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4

A Bill

SENATE BILL 24

5 By: Senator B. Johnson
6 By: Representative Tosh
7

For An Act To Be Entitled

9 AN ACT CONCERNING CRIMINAL DETENTION FACILITY REVIEW
10 COMMITTEES; TO REDUCE THE SIZE OF STATE GOVERNMENT;
11 TO REDUCE EXPENSES; TO ENCOURAGE EFFICIENCY; AND FOR
12 OTHER PURPOSES.
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Subtitle

15 CONCERNING CRIMINAL DETENTION FACILITY
16 REVIEW COMMITTEES; TO REDUCE THE SIZE OF
17 STATE GOVERNMENT; TO REDUCE EXPENSES; AND
18 TO ENCOURAGE EFFICIENCY.
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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 § 12-26-101 is amended to read as follows:
25 12-26-101. Policy – Purpose of chapter.

26 (a) It is declared to be the policy of the State of Arkansas that all
27 criminal detention facilities and juvenile detention facilities within the
28 counties of the state shall conform to certain minimum standards of
29 construction, maintenance, and operation.

30 (b) It is the purpose of this chapter to implement this policy by
31 establishing a criminal detention ~~facilities~~ facility review committee within
32 each of the ~~judicial~~ criminal detention facility review committee districts
33 of the state with the authority and responsibility to administer the
34 provisions of this chapter and other laws enacted relating to standards for
35 criminal detention facilities and juvenile detention facilities.
36



SECTION 2. Arkansas Code § 12-26-102 is amended to read as follows:
 12-26-102. Definitions.

As used in this chapter,

~~(1) “Committee” means the criminal detention facilities review committee established in each of the judicial districts of this state;~~

(2) “Criminal criminal detention facility” means any institution operated by a political ~~jurisdiction~~ subdivision or a combination of ~~jurisdictions~~ political subdivisions for the care, keeping, or rehabilitative needs of adult criminal offenders, including regional jails, county jails, municipal jails, and temporary holding units;

~~(3) “Intermediate or long-term facility” means a criminal detention institution in which prisoners may be held from the time of intake through a one-year period;~~

~~(4) “Short-term facility” means any institution operated by a local unit of government in which persons may be incarcerated from the time of intake up to sixty (60) days; and~~

~~(5) “Twenty-four hour or overnight facility” means any institution operated by a local government in which persons may be incarcerated from the time of intake up to twenty-four (24) hours.~~

SECTION 3. Arkansas Code § 12-26-105 is amended to read as follows:

12-26-105. ~~Judicial district~~ Criminal detention facility review committee districts and committees created – Members.

(a) There are created eight (8) criminal detention facility review committee districts as follows:

(1) Criminal Detention Facility Review Committee District One is composed of the following counties: Baxter, Benton, Boone, Carroll, Madison, Marion, Newton, Searcy, and Washington;

(2) Criminal Detention Facility Review Committee District Two is composed of the following counties: Cleburne, Conway, Faulkner, Fulton, Independence, Izard, Sharp, Stone, Van Buren, and White;

(3) Criminal Detention Facility Review Committee District Three is composed of the following counties: Clay, Craighead, Greene, Jackson, Lawrence, Mississippi, Poinsett, and Randolph;

(4) Criminal Detention Facility Review Committee District Four is composed of the following counties: Crawford, Franklin, Johnson, Logan,

1 Montgomery, Polk, Pope, Scott, Sebastian, and Yell;

2 (5) Criminal Detention Facility Review Committee District Five
3 is composed of the following counties: Crittenden, Cross, Lee, Lonoke,
4 Monroe, Phillips, Prairie, St. Francis, and Woodruff;

5 (6) Criminal Detention Facility Review Committee District Six is
6 composed of the following counties: Arkansas, Garland, Grant, Hot Spring,
7 Jefferson, Perry, Pulaski, and Saline;

8 (7) Criminal Detention Facility Review Committee District Seven
9 is composed of the following counties: Clark, Columbia, Hempstead, Howard,
10 Lafayette, Little River, Miller, Nevada, Ouachita, Pike, and Sevier; and

11 (8) Criminal Detention Facility Review Committee District Eight
12 is composed of the following counties: Ashley, Bradley, Calhoun, Chicot,
13 Cleveland, Dallas, Desha, Drew, Lincoln, and Union.

14 ~~(a)-(1)(b)(1)~~ There is created within each ~~judicial~~ district a criminal
15 detention facility review committee to be composed of ~~at least~~ five (5)
16 members who are residents within the ~~judicial~~ district and who ~~hold no~~ do not
17 hold public office.

18 (2) ~~Each county within a judicial district shall have at least one (1)~~
19 ~~representative on the committee. If the number of counties in a judicial~~
20 ~~district exceeds five (5), the membership of the committee shall be increased~~
21 ~~to the nearest odd number that provides for representation from each county.~~
22 The Governor shall appoint the members of a committee for a term of four (4)
23 years as follows:

24 (A) A county in the district shall be represented on the
25 committee by no more than one (1) member;

26 ~~(3) There shall be at~~(B) At least one (1) member on each the
27 committee who is shall be a youth services worker or juvenile advocate;

28 ~~(b)(1) The membership of each committee shall be appointed by the~~
29 ~~Governor. The members shall be appointed for terms of four (4) years.~~

30 ~~(2) Members of the committees are permitted to succeed themselves.~~

31 (C) The Governor may reappoint a member of the committee to the
32 committee at the end of the member's term; and

33 ~~(3) In the event~~(D) If a vacancy occurs on a the committee, the
34 remaining members of the committee shall notify, in writing, the ~~appointing~~
35 ~~body~~ Governor of the vacancy, and the ~~appointing body~~ Governor shall appoint
36 another member to serve the remainder of the vacated term.

1 (c) Each year the members of a committee shall elect one (1) member to
2 serve as chair.

3 (d)(1) ~~The committees~~ A committee shall function as ~~state agencies a~~
4 state agency.

5 (2)(A) ~~Members shall enjoy~~ A member of a committee has all of
6 the rights and privileges of ~~state officers while performing their~~ a state
7 officer while performing his or her duties as assigned by this chapter.

8 (B) ~~This protection~~ Subdivision (d)(2)(A) of this section
9 extends to any case that may arise as a result of ~~those duties with no the~~
10 duties assigned by this chapter without a time limitation except as may
11 already exist by other statutes.

12 (e)(1) ~~The members~~ A member of a committee shall receive no
13 compensation or remuneration, ~~provided that~~ however, the state shall
14 reimburse ~~the members~~ a member for clerical and typing expenses approved by
15 the Criminal Detention Facilities Review Coordinator.

16 (2) ~~Members~~ A member of a committee may receive expense
17 reimbursement in accordance with § 25-16-901 et seq.

18
19 SECTION 4. Arkansas Code § 12-26-106 is amended to read as follows:

20 12-26-106. Powers and duties of ~~committees~~ a criminal detention
21 facility review committee.

22 ~~The criminal~~ A criminal detention facility review ~~committees~~ committee
23 shall ~~have the authority and responsibility to~~:

24 (1) Provide consultation and technical assistance to county and
25 local government officials with respect to criminal detention facilities and
26 juvenile detention facilities;

27 (2) Visit and inspect the criminal detention facilities and
28 juvenile detention facilities for compliance with the standards as
29 established under § 12-26-103;

30 (3) Advise government officials and other appropriate persons of
31 deficiencies in the criminal detention facilities and juvenile detention
32 facilities and make recommendations for improvements;

33 (4) Submit written reports of the inspections to appropriate
34 agencies and persons as provided in § 12-26-107;

35 (5) Review and comment on plans for the construction and major
36 modification or renovation of the criminal detention facilities and juvenile

1 detention facilities; and

2 (6) Perform such other duties as may be necessary to carry out
3 the policy of the state regarding criminal detention facilities and juvenile
4 detention facilities.

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6 SECTION 5. Arkansas Code § 12-26-107 is amended to read as follows:

7 12-26-107. Inspection of facility – Report.

8 (a) Except as otherwise provided in this chapter, each criminal
9 detention facility review committee shall visit and inspect each criminal
10 detention facility and each juvenile detention facility, if any, in ~~its~~
11 ~~judicial~~ the committee's criminal detention facility review committee
12 district at least annually for the purpose of determining the conditions of
13 confinement, the treatment of prisoners, and whether the criminal justice
14 detention facilities and juvenile detention facilities comply with the
15 minimum standards established pursuant to this chapter.

16 (b)(1) A written report of each inspection shall be made within thirty
17 (30) days following such inspection to the chief circuit judge for ~~the a~~
18 judicial district within the geographic area of the district in which the
19 criminal detention facility or juvenile detention facility is located and to
20 the county judge or the governing body of the political subdivision whose
21 criminal detention facility or juvenile detention facility is the subject of
22 the written report.

23 (2) The written report shall specify those respects in which the
24 criminal detention facility or juvenile detention facility does not comply
25 with the required minimum standards.

26
27 SECTION 6. Arkansas Code § 12-26-108 is amended to read as follows:

28 12-26-108. Failure to meet minimum standards – Procedure.

29 (a)(1) If an inspection under this chapter discloses that the criminal
30 detention facility or juvenile detention facility does not meet the minimum
31 standards established by the Criminal Detention Facilities Review
32 Coordinator, the criminal detention facility review committee shall send
33 notice, together with the inspection report, to the governing body
34 responsible for the criminal detention facility or juvenile detention
35 facility and, if applicable, to the ~~duly constituted~~ grand jury for the
36 county in which the criminal detention facility or juvenile detention

1 facility is located.

2 (2) A copy of the notice required by this chapter shall also be
3 sent to the chief circuit judge of ~~the~~ a judicial district within the
4 geographic area of the criminal detention facility review committee district
5 in which the criminal detention facility or juvenile detention facility is
6 located.

7 (b) The appropriate governing body or, if applicable, the grand jury,
8 or both, shall promptly meet to consider the inspection report, and the
9 ~~committee~~ chair of the criminal detention facility review committee shall
10 appear to advise and consult concerning appropriate corrective action.

11 (c) The governing body or, if applicable, the grand jury, or both,
12 shall then initiate appropriate corrective action within six (6) months of
13 the receipt of the inspection report or may voluntarily close the detention
14 facility or the objectionable portion of the criminal detention facility or
15 juvenile detention facility.

16 (d)(1) If the governing body or, if applicable, the grand jury fails
17 to initiate corrective action within six (6) months after receipt of ~~such~~ the
18 inspection report, or fails to correct the disclosed conditions, or fails to
19 close the criminal detention facility or juvenile detention facility or the
20 objectionable portion ~~thereof~~ of the criminal detention facility or juvenile
21 detention facility, the committee ~~is authorized to~~ may petition a circuit
22 court within the judicial district in which the facility is located to close
23 the criminal detention facility or juvenile facility.

24 (2) The petition shall include the inspection report regarding
25 the criminal detention facility or juvenile facility.

26 (3) The local governing body shall then have thirty (30) days to
27 respond to the petition and shall serve a copy of the response on the
28 ~~committee~~ chair by certified mail, return receipt requested.

29 (e) Thereafter, a hearing shall be held on the petition before the
30 circuit court, and an order rendered by ~~such~~ the circuit court which:

31 (1) Dismisses the petition of the committee;

32 (2) Directs that corrective action be initiated in some form by
33 the local governing body or, if applicable, by the grand jury with respect to
34 the criminal detention facility or juvenile detention facility in question;
35 or

36 (3) Directs that the criminal detention facility or juvenile

1 detention facility be closed.

2 (f) An appeal from the decision of the circuit court may be taken ~~to~~
3 ~~the Supreme Court~~ as provided in the Rules of Appellate Procedure – Civil.

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5 SECTION 7. DO NOT CODIFY. Temporary legislation.

6 (a)(1) The criminal detention facility review committees established
7 under § 12-26-101 et seq. before the effective date of this act are abolished
8 on January 1, 2019.

9 (2) A vacancy on a committee abolished by this act shall not be
10 filled before January 1, 2019, absent an appointment by the Governor in the
11 event of an emergency.

12 (b) At the initial meeting of a criminal detention facility review
13 committee created under this act, the members of the committee shall draw
14 lots for staggered initial terms as follows:

15 (1) One (1) member to serve an initial one-year term;

16 (2) One (1) member to serve an initial two-year term;

17 (3) One (1) member to serve an initial three-year term; and

18 (4) Two (2) members to serve initial four-year terms.

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20 SECTION 8. DO NOT CODIFY. Effective date.

21 Sections 1 through 6 of this act are effective on and after January 1,
22 2019.