

1 State of Arkansas
2 93rd General Assembly
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4

As Engrossed: H2/9/21

A Bill

HOUSE BILL 1120

5 By: Representative Slape
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For An Act To Be Entitled

8 AN ACT CONCERNING CRIMINAL DETENTION FACILITIES
9 REVIEW COMMITTEES; AND FOR OTHER PURPOSES.
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Subtitle

11 CONCERNING CRIMINAL DETENTION FACILITIES
12 REVIEW COMMITTEES.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 12-26-103 is amended to read as follows:

20 12-26-103. Office of Criminal Detention Facilities Review Coordinator –
21 Creation – Duties.

22 (a) There is established the Office of Criminal Detention Facilities
23 Review Coordinator within the Department of Corrections which shall consist
24 of:

25 (1) A ~~criminal detention facilities review coordinator~~ Criminal
26 Detention Facilities Review Coordinator, who shall be ~~appointed~~ hired and
27 employed by and serve at the pleasure of the ~~Governor~~ Secretary of the
28 Department of Corrections; and

29 (2) An administrative assistant; and

30 (3) Other staff permanently or temporarily assigned from within
31 the Department of Corrections.

32 (b) The office shall be responsible for promulgating, upon approval of
33 the secretary, minimum standards for the construction, maintenance, and
34 operation of local, county, regional, or state criminal detention facilities
35 and juvenile detention facilities in accordance with the Arkansas
36 Administrative Procedure Act, § 25-15-201 et seq.



1 (c) The coordinator shall perform all duties ~~necessary~~ assigned by the
2 secretary to assure uniformity in the interpretation and administration of
3 the minimum standards by the several criminal facility detention review
4 committees.

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6 SECTION 2. Arkansas Code § 12-26-106 is amended to read as follows:

7 12-26-106. Powers and duties of a criminal detention facility review
8 committee.

9 A criminal detention facility review committee shall:

10 (1) Provide consultation and technical assistance to county and
11 local government officials with respect to criminal detention facilities and
12 juvenile detention facilities;

13 ~~(2)(A) Visit and inspect the~~ Review and approve the written
14 inspection reports of the Criminal Detention Facilities Review Coordinator
15 for criminal detention facilities and juvenile detention facilities in the
16 criminal detention facility review committee's district for compliance with
17 the standards as established under § 12-26-103.

18 (B) This subdivision (2) does not prevent a committee
19 member from visiting or inspecting a criminal detention facility or juvenile
20 detention facility as part of the review process;

21 (3) Advise government officials and other appropriate persons of
22 deficiencies in the criminal detention facilities and juvenile detention
23 facilities and make recommendations for improvements;

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

26 ~~(5)(4) Review and comment on~~ approve plans for the construction
27 and major modification or renovation of the criminal detention facilities and
28 juvenile detention facilities; and

29 ~~(6)(5) Perform such other duties as may be necessary to carry~~
30 ~~out the policy of the state regarding criminal detention facilities and~~
31 ~~juvenile detention facilities.~~

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33 SECTION 3. Arkansas Code § 12-26-107 is amended to read as follows:

34 12-26-107. Inspection of facility – Report.

35 (a) ~~(1) Except as otherwise provided in this chapter, each criminal~~
36 ~~detention facility review committee~~ the Criminal Detention Facilities Review

1 Coordinator shall visit and inspect each criminal detention facility and each
2 juvenile detention facility, if any, in ~~the committee's~~ each criminal
3 detention facility review committee district at least annually for the
4 purpose of determining the conditions of confinement, the treatment of
5 prisoners, and whether the criminal detention facilities and juvenile
6 detention facilities comply with the minimum standards established pursuant
7 to this chapter.

8 (2) The method of inspection may only be altered in the event of
9 an emergency declared under the Arkansas Emergency Services Act of 1973, §
10 12-75-101 et seq., with approval of the Secretary of the Department of
11 Corrections.

12 (3) The coordinator shall report in writing his or her findings
13 that result from the visits to each criminal detention facility and each
14 juvenile detention facility to the criminal detention facility review
15 committee for the district.

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

25 (2) The written report shall specify ~~those respects~~ the ways in
26 which the criminal detention facility or juvenile detention facility does and
27 does not comply with the required minimum standards.

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29 /s/Slape
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