

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

*As Engrossed: S3/4/19*  
**A Bill**

SENATE BILL 313

5 By: Senator Elliott  
6 By: Representative Scott  
7

**For An Act To Be Entitled**

9 AN ACT REQUIRING THE PAROLE BOARD TO ISSUE AND  
10 RELEASE FINDINGS OF FACT WHEN IT DENIES PAROLE OR  
11 TRANSFER TO A PERSON OTHERWISE ELIGIBLE FOR RELEASE  
12 ON PAROLE OR TRANSFER FROM THE DEPARTMENT OF  
13 CORRECTION; AND FOR OTHER PURPOSES.  
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**Subtitle**

16  
17 REQUIRING THE PAROLE BOARD TO ISSUE AND  
18 RELEASE FINDINGS OF FACT WHEN IT DENIES  
19 PAROLE OR TRANSFER TO A PERSON OTHERWISE  
20 ELIGIBLE FOR RELEASE ON PAROLE OR  
21 TRANSFER FROM THE DEPARTMENT OF  
22 CORRECTION.  
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. Arkansas Code § 16-93-210(a), concerning the monthly report  
28 by the Parole Board to the legislature and the Governor concerning the grant  
29 and denial of parole, is amended to read as follows:

30 (a)(1) The Parole Board shall submit a monthly report to the chairs of  
31 the House Committee on Judiciary and the Senate Committee on Judiciary, the  
32 Legislative Council, the Board of Corrections, and the Governor, showing the  
33 number of persons who make application for parole and those who are granted  
34 or denied parole during the previous month for each criminal offense  
35 classification.

36 (2) The report shall include a breakdown by race of all persons



1 sentenced in each criminal offense classification.

2 (3) *The report shall include ~~the~~ a detailed reason for each*  
3 *denial of parole, including a brief narrative reasonably sufficient to*  
4 *explain each board member's rationale for his or her vote to deny parole to*  
5 *the otherwise eligible person, the results of the risk-needs assessment, and*  
6 *the course of action that accompanies each denial ~~pursuant to~~ under § 16-93-*  
7 *615(a)(2)(B)(ii).*

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9 SECTION 2. Arkansas Code § 16-93-615(a)(2), concerning the Parole  
10 Board's procedure to transfer an inmate of the Department of Correction to  
11 the Department of Community Correction, is amended to read as follows:

12 (2)(A) When one (1) or more of the circumstances in subdivision  
13 (a)(1) of this section are present, the Parole Board shall conduct a hearing  
14 to determine the appropriateness of the inmate for transfer.

15 (B) The Parole Board has two (2) options:

16 (i) To transfer the individual to the Department of  
17 Community Correction accompanied by notice of conditions of the transfer,  
18 including without limitation:

19 (a) Supervision levels;

20 (b) Economic fee sanction;

21 (c) Treatment program;

22 (d) Programming requirements; and

23 (e) Facility placement when appropriate; or

24 (ii)(a) To deny transfer based on a set of  
25 established criteria and to accompany the denial with a prescribed course of  
26 action to be undertaken by the inmate to rectify the Parole Board's concerns.

27 (b) If the Parole Board denies a transfer  
28 under this subdivision (a)(2)(B)(ii), the Parole Board shall detail the  
29 findings of fact that the Parole Board relied upon to deny transfer to the  
30 person.

31 (c) Upon request, each member of the Parole  
32 Board shall provide to a person who has been denied parole or a person acting  
33 lawfully on behalf of that person a compilation by each member of the section  
34 or sections of the report that indicates the reason or reasons for denying  
35 parole to the otherwise eligible person.

36 (d) Each member's reason or reasons for denial

1 shall include a brief narrative reasonably sufficient to explain the member's  
2 rationale to deny the person parole.

3 (C) Upon completion of the course of action determined by  
4 the Parole Board and after final review of the inmate's file to ensure  
5 successful completion, the Parole Board shall authorize the inmate's transfer  
6 to the Department of Community Correction under this section and §§ 16-93-  
7 614, 16-93-616, and 16-93-617, in accordance with administrative policies and  
8 procedures governing the transfer and subject to conditions attached to the  
9 transfer.

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11 SECTION 3. Arkansas Code § 16-93-714 is amended to read as follows:  
12 16-93-714. Denial of parole – Detriment to the community.

13 (a) The Parole Board may deny parole to any otherwise eligible person,  
14 regardless of the sentence that he or she is serving, if five (5) members of  
15 the board determine that the person upon release would be a detriment to the  
16 community into which the person would be released.

17 (b)(1) However, if the board denies parole to an otherwise eligible  
18 person under this section, the board shall issue to the person and the  
19 person's attorney, if applicable, and make available to the public the  
20 detailed findings of fact that the board relied upon to deny parole to the  
21 otherwise eligible person.

22 (2) For detailed findings of fact made available to the public,  
23 if there is a law that specifically prohibits the disclosure of the detailed  
24 findings of fact required under this subsection, the board shall redact those  
25 detailed findings of fact and make available to the public the remaining  
26 detailed findings of fact.

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29 /s/Elliott  
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