 DETERMINATION.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 16-90-1113 is amended to read as follows:

23 16-90-1113. Consideration and release of a victim impact statement ~~at~~
24 during an inmate's parole hearing determination.

25 (a)(1)(A) Before determining whether to release the ~~defendant inmate~~ inmate
26 on parole, the Parole Board shall permit the victim to present a written
27 victim impact statement at a victim impact hearing concerning the effects of
28 the crime on the victim, the circumstances surrounding the crime, the manner
29 in which the crime was perpetrated, and the victim's opinion regarding
30 whether the ~~defendant inmate~~ inmate should be released on parole.

31 (B) At the victim's option, the victim may present the
32 statement ~~orally at the parole hearing~~ verbally at a victim impact hearing
33 conducted by one (1) or more members of the board.

34 (2) Under this section, a victim impact hearing may be conducted
35 through video-conference technology if utilizing video-conference technology
36 does not inhibit the victim's statement.



1 ~~(2)(b)(1)~~ Except in those circumstances listed under subdivision
 2 (b)(2) of this section, ~~The~~ the board upon request shall give the ~~defendant~~
 3 inmate a copy of all ~~written victim~~ impact statements written by the victim.

4 (2)(A) An impact statement written by the victim of an offense
 5 requiring registration under the Sex Offender Registration Act of 1997, § 12-
 6 12-901 et seq., or of an offense defined as a sex offense by § 16-90-1101, is
 7 privileged and shall not be disclosed, directly or indirectly, to any person
 8 other than a member of the board, its authorized agents, a court, or other
 9 person, not including the inmate, entitled under this section to receive the
 10 statement.

11 (B) However, the board or a court with jurisdiction may
 12 order the disclosure of an impact statement written by the victim and
 13 otherwise privileged under this subdivision (b)(2) to the affected inmate
 14 when the board or a court finds that the interests or welfare of the inmate
 15 outweighs the privacy and safety interests of the *victim or to enhance the*
 16 *accuracy of the board's determination.*

17 ~~(b)(c)~~ The board, ~~in~~ In deciding whether to release a ~~prisoner~~ an
 18 inmate on parole, the board shall consider among other factors:

19 (1) Victim impact statements presented under subsection (a) of
 20 this section; and

21 (2) Victim impact statements presented to the sentencing court
 22 under § 16-90-1112.

23 (d) The board may establish rules not otherwise addressed by this
 24 section governing the preparation, use, and disclosure of a victim impact
 25 statement.

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27 /s/J. Woods
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