

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: S2/8/17

A Bill

SENATE BILL 273

5 By: Senator Standridge
6 By: Representatives Drown, Bentley
7

For An Act To Be Entitled

9 AN ACT PERMITTING ACT 309 INMATES IN THE CUSTODY OF
10 THE DEPARTMENT OF CORRECTION WHO ARE HOUSED IN A
11 COUNTY JAIL TO WORK FOR LOCAL NONPROFIT
12 ORGANIZATIONS; TO DECLARE AN EMERGENCY; AND FOR OTHER
13 PURPOSES.
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Subtitle

16 *PERMITTING ACT 309 INMATES IN THE CUSTODY*
17 *OF THE DEPARTMENT OF CORRECTION WHO ARE*
18 *HOUSED IN A COUNTY JAIL TO WORK FOR LOCAL*
19 *NONPROFIT ORGANIZATIONS; AND TO DECLARE*
20 *AN EMERGENCY.*
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 12-30-407 is amended to read as follows:

27 12-30-407. Housing of participants.

28 (a)(1)(A) The Board of Corrections may promulgate rules ~~and~~
29 ~~regulations~~ to allow the proper classification of inmates to be released to
30 the county sheriffs of approved jail facilities or chiefs of police or other
31 authorized law enforcement officers of city-operated approved jail facilities
32 or community correction centers outside the Department of Correction.

33 (B)(i) Inmates shall be interviewed to develop a
34 classification of each inmate's skills, work experiences, job background, and
35 education.

36 (ii) ~~Such inmates are to~~ Inmates shall work at jobs



1 under this section that directly benefit ~~those~~ approved jail facilities, ~~or~~ a
2 political subdivision, or a nonprofit organization with a chapter, committee,
3 or other governing body that is based in the county, ~~and~~ that are related to
4 a particular inmate's background classification, ~~and where they are to be in~~
5 which the inmates are under supervision at all times.

6 (2)(A)(i) County sheriffs, chiefs of police, or other authorized
7 law enforcement officers of approved jail facilities may request assignment
8 of inmates to their approved jail facilities to perform particular jobs for
9 the approved jail facilities, ~~or~~ for a political subdivision, or for a
10 nonprofit organization with a chapter, committee, or other governing body
11 that is based in the county, which are in a particular area of need of the
12 ~~facility or a~~ approved jail facilities, political subdivision, or nonprofit
13 organization with a chapter, committee, or other governing body that is based
14 in the county.

15 (ii) The Department of Correction shall review the
16 requests and shall submit a list of inmates with appropriate skills or
17 backgrounds for the particular job needs of the approved jail facility,
18 political subdivision, or nonprofit organization with a chapter, committee,
19 or other governing body that is based in the county, in accordance with the
20 Department of Correction's classification of inmates' skills and backgrounds.

21 (iii) County sheriffs, chiefs of police, or other
22 authorized law enforcement officers ~~will~~ shall choose inmates from the
23 submitted list ~~which~~ who are appropriate for the needs of ~~their~~ the approved
24 jail facilities, ~~or~~ a political subdivision, nonprofit organization with a
25 chapter, committee, or other governing body that is based in the county.

26 (B) County sheriffs, chiefs of police, or other authorized
27 law enforcement officers of approved jail facilities shall not request the
28 assignment of a particular inmate to ~~their~~ an approved jail facility,
29 political subdivision, or nonprofit organization with a chapter, committee,
30 or other governing body that is based in the county, and may refuse the
31 assignment of a particular inmate.

32 (3)(A) An inmate shall not be released to ~~approved jail~~
33 ~~facilities~~ a county sheriff, chief of police, or other authorized law
34 enforcement officer of an approved jail facility under this section until
35 notification of the release is first sent to the county sheriff of the county
36 from which the inmate was tried and convicted, the prosecuting attorney's

1 office ~~who convicted~~ that prosecuted the inmate, and, upon a written request,
2 to the victim or victim's family.

3 (B) Notification of the victim or victim's family shall be
4 done by mail to the last known address supplied to the Department of
5 Correction in accordance with Department of Correction policies.

6 (4)(A) Inmates ~~so~~ released under this section shall be entitled
7 to credit on their sentences under the meritorious classification system of
8 the Department of Correction.

9 (B) However, no inmate shall be eligible to be released to
10 the county sheriff, chief of police, or other authorized law enforcement
11 officer of an approved jail facility unless the inmate is within ~~thirty (30)~~
12 forty-five (45) months of his or her first parole eligibility date or his or
13 her first post prison transfer eligibility date, unless:

14 (i) The inmate is returning to the county from which
15 he or she was tried and convicted and the victim or victim's immediate
16 family, if residing in the county from which the inmate was tried and
17 convicted, has been notified of the inmate's return; or

18 (ii)(a) If the inmate is released to a county other
19 than a county from which he or she was tried and convicted, the county
20 sheriff of the county from which he or she was tried and convicted shall be
21 notified as provided in subdivision (a)(3)(A) of this section.

22 (b)(1) Unless the county sheriff responds
23 within fifteen (15) days of notification that he or she disapproves of the
24 transfer, the inmate may be transferred as provided in this section.

25 (2) If the county sheriff disapproves of
26 the transfer and an inmate becomes eligible to be released again, the
27 notifications required by subdivision (a)(3) of this section shall be made
28 again.

29 (b)(1) The number of persons on prerelease, work-release, and other
30 rehabilitative programs that may be housed at the Arkansas Health Center
31 shall not exceed a number appropriate to maintain the security and good order
32 of the center.

33 (2) However, with the approval of the Department of Human
34 Services State Institutional System Board and the Administrator of the
35 Arkansas Health Center, a maximum number of persons on prerelease, work-
36 release, and other rehabilitative programs to be housed at the center may be

1 established by the Board of Corrections.

2 ~~(e) Inmates released to the county sheriff of approved jail facilities~~
3 ~~or community correction centers pursuant to this section prior to July 28,~~
4 ~~1995, shall remain eligible for release, notwithstanding the provisions of~~
5 ~~this section.~~

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7 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
8 General Assembly of the State of Arkansas that Act 309 inmates are currently
9 a valuable resource for local jails and political subdivisions; that Act 309
10 inmates should be available for use by local nonprofit organizations; and
11 that this act is immediately necessary because a number of nonprofit entities
12 can immediately benefit from the assistance of Act 309 inmates. Therefore, an
13 emergency is declared to exist, and this act being immediately necessary for
14 the preservation of the public peace, health, and safety shall become
15 effective on:

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

17 (2) If the bill is neither approved nor vetoed by the Governor,
18 the expiration of the period of time during which the Governor may veto the
19 bill; or

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

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23 /s/Standridge
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