

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

# A Bill

SENATE BILL 617

5 By: Senator D. Sanders  
6 By: Representative Shepherd  
7

## For An Act To Be Entitled

9 AN ACT TO BE KNOWN AS THE PUBLIC SAFETY TRANSPARENCY  
10 AND ACCOUNTABILITY ACT OF 2015; CONCERNING THE  
11 DEPARTMENT OF CORRECTION, DEPARTMENT OF COMMUNITY  
12 CORRECTION, AND THE PAROLE BOARD; CONCERNING INMATE  
13 RECORDS IN THE DEPARTMENT OF CORRECTION; CONCERNING  
14 RECORDS OF PROBATIONERS AND PAROLEES SUPERVISED BY  
15 THE DEPARTMENT OF COMMUNITY CORRECTION; TO DECLARE AN  
16 EMERGENCY; AND FOR OTHER PURPOSES.  
17  
18

## Subtitle

19 TO BE KNOWN AS THE PUBLIC SAFETY  
20 TRANSPARENCY AND ACCOUNTABILITY ACT OF  
21 2015; AND TO DECLARE AN EMERGENCY.  
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24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
26

27 SECTION 1. DO NOT CODIFY. Temporary legislation.

28 The Department of Correction, the Department of Community Correction,  
29 and the Parole Board each shall submit a plan to implement the electronic  
30 records provision of § 12-27-144(c) to the Governor, and the chairs of the  
31 House Committee on Judiciary, the Senate Judiciary Committee, Legislative  
32 Council, and the Joint Performance Review Committee no later than sixty (60)  
33 days after the effective date of this act.  
34

35 SECTION 2. Arkansas Code Title 12, Chapter 1, is amended to add a new  
36 section to read as follows:



1 12-1-102. Records to be posted on a public website.

2 (a) Relevant research studies and reports concerning the following  
3 topics that are generated by the research divisions of the Department of  
4 Correction, the Department of Community Correction, and the Parole Board or  
5 by third party contractors on behalf of the Department of Correction, the  
6 Department of Community Correction, and the Parole Board, when applicable,  
7 shall be posted on the Department of Correction's, the Department of  
8 Community Correction's, or board's website:

9 (1) Population projections;

10 (2) Recidivism; and

11 (3) Evaluation of the cost-benefit of evidence-based practices

12 of:

13 (A) Adult prisons;

14 (B) Community corrections facilities;

15 (C) Probation; and

16 (D) Parole.

17 (b) Data posted on the board's, Department of Correction's, or the  
18 Department of Community Correction's websites under this section may be  
19 removed from the board's, Department of Correction's, or the Department of  
20 Community Correction's websites after five (5) years.

21  
22 SECTION 3. Arkansas Code § 12-12-1201 is amended to read as follows:  
23 12-12-1201. Authorization.

24 The Arkansas Crime Information Center is authorized to develop and  
25 operate a computerized victim notification system which shall provide:

26 (1) A mechanism for victims of criminal offenses or the victim's  
27 next of kin to access information about proceedings in the criminal justice  
28 and corrections systems by use of a twenty-four-hour toll-free in-watts  
29 telephone service; and

30 (2) Automatic notification by computerized telephone service to  
31 the victims of criminal offenses or the victim's next of kin about an  
32 inmate's, parolee's, or probationer's custody status, including the location  
33 of the inmate, parolee, or probationer.

34  
35 SECTION 4. Arkansas Code § 12-12-1202 is amended to read as follows:  
36 12-12-1202. Information provided.

1 (a) A victim notification may be accomplished by means of the  
2 computerized victim notification system established under § 12-12-1201 if  
3 ~~pursuant to~~ under:

- 4 (1) Section 12-29-114, pertaining to escape;
- 5 (2) Section 16-21-106, pertaining to assistance to victims and  
6 witnesses of crimes;
- 7 (3) Section 16-93-204, pertaining to executive clemency;
- 8 (4) Section 16-93-615, pertaining to transfer hearings;
- 9 (5) Section 16-93-702, pertaining to parole; or
- 10 (6) Section 16-97-102, pertaining to sentencing.

11 (b) The computerized victim notification system established under §  
12 12-12-1201 shall also include:

- 13 ~~(1) information~~ Information about an inmate’s custody status in  
14 regard to furloughs, work release, and community correction programs; and
- 15 (2) All information publicly available under § 12-27-144.

16  
17 SECTION 5. Arkansas Code § 12-27-105(b), concerning the powers and  
18 duties of the Board of Corrections, is amended to add an additional  
19 subdivision to read as follows:

20 (19) To provide access to the electronic Offender Management  
21 Information System to all circuit court judges that request access.

22  
23 SECTION 6. Arkansas Code § 12-27-113(e), concerning inmate records  
24 maintained by the Department of Correction, is amended to read as follows:

25 (e)(1) The director shall make and preserve a full and complete record  
26 of each and every person committed to the Department of Correction, along  
27 with a photograph of the person and data pertaining to his or her trial  
28 conviction and past history.

29 (2)(A) To protect the integrity ~~of those records~~ and to ensure  
30 ~~their~~ proper use of the records described in subdivision (e)(1) of this  
31 section, it shall be unlawful to permit inspection of or disclose information  
32 contained in ~~those records~~ described in subdivision (e)(1) of this section or  
33 to copy or issue a copy of all or part of any record described in subdivision  
34 (e)(1) of this section except:

35 (i) as ~~As~~ authorized by administrative ~~regulation~~  
36 rule; or

1                   (ii) ~~by~~ By order of a court of competent  
 2 jurisdiction-; or

3                   (iii) Records posted on the The Department of  
 4 Correction's website as required by § 12-27-144.

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

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

15                   (4) Administrative ~~regulations~~ rules may authorize the  
 16 disclosure of information contained in ~~such~~ the records described in  
 17 subdivision (e)(1) of this section for research purposes.

18  
 19                   SECTION 7. Arkansas Code § 12-27-125(b)(20), concerning records  
 20 maintained by the Department of Community Correction, is amended to read as  
 21 follows:

22                   (20)(A) It shall maintain a full and complete record of each  
 23 offender under its supervision.

24                   (B)(i) To protect the integrity of a record described in  
 25 subdivision (b)(20)(A) of this section and to ensure its proper use, it is  
 26 unlawful to permit inspection of or disclose information contained in a  
 27 record described in subdivision (b)(20)(A) of this section or to copy or  
 28 issue a copy of any part of the record except:

29                                   (a) ~~as~~ As authorized by administrative  
 30 ~~regulation or~~ rule;

31                                   (b) ~~by~~ By order of a court of competent  
 32 jurisdiction-; or

33                                   (c) Records posted on the Department of  
 34 Community Correction's website as required by § 12-27-144.

35                   (ii) The ~~regulations~~ rules under subdivision  
 36 (b)(20)(B)(i)(a) shall provide for adequate standards of security and

1 confidentiality of a record described in subdivision (b)(20)(A) of this  
2 section; and

3  
4 SECTION 8. Arkansas Code Title 12, Chapter 27, is amended to add an  
5 additional section to read as follows:

6 12-27-144. Records to be posted on a public website.

7 (a) The Department of Correction shall post on the Department of  
8 Correction's website the following information concerning an inmate:

9 (1) The offense and sentence for any conviction for which the  
10 inmate is incarcerated, including:

11 (A) Whether the inmate is subject to a suspended sentence;  
12 and

13 (B) The terms of the suspended sentence, if applicable;

14 (2)(A) All inmate disciplinary files.

15 (B) Disciplinary files under this subdivision (a)(2) shall  
16 include dates of all disciplinary violations, the specific disciplinary  
17 violation, and the disposition of the disciplinary violation;

18 (3)(A) All risk assessments and risk assessment scores.

19 (B) Risk assessment and risk assessment scores under this  
20 subdivision (a)(3) shall also include the name of the state agency that  
21 completed the risk assessment as well as the date the risk assessment was  
22 conducted;

23 (4)(A) All social history assessments and scores.

24 (B) Social history assessments and social history  
25 assessment scores under this subdivision (a)(4) also shall include the name  
26 of the state agency that completed the social history assessment as well as  
27 the date the social history assessment was conducted;

28 (5) Any known aliases;

29 (6) A current photograph of the inmate;

30 (7) A complete criminal history report, including all felonies;

31 (8) If an order of protection, no-contact order, or other order  
32 from an in-state or out-of-state court that prohibits contact or  
33 communication with another person is in place and if the inmate has violated  
34 that order;

35 (9) Any programs ordered by the court to be completed while in  
36 custody and the date of completion;

1           (10) Any programs voluntarily completed by the inmate while in  
2 custody; and

3           (11) The inmate's parole eligibility date or date he or she is  
4 to be released from incarceration as well as an explanation of how an  
5 inmate's parole eligibility date is calculated, including good time credits.

6           (b)(1) The Department of Community Correction shall post on the  
7 Department of Community Correction's website the following information  
8 concerning a probationer, parolee, or other person under the supervision of  
9 the Department of Community Correction who has absconded or has had a warrant  
10 issued for his or her arrest for evading supervision:

11           (A) Any offense and sentence for which the probationer,  
12 parolee, or other person under the supervision of the Department of Community  
13 Correction is being supervised, including:

14                   (i) Whether the probationer, parolee, or other  
15 person under the supervision of the Department of Community Correction is  
16 subject to a suspended sentence; and

17                   (ii) The terms of the suspended sentence, if  
18 applicable;

19           (B) A complete criminal history report, including all  
20 felonies;

21           (C) A complete record of supervision, including any  
22 technical violations and records of a failure to report by the probationer,  
23 parolee, or other person under the supervision of the Department of Community  
24 Correction;

25           (D)(i) All risk assessments and risk assessment scores.

26                   (ii) Risk assessments and risk assessment scores  
27 under this subdivision (b)(1)(D) also shall include the name of the state  
28 agency that completed the risk assessment as well as the date the risk  
29 assessment was conducted;

30           (E)(i) All social history assessments and scores.

31                   (ii) Social history assessments and social history  
32 assessment scores under this subdivision (b)(1)(E) also shall include the  
33 name of the state agency that completed the social history assessment as well  
34 as the date the social history assessment was conducted;

35           (F) Any known aliases;

36           (G) A current photograph of the probationer, parolee, or

1 other person under the supervision of the Department of Community Correction;

2 (H) If an order of protection, no-contact order, or other  
3 order from an in-state or out-of-state court that prohibits contact or  
4 communication with another person is in place and if the probationer,  
5 parolee, or other person under the supervision of the Department of Community  
6 Correction has violated that order;

7 (I) Any disciplinary or technical violation;

8 (J) Any programs ordered by the court to be completed by  
9 the probationer, parolee, or other person under the supervision of the  
10 Department of Community Correction while on supervision and the date of  
11 completion;

12 (K) Any programs voluntarily completed while on  
13 supervision; and

14 (L) A record of the number of times, if any, probation or  
15 parole has been revoked from the probationer, parolee, or other person under  
16 the supervision of the Department of Community Correction and for what  
17 reason.

18 (2)(A) The Department of Community Correction shall maintain a  
19 list on its website of all probationers, parolees, or other persons under the  
20 supervision of the Department of Community Correction who have evaded  
21 supervision, have had warrants issued for the arrest of the probationer,  
22 parolee, or other person under the supervision of the Department of Community  
23 Correction, or who have been placed on absconder status, including the date  
24 of last instance a probationer, parolee, or other person under the  
25 supervision of the Department of Community Correction reported and for what  
26 criminal offense the probationer, parolee, or other person under the  
27 supervision of the Department of Community Correction is currently being  
28 supervised.

29 (B) The Department of Community Correction also shall post  
30 on its website what actions have been and are being taken to apprehend a  
31 person listed under subdivision (b)(2)(A) of this section.

32 (3)(A) The Department of Community Correction shall also  
33 maintain a list of all inmates, probationers, parolees, or other persons  
34 under the supervision of the Department of Community Correction who are  
35 residing or are being supervised out-of-state under any interstate compact.

36 (B) The list of inmates, probationers, parolees, or other

1 persons under the supervision of the Department of Community Correction who  
2 are residing or are being supervised out-of-state under any interstate  
3 compact as required under subdivision (b)(3)(A) of this section shall contain  
4 all the information required under subdivision (b)(1) of this section.

5 (4) The Department of Community Correction shall establish a  
6 method for a victim of a crime committed by a probationer, parolee, or other  
7 person under the supervision of the Department of Community Correction to  
8 directly and easily access the information listed under this subsection.

9 (c) When possible, court-generated records listed under this section  
10 shall be electronic copies of the actual court documents.

11  
12 SECTION 9. Arkansas Code Title 12, Chapter 27, is amended to add a new  
13 section to read as follows:

14 12-27-145. Tracking an inmate or person being supervised who is  
15 serving a suspended sentence.

16 (a) The Department of Correction shall track an inmate under its  
17 supervision who is serving a suspended sentence and notify the prosecuting  
18 attorney with jurisdiction over the inmate's suspended sentence if the inmate  
19 has not complied with the terms and conditions of the suspended sentence.

20 (b) The Department of Community Correction shall track a person under  
21 its supervision who is serving a suspended sentence and notify the  
22 prosecuting attorney with jurisdiction over the person's suspended sentence  
23 if the person has not complied with the terms and conditions of the suspended  
24 sentence.

25  
26 SECTION 10. Arkansas Code Title 12, Chapter 27, is amended to add a  
27 new section to read as follows:

28 12-27-146. Rulemaking reporting requirement.

29 An administrative directive and rule implemented by the Board of  
30 Corrections, Department of Correction, Department of Community Correction, or  
31 the Parole Board shall be approved by the appropriate legislative committee  
32 before becoming effective.

33  
34 SECTION 11. Arkansas Code § 16-93-202(d), concerning records kept by  
35 the Parole Board, is amended to read as follows:

36 (d)(1) A presentence report, a preparole report, and a supervision



1 history obtained in the discharge of official duty by any member or employee  
2 of the board shall be privileged and shall not be disclosed, directly or  
3 indirectly, to any person other than the board, a court, ~~or~~ others entitled  
4 under this chapter to receive the information, or as required under § 16-93-  
5 212.

6 (2) However, the board or a court, at its discretion, may permit  
7 the inspection of the ~~report or parts thereof~~ presentence report, preparole  
8 report, or supervision history by a person having a proper interest ~~therein~~  
9 ~~whenever~~ in the presentence report, preparole report, or supervision history  
10 if the interests or welfare of the person involved makes that action  
11 desirable or helpful.

12  
13 SECTION 12. Arkansas Code Title 16, Chapter 93, Subchapter 2, is  
14 amended to add an additional section to read as follows:

15 16-93-212. Records to be posted on a public website.

16 (a) The Parole Board shall post on the board’s website the following  
17 information concerning an inmate who is being considered for parole no less  
18 than one (1) year before his or her transfer-eligibility or parole-  
19 eligibility date:

20 (1) The judgment and commitment report for any conviction for  
21 which the inmate is eligible for parole;

22 (2) Any other judgment and commitment report or judgment and  
23 disposition report for a felony offense for which the inmate is incarcerated;

24 (3) Any judgment and disposition report for a suspended sentence  
25 or other disposition to which the inmate is currently subject;

26 (4) All parolee disciplinary files, including technical  
27 violation reports;

28 (5) A complete criminal history report, including all felonies;

29 (6) A complete record of supervision, including any technical  
30 violations and records of the inmate’s failure to report;

31 (7) Any known aliases;

32 (8) If an order of protection, no-contact order, or other order  
33 from an in-state or out-of-state court that prohibits contact or  
34 communication with another person is in place and if the inmate has violated  
35 that order;

36 (9) A record of the number of times, if any, that the inmate’s

1 probation or parole has been revoked, and for what reason;

2 (10) A current photograph of the inmate;

3 (11)(A) All risk assessments conducted by a correctional  
4 facility and risk assessment scores.

5 (B) Risk assessments and risk assessment scores under this  
6 subdivision (a)(11) shall also include the name of the state agency that  
7 completed the risk assessment as well as the date the risk assessment was  
8 conducted;

9 (12)(A) All social history assessments and social history  
10 assessment scores.

11 (B) Social history assessments and social history  
12 assessment scores under this subdivision (a)(12) shall also include the name  
13 of the state agency that completed the social history assessment as well as  
14 the date the social history assessment was conducted; and

15 (13) The terms of any suspended sentence to which the inmate is  
16 subject.

17 (b) The information required to be posted on the board's website:

18 (1) Shall be consistently updated and is required to be the most  
19 current information available to the board; and

20 (2) May be removed when the inmate has been either granted or  
21 denied parole.

22  
23 SECTION 13. EMERGENCY CLAUSE. It is found and determined by the  
24 General Assembly of the State of Arkansas that there is an alarming lack of  
25 transparency in the corrections system regarding information about inmates  
26 who will soon be coming up for parole and released into society; that it is  
27 vital to public safety that the public know exactly what potential threats  
28 exist from inmates in the Department of Correction who will soon be  
29 introduced back into society; and that this act is immediately necessary  
30 because the sooner inmate, parolee, and probationer information is made  
31 available to the public, the sooner the public is able to evaluate who is and  
32 who is not a threat to society. Therefore, an emergency is declared to exist,  
33 and this act being immediately necessary for the preservation of the public  
34 peace, health, and safety shall become effective on:

35 (1) The date of its approval by the Governor;

36 (2) If the bill is neither approved nor vetoed by the Governor,

1 the expiration of the period of time during which the Governor may veto the  
2 bill; or

3 (3) If the bill is vetoed by the Governor and the veto is  
4 overridden, the date the last house overrides the veto.

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