

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

A Bill

SENATE BILL 377

5 By: Senator Hickey
6 By: Representative Dalby
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE ELIGIBILITY OF AN INMATE OF THE
10 DEPARTMENT OF CORRECTION TO PARTICIPATE IN A WORK-
11 RELEASE PROGRAM OR UNDER ACT 309 OF 1983; AND FOR
12 OTHER PURPOSES.
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Subtitle

15 CONCERNING THE ELIGIBILITY OF AN INMATE
16 OF THE DEPARTMENT OF CORRECTION TO
17 PARTICIPATE IN A WORK-RELEASE PROGRAM OR
18 UNDER ACT 309 OF 1983.
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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 § 12-30-404 is amended to read as follows:
25 12-30-404. Inmates excepted from program.

26 (a) ~~No~~ A person shall be ~~is not~~ allowed to participate in ~~any a~~ work-
27 release program conducted by or for the Department of Correction if ~~convicted~~
28 of the person is serving a sentence for:

29 (1) A capital offense; or

30 (2) ~~Murder in the first degree, § 5-10-102;~~ A felony involving
31 violence as described under § 5-4-501(d)(2), except for the following
32 offenses:

33 (A) Residential burglary, § 5-39-201(a), or attempt,
34 solicitation, or conspiracy to commit residential burglary;

35 (B) Unlawful discharge of a firearm from a vehicle, § 5-
36 74-107, if a Class B felony, or attempt, solicitation, or conspiracy to



1 commit unlawful discharge of a firearm from a vehicle, if the attempt,
2 solicitation, or conspiracy was to commit a Class B felony; or

3 (C) Criminal use of prohibited weapons, § 5-73-104, or
4 attempt, solicitation, or conspiracy to commit criminal use of prohibited
5 weapons.

6 ~~(3) Rape, § 5-14-103;~~

7 ~~(4) Kidnapping, § 5-11-102; or~~

8 ~~(5) Aggravated robbery a second or subsequent time, § 5-12-103.~~

9 ~~(b) However, this section shall not apply to persons participating in~~
10 ~~work release programs on July 20, 1979.~~

11 (b)(1) The lack of a high school diploma or a General Equivalency
12 Degree (GED) is not a disqualifying factor for a person to participate in a
13 work-study release program under this subchapter.

14 (2) A person who lacks a high school diploma or General
15 Equivalency Degree (GED) and who otherwise qualifies for a work-study release
16 program under this subchapter shall be instructed and educated on the
17 importance of obtaining either a high school diploma or General Equivalency
18 Degree (GED) for the purposes of the person's employment upon reentry into
19 society after being released from incarceration before being assigned to a
20 work-study release program under this subchapter.

21 (c) An inmate who has been approved for a work-study release program
22 before the effective date of this act is eligible to participate in a work-
23 study release program under this subchapter despite the presence of a
24 disqualifying conviction under subsection (a) of this section.

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26 SECTION 2. Arkansas Code § 12-30-407(a)(4)-(c), concerning the
27 eligibility of an inmate in the Department of Correction to enter an Act 309
28 program, is amended to read as follows:

29 ~~(4)(A)(b)~~ Inmates so released under this section shall be entitled to
30 credit on their sentences under the meritorious classification system of the
31 Department of Correction.

32 ~~(B)(c) However, no inmate shall be~~ An inmate is not eligible under
33 this section to be released to the county sheriff, chief of police, or other
34 authorized law enforcement officer of an approved jail facility if the inmate
35 is:

36 (1) Serving a sentence for:

1 (A) A capital offense; or

2 (B) A felony involving violence as described under § 5-4-
 3 501(d)(2), except for the following offenses:

4 (i) Residential burglary, § 5-39-201(a), or attempt,
 5 solicitation, or conspiracy to commit residential burglary;

6 (ii) Unlawful discharge of a firearm from a vehicle,
 7 § 5-74-107, if a Class B felony, or attempt, solicitation, or conspiracy to
 8 commit unlawful discharge of a firearm from a vehicle, if the attempt,
 9 solicitation, or conspiracy was to commit a Class B felony; or

10 (iii) Criminal use of prohibited weapons, § 5-73-
 11 104, or attempt, solicitation, or conspiracy to commit criminal use of
 12 prohibited weapons; or

13 (2) unless the inmate is within thirty (30) Not within thirty
 14 (30) months of his or her first parole eligibility date or his or her first
 15 post prison transfer eligibility date, unless:

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

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

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

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

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

35 (2) However, with the approval of the Department of Human
 36 Services State Institutional System Board and the ~~Administrator~~ administrator

1 of the Arkansas Health Center, a maximum number of persons on prerelease,
2 work-release, and other rehabilitative programs to be housed at the center
3 may be established by the Board of Corrections.

4 ~~(e)(e)~~ ~~Inmates~~ An inmate released to the county sheriff of an approved
5 jail ~~facilities~~ facility or to an approved community correction ~~centers~~
6 ~~pursuant to this section prior to July 28, 1995,~~ center before the effective
7 date of this act shall remain eligible for release, notwithstanding the
8 provisions of this section.

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