

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

As Engrossed: S3/1/23

# A Bill

SENATE BILL 267

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

## For An Act To Be Entitled

9 AN ACT TO TRANSFER THE CRIMINAL DETENTION FACILITY  
10 REVIEW COMMITTEES, AND THE OFFICE OF CRIMINAL  
11 DETENTION FACILITIES REVIEW COORDINATOR TO THE  
12 DEPARTMENT OF PUBLIC SAFETY; TO DECLARE AN EMERGENCY;  
13 AND FOR OTHER PURPOSES.  
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### Subtitle

16 TO TRANSFER THE CRIMINAL DETENTION  
17 FACILITY REVIEW COMMITTEES, AND THE  
18 OFFICE OF CRIMINAL DETENTION FACILITIES  
19 REVIEW COORDINATOR TO THE DEPARTMENT OF  
20 PUBLIC SAFETY; AND TO DECLARE AN  
21 EMERGENCY.  
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. DO NOT CODIFY. Cabinet-level department transfer of  
28 criminal detention facility review committees and Office of Criminal  
29 Detention Facilities Review Coordinator from Department of Corrections to  
30 Department of Public Safety.

31 (a) The criminal detention facility review committees and the Office  
32 of Criminal Detention Facilities Review Coordinator are transferred by a  
33 cabinet-level department transfer under § 25-43-101 et. seq. from the  
34 Department of Corrections to the Department of Public Safety.

35 (b) The administrative functions of the criminal detention facility  
36 review committees and the Office of Criminal Detention Facilities Review



1 Coordinator are transferred by a cabinet-level department transfer under §  
2 25-43-1402 from the Department of Corrections to the Department of Public  
3 Safety.

4 (c) The statutory authority, powers, duties, functions, records,  
5 personnel, property, contracts, and unexpended balances of appropriations,  
6 allocations, or other funds, including the functions of budgeting or  
7 purchasing of the criminal detention facility review committees and the  
8 Office of Criminal Detention Facilities Review Coordinator, are transferred  
9 to the Department of Public Safety.

10 (d)(1) The transfer of the criminal detention facility review  
11 committees and the Office of Criminal Detention Facilities Review Coordinator  
12 does not affect the orders, rules, regulations, directives, or standards made  
13 or promulgated by the criminal detention facility review committees and the  
14 Office of Criminal Detention Facilities Review Coordinator before the  
15 effective date of this act.

16 (2) The orders, rules, regulations, directives, or standards  
17 under subdivision (d)(1) of this section shall continue with full force and  
18 effect until amended or repealed under authority given by law.

19 (e) The members of the criminal detention facility review committees,  
20 and their successors, shall continue to be selected in the manner and serve  
21 for the terms provided by the statutes applicable to the criminal detention  
22 facility review committees.

23 (f) The Department of Corrections shall grant access to and provide  
24 all information requested by the Department of Public Safety to accomplish  
25 transfer of the criminal detention facility review committees and the Office  
26 of Criminal Detention Facilities Review Coordinator and the mission of the  
27 criminal detention facility review committees and the Office of Criminal  
28 Detention Facilities Review Coordinator.

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30 SECTION 2. Arkansas Code § 12-26-103(a)(1), concerning the creation  
31 and duties of the Office of Criminal Detention Facilities Review Coordinator,  
32 is amended to read as follows:

33 (1) A Criminal Detention Facilities Review Coordinator, who  
34 shall be hired and employed by and serve at the pleasure of the Secretary of  
35 the Department of ~~Corrections~~ Public Safety;

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1 SECTION 3. Arkansas Code § 12-26-103(a)(3), concerning the creation  
2 and duties of the Office of Criminal Detention Facilities Review Coordinator,  
3 is amended to read as follows:

4 (3) Other staff permanently or temporarily assigned from within  
5 the Department of ~~Corrections~~ Public Safety.

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7 SECTION 4. Arkansas Code § 12-26-107(d)(1), concerning criminal  
8 detention facilities, is amended to read as follows:

9 (d)(1) A committee shall function as a state agency within the  
10 Department of Public Safety.

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12 SECTION 5. Arkansas Code § 12-26-107(a)(2), concerning the inspection  
13 of criminal detention facilities, is amended to read as follows:

14 (2) The method of inspection may only be altered in the event of  
15 an emergency declared under the Arkansas Emergency Services Act of 1973, §  
16 12-75-101 et seq., with approval of the Secretary of the Department of  
17 ~~Corrections~~ Public Safety.

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19 SECTION 6. Arkansas Code § 25-43-402(3), concerning state entities  
20 transferred to Department of Corrections, is repealed.

21 ~~(3) The criminal detention facility review committees, created~~  
22 ~~under § 12-26-105;~~

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24 SECTION 7. Arkansas Code § 25-43-402(6), concerning state entities  
25 transferred to Department of Corrections, is repealed.

26 ~~(6) The Office of Criminal Detention Facilities Review~~  
27 ~~Coordinator, created under § 12-26-103;~~

28  
29 SECTION 8. Arkansas Code § 25-43-1402, concerning state entities  
30 transferred to Department of Public Safety, is amended to add additional  
31 subdivisions to read as follows:

32 (18) The criminal detention facility review committees, created  
33 under § 12-26-105; and

34 (19) The Office of Criminal Detention Facilities Review  
35 Coordinator, created under § 12-26-103.

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1           SECTION 9. EMERGENCY CLAUSE. It is found and determined by the  
2 General Assembly of the State of Arkansas that the criminal detention  
3 facility review committees and the Office of Criminal Detention Facilities  
4 Review Coordinator preserve the public peace, health, and safety by providing  
5 minimum standards and reviews of minimum standards for the construction,  
6 maintenance, and operation of criminal detention facilities; that this act  
7 provides for the transfer of the criminal detention facility review  
8 committees and the Office of Criminal Detention Facilities Review Coordinator  
9 to the Department of Public Safety; and that this act should become effective  
10 on July 1, 2023, to coincide with the appropriation bills of the Department  
11 of Public Safety and Department of Corrections and ensure that the criminal  
12 detention facility review committees and the Office of Criminal Detention  
13 Facilities Review Coordinator continue to provide their vital services as the  
14 transfer is implemented and do not experience any issues with funding under  
15 the transfer. Therefore, an emergency is declared to exist, and this act  
16 being necessary for the preservation of the public peace, health, and safety  
17 shall become effective on July 1, 2023.

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*/s/B. Johnson*