

1 State of Arkansas
2 91st General Assembly
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4

As Engrossed: H2/10/17

A Bill

HOUSE BILL 1045

5 By: Representatives B. Smith, Brown, Lemons, Payton, Richmond
6

For An Act To Be Entitled

8 AN ACT CONCERNING CRIMINAL VICTIM NOTIFICATION;
9 CONCERNING THE RELEASE OF A PERSON WHO COMMITTED A
10 CRIMINAL ACT AND WAS ADJUDICATED TO HAVE A MENTAL
11 DISEASE OR DEFECT; AND FOR OTHER PURPOSES.
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Subtitle

14 CONCERNING CRIMINAL VICTIM NOTIFICATION;
15 AND CONCERNING THE RELEASE OF A PERSON
16 WHO COMMITTED A CRIMINAL ACT AND WAS
17 ADJUDICATED TO HAVE A MENTAL DISEASE OR
18 DEFECT.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 12-12-1201 is amended to read as follows:
25 12-12-1201. Authorization.

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

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

32 (2) Automatic notification by computerized telephone service to
33 the victims of criminal offenses or the victim's next of kin ~~about~~ of:

34 (A) ~~an~~ An inmate's, parolee's, or probationer's status,
35 including the location of the inmate, parolee, or probationer; and

36 (B) A person's release or modification of a conditional



1 release from the custody of the Arkansas State Hospital, a local or regional
2 hospital, a local or regional mental health facility, or a local or regional
3 jail to which the person has been committed by a court when the person
4 committed a criminal act against the victim but was adjudicated in the
5 criminal case to have a mental disease or defect under § 5-2-301 et seq.

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7 SECTION 2. Arkansas Code § 12-12-1202 is amended to read as follows:
8 12-12-1202. Information provided.

9 (a) A victim notification may be accomplished by means of the
10 computerized victim notification system established under § 12-12-1201 if the
11 notification is required under:

- 12 (1) Section 12-29-114, pertaining to escape;
13 (2) Section 16-21-106, pertaining to assistance to victims and
14 witnesses of crimes;
15 (3) Section 16-93-204, pertaining to executive clemency;
16 (4) Section 16-93-615, pertaining to transfer hearings;
17 (5) Section 16-93-702, pertaining to parole; ~~or~~
18 (6) Section 16-97-102, pertaining to sentencing; or
19 (7) Section 5-2-315, pertaining to discharge or conditional
20 release from a commitment by a court to the Arkansas State Hospital.

21 (b) The computerized victim notification system established under §
22 12-12-1201 shall also include:

23 (1) Information about an inmate's custody status in regard to
24 furloughs, work release, and community correction programs, if applicable;
25 ~~and~~

26 (2) Information about a person who was committed to the Arkansas
27 State Hospital due to his or her having a mental disease or defect under § 5-
28 2-301 et seq. in regard to the status of the person being discharged or
29 conditionally released under § 5-2-315, including the location and name of
30 the local or regional hospital, local or regional mental health facility, or
31 local or regional jail in which the person is committed if the person is not
32 being held at the Arkansas State Hospital; and

33 ~~(2)(3)~~ (3) The location of information publicly available under §
34 12-27-145.

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36 SECTION 3. Arkansas Code § 16-90-1109 is amended to read as follows:

1 16-90-1109. Information concerning confinement or commitment.

2 (a)(1) Upon request of the victim, the Department of Correction, the
3 Arkansas State Hospital, and any a local or regional hospital, local or
4 regional mental health facility, or any other facility to which the defendant
5 is committed by the court shall:

6 ~~(1)~~(A) Promptly inform the victim, through the use of the
7 victim notification system under § 12-12-1201 et seq. or other method of
8 personal communication, of the estimated date of the defendant's release from
9 confinement from a court-ordered commitment under § 5-2-301 et seq., if
10 reasonably ascertainable;

11 ~~(2)~~(B) Inform the victim at least thirty (30) days before
12 release of the defendant on furlough or to a ~~work-release~~ work release,
13 halfway house, or other community program, if applicable; and

14 (C) Inform the victim as soon as possible but preferably
15 at least thirty (30) days before release of the defendant from a local or
16 regional hospital or local or regional mental health facility, if applicable;
17 and

18 ~~(3)~~(D) Promptly inform the victim of the occurrence of any
19 of the following events concerning the defendant:

20 ~~(A)~~(i) An escape from a correctional or mental
21 health facility or community program;

22 ~~(B)~~(ii) A recapture;

23 ~~(C)~~(iii) A decision of the Governor to commute the
24 sentence or to pardon;

25 ~~(D)~~(iv) A release from confinement and any
26 conditions attached to the release; ~~and~~

27 (v) A discharge or conditional release or
28 modification of a previously ordered conditional release from a court-ordered
29 commitment under § 5-2-315; or

30 ~~(E)~~(vi) The defendant's death.

31 (2) The requirement to inform a victim by a local or regional
32 hospital or a local or regional mental health facility under this subsection
33 may be accomplished by notifying by telephone or other electronic means the
34 Arkansas State Hospital of the change of status of the defendant, and the
35 Arkansas State Hospital shall then notify the victim through the victim
36 notification system under § 12-12-1201 et seq. or other method of personal

1 communication.

2 **(b)(1)** *At least thirty (30) days before a Parole Board hearing*
3 *concerning the defendant, if requested by the victim, the board shall inform*
4 *the victim of the hearing and of the victim's right to submit to the board a*
5 *victim impact statement and shall promptly inform the victim of any decision*
6 *of the board.*

7 **(2)(A)** *It is the responsibility of the victim or his or her next*
8 *of kin to notify the board of any change in address or telephone number.*

9 **(B)** *It is the responsibility of the victim or his or her*
10 *next of kin to notify the board after the date of commitment of any change in*
11 *regard to the desire to be notified of any future parole hearings.*

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/s/B. Smith