

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

A Bill

SENATE BILL 495

5 By: Senators Gilmore, J. Dismang, J. Boyd, J. Bryant, Caldwell, Crowell, B. Davis, Dees, J. English,
6 Flippo, K. Hammer, Hester, Hill, Irvin, B. Johnson, M. Johnson, M. McKee, C. Penzo, J. Petty, Rice,
7 Stone, G. Stubblefield, D. Wallace
8 By: Representatives Gazaway, Beaty Jr.
9

For An Act To Be Entitled

11 AN ACT TO CREATE THE PROTECT ARKANSAS ACT; TO AMEND
12 ARKANSAS LAW CONCERNING SENTENCING AND PAROLE; TO
13 AMEND ARKANSAS LAW CONCERNING CERTAIN CRIMINAL
14 OFFENSES; TO AMEND ARKANSAS LAW CONCERNING THE PAROLE
15 BOARD; TO CREATE THE LEGISLATIVE RECIDIVISM REDUCTION
16 TASK FORCE; AND FOR OTHER PURPOSES.
17

Subtitle

18
19
20 TO CREATE THE PROTECT ARKANSAS ACT; TO
21 AMEND ARKANSAS LAW CONCERNING SENTENCING
22 AND PAROLE; TO AMEND ARKANSAS LAW
23 CONCERNING CERTAIN CRIMINAL OFFENSES; AND
24 TO CREATE THE LEGISLATIVE RECIDIVISM
25 REDUCTION TASK FORCE.
26
27

28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
29

30 SECTION 1. DO NOT CODIFY. This act shall be known as the "Protect
31 Arkansas Act".
32

33 SECTION 2. Arkansas Code Title 16, Chapter 93, is amended to add
34 additional subchapters to read as follows:

35 Subchapter 18 – Release Eligibility and Procedures for Offenses Committed
36 on or after January 1, 2025



1
2 16-93-1801. Applicability.

3 (a) This subchapter applies to a felony offense committed on or after
4 January 1, 2025.

5 (b) A person who, before January 1, 2025, committed a felony and who
6 was convicted and incarcerated for that felony is eligible for release on
7 parole in accordance with the law in effect at the time the felony was
8 committed.

9
10 16-93-1802. Definitions.

11 As used in this subchapter:

12 (1)(A) "Felony ineligible to receive earned release credits"
13 means a felony offense for which a person is not eligible for release until
14 one hundred percent (100%) of the sentenced imposed by the sentencing court
15 has been served.

16 (B) "Felony ineligible to receive earned release credits"
17 includes only the following felony offenses, or an attempt, solicitation, or
18 conspiracy to commit one (1) of the following felony offenses:

- 19 (i) Capital murder, § 5-10-101;
20 (ii) Murder in the first degree, § 5-10-102;
21 (iii) Kidnapping, § 5-11-102, if a Class Y felony;
22 (iv) Aggravated robbery, § 5-12-103;
23 (v) Rape, § 5-14-103;
24 (vi) Trafficking of persons, § 5-18-103;
25 (vii) Engaging children in sexually explicit conduct
26 for use in visual or print medium, § 5-27-303;
27 (viii) Pandering or possessing visual or print
28 medium depicting sexually explicit conduct involving a child, § 5-27-304;
29 (ix) Transportation of minors for prohibited sexual
30 conduct, § 5-27-305;
31 (x) Internet stalking of a child, § 5-27-306;
32 (xi) Sexually grooming a child, § 5-27-307, if a
33 felony offense;
34 (xii) Producing, directing, or promoting a sexual
35 performance by a child, § 5-27-403;
36 (xiii) Computer exploitation of a child, § 5-27-605;

- 1 (xiv) Causing a catastrophe, § 5-38-202(a);
- 2 (xv) Aggravated residential burglary, § 5-39-204, if
- 3 a Class Y felony;
- 4 (xvi) Treason, § 5-51-201;
- 5 (xvii) Fleeing, § 5-54-125, if a Class B felony; and
- 6 (xviii) Possession of firearms by certain persons, §
- 7 5-73-103, if a Class B felony; and

8 (2)(A) "Restricted release felony" means a felony offense for
 9 which a person is not eligible for release until at least eighty-five percent
 10 (85%) of the sentenced imposed by the sentencing court has been served.

11 (B) "Restricted release felony" includes only the following
 12 felony offenses, or an attempt, solicitation, or conspiracy to commit one (1)
 13 of the following felony offenses:

- 14 (i) Murder in the second degree, § 5-10-103;
- 15 (ii) Manslaughter, § 5-10-104;
- 16 (iii) Negligent homicide, § 5-10-105;
- 17 (iv) Encouraging the suicide of another person, § 5-
- 18 10-107;
- 19 (v) Kidnapping, § 5-11-102, if a Class B felony;
- 20 (vi) Battery in the first degree, § 5-13-201;
- 21 (vii) Terroristic act, § 5-13-310;
- 22 (viii) Sexual indecency with a child, § 5-14-110;
- 23 (ix) Sexual extortion, § 5-14-113;
- 24 (x) Exposing another person to human
- 25 immunodeficiency virus, § 5-14-123;
- 26 (xi) Sexual assault in the first degree, § 5-14-124;
- 27 (xii) Unlawful female genital mutilation of a minor,
- 28 § 5-14-136;
- 29 (xiii) Crime of video voyeurism, § 5-16-101, if a
- 30 Class C felony offense;
- 31 (xiv) Voyeurism, § 5-16-102, if a Class C felony
- 32 offense;
- 33 (xv) Patronizing a victim of human trafficking, § 5-
- 34 18-104;
- 35 (xvi) Grooming a minor for future sex trafficking, §
- 36 5-18-106;

- 1 (xvii) Traveling for the purpose of an unlawful sex
2 act with a minor, § 5-18-107;
- 3 (xviii) Domestic battering in the first degree, § 5-
4 26-303;
- 5 (xix) Aggravated assault on a family or household
6 member, § 5-26-306, if under § 5-26-306(a)(3);
- 7 (xx) Permitting abuse of a minor, § 5-27-221, if a
8 Class B felony;
- 9 (xxi) Exposing a child to a chemical substance or
10 methamphetamine, § 5-27-230;
- 11 (xxii) Employing or consenting to the use of a child
12 in a sexual performance, § 5-27-402;
- 13 (xxiii) Arson, § 5-38-301, if a Class Y felony;
14 (xxiv) Aggravated residential burglary, § 5-39-204,
15 if a Class A felony;
- 16 (xxv) Advocating assassination or overthrow of
17 government, § 5-51-202;
- 18 (xxvi) First degree escape, § 5-54-110;
19 (xxvii) Soliciting material support for terrorism, §
20 5-54-202(a);
- 21 (xxviii) Providing material support for a terrorist
22 act, § 5-54-202(b);
- 23 (xxix) Making a terrorist threat, § 5-54-203;
24 (xxx) Falsely communicating a terrorist threat, 5-
25 54-204;
- 26 (xxxi) Terrorism, § 5-54-205;
27 (xxxii) Hindering prosecution of terrorism, § 5-54-
28 207;
- 29 (xxxiii) Exposing the public to toxic biological,
30 chemical, or radioactive substances, § 5-54-208;
- 31 (xxxiv) Use of a hoax substance or hoax bomb, § 5-
32 54-209;
- 33 (xxxv) Engaging in a continuing criminal enterprise,
34 § 5-64-405;
- 35 (xxxvi) Delivery of fentanyl, § 5-64-421(c);
36 (xxxvii) Manufacture of fentanyl, § 5-64-421(d);

1 (xxxviii) Trafficking a controlled substance, § 5-
2 64-440;

3 (xxxix) Driving or boating while intoxicated, sixth
4 or subsequent offense, § 5-65-111(f);

5 (xl) Promoting prostitution in the first degree, §
6 5-70-104, if a Class B felony;

7 (xli) Arming rioters, § 5-71-204;

8 (xlii) Criminal use of prohibited weapons, § 5-73-
9 104, if a Class B felony;

10 (xliii) Criminal possession of explosive material or
11 a destructive device, § 5-73-108(a);

12 (xliv) Criminal distribution of explosive material,
13 § 5-73-108(b);

14 (xlv) Possession of stolen explosive material, § 5-
15 73-108(c);

16 (xlvi) Unlawful receipt or possession of an
17 explosive material, § 5-73-108(d);

18 (xlvii) Theft of any explosive material with the
19 purpose to cause harm to a person or property, § 5-73-108(f);

20 (xlviii) Possession or use of weapons by
21 incarcerated persons, § 5-73-131;

22 (xlix) Possession or use of a machine gun in the
23 course of a criminal offense, § 5-73-211;

24 (l) Unlawful discharge of a firearm from a vehicle
25 in the first degree, § 5-74-107(a);

26 (li) Using a born-alive infant for scientific
27 research or other kind of experimentation, § 20-16-604(i);

28 (lii) Partial-birth abortion, § 20-16-1203; and

29 (liii) Performing an abortion in violation of the
30 Arkansas Unborn Child Protection from Dismemberment Abortion Act, § 20-16-
31 1801 et seq.

32
33 16-93-1803. Release eligibility for felony ineligible for earned
34 release credits or restricted release felony committed on or after January 1,
35 2025.

36 (a) A person who, on or after January 1, 2025, commits a felony

1 ineligible to receive earned release credits and who is convicted and
2 incarcerated for the felony ineligible to receive earned release credits is
3 not eligible for release before serving the entire term of imprisonment
4 imposed by the sentencing court.

5 (b)(1) A person who, on or after January 1, 2025, commits a restricted
6 release felony and who was convicted and incarcerated for the restricted
7 release felony is not eligible for release prior to serving at least eighty-
8 five percent (85%) of the term of incarceration imposed by the sentencing
9 court.

10 (2) A person serving a sentence for a restricted release felony
11 may accrue earned release credits in accordance with the policy adopted by
12 the Division of Correction and as described in § 12-29-701 et seq.

13 (3) Earned release credits shall not be applied to a sentence for a
14 restricted release felony in an amount that exceeds fifteen percent (15%) of
15 the term of imprisonment imposed by the sentencing court.

16 (c) A person who commits a restricted release felony and who has
17 previously been convicted of a restricted release felony or a felony
18 ineligible to receive earned release credits is ineligible for release before
19 serving one hundred percent (100%) of the period of incarceration imposed by
20 the sentencing court.

21
22 16-93-1804. Release eligibility for felonies committed on or after
23 January 1, 2025.

24 Except as provided in § 16-93-1803, a person who commits a felony on or
25 after January 1, 2025, and who is convicted and incarcerated for that felony
26 is eligible for release as follows:

27 (1) A person who commits an offense meeting the definition of
28 target group as defined under § 16-93-1202 and who is judicially or
29 administratively transferred to a community correction center is eligible for
30 transfer to post-release supervision as follows:

31 (A) If the person is transferred back to the Division of
32 Correction for disciplinary reasons, he or she is ineligible to accrue earned
33 release credits against the sentence for which he or she is transferred to
34 the Division of Correction for disciplinary reasons;

35 (B) If the person is transferred back to the Division of
36 Correction for administrative reasons, he or she may be considered for

1 transfer to post-release supervision as otherwise authorized in § 16-93-1803
2 and this section;

3 (C) If the person is not transferred back to the Division
4 of Correction for administrative or disciplinary reasons, he or she is
5 eligible for release under § 12-27-127(c); and

6 (D) A person who has committed a felony that is within the
7 target group as defined under § 16-93-1202 and who is transferred to
8 community supervision is eligible, under the rules established by the Post-
9 Prison Transfer Board, for commitment to a community correction facility if
10 he or she is found to be in violation of any of his or her conditions of
11 post-release supervision, unless the post-release supervision violation
12 constitutes a non-target felony offense;

13 (2) For a person sentenced to death, life imprisonment without
14 parole, or life imprisonment:

15 (A) If the sentence is death or life imprisonment without
16 parole, the person is not eligible for transfer to post-release supervision
17 unless his or her sentence is pardoned or commuted to a term of years by the
18 Governor as provided by law;

19 (B) If the sentence is life imprisonment, the person is
20 not eligible for transfer to post-release supervision unless his or her
21 sentence is commuted to a term of years by executive clemency;

22 (C) Upon commutation, a person under sentence of death or
23 life imprisonment without parole must serve the entire term set by the
24 commutation; and

25 (D) Upon commutation, a person under a sentence of life
26 imprisonment is eligible for transfer to post-release supervision as provided
27 in this section or in § 16-93-1803;

28 (3) A person sentenced for a felony who was a minor at the time
29 he or she committed the felony is eligible for release on the earlier of
30 either the date authorized by this section or the date authorized by § 16-93-
31 621; and

32 (4)(A) Every other person who is incarcerated for commission of
33 a felony is eligible for transfer to post-release supervision when the sum of
34 his or her actual time served in confinement and his or her earned release
35 credits equals or exceeds one hundred percent (100%) of the term of
36 imprisonment imposed by the sentencing court.

1 (B) The maximum amount of earned release credits that can
2 be accrued and granted by the Post-Prison Transfer Board under subdivision
3 (4)(A) of this section is fifty percent (50%) or seventy-five percent (75%)
4 of the term of imprisonment imposed by the sentencing court, depending on the
5 seriousness determination provided in the seriousness grid or table
6 promulgated by the Arkansas Sentencing Commission and approved by the
7 Legislative Council.

8
9 16-93-1805. Procedures for release – Generally.

10 (a) An inmate under sentence for a felony and who is eligible for
11 release, may be transferred to post-release supervision under this section
12 and § 16-93-1903 subject to rules promulgated by the Board of Corrections or
13 the Post-Prison Transfer Board and conditions adopted by the Post-Prison
14 Transfer Board.

15 (b) Notwithstanding any minimum serving requirement, upon
16 recommendation of the Director of the Division of Correction, the Post-Prison
17 Transfer Board may consider an inmate for transfer to post-release
18 supervision if:

19 (1) The inmate is at least sixty (60) years of age; and

20 (2) The inmate has served at least one-half (1/2) of his or her
21 sentence.

22
23 16-93-1806. Procedures for release – Hearing.

24 (a) An inmate under sentence for a felony, except those designated as
25 a felony ineligible to receive earned release credits under § 16-93-1802, may
26 be transferred to post-release supervision under § 16-93-1903 and § 16-93-
27 1904 subject to rules promulgated by the Board of Corrections or the Post-
28 Prison Transfer Board and conditions adopted by the Post-Prison Transfer
29 Board.

30 (b) Before a hearing of the Post-Prison Transfer Board to consider a
31 transfer to post-release supervision, notification of the committing court,
32 the prosecuting attorney, county sheriff, and the victim or the victim's next
33 of kin for an inmate under sentence for an offense other than one (1) in the
34 target group as defined in § 16-93-1202 shall follow the procedures stated in
35 § 16-93-1810.

36 (c)(1) For an inmate under sentence for a felony within the target

1 group as defined in § 16-93-1202, before the Post-Prison Transfer Board sets
2 conditions for transfer of the inmate to post-release supervision, a victim,
3 or his or her next of kin in cases in which the victim is unable to express
4 his or her desire, who has expressed the desire to be consulted by the Post-
5 Prison Transfer Board shall be notified of the date, time, and place of the
6 transfer hearing.

7 (2)(A) A victim or his or her next of kin who desires to be
8 consulted by the Post-Prison Transfer Board under this section shall inform
9 the Post-Prison Transfer Board of his or her desire to be consulted in
10 writing at the time of sentence.

11 (B) A victim or his or her next of kin who does not inform
12 the Post-Prison Transfer Board of his or her desire to be consulted as
13 required under subdivision (c)(2)(A) of this section is not required to be
14 notified by the Post-Prison Transfer Board.

15 (3)(A) Victim input to the Post-Prison Transfer Board under this
16 section is limited to oral or written recommendations on conditions relevant
17 to the inmate under review for transfer to post-release supervision.

18 (B) The oral or written recommendations received under
19 this subsection are not binding on the Post-Prison Transfer Board but are
20 given due consideration within the resources available for transfer to post-
21 release supervision.

22
23 16-93-1807. Risk and needs assessment to be considered – Release
24 without a hearing.

25 (a)(1) A risk and needs assessment that evaluates and quantifies the
26 inmate's risk to reoffend following release shall inform the transfer
27 determination, along with other relevant information.

28 (2) If transfer to post-release supervision is granted, the risk
29 and needs assessment under this section and other relevant information shall
30 be used to set the conditions for post-release supervision.

31 (b)(1) Review of an inmate's appropriateness for transfer to post-
32 release supervision is based on rules and policies adopted by the board and
33 the board shall conduct a risk and needs assessment review as a part of the
34 review of the inmate's appropriateness for transfer to post-release
35 supervision.

36 (2) The rules and policies adopted by the board under

1 subdivision (c)(1) of this section shall include without limitation:

2 (A) A provision for notification of the victim or his or
3 her next of kin that a hearing shall be held under this section;

4 (B) A requirement for keeping a record of the proceedings;
5 and

6 (C) A list of the criteria upon which a denial may be
7 based.

8 (c) In order to prepare applications for post-release supervision
9 transfer consideration, the Post-Prison Transfer Board shall:

10 (1) Begin transfer proceedings for post-release supervision or a
11 preliminary review for post-release supervision under this subchapter no
12 later than six (6) months before an inmate's post-release supervision
13 transfer eligibility date; and

14 (2) Authorize procedures for jacket review , as defined in § 16-
15 93-101, no later than six (6) months before an inmate's post-release
16 supervision transfer eligibility.

17 (d) The transfer review for post-release supervision may be conducted
18 without a hearing when:

19 (1) The inmate has not received a major disciplinary report;

20 (2) There has not been a request by a victim or his or her next
21 of kin to have input on post-release supervision transfer conditions; and

22 (3) There is no indication in the risk and needs assessment
23 review under this section that special conditions need to be placed on the
24 inmate.

25
26 16-93-1808. Hearing procedure.

27 (a) When a hearing is needed to determine whether to transfer an
28 inmate to post-release supervision, the Post-Prison Transfer Board shall
29 conduct a hearing to determine the appropriateness of the inmate for transfer
30 to post-release supervision.

31 (b) At the conclusion of a hearing under this section, the board shall
32 issue one (1) of the following decisions:

33 (1) Transfer the inmate to post-release supervision as
34 authorized under § 16-93-1901 et seq. and accompany the transfer with a
35 notice of the conditions of the transfer, including without limitation:

36 (A) Supervision levels;

- 1 (B) Economic fee sanction;
2 (C) Participation in a treatment program;
3 (D) Programming requirements; and
4 (E) Facility placement when appropriate;

5 (2)(A) Deny transfer of the inmate to post-release supervision
6 based on a set of established criteria and accompany the denial with a
7 prescribed course of action to be undertaken by the inmate to rectify the
8 board's concern.

9 (B) Upon completion of the course of action determined by
10 the board under subdivision (b)(2)(A) of this section and after final review
11 of the inmate's file to ensure successful completion of the course of action,
12 the board shall authorize the inmate's transfer to the post-release
13 supervision under this subchapter in accordance with administrative rules and
14 policies governing the transfer and subject to the conditions attached to the
15 transfer.

16 (C) If an inmate fails to fulfill the course of action
17 outlined by the board to facilitate transfer to post-release supervision
18 under subdivision (b)(2)(A) of this section, it is the responsibility of the
19 inmate to petition the board for a rehearing; or

20 (3) Deny transfer of the inmate to post-release supervision for
21 a period of up to two (2) years.

22 (d) A transfer of an inmate to post-release supervision under
23 this section shall be issued upon the adoption of an order by the board in
24 accordance with the rules and policies adopted by the board under this
25 section.

26
27 16-93-1809. Open meetings.

28 (a) The Post-Prison Transfer Board shall conduct open meetings and
29 shall make public its findings for each inmate eligible for transfer to post-
30 release supervision.

31 (b)(1) Open meetings under this section may be conducted through
32 videoconference technology if the inmate is housed in a county jail and if
33 the videoconference technology is available.

34 (2) Open meetings utilizing videoconference technology under
35 this section shall be conducted in public, except that inmate interviews and
36 related deliberations may be closed to the public.

1
2 16-93-1810. Notices required for hearings on transfer to post-release
3 supervision.

4 (a)(1) Before the Post-Prison Transfer Board grants a transfer of an
5 inmate to post-release supervision, the board shall solicit the written
6 recommendations of the committing court, the prosecuting attorney, and the
7 county sheriff of the county from which the inmate was committed.

8 (2) Notification of the committing court, the prosecuting
9 attorney, county sheriff, and the victim or the victim's next of kin for a
10 inmate under sentence for an offense governed by this section shall follow
11 the procedures stated in this section.

12 (b)(1) If the inmate whose transfer to post-release supervision is
13 being considered by the board is under sentence for a felony other than a
14 felony in the target group as defined in § 16-93-1202, the board shall also
15 notify the victim of the offense or the victim's next of kin of the transfer
16 hearing and shall solicit written recommendations from the victim or his or
17 her next of kin regarding the granting of the transfer unless the prosecuting
18 attorney has notified the board at the time of commitment of the inmate that
19 the victim or his or her next of kin does not desire to be notified of future
20 transfer hearings.

21 (2) The written recommendations received under subdivision
22 (b)(1) of this section are not binding upon the board in the granting of any
23 transfer to post-release supervision but are maintained in the inmate's
24 record.

25 (3) When soliciting written recommendations from a victim of an
26 offense, the board shall notify the victim or his or her next of kin of the
27 date, time, and place of the transfer hearing.

28 (c)(1) The board shall not schedule transfer hearings at which victims
29 or the next of kin of victims of offenses are invited to appear at a facility
30 where inmates are housed other than the Department of Corrections
31 Headquarters building in North Little Rock.

32 (2) The board may conduct transfer hearings in two (2) sessions:

33 (A) One (1) session at the place of the inmate's
34 incarceration with the inmate, the inmate's witnesses, and correctional
35 facility personnel; and

36 (B) One (1) session for victims and the next of kin of

1 victims as stated in this section.

2 (d)(1) At the time that any inmate eligible for transfer to post-
3 release supervision under this section is transferred by the board, the
4 Division of Community Correction shall give written notice of the granting of
5 the transfer to post-release supervision to the:

6 (A) County sheriff;

7 (B) Prosecuting attorney of the judicial district;

8 (C) Committing court; and

9 (D) Chief of police of each city of the first class of the
10 county from which the inmate was sentenced.

11 (2) If the inmate is transferred to a county other than the
12 county from which he or she was committed, the board shall give notice to the
13 chief of police or marshal of the city or town to which the inmate is
14 transferred and to the county sheriff and prosecuting attorney of the county
15 from which the inmate was committed.

16 (e)(1) The prosecuting attorney of the county from which the inmate
17 was committed shall notify the board at the time of commitment of the desire
18 of the victim or his or her next of kin to be notified of any future transfer
19 hearings and to forward to the board the last known address and telephone
20 number of the victim or his or her next of kin.

21 (2) It is the responsibility of the victim or his or her next of
22 kin to notify the board of any change in address or phone number.

23 (3) It is the responsibility of the victim or his or her next of
24 kin to notify the board after the date of commitment of any change in regard
25 to the desire to be notified of any future transfer hearings.

26
27 16-93-1811. Post-release supervision.

28 (a)(1) The Post-Prison Transfer Board shall establish a set of
29 conditions that are applicable to all inmates transferred to post-release
30 supervision.

31 (2) The set of conditions established by the Post-Prison
32 Transfer Board under subdivision (a)(1) of this section is subject to
33 periodic review, revision, and approval as the Post-Prison Transfer Board
34 deems necessary.

35 (b)(1)(A) A course of action required by the Post-Prison Transfer
36 Board shall not be outside the current resources of the Division of

1 Correction.

2 (B) The conditions for post-release supervision set by the
3 Post-Prison Transfer Board shall not be outside the current resources of the
4 Division of Community Correction.

5 (2) The Division of Correction and Division of Community
6 Correction shall strive to accommodate the actions required by the Board of
7 Corrections or the Post-Prison Transfer Board to the best of their abilities.

8 (c) Transfer to post-release supervision is not an award of clemency,
9 and it shall not be considered as a reduction of sentence or a pardon.

10 (d) An inmate on post-release supervision shall remain:

11 (1) In the legal custody of the Division of Correction;

12 (2) Under the supervision of the Division of Community
13 Correction; and

14 (3) Subject to the orders of the Post-Prison Transfer Board.

15 (e) Decisions on release to post-release supervision, courses of
16 action before transfer to post-release supervision, and post-release
17 supervision transfer conditions to be set by the Post-Prison Transfer Board
18 shall be:

19 (1) Informed by the risk and needs assessment tool under § 16-
20 93-1807;

21 (2) Reasonable and rational; and

22 (3) Defensible based on preestablished criteria.

23
24 16-93-1812. Rules.

25 The Post-Prison Transfer Board shall adopt rules to implement this
26 subchapter.

27
28 Subchapter 19 – Post-Release Supervision for Persons Committing Offenses on
29 or after January 1, 2025

30
31 16-93-1901. Applicability.

32 This subchapter applies to a felony offense committed on or after
33 January 1, 2025.

34
35 16-93-1902. Definitions.

36 As used in this subchapter:

1 (1) "Community supervision officer" means an employee of the
2 Division of Community Correction who is tasked with the supervision of
3 offenders released to post-release supervision or persons who otherwise fall
4 under the supervisory authority of the Division of Community Correction;

5 (2) "Eligible inmate" means an inmate eligible for post-release
6 supervision;

7 (3) "Felony ineligible for earned release credits" means the
8 same as defined in § 16-93-1802;

9 (4) "Offender" means a person transferred to post-release
10 supervision;

11 (5) "Post-release supervision" means a period of community
12 supervision for an offender after his or her release from incarceration; and

13 (6) "Restricted release felony" means the same as defined in §
14 16-93-1802.

15
16 16-93-1903. Post-release supervision – Authority and parameters.

17 (a)(1) The Post-Prison Transfer Board may transfer to post-release
18 supervision an eligible inmate who is confined in a correctional institution
19 administered by the Division of Correction or the Division of Community
20 Correction, if the board determines:

21 (A) There is a reasonable probability that the eligible
22 inmate can be transferred without detriment to the community or himself or
23 herself;

24 (B) The eligible inmate is able and willing to fulfill the
25 obligations of a law-abiding citizen; and

26 (C) That post-release supervision is in the best interest
27 of society.

28 (2) A transfer to post-release supervision under this section
29 shall issue upon the adoption of an order of the board.

30 (b)(1) Before ordering the transfer to post-release supervision of an
31 eligible inmate under this section, the board, a hearing judge, or an
32 investigator employed by the board shall interview the eligible inmate,
33 unless a hearing is not required under §§ 16-93-1807 and 16-93-1808.

34 (2) The board shall consider the results of the risk and needs
35 assessments of all applicants for transfer to post-release supervision.

36 (3) Transfer to post-release supervision shall not be considered

1 a reduction of a sentence or a pardon.

2 (4) An inmate on post-release supervision shall remain:

3 (A) In the legal custody of the Division of Correction;

4 (B) Under the supervision of the Division of Community
5 Correction; and

6 (C) Subject to the orders of the board.

7
8 16-93-1904. Post-release supervision – Required recommendations.

9 (a) Before the Post-Prison Transfer Board may grant a transfer to
10 post-release supervision based on accrual and application of earned release
11 credits, the board shall:

12 (1) Notify and solicit the written recommendations of the
13 committing court, the prosecuting attorney, and the county sheriff of the
14 county from which the inmate was committed as provided in §16-93-1810; and

15 (2) Notify the victim or the next of kin as provided in § 16-93-
16 1810.

17 (b) An inmate who is ineligible to accrue earned release credits may
18 be transferred to post-release supervision only if:

19 (1) Sentenced by the sentencing court to a period of post-
20 release supervision to follow the inmate's term of imprisonment; and

21 (2) The inmate has served the entire sentence of imprisonment
22 before transfer to post-release supervision.

23
24 16-93-1905. Length of post-release supervision.

25 (a)(1) For a person under sentence for a term of imprisonment for
26 which he or she is eligible for transfer to post-release supervision upon
27 accrual and award of earned release credits, the inmate is subject to post-
28 release supervision for the remainder of the term of imprisonment assessed by
29 the sentencing court.

30 (2) For a person under sentence for a term of imprisonment for
31 which he or she is not eligible to accrue or be awarded earned release
32 credits, the inmate is subject to a term of post-release supervision as
33 assessed by the sentencing judge under § 5-4-104(c).

34 (3) The term of supervised release, when aggregated with the
35 term of imprisonment imposed by the sentencing court, shall not exceed the
36 statutory maximum for the offense.

1 (b) If the sentencing court sentenced a person to a term of suspended
2 imposition of sentence to follow his or her term of imprisonment at the
3 Division of Correction, the period of post-release supervision runs
4 concurrently with the term of suspended imposition of sentence.

5
6 16-93-1906. Post-release supervision – Generally.

7 (a)(1) The Director of the Division of Community Correction with the
8 advice of the Board of Corrections shall establish written policies and
9 procedures governing the supervision of offenders released to a term of post-
10 release supervision by the Post-Prison Transfer Board.

11 (2) The policies and procedures established under subdivision
12 (a)(1) of this section shall be designed to enhance public safety and to
13 assist the offenders in reintegrating into society.

14 (3)(A) Supervision of offenders on post-release supervision
15 shall be based on evidence-based practices.

16 (B) Decisions concerning supervision of offenders shall
17 target the offender’s criminal risk factors with appropriate supervision and
18 treatment.

19 (4) The Division of Community Correction shall assume
20 supervisory responsibilities over an offender when the offender is lawfully
21 set at liberty from the Division of Correction.

22 (b)(1) An offender assigned to a term of post-release supervision
23 shall be supervised by a community supervision officer employed by the
24 Division of Community Correction.

25 (2) A community supervision officer shall:

26 (A) Investigate all cases referred to him or her by the
27 Post-Prison Transfer Board, the Division of Community Correction, or the
28 prosecuting attorney;

29 (B) Furnish each offender on post-release supervision a
30 written statement of the conditions of post-release supervision and instruct
31 the offender that he or she is required to stay in compliance with the
32 conditions of post-release supervision or risk revocation under § 16-93-1908;

33 (C) Develop a case plan for each offender who is
34 determined to be a moderate-risk or high risk to reoffend that:

35 (i) Is based on the risk and needs assessment under
36 § 16-93-1807 and targets the criminal risk factors identified in the risk and

1 needs assessment;

2 (ii) Is responsive to the individual characteristics
3 of the offender; and

4 (iii) Provides a strategy for the supervision of the
5 offender according to that case plan;

6 (D) Stay informed of the conduct and condition of each
7 offender assigned to the community supervision officer through:

8 (i) Visitation;

9 (ii) Required reporting; or

10 (iii) Other methods and reporting to the sentencing
11 court of the information described in subdivisions (b)(2)(D)(i) and (ii) of
12 this section upon request;

13 (E) Use practicable and suitable methods that are
14 consistent with evidence-based practices to aid and encourage an offender on
15 post-release supervision to improve his or her conduct and condition and to
16 reduce the risk of recidivism;

17 (F)(i) Conduct a validated risk and needs assessment of
18 the offender on post-release supervision, including without limitation
19 criminal risk factors and specific individual needs.

20 (ii) The validated risk and needs assessment shall
21 include an initial screening and, if necessary, a comprehensive assessment.

22 (iii) The results of the validated risk and needs
23 assessment under § 16-93-1807 shall assist in making decisions that are
24 consistent with evidence-based practices on the type of supervision and
25 services necessary for each offender; and

26 (G) Receive annual training on evidence-based practices
27 and criminal risk factors as well as instruction on how to target criminal
28 risk factors to reduce recidivism.

29 (c)(1) The Division of Community Correction shall allocate resources,
30 including assignment of community supervision officers, to focus on moderate-
31 risk and high-risk offenders as determined by the validated risk and needs
32 assessment provided under this section.

33 (2) The Division of Community Correction shall require public
34 and private treatment and service providers to use evidence-based programs
35 and practices if the public and private treatment and service providers
36 receive state funds for the treatment of or service of offenders on post-

1 release supervision.

2
3 16-93-1907. Post-release supervision – Administrative sanctions.

4 (a)(1)(A) The Division of Community Correction may sanction offenders
5 on post-release supervision administratively without utilizing the revocation
6 process under § 16-93-1908.

7 (B) An administrative sanction as described in subdivision
8 (a)(1)(A) of this section is an intermediate sanction and is not a revocation
9 of post-release supervision.

10 (2)(A) The Division of Community Correction shall develop an
11 intermediate sanctions procedure and an intermediate sanctions grid to guide
12 a community supervision officer in determining the appropriate response to a
13 violation of the conditions of supervision.

14 (B) Intermediate sanctions administered by the Division of
15 Community Correction shall conform to the intermediate sanctions grid.

16 (C) The intermediate sanctions grid shall include:

17 (i) An assignment of point values to commonly
18 occurring violations of terms of post-release supervision or criminal
19 behavior;

20 (ii) An assignment of point values to behaviors that
21 decrease the likelihood of recidivism including without limitation:

22 (a) Education;

23 (b) Workforce development;

24 (c) Community service; and

25 (d) Behavioral health programming;

26 (iii) Details on the mechanisms by which points are
27 accumulated and reduced; and

28 (iv) Guidance on which intermediate sanctions should
29 be applied at which points thresholds.

30 (3) Intermediate sanctions shall include without limitation:

31 (A) Community service;

32 (B) Increased substance abuse screening and treatment;

33 (C) Increased monitoring, including electronic monitoring
34 and home confinement; and

35 (D)(i) Incarceration in a county or regional jail for no
36 more than seven (7) days or incarceration in a Division of Correction

1 facility or a Division of Community Correction facility for no more than
2 ninety (90) days.

3 (ii)(a) Incarceration as an intermediate sanction
4 shall not be used more than six (6) times with an offender on post-release
5 supervision.

6 (b) If an offender on post-release supervision
7 accumulates no more than thirty (30) days' incarceration in a county or
8 regional jail or more than three hundred sixty (360) days' incarceration in a
9 Division of Correction facility or a Division of Community Correction
10 facility as an intermediate sanction, the community supervision officer shall
11 recommend a revocation of the offender's post-release supervision under § 16-
12 93-1908.

13 (c) An offender shall not be incarcerated more
14 than two (2) times as a result of an intermediate sanction in a Division of
15 Correction facility during any two (2) year period.

16 (4) The Division of Community Correction shall:

17 (A) Notify the Post-Prison Transfer Board in writing when
18 an offender has been incarcerated due to an intermediate sanction under this
19 subsection;

20 (B) Include an explanation of the cause for incarceration;
21 and

22 (C) Include the result of the intermediate sanction, if
23 applicable.

24 (b) Any time in custody for which the offender on post-release
25 supervision is held, before a period of incarceration under this section is
26 administered, does not count as a period of incarceration ordered toward the
27 total accumulation of days of incarceration as stated in subsection (a) of
28 this section.

29 (c) A period of incarceration under this section:

30 (1) May be reduced by the Division of Correction for good
31 behavior and successful program completion; and

32 (2) Shall not be reduced under this section for more than fifty
33 percent (50%) of the total time of incarceration ordered to be served.

34 (d)(1) An offender subject to an intermediate sanction under
35 subsection (a) of this section does not have the right to an attorney at the
36 intermediate sanction hearing.

1 (2) This subsection does not prohibit an offender from
2 conferring with a privately retained attorney during the intermediate
3 sanction process.

4
5 16-93-1908. Revocation of post-release supervision.

6 (a)(1)(A) At any time during an offender's post-release supervision,
7 the Post-Prison Transfer Board may issue a warrant for the arrest of the
8 offender for violation of any of the conditions of post-release supervision
9 or may issue a notice to appear to answer a charge of a violation.

10 (B)(i) The board shall issue a warrant for the arrest of
11 an offender on post-release supervision if the board determines that the
12 offender has been charged with a felony ineligible to receive earned release
13 credits or a restricted release felony, as defined in § 16-93-1802.

14 (ii) An offender arrested on a warrant issued under
15 subdivision (a)(1)(B)(i) of this section shall be detained pending a
16 mandatory post-release supervision hearing.

17 (C) The Division of Community Correction shall provide the
18 information necessary for the board to issue a warrant under this subdivision
19 (a)(1).

20 (2) A warrant or notice issued under subdivision (a)(1) of this
21 section shall be served personally upon the offender.

22 (3) A warrant issued under subdivision (a)(1) of this section
23 shall authorize all officers named in the warrant to place the offender in
24 custody at any suitable detention facility pending a hearing.

25 (4) A community supervision officer may arrest an offender on
26 post-release supervision without a warrant by giving him or her a written
27 statement stating that the offender, in the judgment of the community
28 supervision officer, violated the conditions of his or her post-release
29 supervision.

30 (5) A written statement under subdivision (a)(4) of this section
31 delivered by the arresting community supervision officer with the offender to
32 the official in charge of the detention facility to which the offender is
33 brought is sufficient for detaining the offender pending disposition.

34 (6) If the board or its designee finds, by a preponderance of
35 the evidence, that the offender has inexcusably failed to comply with a
36 condition of his or her post-release supervision, the post-release

1 supervision may be revoked at any time before the expiration of the period of
2 post-release supervision.

3 (7) An offender serving on post-release supervision for whose
4 return a warrant has been issued by the board under this subsection shall be
5 deemed a fugitive from justice if it is found that the warrant cannot be
6 served.

7 (b)(1) An offender transferred to or serving on post-release
8 supervision shall be entitled to a preliminary hearing to determine whether
9 there is reasonable cause to believe that the offender has violated a
10 condition of his or her post-release supervision.

11 (2) A preliminary hearing conducted under subdivision (b)(1) of
12 this section shall be scheduled within seven (7) days after arrest or within
13 seven (7) days after notice is served and shall be conducted within fourteen
14 (14) days after arrest or service of notice to appear, excluding a weekend,
15 holiday, or delay caused by an act of nature, by the revocation hearing judge
16 for the board and at a location reasonably near the place of the alleged
17 violation or the arrest.

18 (3) The offender shall be given notice of the date, time, and
19 location of the preliminary hearing and the conditions of post-release
20 supervision that the offender is alleged to have violated.

21 (4) Except as provided in subsection (d) of this section, the
22 offender has the right to hear and controvert evidence against him or her, to
23 offer evidence on his or her own behalf, and to be represented by counsel at
24 the preliminary hearing.

25 (5) If a revocation hearing judge finds after the preliminary
26 hearing that there is reasonable cause to believe that an offender has
27 violated a condition of post-release supervision by committing a felony
28 ineligible to receive earned release credits or a restricted release felony,
29 as defined in § 16-93-1802, the revocation hearing judge shall order the
30 offender be returned to the nearest facility of the Division of Correction or
31 the Division of Community Correction where he or she shall be placed in
32 custody for a revocation hearing before the board.

33 (6) If a revocation hearing judge finds after the preliminary
34 hearing that there is reasonable cause to believe that an offender has
35 violated a condition of post-release supervision other than the commission of
36 a felony ineligible to receive earned release credits or a restricted release

1 felony, as defined in § 16-93-1802, the revocation hearing judge shall:

2 (A) Order the offender be returned to the nearest facility
3 of the Division of Correction or the Division of Community Correction where
4 he or she shall be placed in custody for a revocation hearing before the
5 board; or

6 (B) Return the offender to post-release supervision with
7 or without additional supervision conditions in response to the violating
8 conduct.

9 (7)(A) If a revocation hearing judge does not find after the
10 preliminary hearing reasonable cause to believe that an offender has violated
11 a condition of post-release supervision, he or she shall order the offender
12 be released from custody.

13 (B) An order to release the offender from custody under
14 subdivision (b)(7) of this section does not bar the board from holding a
15 revocation hearing on the alleged violation of a condition of post-release
16 supervision or from ordering the offender to appear before the board.

17 (8) A revocation hearing judge shall prepare and furnish to the
18 board and the offender a summary of the preliminary hearing proceedings,
19 including without limitation the substance of the evidence and testimony
20 considered along with his or her finding and order, within twenty-one (21)
21 days from the date of the preliminary hearing, excluding a weekend, holiday,
22 or delay caused by an act of nature.

23 (c)(1)(A) Unless a revocation hearing is knowingly and intelligently
24 waived by the offender, transfer to post-release supervision shall not be
25 revoked except after a revocation hearing, which shall be conducted by the
26 board or its designee within a reasonable period after the offender's arrest
27 or service of notice to appear.

28 (B) If a waiver is granted under subdivision (c)(1)(A) of
29 this section, the offender may subsequently appeal the waiver to the board.

30 (2) An offender shall be given notice of the date, time, and
31 location of the revocation hearing, the purpose of the revocation hearing,
32 and the conditions of supervision he or she is alleged to have violated.

33 (3) Except as provided in subsection (d) of this section, the
34 offender has the right to hear and controvert evidence against him or her, to
35 offer evidence in his or her own defense, and to be represented by counsel at
36 the revocation hearing.

1 (4) If post-release supervision is revoked after a revocation
2 hearing, the board or its designee shall prepare and furnish to the offender
3 a statement of evidence relied on and the reasons for revoking the post-
4 release supervision.

5 (d) At a preliminary hearing under subsection (b) of this section or a
6 revocation hearing under subsection (c) of this section:

7 (1) The offender has the right to confront and cross-examine
8 adverse witnesses unless the revocation hearing judge, the board, or the
9 designee of the board specifically finds good cause for not allowing
10 confrontation and cross-examination; and

11 (2) The offender may introduce any relevant evidence of the
12 alleged violation, including without limitation letters, affidavits, and
13 other documentary evidence, regardless of the admissibility of the evidence
14 under the rules governing the admission of evidence.

15 (e)(1) A preliminary hearing under subsection (b) of this section is
16 not required if the offender knowingly and intelligently waives the
17 preliminary hearing.

18 (2) If the preliminary hearing is not waived by the offender
19 under subsection (c) of this section, the revocation hearing shall be held
20 within fourteen (14) days after the arrest and reasonably near the place
21 where the alleged violation occurred or where the offender was arrested.

22 (f) A preliminary hearing under subsection (b) of this section and a
23 revocation hearing under subsection (c) of this section is not required if
24 the revocation is based on the offender's conviction of a felony offense for
25 which he or she is sentenced to the Division of Correction or to any other
26 state or federal correctional institution.

27 (g) An offender may be held in a county or regional jail while
28 awaiting a revocation hearing and the ruling of the board or its designee
29 under this section.

30 (h) An offender whose post-release supervision is revoked under this
31 section due to a technical conditions violation or serious conditions
32 violation and who is sentenced to any period of incarceration resulting from
33 the revocation is subject to the periods of incarceration provided in § 16-
34 93-1907.

35 (i) Upon revocation under this section, an offender subject to a term
36 of post-release supervision for a felony ineligible to receive earned release

1 credits or a restricted release felony shall return to incarceration for the
2 entire remaining period of imprisonment or post-release supervision assessed
3 by the sentencing court.

4
5 16-93-1909. Subpoena of witnesses and documents for revocation of
6 post-release supervision.

7 (a)(1) The following persons have the power to issue oaths, subpoena
8 witnesses to appear, and subpoena the production of any relevant books,
9 papers, records, or documents under this subchapter:

10 (A) The Chair of the Post-Prison Transfer Board or his or
11 her designee;

12 (B) The administrator of the Post-Prison Transfer Board;

13 (C) Any member of the Post-Prison Transfer Board; and

14 (D) The revocation hearing judge presiding over any
15 preliminary hearing concerning an alleged violation of the conditions of
16 post-release supervision.

17 (2)(A) A subpoena issued under this section shall be:

18 (i) Directed to the county sheriff, county coroner,
19 or constable of any county where the designated witness resides or is found;
20 and

21 (ii) Served and returned in the same manner as
22 subpoenas in civil actions in the circuit courts.

23 (B) An endorsed affidavit on a subpoena of a person
24 eighteen (18) years of age or older is proof of service of the subpoena.

25 (b) The fees and mileage expenses prescribed by law for witnesses in
26 civil cases shall be paid by the Division of Correction for any witness
27 subpoenaed to appear under this section.

28 (c)(1) If a person fails or refuses to comply with a subpoena issued
29 under this section to testify or answer to any matter regarding which the
30 person may be lawfully interrogated, a circuit court in this state, on
31 application of hearing officer or the chair, shall issue an attachment for
32 the person and compel him or her to comply with the subpoena and appear
33 before the revocation hearing judge or the board and produce any testimony or
34 documents as may be required.

35 (2)(A) The circuit court shall have the same power to punish any
36 contempt, in case of disobedience, as in civil cases.

1 (B) It is a criminal violation for a witness to refuse or
2 neglect to appear and testify, punishable upon conviction by a fine of not
3 less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500).

4 (d) A person knowingly testifying falsely under oath before the board
5 or at a preliminary hearing in which probable cause for revocation of
6 transfer to post-release supervision is to be considered as to any matter
7 material to lawful inquiry by the board or revocation hearing judge may be
8 charged with perjury.

9
10 16-93-1910. Prohibition on sex offenders residing with minors.

11 (a)(1) Except as specified in subdivision (a)(2) of this section, the
12 Post-Prison Transfer Board shall prohibit, as a condition of granting
13 transfer to post-release supervision, an offender from residing in a
14 residence with a minor, if the offender was convicted of one (1) or more of
15 the following offenses perpetrated against a minor:

16 (A) A sexual offense as defined in § 5-14-101 et seq.;

17 (B) Incest, § 5-26-202; or

18 (C) An offense under the Arkansas Protection of Children
19 Against Exploitation Act of 1979, § 5-27-301 et seq.

20 (2) The board may permit an offender to reside in a residence
21 with a minor if the board finds that the offender no longer poses a danger to
22 any minor residing in the residence.

23 (b) If the board, upon a hearing under § 16-93-1908, finds by a
24 preponderance of the evidence that the offender has failed to comply with a
25 condition of post-release supervision, the post-release supervision may be
26 revoked and the offender returned to the custody of the Division of
27 Correction.

28
29 16-93-1911. Rules.

30 The Post-Prison Transfer Board shall adopt rules to implement this
31 subchapter.

32
33 SECTION 3. Arkansas Code Title 5, Chapter 2, Subchapter 3 is amended
34 to add a new section to read as follows:

35 5-2-332. Secured restoration program authorized.

36 (a) The purpose of this section is to provide an additional setting

1 for the provision of restorative treatment services in the least restrictive
2 environment.

3 (b) The Division of Aging, Adult, and Behavioral Health Services of
4 the Department of Human Services may establish and maintain a program to
5 provide restoration services in a secure setting for defendants who:

- 6 (1) Have been found to lack fitness to proceed; and
- 7 (2) Are not in an acute phase of illness requiring the services
8 of a psychiatric hospital.

9 (c)(1) A secure setting established under this section shall:

10 (A) Provide a twenty-four-hour program of care by
11 qualified clinicians and professional staff; and

12 (B) Admit each defendant for a term not to exceed one
13 hundred twenty (120) days, unless the division extends the term for good
14 cause.

15 (2) The division has the exclusive authority to determine
16 whether and when a defendant is admitted to the program based on the
17 defendant’s acuity, medical need, and other factors determined by the
18 division.

19 (3) The division may procure one (1) or more qualified vendors
20 to operate the program in part or in whole.

21

22 SECTION 4. Arkansas Code § 5-4-101(5), concerning definitions
23 applicable in Title 5, Chapter 4, is amended to read as follows:

24 (5) “Recidivism” means a criminal act that results in the
25 rearrest, reconviction, or return to incarceration of a person with ~~or~~
26 ~~without~~ a new sentence or a revocation from parole or post-release
27 supervision during a three-year period following the person’s release from
28 custody;

29

30 SECTION 5. Arkansas Code § 5-4-104(c)-(e), concerning authorized
31 sentences generally, are amended to read as follows:

32 (c)(1)(A) Except as provided under subdivision (c)(2) of this section,
33 a defendant convicted of a Class Y felony, ~~or~~ murder in the second degree, §
34 5-10-103, or a felony ineligible to receive earned release credits as defined
35 in § 16-93-1802, shall be sentenced to a term of imprisonment in accordance
36 with §§ 5-4-401 – 5-4-404.

1 (B) In addition to imposing a term of imprisonment, the
2 trial court may sentence a defendant convicted of a Class Y felony or murder
3 in the second degree, § 5-10-103, or a felony ineligible to receive earned
4 release credits as defined in § 16-93-1802, to any one (1) or more of the
5 following:

6 (i) Pay a fine as authorized by §§ 5-4-201 and 5-4-
7 202;

8 (ii) Make restitution as authorized by § 5-4-205; or

9 (iii) Suspend imposition of an additional term of
10 imprisonment, as authorized by subdivision (e)(3) of this section.

11 (C)(i) In addition to the term of imprisonment imposed by
12 the trial court, the trial court shall impose a period of post-release
13 supervision for any defendant sentenced to a felony ineligible to receive
14 earned release credits or a restricted release felony, as defined in § 16-93-
15 1802, who is not sentenced to the statutory maximum for the offense.

16 (ii) The Post-Prison Transfer Board shall set the
17 terms and conditions of post-release supervision for a defendant subject to
18 subdivision (c)(1)(C)(i) of this section before the defendant's release from
19 imprisonment.

20 (iii) The maximum terms of post-release supervision
21 that may be imposed under subdivision (c)(1)(C)(i) of this section are:

22 (a) For a Class Y felony, seven (7) years;

23 (b) For a Class A felony, a Class B felony, or
24 an unclassified felony with a maximum term of imprisonment exceeding ten (10)
25 years, five (5) years; and

26 (c) For all other felonies, three (3) years.

27 (iv) A term of post-release supervision, when
28 aggregated with the term of imprisonment imposed by the trial court, shall
29 not exceed the statutory maximum for the offense.

30 (v) When a defendant is subject to an additional
31 term of post-release supervision on a sentence for which he or she is
32 required to serve one hundred percent (100%) of the term of imprisonment
33 imposed by the sentencing court, the jury shall be instructed as to the
34 potential additional term of post-release supervision.

35 (2) A defendant who was eighteen (18) years of age or older at
36 the time of the offense and who was convicted of one (1) or more of the

1 following Class Y felonies in which the victim was less than fourteen (14)
 2 years of age at the time of the offense shall be sentenced to life without
 3 the possibility of parole:

- 4 (A) Rape involving forcible compulsion, § 5-14-103(a)(1);
- 5 (B) Trafficking of persons, § 5-18-103;
- 6 (C) Engaging children in sexually explicit conduct for use
 7 in visual or print medium, § 5-27-303;
- 8 (D) Transportation of minors for prohibited sexual
 9 conduct, § 5-27-305;
- 10 (E) Producing, directing, or promoting a sexual
 11 performance by a child, § 5-27-403; and
- 12 (F) Computer exploitation of a child in the first degree,
 13 § 5-27-605.

14 (d) A defendant convicted of an offense other than a Class Y felony,
 15 capital murder, § 5-10-101, treason, § 5-51-201, ~~or~~ murder in the second
 16 degree, § 5-10-103, or a felony ineligible to receive earned release credits
 17 as defined in § 16-93-1802, may be sentenced to any one (1) or more of the
 18 following, except as precluded by subsection (e) of this section:

- 19 (1) Imprisonment as authorized by §§ 5-4-401 – 5-4-404;
- 20 (2) Probation as authorized by §§ 5-4-301 – 5-4-307 and 16-93-
 21 306 – 16-93-314;
- 22 (3) Payment of a fine as authorized by §§ 5-4-201 and 5-4-202;
- 23 (4) Restitution as authorized by a provision of § 5-4-205; or
- 24 (5) Imprisonment and payment of a fine.

25 (e)(1)(A) The court shall not suspend imposition of sentence as to a
 26 term of imprisonment nor place the defendant on probation for the following
 27 offenses:

- 28 (i) Capital murder, § 5-10-101;
- 29 (ii) Treason, § 5-51-201;
- 30 (iii) A Class Y felony, except to the extent
 31 suspension of an additional term of imprisonment is permitted in subsection
 32 (c) of this section;
- 33 (iv) Driving or boating while intoxicated, § 5-65-
 34 103;
- 35 (v) Murder in the second degree, § 5-10-103, except
 36 to the extent suspension of an additional term of imprisonment is permitted

1 in subsection (c) of this section; ~~or~~

2 (vi) Engaging in a continuing criminal enterprise, §
 3 5-64-405;

4 (vii) Furnishing a prohibited article, possessing a
 5 prohibited article, using a prohibited article, or delivering a prohibited
 6 article, § 5-54-119; or

7 (viii) A felony ineligible to receive earned release
 8 credits as defined in § 16-93-1802.

9 (B)(i) In any other case, the court may suspend imposition
 10 of sentence or place the defendant on probation, in accordance with §§ 5-4-
 11 301 – 5-4-307 and 16-93-306 – 16-93-314, except as otherwise specifically
 12 prohibited by statute.

13 (ii) The court may not suspend execution of sentence.

14 (2) If the offense is punishable by fine and imprisonment, the
 15 court may sentence the defendant to pay a fine and suspend imposition of the
 16 sentence as to imprisonment or place the defendant on probation.

17 (3)(A) The court may sentence the defendant to a term of
 18 imprisonment and suspend imposition of sentence as to an additional term of
 19 imprisonment.

20 (B) However, the court shall not sentence a defendant to
 21 imprisonment and place him or her on probation, except as authorized by § 5-
 22 4-304.

23 (C) This subdivision (e)(3) does not prohibit a period of
 24 post-release supervision as authorized in § 16-93-1801 et seq. and § 16-93-
 25 1901 et seq.

26
 27 SECTION 6. Arkansas Code § 5-4-107(a)(1), concerning extended
 28 supervision and monitoring for certain sex offenders, is amended to read as
 29 follows:

30 (a)(1) The Division of Correction within one hundred twenty (120) days
 31 before the release on parole or post-release supervision of a person who is
 32 required to register as a sex offender under the Sex Offender Registration
 33 Act of 1997, § 12-12-901 et seq., shall notify in writing the prosecuting
 34 attorney in the judicial district in which the person was sentenced of the
 35 person’s impending release on parole or post-release supervision.

36

1 SECTION 7. Arkansas Code § 5-4-202, is amended to read as follows:
2 5-4-202. Alternative sentence prohibited – Time of payment.

3 (a) If the defendant is sentenced to pay a fine or costs, the court
4 shall not at the same time impose an alternative sentence or imprisonment to
5 be served if the fine or costs are not paid.

6 (b)(1) If a defendant is sentenced to pay a fine or costs, the court
7 may grant permission for payment to be made:

8 (A) Within a specified period of time; or

9 (B) In specified installments.

10 (2) If Except as provided in subsection (c) of this section, if
11 permission under subdivision (b)(1) of this section is not granted in the
12 sentence, the fine or costs are payable immediately.

13 (c)(1) If a defendant is sentenced to a term of imprisonment, fines
14 and costs shall be suspended for the period of confinement and the one
15 hundred twenty (120) days following the defendant's release from custody.

16 (2) If a defendant is sentenced to a term of imprisonment,
17 restitution shall be suspended for the period of confinement and is payable
18 immediately following the defendant's release from custody.

19
20 SECTION 8. Arkansas Code § 5-4-205(f)(1), concerning restitution to be
21 included as a condition of release, is amended to read as follows:

22 (f)(1) If the defendant is placed on probation or any form of
23 conditional release, any restitution ordered under this section is a
24 condition of the suspended imposition of sentence, probation, parole, post-
25 release supervision, or transfer.

26
27 SECTION 9. Arkansas Code § 5-4-206(a), concerning the collection of
28 unpaid restitution and the interception of state income tax returns, is
29 amended to read as follows:

30 (a) As used in this section, "restitution order" means a ~~judgment and~~
31 ~~commitment sentencing order, judgment and disposition order,~~ or other order
32 that imposes a duty on a defendant to pay restitution.

33
34 SECTION 10. Arkansas Code § 5-4-301(a)(1), concerning crimes for which
35 suspension or probation is prohibited, is amended to read as follows:

36 (a)(1) A court shall not suspend imposition of sentence as to a term

1 of imprisonment or place a defendant on probation for the following offenses:

2 (A) Capital murder, § 5-10-101;

3 (B) Treason, § 5-51-201;

4 (C) A Class Y felony, except to the extent suspension of
5 an additional term of imprisonment is permitted in § 5-4-104(c);

6 (D) Driving or boating while intoxicated, § 5-65-103;

7 (E) Murder in the second degree, § 5-10-103, except to the
8 extent suspension of an additional term of imprisonment is permitted in § 5-
9 4-104(c); ~~or~~

10 (F) Engaging in a continuing criminal enterprise, § 5-64-
11 405;

12 (G) Furnishing a prohibited article, possessing a
13 prohibited article, using a prohibited article, or delivering a prohibited
14 article, § 5-54-119; or

15 (H) A felony ineligible to receive earned release credits
16 as defined in § 16-93-1802.

17
18 SECTION 11. Arkansas Code § 5-4-301, concerning crimes for which
19 suspension or probation is prohibited, is amended to add a new subsection to
20 read as follows:

21 (e)(1) Notwithstanding any provision prohibiting a sentence of
22 probation or suspended imposition of sentence for certain felonies, a court
23 may sentence a defendant to a term of imprisonment and suspend imposition of
24 sentence as to an additional term of imprisonment.

25 (2) However, a court shall not sentence a defendant to a term of
26 imprisonment and place him or her on probation, except as authorized in this
27 section.

28 (3) This section does not prohibit a period of post-release
29 supervision as authorized in § 16-93-1801 et seq. and § 16-93-1901 et seq.

30
31 SECTION 12. Arkansas Code § 5-4-312(b)(3)(D), concerning a decision to
32 transfer a defendant from the Division of Correction to the Division of
33 Community Correction, is amended to read as follows:

34 (D) A decision to release a defendant administratively
35 transferred to the Division of Community Correction from the Division of
36 Correction under subdivision (b)(3)(A) of this section is vested solely with

1 the ~~Parole~~ Post-Prison Transfer Board.

2
3 SECTION 13. Arkansas Code § 5-4-402(d)(1)(A), concerning transferring
4 a juvenile from the Division of Youth Services to the Division of Correction,
5 is amended to read as follows:

6 (d)(1)(A) A juvenile sentenced in circuit court who is less than
7 sixteen (16) years of age when sentenced shall be committed to the custody of
8 the Division of Youth Services until his or her sixteenth birthday, at which
9 time he or she shall be transferred to the Division of Correction, except as
10 provided by court order or parole decision made by the ~~Parole~~ Post-Prison
11 Transfer Board.

12
13 SECTION 14. Arkansas Code § 5-4-403(a), concerning multiple sentences
14 and concurrent and consecutive terms, is amended to read as follows:

15 (a) ~~When~~ Except as provided in subsections (c) and (e) of this
16 section, when multiple sentences of imprisonment are imposed on a defendant
17 convicted of more than one (1) offense, including an offense for which a
18 previous suspension or probation has been revoked, the sentences shall run
19 concurrently unless, upon recommendation of the jury or the court's own
20 motion, the court orders the sentences to run consecutively.

21
22 SECTION 15. Arkansas Code § 5-4-403, concerning multiple sentences and
23 concurrent and consecutive terms, is amended to add an additional subsection
24 to read as follows:

25 (e)(1) If a defendant is sentenced to an additional term of
26 imprisonment due to a sentence enhancement and the statute governing the
27 sentence enhancement provides that the sentence enhancement shall run
28 consecutively, the sentence enhancement shall run consecutively to the
29 sentence imposed for the underlying offense.

30 (2) If a defendant is convicted of a felony for an offense
31 committed while serving a term of imprisonment at a facility operated or
32 contracted by the Division of Correction or the Division of Community
33 Correction, the sentence for the offense committed while serving the term of
34 imprisonment shall run consecutively to the sentence for which the defendant
35 was serving the term of imprisonment.

36 (3) If a defendant is convicted of a felony for an offense

1 committed while on post-release supervision, the sentence for the offense
2 committed while on post-release supervision shall run consecutively to the
3 sentence for which the defendant was subject to post-release supervision.
4

5 SECTION 16. Arkansas Code § 5-4-501(c)(1) and (2), concerning habitual
6 offenders, are amended to read as follows:

7 (c)(1) Except as provided in subdivision (c)(3) of this section, a
8 defendant who is convicted of a serious felony involving violence enumerated
9 in subdivision (c)(2) of this section and who previously has been convicted
10 of one (1) or more of the serious felonies involving violence enumerated in
11 subdivision (c)(2) of this section may be sentenced to pay any fine
12 authorized by law for the serious felony involving violence conviction and
13 shall be sentenced+

14 ~~(A) To to imprisonment for a term of not less than forty~~
15 ~~(40) years nor more than eighty (80) years, or life, and~~

16 ~~(B) Without eligibility for parole or community correction~~
17 ~~transfer except under § 16-93-615.~~

18 (2) As used in this subsection, “serious felony involving
19 violence” means:

20 (A) Any of the following felonies:

21 (i) Murder in the first degree, § 5-10-102;

22 (ii) Murder in the second degree, § 5-10-103;

23 (iii) Kidnapping, § 5-11-102, involving an activity
24 making it a Class Y felony;

25 (iv) Aggravated robbery, § 5-12-103;

26 (v) Terroristic act, § 5-13-310, involving an
27 activity making it a Class Y felony;

28 (vi) Rape, § 5-14-103;

29 (vii) Sexual assault in the first degree, § 5-14-
30 124;

31 (viii) Causing a catastrophe, § 5-38-202(a);

32 (ix) Aggravated residential burglary, § 5-39-204; ~~or~~

33 (x) Aggravated assault upon a law enforcement
34 officer or an employee of a correctional facility, § 5-13-211, if a Class Y
35 felony; ~~or~~

36 (xi) Capital murder, § 5-10-101; or

1 (xii) Unlawful discharge of a firearm from a
 2 vehicle, § 5-74-107; or

3 (B) A conviction of a comparable serious felony involving
 4 violence from another jurisdiction.

5
 6 SECTION 17. Arkansas Code § 5-4-501(d)(1) and (2), concerning habitual
 7 offenders, are amended to read as follows:

8 (d)(1) A defendant who is convicted of a felony involving violence
 9 enumerated in subdivision (d)(2) of this section and who previously has been
 10 convicted of two (2) or more of the felonies involving violence enumerated in
 11 subdivision (d)(2) of this section may be sentenced to pay any fine
 12 authorized by law for the felony involving violence conviction and shall be
 13 sentenced to an extended term of imprisonment ~~without eligibility for parole~~
 14 ~~or community correction transfer except under § 16-93-615~~ as follows:

15 (A) For a conviction of a Class Y felony, a term of
 16 imprisonment of not less than life in prison;

17 (B) For a conviction of a Class A felony, a term of
 18 imprisonment of not less than forty (40) years nor more than life in prison;

19 (C) For a conviction of a Class B felony or for a
 20 conviction of an unclassified felony punishable by life imprisonment, a term
 21 of imprisonment of not less than thirty (30) years nor more than sixty (60)
 22 years;

23 (D) For a conviction of a Class C felony, a term of
 24 imprisonment of not less than twenty-five (25) years nor more than forty (40)
 25 years;

26 (E) For a conviction of a Class D felony, a term of
 27 imprisonment of not less than twenty (20) years nor more than forty (40)
 28 years; and

29 (F) For a conviction of an unclassified felony punishable
 30 by less than life imprisonment, a term of imprisonment not more than three
 31 (3) times the maximum sentence for the unclassified felony offense.

32 (2) As used in this subsection, "felony involving violence"
 33 means:

34 (A) Any of the following felonies:

35 (i) Murder in the first degree, § 5-10-102;

36 (ii) Murder in the second degree, § 5-10-103;

- 1 (iii) Kidnapping, § 5-11-102;
- 2 (iv) Aggravated robbery, § 5-12-103;
- 3 (v) Rape, § 5-14-103;
- 4 (vi) Battery in the first degree, § 5-13-201;
- 5 (vii) Terroristic act, § 5-13-310;
- 6 (viii) Sexual assault in the first degree, § 5-14-
- 7 124;
- 8 (ix) Sexual assault in the second degree, § 5-14-
- 9 125;
- 10 (x) Domestic battering in the first degree, § 5-26-
- 11 303;
- 12 ~~(xi) Residential burglary, § 5-39-201(a);~~
- 13 ~~(xii)~~ (xi) Aggravated residential burglary, § 5-39-
- 14 204;
- 15 ~~(xiii)~~ (xii) Unlawful discharge of a firearm from a
- 16 vehicle, § 5-74-107;
- 17 ~~(xiv)~~ (xiii) Criminal use of prohibited weapons, §
- 18 5-73-104, involving an activity making it a Class B felony;
- 19 ~~(xv)~~ (xiv) A felony attempt, solicitation, or
- 20 conspiracy to commit:
 - 21 (a) Capital murder, § 5-10-101;
 - 22 (b) Murder in the first degree, § 5-10-102;
 - 23 (c) Murder in the second degree, § 5-10-103;
 - 24 (d) Kidnapping, § 5-11-102;
 - 25 (e) Aggravated robbery, § 5-12-103;
 - 26 (f) Aggravated assault upon a law enforcement
 - 27 officer or an employee of a correctional facility, § 5-13-211, if a Class Y
 - 28 felony;
 - 29 (g) Rape, § 5-14-103;
 - 30 (h) Battery in the first degree, § 5-13-201;
 - 31 (i) Domestic battering in the first degree, §
 - 32 5-26-303; or
 - 33 ~~(j) Residential burglary, § 5-39-201(a); or~~
 - 34 ~~(k)~~ (j) Aggravated residential burglary, § 5-
 - 35 39-204; ~~or~~
 - 36 ~~(xvi)~~ (xv) Aggravated assault upon a law enforcement

1 officer or an employee of a correctional facility, § 5-13-211, if a Class Y
2 felony; or

3 (xvi) Capital murder, § 5-10-101; or

4 (B) A conviction of a comparable felony involving violence
5 from another jurisdiction.

6

7 SECTION 18. DO NOT CODIFY. Residential burglary.

8 (a)(1) Residential burglary is removed from the definition of "felony
9 involving violence" under § 5-4-501(d)(2) effective January 1, 2024.

10 (2) Because residential burglary is not a felony involving
11 violence as of January 1, 2024, residential burglary is not considered a
12 prior felony involving violence under § 5-4-501 for offenses committed on or
13 after January 1, 2024.

14 (b) Aggravated residential burglary remains a felony involving
15 violence under § 5-4-501.

16

17 SECTION 19. Arkansas Code § 5-4-702(a), concerning enhanced penalties
18 for certain offenses committed in the presence of a child, is amended to read
19 as follows:

20 (a) A person who commits any of the following offenses may be subject
21 to an enhanced sentence of an additional term of imprisonment of not less
22 than one (1) year and not greater than ten (10) years if the offense is
23 committed in the presence of a child:

- 24 (1) Capital murder, § 5-10-101;
- 25 (2) Murder in the first degree, § 5-10-102;
- 26 (3) Murder in the second degree, § 5-10-103;
- 27 (4) Aggravated robbery, § 5-12-103;
- 28 (5) A felony offense of assault or battery under § 5-13-201 et

29 seq.;

- 30 (6) Rape, § 5-14-103;
- 31 (7) Sexual assault in the second degree, § 5-14-125; ~~or~~
- 32 (8) A felony offense of domestic battering or assault on a
- 33 family or household member under §§ 5-26-303 – 5-26-309;

34 (9) Unlawful discharge of a firearm from a vehicle, § 5-74-107;

35 or

36 (10) Terroristic act, § 5-13-310.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

SECTION 20. Arkansas Code § 5-4-702(e), concerning enhanced penalties for offenses committed in the presence of a child, is amended to read as follows:

(e) Any person convicted under this section is not eligible for early release on parole, transfer to post-release supervision, or community correction transfer for the enhanced portion of the sentence.

SECTION 21. Arkansas Code § 5-4-707(f), concerning an additional term of imprisonment for an offense constituting violence against a church or other place of worship, is amended to read as follows:

(f) A person receiving an additional term of imprisonment under this section is not eligible for early release on parole, transfer to post-release supervision, or community correction transfer for the additional term of imprisonment.

SECTION 22. Arkansas Code § 5-4-803(c)(3), concerning community service work as a sentencing alternative, is amended to read as follows:

(3) If an eligible offender withdraws consent to participate in a community work project, the eligible offender is entitled to all good time, ~~and parole,~~ and post-release supervision eligibility considerations as provided by law.

SECTION 23. Arkansas Code § 5-4-803(d)(5), concerning community service work as a sentencing alternative, is amended to read as follows:

(5) If an eligible offender's conduct is found to be unsatisfactory, the eligible offender is entitled to all good time, ~~and parole,~~ and post-release supervision eligibility considerations as provided by law.

SECTION 24. Arkansas Code § 5-5-204(a)(1)(B), concerning the use or sale of conveyances and the disposition of sale proceeds, is amended to read as follows:

(B) After allowance for reasonable expenses of seizure and maintenance of custody of the conveyance, the proceeds from a sale under subdivision (a)(1)(A) of this section shall be used to satisfy any

1 outstanding restitution under § 5-4-205 owed to a victim of an offense for
2 which the conveyance was used, if the victim files a petition with the
3 circuit court or makes a request to the circuit court within thirty (30) days
4 of the filing of the ~~judgment and commitment~~ sentencing order of the
5 convicted defendant.

6
7 SECTION 25. Arkansas Code § 5-10-101(a)(3), concerning the murder of
8 certain persons as an element of capital murder, is amended to read as
9 follows:

10 (3) With the premeditated and deliberated purpose of causing the
11 death of any law enforcement officer, jailer, prison official, firefighter,
12 judge or other court official, ~~probation officer, parole officer~~ community
13 supervision officer, any military personnel, or teacher or school employee,
14 when such person is acting in the line of duty, the person causes the death
15 of any person;

16
17 SECTION 26. Arkansas Code § 5-10-101(c)(1)(B), concerning the
18 punishment for capital murder if the defender was younger than the age of
19 eighteen (18) at the time of the capital murder, is amended to read as
20 follows:

21 (B) If the defendant was younger than eighteen (18) years
22 of age at the time he or she committed the capital murder, life imprisonment
23 with the possibility of parole or transfer to post-release supervision after
24 serving a minimum of thirty (30) years' imprisonment.

25
26 SECTION 27. Arkansas Code § 5-10-102(c)(2), concerning the punishment
27 for murder in the first degree if the defender was younger than the age of
28 eighteen (18) at the time of the murder in the first degree, is amended to
29 read as follows:

30 (2) Unless the application of § 16-93-621 results in a person's
31 being eligible for parole or transfer to post-release supervision at an
32 earlier date, if a person was younger than eighteen (18) years of age at the
33 time he or she committed murder in the first degree and is sentenced to life
34 imprisonment, the person is eligible for parole or post-release supervision
35 after serving a minimum of twenty-five (25) years' imprisonment.

36

1 SECTION 28. Arkansas Code § 5-10-104(c), concerning manslaughter, is
2 amended to read as follows:

3 (c) Manslaughter is a Class ~~G~~ B felony.
4

5 SECTION 29. Arkansas Code § 5-10-105(b), concerning negligent
6 homicide, is amended to read as follows:

7 (b)(1) A person commits negligent homicide if he or she negligently
8 causes the death of another person.

9 (2) A person who violates subdivision (b)(1) of this section
10 upon conviction is guilty of a Class ~~A misdemeanor~~ D felony.
11

12 SECTION 30. Arkansas Code § 5-14-110(a)(4)(B), concerning sexual
13 indecency with a child committed by certain persons, is amended to read as
14 follows:

15 (B) Employed by or contracted with the Division of
16 Community Correction, a local law enforcement agency, a court, or a local
17 government and the actor is supervising the minor while the minor is on
18 probation, ~~or parole, or post-release supervision~~ or for any other court-
19 ordered reason;
20

21 SECTION 31. Arkansas Code § 5-14-112(b), concerning indecent exposure,
22 is amended to read as follows:

23 (b)(1) Except as provided in subdivisions (b)(2) and (b)(3) of this
24 section, indecent exposure is a Class A misdemeanor.

25 (2) Indecent exposure is a Class D felony:

26 (A) For a fourth or fifth conviction within ten (10) years
27 of a previous conviction, indecent exposure is a Class D felony; or

28 (B) If a person is in the custody of a correctional
29 facility or a detention facility at the time the person exposes his or her
30 sex organs.

31 (3) For a sixth conviction and each successive conviction within
32 ten (10) years of a previous conviction, indecent exposure is a Class C
33 felony.
34

35 SECTION 32. Arkansas Code § 5-14-113 is amended to read as follows:

36 5-14-113. Sexual extortion.

- 1 (a) A person commits the offense of sexual extortion if:
- 2 (1) With the purpose to coerce another person to engage in
- 3 sexual contact or sexually explicit conduct, the person communicates a threat
- 4 to:
- 5 (A) Damage the property or harm the reputation of the
- 6 other person; or
- 7 (B) Produce or distribute a recording of the other person
- 8 engaged in sexually explicit conduct or depicted in a state of nudity;
- 9 (2) With the purpose to produce or distribute a recording of a
- 10 person in a state of nudity or engaged in sexually explicit conduct, the
- 11 person communicates a threat to:
- 12 (A) Damage the property or harm the reputation of the
- 13 other person; or
- 14 (B) Produce or distribute a recording of the other person
- 15 engaged in sexually explicit conduct or depicted in a state of nudity; ~~or~~
- 16 (3) The person knowingly causes another person to engage in
- 17 sexual contact or sexually explicit conduct or to produce or distribute a
- 18 recording of a person in a state of nudity or engaged in sexually explicit
- 19 conduct by communicating a threat to:
- 20 (A) Damage the property or harm the reputation of the
- 21 other person; or
- 22 (B) Produce or distribute a recording of the other person
- 23 engaged in sexually explicit conduct or depicted in a state of nudity; or
- 24 (4) The person knowingly demands payment of money or receipt of
- 25 anything of value by communicating a threat to distribute a recording of a
- 26 person engaged in sexually explicit conduct or depicted in a state of nudity.
- 27 (b) Sexual extortion is a Class B felony.

28

29 SECTION 33. Arkansas Code § 5-14-124(a)(1)(B), concerning sexual

30 assault in the first degree committed by certain persons, is amended to read

31 as follows:

- 32 (B) Employed by or contracted with the Division of
- 33 Community Correction, a local law enforcement agency, a court, or a local
- 34 government and the actor is supervising the minor while the minor is on
- 35 probation, ~~or parole, or post-release supervision~~ or for any other court-
- 36 ordered reason;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

SECTION 34. Arkansas Code § 5-14-125(a)(4)(A)(ii), concerning sexual assault in the second degree committed by certain persons, is amended to read as follows:

(ii) Employed by or contracted with the Division of Community Correction, a local law enforcement agency, a court, or a local government and the actor is supervising the minor while the minor is on probation, ~~or parole,~~ or post-release supervision or for any other court-ordered reason;

SECTION 35. Arkansas Code § 5-14-126(a)(1)(B), concerning sexual assault in the third degree committed by certain persons, is amended to read as follows:

(B) Employed by or contracted with the Division of Community Correction, a local law enforcement agency, a court, or a local government and the actor is supervising the person while the person is on probation, ~~or parole,~~ or post-release supervision or for any other court-ordered reason;

SECTION 36. Arkansas Code § 5-14-137(b)(1), concerning the prohibition against a registered sex offender recording a person younger than fourteen years of age, is amended to read as follows:

(1) Record a person under fourteen (14) years of age and post the recording of the person on an online social media platform or other internet website that allows the using or posting of a recording in any form after the person has previously been warned of his or her possible criminal exposure by a judge at the person’s sentencing for the offense for which the person is required to register as a sex offender, or by his or her ~~parole or probation~~ community supervision officer that recording a person under fourteen (14) years of age is a violation of his or her terms and conditions of his or her probation, ~~or parole,~~ or post-release supervision; or

SECTION 37. Arkansas Code § 5-36-103(b)(3), concerning theft of property that is classified as Class D felony, is amended to add an additional subdivision to read as follows:

(J) The value of the property is one thousand dollars

1 (\$1,000) or less and the person has been previously convicted of a theft
2 offense of any classification; or

3
4 SECTION 38. Arkansas Code § 5-39-204, concerning aggravated
5 residential burglary, is amended to read as follows:

6 (a) A person commits aggravated residential burglary if he or she
7 commits residential burglary as defined in § 5-39-201 of a residential
8 occupiable structure ~~occupied by any person~~, and he or she either:

9 (1) ~~Is~~ The residential occupiable structure is occupied by
10 another person; or

11 (2) He or she is armed with a deadly weapon or represents by
12 word or conduct that he or she is armed with a deadly weapon; ~~or,~~

13 ~~(2) Inflicts or attempts to inflict death or serious injury upon~~
14 ~~another person.~~

15 (b) Aggravated residential burglary is a:

16 (1) Class Y felony if:

17 (A) Committed under subdivision (a)(2) of this section; or

18 (B) The person causes or attempts to cause death or
19 serious physical injury to another person; or

20 (2) Class A felony if otherwise committed.

21
22 SECTION 39. Arkansas Code § 5-53-101(4)(A), concerning the definitions
23 used concerning offenses related to official proceedings, is amended to read
24 as follows:

25 (4)(A) "Official proceeding" means a proceeding heard before any
26 legislative, judicial, administrative, or other government agency or official
27 authorized to hear evidence under oath, including any referee, hearing
28 examiner, ~~parole~~ revocation hearing judge, commissioner, notary, or other
29 person taking testimony or depositions in any such proceeding.

30
31 SECTION 40. Arkansas Code § 5-54-119, concerning the furnishing,
32 possessing, using, or delivering of a prohibited article, is amended to add
33 an additional subsection to read as follows:

34 (g) A person convicted of furnishing a prohibited article, possessing
35 a prohibited article, using a prohibited article, or delivering a prohibited
36 article and who, at the time of the offense, was an employee of, volunteer

1 for, or contractor with a correctional facility shall have his or her
2 sentence enhanced as follows:

3 (1)(A) The term of imprisonment is enhanced by up to ten (10)
4 additional years.

5 (B) The enhanced term of imprisonment under subdivision
6 (g)(1)(A) of this section is consecutive to any other sentence imposed.

7 (C) A person subject to an enhanced term of imprisonment
8 under subdivision (g)(1)(A) of this section is not eligible for parole, post-
9 release supervision, or community correction transfer for the enhanced term
10 of imprisonment under subdivision (g)(1)(A) of this section; and

11 (2) The fine is enhanced by up to ten thousand dollars
12 (\$10,000).

13
14 SECTION 41. Arkansas Code § 5-54-129 is amended to read as follows:

15 5-54-129. Search of persons and vehicles entering institutions.

16 It is lawful for a superintendent, warden, or jailor, or his or her
17 duly authorized agent, to require, as a condition of admission, a reasonable
18 search as permitted by the Arkansas Constitution and the United States
19 Constitution of the person or vehicle of anyone seeking admission to, or to
20 visit in, the Department of ~~Community Correction~~ Corrections, jails, state
21 institutions, or other places where persons are confined.

22
23 SECTION 42. Arkansas Code § 5-54-206(c), concerning enhanced penalties
24 for the offense of terrorism, is amended to read as follows:

25 (c) Any person sentenced under this section is not eligible for early
26 release on parole, transfer to post-release supervision, or community
27 correction transfer for the enhanced portion of the sentence.

28
29 SECTION 43. Arkansas Code § 5-55-107(c)(1), concerning restitution and
30 collection under the Medicaid Fraud Act, is amended to read as follows:

31 (c)(1) In addition to the ~~judgment and commitment~~ sentencing order in
32 a criminal case, a court shall enter a separate restitution order against the
33 defendant convicted of Medicaid fraud regarding restitution consistent with
34 this section and § 5-55-108.

35
36 SECTION 44. Arkansas Code § 5-64-407(c), concerning the manufacture of

1 methamphetamine in the presence of certain persons, is amended to read as
2 follows:

3 (c) Any person sentenced under this section is not eligible for early
4 release on parole, transfer to post-release supervision, or community
5 correction transfer for the enhanced portion of the sentence.

6
7 SECTION 45. Arkansas Code § 5-64-411(c), concerning enhanced penalties
8 for controlled substances offenses in close proximity to certain facilities,
9 is amended to read as follows:

10 (c) Any person convicted under this section is not eligible for early
11 release on parole, transfer to post-release supervision, or community
12 correction transfer for the enhanced portion of the sentence.

13
14 SECTION 46. Arkansas Code § 5-70-104(b), concerning promoting
15 prostitution in the first degree, is amended to read as follows:

- 16 (b) Promoting prostitution in the first degree is a:
 - 17 (1) Class D felony under subdivision (a)(1) of this section;
 - 18 (2) Class B felony under subdivision (a)(2) of this section.

19
20 SECTION 47. Arkansas Code § 5-65-115(a)(1), concerning alcohol
21 treatment or education programs for persons whose driving privileges are
22 suspended or revoked due to driving under the influence and related offenses,
23 is amended to read as follows:

24 (a)(1)(A) A person whose driving privileges are suspended or
25 revoked for violating § 5-65-103, § 5-65-303, § 5-65-310, or § 3-3-203 is
26 required to complete an alcohol education program provided by a contractor
27 with the Division of Aging, Adult, and Behavioral Health Services of the
28 Department of Human Services or an alcoholism treatment program licensed by
29 the division.

30 (B) The Department of Human Services shall coordinate with the
31 Department of Corrections to license Department of Corrections employees or
32 contractors to provide the alcohol education or alcohol treatment program
33 required under subdivision (a)(1)(A) of this section to inmates.

34
35 SECTION 48. Arkansas Code § 5-73-103(c)(1), concerning possession of
36 firearms by certain persons, is amended to read as follows:

1 (c)(1) A person who violates this section commits a Class B felony if:

2 (A) The person has a prior violent felony conviction;

3 (B) The person’s current possession of a firearm involves
4 the commission of another crime; ~~or~~

5 (C) The person has a prior felony conviction for an
6 offense that had as an element of the offense the use or possession of a
7 deadly weapon; or

8 ~~(C)(D)~~ (D) The person has been previously convicted under this
9 section or a similar provision from another jurisdiction.

10

11 SECTION 49. Arkansas Code § 5-73-323, concerning licenses to carry a
12 concealed handgun held by certain persons, is amended to read as follows:

13 A member of the ~~Parole~~ Post-Prison Transfer Board, a board
14 investigator, or a ~~parole~~ revocation hearing judge who has been issued a
15 license to carry a concealed handgun by the ~~Department~~ Division of Arkansas
16 State Police under this subchapter may carry his or her concealed handgun
17 into a building in which or a location on which a law enforcement officer may
18 carry a handgun if the board member, board investigator, or ~~parole~~ revocation
19 hearing judge is on official business of the board.

20

21 SECTION 50. Arkansas Code § 9-27-507(b)(2)(B), concerning penalties
22 for violating a disposition order in an extended juvenile jurisdiction case,
23 is amended to read as follows

24 (B) Statutory provisions prohibiting or limiting probation
25 or suspended imposition of sentence, ~~or parole, or transfer to post-release~~
26 transfer for offenses when committed by an adult shall not apply to juveniles
27 sentenced as extended juvenile jurisdiction offenders.

28

29 SECTION 51. Arkansas Code § 9-27-507(e)(4)(B), concerning options for
30 disposition at certain points in an extended juvenile jurisdiction case, is
31 amended to read as follows:

32 (B) Statutory provisions prohibiting or limiting probation
33 or suspended imposition of sentence, ~~or parole, or post-release transfer~~
34 for offenses when committed by an adult shall not apply to juveniles sentenced as
35 extended juvenile jurisdiction offenders.

36

1 SECTION 52. Arkansas Code § 9-27-510(a)(2), concerning placement of a
2 juvenile with the Division of Correction, is amended to read as follows:

3 (2) If a juvenile receives a sentence to the Division of
4 Correction before the juvenile’s sixteenth birthday, the juvenile shall be
5 housed by the Division of Youth Services until that date, except as provided
6 by a court order or parole or post-release supervision decision made by the
7 ~~Parole~~ Post-Prison Transfer Board.

9 SECTION 53. Arkansas Code § 9-27-510(c)(1)(A) and (B), concerning
10 placement of a juvenile with the Division of Correction, are amended to read
11 as follows:

12 (c)(1)(A) Juveniles sentenced to the Division of Correction pursuant
13 to extended juvenile jurisdiction are subject to parole and post-release
14 supervision as is any other inmate within the Division of Correction.

15 (B) Juveniles adjudicated for capital murder, § 5-10-101,
16 or murder in the first degree, § 5-10-102, are subject to parole or post-
17 release supervision.

19 SECTION 54. Arkansas Code § 9-28-409(f)(1), concerning criminal
20 background and child maltreatment checks for employees of child welfare
21 agencies, is amended to read as follows:

22 (f)(1) A person who is required to have a criminal records check under
23 subdivision (b)(1) or subdivision (c)(1) of this section who has pleaded
24 guilty or nolo contendere to or been found guilty of any of the offenses
25 listed in subdivision (e)(3) of this section shall be absolutely disqualified
26 from being an owner, operator, volunteer, foster parent, adoptive parent,
27 member of a child welfare agency’s board of directors, or employee in a child
28 welfare agency during the period of the person’s confinement, probation, ~~or~~
29 parole, or post-release supervision unless the conviction is vacated or
30 reversed.

32 SECTION 55. Arkansas Code § 9-28-409(f)(3)(A), concerning criminal
33 background and child maltreatment checks for employees of child welfare
34 agencies, is amended to read as follows:

35 (3)(A) Except as provided under subdivision (f)(1) of this
36 section, a person who is required to have a criminal records check under

1 subdivision (b)(1) or subdivision (c)(1) of this section who has pleaded
2 guilty or nolo contendere to or been found guilty of any of the offenses
3 listed in subdivision (e)(3) of this section shall be presumed to be
4 disqualified to be an owner, operator, volunteer, foster parent, adoptive
5 parent, member of a child welfare agency’s board of directors, or employee in
6 a child welfare agency after the completion of his or her term of
7 confinement, probation, ~~or parole~~, or post-release supervision unless the
8 conviction is vacated or reversed.

9

10 SECTION 56. Arkansas Code § 11-10-513(a)(3), concerning
11 disqualification for unemployment benefits due to voluntarily leaving work,
12 is amended to read as follows:

13 (3) Any person who leaves his or her last work to comply with
14 the order of a correctional institution or to satisfy the terms of his or her
15 parole, post-release supervision, or probation shall be deemed to have left
16 work “voluntarily and without good cause connected with the work”.

17

18 SECTION 57. Arkansas Code § 12-1-102 is amended to read as follows:
19 12-1-102. Records to be posted on a public website.

20 (a) Relevant research studies and reports concerning the following
21 topics that are generated by the research divisions of the Division of
22 Correction, the Division of Community Correction, and the ~~Parole~~ Post-Prison
23 Transfer Board or by third-party contractors on behalf of the Division of
24 Correction, the Division of Community Correction, and the board, when
25 applicable, shall be posted on the Division of Correction’s, the Division of
26 Community Correction’s, or the board’s website:

- 27 (1) Population projections;
- 28 (2) Recidivism; and
- 29 (3) Evaluation of the cost-benefit of evidence-based practices

30 of:

- 31 (A) Adult prisons;
- 32 (B) Community corrections facilities;
- 33 (C) Probation; ~~and~~
- 34 (D) Parole; and
- 35 (E) Post-release supervision.

36 (b) Data posted on the board’s, the Division of Correction’s, or the

1 Division of Community Correction's websites under this section may be removed
2 from the board's, the Division of Correction's, or the Division of Community
3 Correction's websites after five (5) years.

4
5 SECTION 58. Arkansas Code Title 12, Chapter 1, Subchapter 1, is
6 amended to add an additional section to read as follows:

7 12-1-104. Bail reporting system.

8 (a)(1) The Arkansas Crime Information Center shall administer a public
9 portal for entry by a court of the information required to be reported under
10 § 16-84-118.

11 (2) To facilitate the administration of the portal required
12 under subdivision (a)(1) of this section, the Arkansas Crime Information
13 Center may seek the assistance of the Division of Information Systems of the
14 Department of Transformation and Shared Services or enter into a contract for
15 technical database and data processing services.

16 (b) The public portal administered under subsection (a) of this
17 section shall provide the following information concerning a defendant or
18 arrestee:

19 (1) The defendant or arrestee's name and alias, if available;

20 (2) The date of each arrest of the defendant or arrestee along
21 with the following details:

22 (A) The county of arrest;

23 (B) Any corresponding case number, if available;

24 (C) The specific charges;

25 (D) Eligibility for bail and the amount of the initial
26 bail;

27 (E) The name of the judge and court, including without
28 limitation judicial district and county, setting the initial bail;

29 (F) The date and amount of any bail modification;

30 (G) The name of the judge and court, including without
31 limitation judicial district and county, modifying the bail set; and

32 (H) The date of release on bond and type of bond posted;
33 and

34 (3) The date of each conviction of the defendant or arrestee and
35 corresponding case number.

36 (c) The information entered into the public portal administered under

1 this section shall be disseminated:

2 (1) In a manner that will allow the information to be organized

3 by:

4 (A) A defendant or arrestee;

5 (B) A judicial district;

6 (C) A county; and

7 (D) A judge and

8 (2) Upon request to the:

9 (A) Governor;

10 (B) Speaker of the House of Representatives;

11 (C) President Pro Tempore of the Senate;

12 (D) Arkansas Legislative Audit; and

13 (E) Attorney General.

14
15 SECTION 59. Arkansas Code § 12-12-905(a)(2), concerning registration
16 requirements for sex offenders, is amended to read as follows:

17 (2) Is serving a sentence of incarceration, probation, parole,
18 post-release supervision, or other form of community supervision as a result
19 of an adjudication of guilt on or after August 1, 1997, for a sex offense,
20 aggravated sex offense, or sexually violent offense;

21
22 SECTION 60. Arkansas Code § 12-12-906(a)(1)(A)(i), concerning the duty
23 to register as a sex offender or verify registration as a sex offender and
24 the review of requirements with sex offenders, is amended to read as follows:

25 (a)(1)(A)(i) At the time of adjudication of guilt, the sentencing
26 court shall enter on the ~~judgment and commitment or judgment and disposition~~
27 ~~form~~ sentencing order that the offender is required to register as a sex
28 offender and shall indicate whether the:

29 (a) Offense is an aggravated sex offense;

30 (b) Sex offender has been adjudicated guilty
31 of a prior sex offense under a separate case number; or

32 (c) Sex offender has been classified as a
33 sexually dangerous person.

34
35 SECTION 61. Arkansas Code § 12-12-909(a)(3) and (4), concerning a
36 change of address of a registered sex offender, are amended to read as

1 follows:

2 (3) If the sex offender changes his or her address without
3 notice, notification shall be sent to law enforcement and supervising parole,
4 post-release supervision, or probation authorities, and notice may be posted
5 on the internet until proper reporting is again established or the sex
6 offender is incarcerated.

7 (4) Subdivision (a)(1) of this section applies to a sex offender
8 required to register as a sexually dangerous person, except that the sexually
9 dangerous person shall verify the registration in person every ninety (90)
10 days after the date of the initial release or commencement of parole or post-
11 release supervision.

12

13 SECTION 62. Arkansas Code § 12-12-913(c)(1)(B), concerning developing
14 guidelines and procedures for the release of information concerning sex
15 offenders, is amended to read as follows:

16 (B) In developing the guidelines and procedures, the Sex
17 Offender Assessment Committee shall consult with persons who, by experience
18 or training, have a personal interest or professional expertise in law
19 enforcement, crime prevention, victim advocacy, criminology, psychology,
20 parole, post-release supervision, public education, and community relations.

21

22 SECTION 63. Arkansas Code § 12-12-913(j)(1)(A)(viii), concerning
23 information to be made public concerning a Level 3 or Level 4 sex offender,
24 is amended to read as follows:

25 (viii) The sex offender's parole, post-release
26 supervision, or probation office;

27

28 SECTION 64. Arkansas Code § 12-12-917(b)(2)(A)(ii)(b)(2)(D),
29 concerning the relevant records to be forwarded to Community Notification
30 Assessment regarding an adult sex offender convicted of an offense described
31 in 42 U.S.C. § 14071 et seq., is amended to read as follows:

32 (D) ~~Judgment and disposition forms~~
33 Sentencing orders;

34

35 SECTION 65. Arkansas Code § 12-12-917(b)(4)(A)(ii), concerning
36 notification that will be provided when a sex offender disrupts a sex

1 offender assessment, is amended to read as follows:

2 (ii) The ~~parole or probation~~ community supervision
3 officer, if applicable, shall be notified.

4
5 SECTION 66. Arkansas Code § 12-12-917(f)(2), concerning evaluation of
6 a sex offender, is amended to read as follows:

7 (2) The committee shall provide the ~~Parole~~ Post-Prison Transfer
8 Board with copies of the offender fact sheet on inmates of the Division of
9 Correction.

10
11 SECTION 67. Arkansas Code § 12-12-917(h)(2)(A), concerning evaluation
12 of a sex offender, is amended to read as follows:

13 (2)(A) A local law enforcement agency having jurisdiction, the
14 Division of Community Correction, or the ~~Parole~~ Post-Prison Transfer Board
15 may request the committee to reassess a sex offender’s assigned risk level at
16 any time.

17
18 SECTION 68. Arkansas Code § 12-12-917(h)(2)(B), concerning evaluation
19 of a sex offender, is amended to read as follows:

20 (B) In the request for reassessment, the local law
21 enforcement agency having jurisdiction, the Division of Community Correction,
22 or the ~~Parole~~ Post-Prison Transfer Board shall list the facts and
23 circumstances that prompted the requested reassessment.

24
25 SECTION 69. Arkansas Code § 12-12-918(d), concerning classification of
26 a person as a sexually dangerous person, is amended to read as follows:

27 (d)(1) The ~~judgment and commitment~~ sentencing order should state
28 whether the offense qualifies as an aggravated sex offense.

29 (2) Should the aggravated sex offense box not be checked on the
30 ~~commitment~~ sentencing order, the court will be contacted by the committee and
31 asked to furnish a written determination as to whether the offense qualifies
32 as an aggravated sex offense.

33
34 SECTION 70. Arkansas Code § 12-12-919(b)(2)(A), concerning
35 termination of the obligation to register as a sex offender, is amended to
36 read as follows:

1 (A) The applicant, for a period of fifteen (15) years
2 after the applicant was released from prison or other institution or placed
3 on parole, post-release supervision, supervised release, or probation has not
4 been adjudicated guilty of a sex offense; and

5
6 SECTION 71. Arkansas Code § 12-12-1003(c), concerning the collection
7 and maintenance of criminal history information, is amended to read as
8 follows:

9 (c) The reporting requirements of this subchapter apply to prosecuting
10 attorneys, judges, and law enforcement, court, probation, correction, ~~and~~
11 parole, and post-release supervision officials within the limits defined in
12 §§ 12-12-1006 and 12-12-1007.

13
14 SECTION 72. Arkansas Code § 12-12-1109(e)(1), concerning the
15 collection of a deoxyribonucleic acid sample upon conviction of certain
16 offenses, is amended to read as follows:

17 (e)(1) The requirements of this subchapter are mandatory and apply
18 regardless of whether or not a court advises a person that a DNA sample must
19 be provided to the State DNA Data Base and State DNA Data Bank as a condition
20 of probation, ~~or~~ parole, or post-release supervision.

21
22 SECTION 73. Arkansas Code § 12-12-1110(e)(1), concerning procedures
23 for the collection of a deoxyribonucleic acid sample upon conviction of
24 certain offenses, is amended to read as follows:

25 (e)(1) Any person who refuses to provide a DNA sample required by this
26 subchapter will receive no further sentence reduction for meritorious good
27 time or earned release credits until such time as a sample is provided, and
28 the Division of Correction shall notify the ~~Parole~~ Post-Prison Transfer Board
29 regarding the refusal.

30
31 SECTION 74. Arkansas Code § 12-12-1506(a)(2), concerning the
32 dissemination of records of felony arrest and conviction, is amended to read
33 as follows:

34 (2) Any criminal history information of felony arrest records
35 and all conviction information that pertains to a person currently being
36 processed by the criminal justice system, including during the entire period

1 of correctional supervision extending through final discharge from parole or
2 post-release supervision, may be disseminated without restriction.

3
4 SECTION 75. Arkansas Code § 12-27-103(b)(15), concerning the creation
5 and powers of the Division of Correction, is amended to read as follows:

6 (15) The Division of Correction shall cooperate with the
7 Division of Community Correction, the ~~Parole~~ Post-Prison Transfer Board, the
8 Arkansas Sentencing Commission, judicial districts, municipalities, and
9 counties in this state in providing guidance and services required to ensure
10 a full range of correctional options for the state as a whole;

11
12 SECTION 76. Arkansas Code § 12-27-104(a)(2), concerning members of the
13 Board of Corrections, is amended to read as follows:

14 (2) The Chair of the ~~Parole~~ Post-Prison Transfer Board; and

15
16 SECTION 77. Arkansas Code § 12-27-105(b)(17)(C), concerning the Board
17 of Corrections powers and duties, is amended to read as follows:

18 (C) The payment of such sanctions and fees may be a
19 condition of probation, parole, post-release supervision, ~~post-prison~~ post-
20 prison transfer, or attached to admission and participation in a community
21 correction program.

22
23 SECTION 78. Arkansas Code § 12-27-107(a), concerning the Director of
24 the Division of Correction, is amended to read as follows:

25 (a) The Director of the Division of Correction, ~~who shall be the~~
26 ~~executive, administrative, budgetary, and fiscal officer of the Division of~~
27 ~~Correction,~~ shall be appointed by the Board of Corrections in consultation
28 with the Secretary of the Department of Corrections at a salary fixed by the
29 Board of Corrections which shall not exceed the maximum salary for the
30 position established by law.

31
32 SECTION 79. Arkansas Code § 12-27-107(c), concerning the Director of
33 the Division of Correction, is amended to read as follows:

34 (c) The director shall serve at the pleasure of the ~~Board~~ Secretary of
35 the Department of Corrections.

1 SECTION 80. Arkansas Code § 12-27-107(d)(5), concerning the Director
2 of the Division of Correction, is amended to read as follows:

3 (5) Cooperate with the Division of Community Correction, the
4 ~~Parole Post-Prison Transfer~~ Board, the Arkansas Sentencing Commission,
5 judicial districts, counties, and municipalities to provide the guidance and
6 services required to ensure a full range of correctional options for the
7 state as a whole; and

8
9 SECTION 81. Arkansas Code § 12-27-113(b)(3), concerning the transfer
10 of inmates between the Division of Correction and Division of Community
11 Correction, is amended to read as follows:

12 (3) Inmates may be transferred between the Division of
13 Correction and the Division of Community Correction within the constraints of
14 law applicable to judicial or administrative transfer, subject to the
15 policies and rules established by the Board of Corrections and conditions set
16 by the ~~Parole Post-Prison Transfer~~ Board.

17
18 SECTION 82. Arkansas Code § 12-27-117 is amended to read as follows:
19 12-27-117. Employees' uniforms.

20 As deemed appropriate by the Secretary of the Department of Corrections
21 and approved by the Board of Corrections, the Department of Corrections may
22 purchase identifying occupational uniforms for correctional personnel and
23 ~~probation and parole~~ community supervision personnel.

24
25 SECTION 83. Arkansas Code § 12-27-124(a)(3), concerning the purposes
26 and construction of the Division of Community Correction, is amended to read
27 as follows:

28 (3) To accomplish the objectives and purposes of this act in an
29 effective, coordinated, and uniform manner, the division shall be responsible
30 for the administration of all community correction facilities, services, and
31 means of supervision, including ~~probation and parole~~ community supervision or
32 any type of post-prison release or transfer.

33
34 SECTION 84. Arkansas Code § 12-27-125(b)(5)(A), concerning the powers
35 and duties of the Division of Community Correction, is amended to read as
36 follows:

1 (5)(A) It may exercise all legally sanctioned supervision and
2 appropriate care over all offenders referred with proper documentation from
3 the circuit courts and all offenders transferred with proper documentation
4 from the Division of Correction pursuant to policies established by the Board
5 of Corrections and conditions set by the ~~Parole~~ Post-Prison Transfer Board.
6

7 SECTION 85. Arkansas Code § 12-27-125(b)(7) and (8), concerning the
8 powers and duties of the Division of Community Correction, is amended to read
9 as follows:

10 (7) It shall administer the provision of parole services in
11 coordination with the ~~Parole~~ Post-Prison Transfer Board and in cooperation
12 with the Division of Correction;

13 (8) It shall provide support services to the ~~Parole~~ Post-Prison
14 Transfer Board or its designated representatives as determined by the ~~Parole~~
15 Post-Prison Transfer Board;

16
17 SECTION 86. Arkansas Code § 12-27-125(b)(17)(C), concerning the powers
18 and duties of the Division of Community Correction and the payment of
19 sanctions and fees by offenders, is amended to read as follows:

20 (C) The payment of such sanctions and fees may be a
21 condition of probation, parole, post-release supervision, or ~~post-prison~~
22 post-prison transfer or attached to admission and participation in a
23 community correction program.
24

25 SECTION 87. Arkansas Code § 12-27-125(b)(21), concerning the powers
26 and duties of the Division of Community Correction, is amended to read as
27 follows:

28 (21) Subject to availability of funds, it shall employ officers,
29 employees, and agents and secure sufficient offices for monitoring each sex
30 offender on parole, post-release supervision, or probation who is required to
31 register under the Sex Offender Registration Act of 1997, § 12-12-901 et
32 seq., and who has been assessed as a risk Level 3 or Level 4 offender; and
33

34 SECTION 88. Arkansas Code § 12-27-126(a), concerning the Director of
35 the Division of Community Correction, is amended to read as follows:

36 (a) The Director of the Division of Community Correction shall be

1 appointed by the Board of Corrections in consultation with the Secretary of
2 the Department of Corrections at a salary fixed by the Board of Corrections,
3 which shall not exceed the maximum salary for the position established by
4 law.

5
6 SECTION 89. Arkansas Code § 12-27-126(c), concerning the Director of
7 the Division of Community Correction, is amended to read as follows:

8 (c) The director shall serve at the pleasure of the ~~Board~~ Secretary of
9 the Department of Corrections.

10
11 SECTION 90. Arkansas Code § 12-27-126(d)(5), concerning the Director
12 of the Division of Community Correction, is amended to read as follows:

13 (5) Cooperate with the Division of Correction, the ~~Parole~~ Post-
14 Prison Transfer Board, the Arkansas Sentencing Commission, judicial
15 districts, counties, and municipalities to provide the guidance and services
16 required to ensure a full range of correctional and community correction
17 options for the state as a whole.

18
19 SECTION 91. Arkansas Code § 12-27-127 is amended to read as follows:

20 12-27-127. Transfer to the Division of Community Correction – Transfer
21 of an inmate between divisions.

22 (a)(1) A commitment shall be treated as a commitment to the Division
23 of Correction and subject to regular transfer eligibility.

24 (2) However, an inmate may be judicially or administratively
25 transferred to the Division of Community Correction by the Division of
26 Correction unless the court indicates on the sentencing order that the
27 Division of Correction shall not administratively transfer a statutorily
28 eligible inmate to the Division of Community Correction in accordance with
29 the rules promulgated by the Board of Corrections.

30 (b)(1) In accordance with rules and procedures promulgated by the
31 Board of Corrections and the orders of the committing court, the Director of
32 the Division of Community Correction shall assign a newly transferred inmate
33 to an appropriate facility, placement, program, or status within the Division
34 of Community Correction.

35 (2) The director may transfer an inmate from one facility,
36 placement, program, or status to another facility, placement, program, or

1 status consistent with the commitment, applicable law, and in accordance with
2 treatment, training, and security needs.

3 (3)(A) An inmate may be administratively transferred back to the
4 Division of Correction from the Division of Community Correction by the
5 ~~Parole Board~~ Post-Prison Transfer Board following a hearing in which the
6 inmate is found ineligible for placement in a Division of Community
7 Correction facility as he or she fails to meet the criteria or standards
8 established by law or policy adopted by the Board of Corrections or has been
9 found guilty of a violation of the rules of the facility.

10 (B) Time served in a community correction facility or
11 under supervision by the Division of Community Correction shall be credited
12 against the sentence contained in the commitment to the Division of
13 Correction.

14 (c)(1) In accordance with rules and procedures promulgated by the
15 Board of Corrections, ~~or except as otherwise prohibited by subdivision (c)(4)~~
16 ~~of this section~~, upon receipt of a referral from the director or his or her
17 designee, the ~~Parole Board~~ Post-Prison Transfer Board may release from
18 confinement an inmate who has been:

19 (A) Sentenced and judicially or administratively
20 transferred to the Division of Community Correction;

21 (B) Incarcerated for a minimum of:

22 (i) ~~one~~ One hundred eighty (180) days for a sentence
23 of four (4) years or less; and or

24 (ii) Two hundred seventy (270) days for a sentence
25 of more than four (4) years but less than six (6) years; and

26 (C) Determined by the Division of Community Correction to
27 have successfully completed its therapeutic program.

28 (2)(A) The General Assembly finds that the power granted to the
29 ~~Parole Board~~ Post-Prison Transfer Board under subdivision (c)(1) of this
30 section will:

31 (i) Aid the therapeutic rehabilitation of the
32 inmates judicially or administratively transferred to the Division of
33 Community Correction; and

34 (ii) More efficiently use the correctional resources
35 of the State of Arkansas.

36 (B) The power granted to the ~~Parole Board~~ Post-Prison

1 Transfer Board under subdivision (c)(1) of this section shall be the sole
2 authority required for the accomplishment of the purposes set forth in this
3 subdivision (c)(2), and when the ~~Parole~~ Post-Prison Transfer Board exercises
4 its power under this section, it shall not be necessary for the ~~Parole Post-~~
5 Prison Transfer Board to comply with general provisions of other laws dealing
6 with the minimum time constraints as applied to release eligibility.

7 (3) This subsection does not grant the ~~Parole~~ Post-Prison
8 Transfer Board or the Division of Community Correction the authority either
9 to detain an inmate beyond the sentence imposed upon him or her by a
10 transferring court or to shorten that sentence.

11 ~~(4) An inmate may not be released from confinement under this~~
12 ~~section if the inmate was sentenced and judicially or administratively~~
13 ~~transferred to the Division of Community Correction at a time earlier than~~
14 ~~that which would otherwise be possible if the inmate was sentenced to the~~
15 ~~Division of Correction, regardless of any program completed by the inmate.~~

16 (d)(1) An inmate of the Division of Correction who is to be ~~released~~
17 ~~on parole~~ transferred to post-release supervision may be administratively
18 transferred to the Division of Community Correction when the inmate is within
19 eighteen (18) months of his or her projected release date for the purpose of
20 participating in a reentry program of at least six (6) months in length.

21 (2) Each inmate administratively transferred under this
22 subsection shall be thoroughly screened and approved for participation by the
23 director or his or her designee.

24 (3) In accordance with rules promulgated by the Board of
25 Corrections, upon receipt of a referral from the director or his or her
26 designee, the ~~Parole~~ Post-Prison Transfer Board may release from
27 incarceration an inmate who has been:

28 (A) Administratively transferred to the Division of
29 Community Correction; and

30 (B) Determined by the Division of Community Correction to
31 have successfully completed its reentry program.

32 (4) An inmate who has been administratively transferred under
33 this subsection shall be administratively transferred back to the Division of
34 Correction if he or she:

35 (A) Is denied parole or transfer to post-release
36 supervision; or

1 (B) Fails to complete or is removed from the reentry
2 program.

3
4 SECTION 92. Arkansas Code § 12-27-129(b)(2), concerning the report on
5 rehabilitation of the inmate population, is amended to read as follows:

6 (2) Further, the report is to include the amount of meritorious
7 good time or earned release credits awarded inmates by the division for the
8 successful completion of the various rehabilitative programs.

9
10 SECTION 93. Arkansas Code § 12-27-136, is amended to read as follows:

11 12-27-136. Services and equipment.

12 The Division of Correction and the Division of Community Correction may
13 provide services, furnishings, equipment, and office space to assist the
14 ~~Parole~~ Post-Prison Transfer Board in fulfilling the purposes for which the
15 board was created by law.

16
17 SECTION 94. Arkansas Code § 12-27-145(a)(2)(B), concerning records of
18 the Division of Community Correction to be posted on a public website, is
19 amended to read as follows:

20 (B) Additionally, the list and the date of major
21 disciplinary violations for which the inmate was found guilty shall be
22 displayed during the period the inmate is being considered for transfer to
23 parole or post-release supervision;

24
25 SECTION 95. Arkansas Code § 12-27-145(a)(10), concerning records of
26 the Division of Community Correction to be posted on a public website, is
27 amended to read as follows:

28 (10) An inmate's parole eligibility date, post-release
29 supervision date, or date he or she is to be released from incarceration as
30 well as a general explanation of how an inmate's ~~parole~~ release eligibility
31 date is calculated, including good time credits.

32
33 SECTION 96. Arkansas Code § 12-27-145(b)(1)(I), concerning records of
34 the Division of Community Correction to be posted on a public website, is
35 amended to read as follows:

36 (I) A list of previous revocation offenses while on

1 ~~probation or parole~~ community supervision and date of revocation.

2
 3 SECTION 97. Arkansas Code § 12-27-147 is amended to read as follows:
 4 12-27-147. Rulemaking and administrative directive reporting
 5 requirement.

6 (a) A rule implemented by the Board of Corrections, Division of
 7 Correction, Division of Community Correction, or the ~~Parole~~ Post-Prison
 8 Transfer Board pertaining to this act shall be approved by the appropriate
 9 legislative committee before becoming effective.

10 (b) Any administrative directive or board policy pertaining to this
 11 act implemented by the Board of Corrections, the Division of Correction, the
 12 Division of Community Correction, or the ~~Parole~~ Post-Prison Transfer Board
 13 shall be reported to the Legislative Council.

14
 15 SECTION 98. Arkansas Code § 12-27-149 is amended to read as follows:
 16 12-27-149. Division of Community Correction – Sufficient staffing
 17 guidelines.

18 For the purposes of maintaining a sufficiently trained and specialized
 19 staff of ~~probation and parole~~ community supervision officers, the Division of
 20 Community Correction shall establish staffing guidelines using evidence-based
 21 practices to develop ratios between the number of high-risk, medium-risk, and
 22 low-risk probationers, ~~and parolees, and offenders on post-release~~
 23 supervision and the ~~probation officers and parole officers~~ community
 24 supervision officers assigned to the high-risk, medium-risk, and low-risk
 25 probationers, ~~and parolees, and offenders on post-release supervision~~ in
 26 order to maximize the effectiveness of the monitoring ability of the
 27 ~~probation officers and parole~~ community supervision officers.

28
 29 SECTION 99. Arkansas Code § 12-27-204(a), concerning pay-for-success
 30 programs under the Division of Community Correction, is amended to read as
 31 follows:

32 (a) The Division of Community Correction may enter into an agreement
 33 with entities, including without limitation licensed or accredited, as
 34 applicable, community-based providers specializing in behavioral health, case
 35 management, and job placement services, and two-year or four-year public
 36 universities to create a pay-for-success program for incarcerated individuals

1 or individuals on ~~parole or probation~~ community supervision that requires the
2 division to pay for the intervention services only if the performance targets
3 stated in the agreement are achieved.

4

5 SECTION 100. Arkansas Code § 12-28-103 is repealed.

6 ~~12-28-103. Cost impact statements.~~

7 ~~(a) Each of the following bills introduced in the General Assembly~~
8 ~~shall have a cost impact statement attached to the bill prior to the~~
9 ~~committee to which the bill is referred taking action in regard to the bill.~~

10 ~~(1) Bills that affect inmate population patterns at facilities~~
11 ~~of the Department of Correction by imposing restrictions on inmate release or~~
12 ~~by increased intake into the department of inmates based on felony~~
13 ~~convictions; and~~

14 ~~(2) Bills that affect programs or services of the department.~~

15 ~~(b) In addition, copies of the cost impact statement shall be~~
16 ~~furnished on the desk of each member of the Senate and of the House of~~
17 ~~Representatives at least one (1) day prior to the date on which the bill is~~
18 ~~on third reading and debated for final passage in the respective houses.~~

19 ~~(c) Cost impact statements required under this section shall be~~
20 ~~prepared, upon referral thereof by the Speaker of the House of~~
21 ~~Representatives, with respect to House of Representatives bills, and by the~~
22 ~~President of the Senate upon recommendation of the Senate Committee on Rules,~~
23 ~~Resolutions and Memorials, with respect to Senate bills, at the time of~~
24 ~~introduction thereof, to:~~

25 ~~(1) The Director of the Department of Correction who shall~~
26 ~~either personally prepare or cause appropriate officials of the department to~~
27 ~~prepare, a cost impact statement to be approved by the director before~~
28 ~~submission to the house in which the request was made; or~~

29 ~~(2) Any other state agency that has information available upon~~
30 ~~which to base a cost impact statement.~~

31 ~~(d) The cost impact statement shall be furnished to the Governor and~~
32 ~~to the President of the Senate and the Speaker of the House of~~
33 ~~Representatives who shall cause copies thereof to be prepared for~~
34 ~~distribution upon the desks of the members of the House of Representatives~~
35 ~~and Senate at least twenty four (24) hours prior to consideration of any such~~
36 ~~bill by committee or twenty four (24) hours prior to the bill's being called~~

1 ~~up for third reading and final passage.~~

2 ~~(e) The cost impact statement shall be certified by the director or~~
 3 ~~the director of the appropriate agency to which the bill is referred for~~
 4 ~~preparation of an impact statement, and shall be returned and filed as~~
 5 ~~required in this section within not more than five (5) days from the date of~~
 6 ~~receipt thereof unless additional time in which to prepare the statement is~~
 7 ~~granted by the requesting official.~~

8
 9 SECTION 101. Arkansas Code § 12-28-104 is amended to read as follows:

10 12-28-104. Paroling Transferring authority – Pardon recommendations.

11 (a) The ~~Parole~~ Post-Prison Transfer Board shall be the ~~paroling~~
 12 transferring authority for parole and post-release supervision for the units
 13 of the Department of Corrections and shall make recommendations to the
 14 Governor in cases from the criminal courts that, in the board's opinion, the
 15 defendant in the case should be pardoned.

16 (b) The board shall consider the work skills, education,
 17 rehabilitation, and treatment programs recommended to the inmate upon intake
 18 and determine whether the inmate took advantage of those opportunities while
 19 incarcerated in the department in making decisions regarding parole or
 20 transfer to post-release supervision.

21
 22 SECTION 102. Arkansas Code § 12-28-107(b)(3), concerning training for
 23 inmates, is amended to read as follows:

24 (3) Programs under this section ~~shall~~ may include without
 25 limitation training in the following fields:

- 26 (A) Professional careers and vocations;
- 27 (B) Service careers and vocations;
- 28 (C) Information and computer technology;
- 29 (D) Medical technology; and
- 30 (E) Office administration.

31
 32 SECTION 103. Arkansas Code § 12-28-604, concerning inmates who shall
 33 not be early released in the event of prison overcrowding, is amended to add
 34 an additional subsection to read as follows:

35 (c) The following are not eligible for early release under this
 36 section:

- 1 (1) An inmate serving a term of imprisonment for a felony
- 2 ineligible to receive earned release credits as defined in § 16-93-1802; and
- 3 (2) An inmate serving a term of imprisonment for a restricted-
- 4 release felony, as defined in § 16-93-1802, who has not yet served the
- 5 minimum period of time required by law.

6

7 SECTION 104. Arkansas Code § 12-29-112(a) and (b), concerning

8 discharge or release of an inmate, are amended to read as follows:

9 (a) At least one hundred twenty (120) days before an inmate’s

10 anticipated release date, the Division of Correction, in collaboration with

11 the inmate and the Division of Community Correction and the ~~Parole~~ Post-

12 Prison Transfer Board, shall complete a prerelease assessment and reentry

13 plan, which may include a travel subsidy and transportation to the closest

14 commercial transportation pick-up point.

15 (b) A copy of the reentry plan under this section shall be provided to

16 the inmate and the assigned ~~parole~~ community supervision officer, if

17 applicable.

18

19 SECTION 105. Arkansas Code § 12-29-112, concerning discharge or

20 release of an inmate, is amended to additional subsections to read as

21 follows:

22 (d) Except as provided in subsection (e) of this section, the Division

23 of Correction shall provide the following documentation to an inmate upon

24 release:

- 25 (1) A copy of the training record of the inmate, if applicable;
- 26 (2) A copy of the institutional work record of the inmate, if
- 27 applicable;
- 28 (3) A certified copy of the birth certificate of the inmate, if
- 29 the inmate was born in Arkansas;
- 30 (4) A social security card or a replacement Social S
- 31 ecurity card, if obtainable; and
- 32 (5) Notification to the inmate if he or she is eligible to apply
- 33 for a license from a state entity charged with oversight of an occupational
- 34 license or certification, based on the inmate’s criminal history,
- 35 institutional training record, and institutional work record.

36 (e) The Division of Correction is not required to provide the

1 documentation in subsection (d) of this section if:

2 (1) The inmate is sixty-five (65) years of age or older;

3 (2) The inmate is subject to early release due to permanent
4 incapacitation or terminal illness;

5 (3) The inmate is being released to the custody of another
6 jurisdiction on a warrant or detainer; or

7 (4) The inmate was in the custody of the Division of Correction
8 for less than nine (9) months.

9
10 SECTION 106. Arkansas Code § 12-29-117 is amended to read as follows:

11 12-29-117. Educational, training, and rehabilitative programs.

12 (a) An inmate who was convicted and sentenced as an adult for an
13 offense he or she committed before he or she attained eighteen (18) years of
14 age shall not be prevented from participating in an educational, training, or
15 rehabilitative program that is otherwise available to other inmates in the
16 general population of the correctional facility in which he or she is housed.

17 (b)(1) The Department of Corrections shall regularly assess the impact
18 and efficacy of educational, training, and rehabilitative programs available
19 to inmates of correctional facilities owned or operated by the department.

20 (2) The assessment required under subdivision (b)(1) of this
21 section shall be conducted by an employee or contractor of the department who
22 has doctoral-level education and experience in evaluating the efficacy of
23 educational, training, and rehabilitative programs.

24 (3) The results of the assessments required under subdivision
25 (b)(1) of this section shall be incorporated into the report on the state of
26 the department required under § 25-43-403(d).

27 (c) The Secretary of the Department of Corrections shall:

28 (1) Coordinate with the Chief Workforce Officer to ensure that
29 workforce training provided to inmates allows for future employment in fields
30 with adequate demand; and

31 (2) Coordinate with community-based providers to ensure that
32 inmates are being provided appropriate training and programming in
33 preparation for reintegration into the workforce.

34
35 SECTION 107. Arkansas Code Title 12, Chapter 29, Subchapter 2, is
36 amended to add an additional section to read as follows:

1 12-29-206. Applicability.

2 This subchapter applies to offenses committed before January 1, 2025.

3
4 SECTION 108. Arkansas Code § 12-29-404(b), concerning medical parole
5 of an inmate due to terminal illness or permanent incapacitation, is amended
6 to read as follows:

7 (b) The Director of the Division of Correction or the Director of the
8 Division of Community Correction shall communicate to the Parole Post-Prison
9 Transfer Board when, in the independent opinions of either a Division of
10 Correction physician or Division of Community Correction physician, and a
11 consultant physician in Arkansas, an inmate is either terminally ill or
12 permanently incapacitated and should be considered for transfer to parole
13 supervision or post-release supervision.

14
15 SECTION 109. Arkansas Code § 12-29-404(c)(1) and (2), concerning
16 medical parole of an inmate due to terminal illness or permanent
17 incapacitation, are amended to read as follows:

18 (c)(1) Upon receipt of a communication described in subsection (b) of
19 this section, the board shall assemble or request all such information as is
20 germane to determine whether the inmate is eligible under this section for
21 immediate transfer to parole or post-release supervision.

22 (2) If the facts warrant and the board is satisfied that the
23 inmate's physical condition makes the inmate no longer a threat to public
24 safety, the board may approve the inmate for immediate transfer to parole or
25 post-release supervision.

26
27 SECTION 110. The introductory language of Arkansas Code § 12-29-
28 404(d), concerning medical parole of an inmate due to terminal illness or
29 permanent incapacitation, is amended to read as follows:

30 (d) An inmate is not eligible for parole or transfer to post-release
31 supervision under this section if he or she is required to register as a sex
32 offender under the Sex Offender Registration Act of 1997, § 12-12-901 et
33 seq., and:

34
35 SECTION 111. Arkansas Code § 12-29-404(e), concerning medical parole
36 of an inmate due to terminal illness or permanent incapacitation, is amended

1 to read as follows:

2 (e) The board may revoke a person's parole or post-release supervision
3 granted under this section if the person's medical condition improves to the
4 point that he or she would initially not have been eligible for parole or
5 post-release supervision under this section.

6
7 SECTION 112. Arkansas Code Title 12, Chapter 29, is amended to add
8 additional subchapters to read as follows:

9 Subchapter 7 – Earned Release Credits for Offenses Committed
10 on or after January 1, 2025

11
12 12-29-701. Applicability.

13 This subchapter applies to a felony offense committed on or after
14 January 1, 2025.

15
16 12-29-702. Earned release credits.

17 (a) Subject to rules promulgated by the Board of Corrections, an
18 inmate eligible to accrue earned release credits may accrue earned release
19 credits against the time spent in confinement pursuant to a sentence to the
20 Division of Correction by the sentencing court.

21 (b)(1) The Board of Corrections shall promulgate rules and the
22 Division of Correction shall administer rules that set guidelines for accrual
23 of earned release credits for work practices, job responsibilities, good
24 behavior, and involvement in rehabilitative activities while in the custody
25 of the Division of Correction.

26 (2) The rules shall provide for uniform application of
27 authorizing release to post-release supervision for an inmate who
28 successfully completes programs determined to reduce recidivism and has met
29 behavioral expectations while incarcerated.

30 (c)(1) Earned release credits shall not be applied to reduce the
31 length of a sentence but may reduce the length of time an inmate spends in
32 confinement, upon approval of the Post-Prison Transfer Board.

33 (2) Earned release credits may reduce the time of confinement
34 only if awarded by the Post-Prison Transfer Board.

35 (3) Earned release credits shall not reduce an inmate's time
36 served in prison by more than the maximum amount authorized under §§ 16-93-

1 1803 and 16-93-1804.

2 (d)(1) An inmate under sentence of death or life imprisonment without
3 parole is not eligible to accrue earned release credits but may be pardoned
4 or have his or her sentence commuted by the Governor, as provided by law.

5 (2) Except as provided by subdivision (d)(3) of this section, an
6 inmate sentenced to life imprisonment may accrue earned release credits if
7 otherwise eligible but shall not be awarded earned release credits by the
8 Post-Prison Transfer Board unless the sentence is commuted to a term of years
9 by executive clemency.

10 (3) An inmate serving a term of imprisonment for a felony
11 ineligible to receive earned release credits as defined in § 16-93-1802 shall
12 not be eligible to accrue earned release credits but may be pardoned or have
13 his or her sentences commuted by the Governor, as provided by law.

14
15 12-29-703. Classification committee – Classifications.

16 (a)(1)(A) The Board of Corrections shall establish an earned release
17 credit classification committee.

18 (B) Members of the committee shall be selected by wardens
19 or supervisors of the various units, facilities, or centers of the Division
20 of Correction and Division of Community Correction according to rules adopted
21 by the board governing the selection of members.

22 (2) The committee shall meet as often as necessary to determine
23 rates at which inmates may accrue earned release credits for good behavior,
24 job responsibilities, and involvement in rehabilitative activities.

25 (b)(1) Upon recommendation of the committee, the Director of the
26 Division of Correction may authorize accrual of earned release credits for
27 each successful completion of a:

28 (A) State-sponsored general education development
29 certificate program;

30 (B) Vocational program for which certification is awarded;

31 (C) Drug or alcohol treatment program offered at a
32 Division of Correction facility; or

33 (D) Pre-release and other rehabilitative programs or
34 assignments as approved by the Board of Corrections.

35 (2)(A) The additional days of earned release credits described
36 in subdivision (b)(1) of this section shall be accrued as provided in the

1 rules promulgated by the board.

2 (B) The board may add, amend, change, or alter the rules
3 adopted under this section in accordance with the Arkansas Administrative
4 Procedure Act, § 25-15-201 et seq.

5 (c) Earned release credits shall not be used to reduce the period of
6 incarceration for an otherwise ineligible inmate.

7 (d) A jury shall be instructed pursuant to § 16-97-103 regarding the
8 awarding of earned release credits under this section.

9
10 12-29-704. Maximum reduction.

11 An inmate sentenced to the Division of Correction shall not receive a
12 reduction in his or her required service time under this subchapter, or this
13 subchapter and another law jointly, if the reduction in his or her required
14 service time exceeds the amount authorized for the offense in § 16-93-1801 et
15 seq.

16
17 Subchapter 8 – Special Considerations for Female Inmates
18 and Inmates with Families

19
20 12-29-801. Mother-newborn child bonding for inmates.

21 (a) The Department of Corrections shall coordinate with healthcare
22 providers, community-based providers, or both, to develop a custody and care
23 plan that allows an inmate who has given birth to remain with her newborn
24 child during the period authorized by this section.

25 (b) Following the delivery of a newborn child by an inmate, the
26 department shall permit the inmate to remain with her newborn child for at
27 least seventy-two (72) hours unless:

28 (1) A medical or behavioral health provider has a reasonable
29 belief that remaining with the inmate poses a health or safety risk to the
30 newborn child; or

31 (2) Allowing the inmate to remain with her newborn child poses a
32 substantial flight risk or substantial risk of physical injury to another
33 person.

34 (c)(1) The bonding period required under this section is subject to
35 availability of adequate housing in hospitals or community-based housing.

36 (2) A correctional facility is not required to house a newborn

1 child with the inmate at the correctional facility.

2
3 12-29-802. Family considerations in inmate placement and visitation.

4 (a)(1) To the greatest extent possible, after accounting for security
5 and capacity factors, the Department of Corrections shall place an inmate who
6 is a parent of one (1) or more minor children within two hundred fifty (250)
7 miles of the inmate's permanent address of record.

8 (2) An inmate's parentage of a minor child shall be evidenced by
9 birth certificate or court order.

10 (b) The Secretary of the Department of Corrections shall adopt rules
11 authorizing the visitation of an inmate who is a parent of one (1) or more
12 minor children and who has a low or minimum-security classification with his
13 or her minor children under the following minimum requirements:

14 (1) Ensure opportunities for the minor children to attend in-
15 person visitation with their incarcerated parent at least one (1) time per
16 week unless the department has a reasonable belief that the visitation poses
17 a risk to the safety of the minor child or the security and good order of the
18 facility;

19 (2) Eliminate any restrictions on the number of minor children
20 that are permitted visitation privileges with an inmate;

21 (3) Authorize contact visits for an inmate who is a parent of
22 one (1) or more minor children unless the department has a reasonable belief
23 that contact visitation poses a risk to the safety of the minor child or the
24 security and good order of the facility;

25 (4) Eliminate any restrictions on the number of days on which an
26 inmate may conduct video visitation with a minor child unless restrictions
27 are necessary to maintain the security and good order of the facility; and

28 (5) Require restrictions on an inmate's visitation with his or
29 her minor children as a disciplinary measure to be subject to a higher level
30 of review than restrictions on visitation with other individuals.

31
32 12-29-803. Inspections by employees of the Department of Corrections.

33 (a) To the greatest extent practicable and consistent with safety and
34 order of the correctional facility, the Secretary of the Department of
35 Corrections shall adopt rules that limit inspections by male correctional
36 officers where a female inmate is in a state of undress.

1 (b) This section does not limit the ability of a male correctional
 2 officer to conduct inspections of the area where a female may be in a state
 3 of undress if a female correctional officer is not available.

4 (c)(1) If a male correctional officer conducts an inspection of an
 5 area where a female inmate is in a state of undress, the male correctional
 6 officer shall submit a written report within seventy-two (72) hours following
 7 the inspection containing a justification for the male correctional officer
 8 to inspect the area where the female inmate was located in a state of
 9 undress.

10 (2) The report required under subdivision (c)(1) of this section
 11 shall be maintained in the female inmate’s record.

12
 13 12-29-804. Training and technical assistance.

14 (a) The Department of Corrections shall develop and provide to all
 15 department employees responsible for the care or custody of pregnant inmates
 16 training related to the physical and mental health of pregnant inmates and
 17 unborn children, including without limitation the:

18 (1) General care of pregnant women;

19 (2) Impact of restraints on pregnant inmates and unborn
 20 children;

21 (3) Impact of being placed in restrictive housing on pregnant
 22 inmates; and

23 (4) Impact of invasive searches on pregnant inmates.

24 (b) The department shall develop and provide educational programming
 25 for pregnant inmates related to:

26 (1) Prenatal care;

27 (2) Pregnancy-specific hygiene;

28 (3) Parenting skills;

29 (4) The impact of alcohol and drugs on an unborn child; and

30 (5) The general health of children.

31
 32 SECTION 113. Arkansas Code § 14-14-115(b)(1)(B), concerning the
 33 prohibition on holding multiple civil offices, is amended to read as follows:

34 (B) Member of the ~~Parole~~ Post-Prison Transfer Board;

35
 36 SECTION 114. Arkansas Code § 12-32-101(5), concerning the definitions

1 used in relation to the treatment of female inmates or detainees in
2 correctional facilities, is amended to read as follows:

3 (5) "Post-partum" means, ~~as determined by the physician of the~~
4 ~~inmate or detainee, the thirty-day~~ eight-week period following delivery of a
5 child, unless a longer period is determined to be necessary by the healthcare
6 professional responsible for the health and safety of the inmate or detainee;
7 and

8
9 SECTION 115. Arkansas Code § 12-32-102(d), concerning restraint of a
10 pregnant inmate or detainee, is amended to read as follows:

11 (d) If restraints are used during labor, the Division of Correction or
12 the Division of Community Correction, as applicable, shall report the use of
13 restraints during labor to the Board of Corrections, the Secretary of the
14 Department of Corrections, and ~~to~~ the Attorney General.

15
16 SECTION 116. Arkansas Code § 14-164-340(b), concerning criminal
17 justice projects that are alternatives to the issuance of bonds, is amended
18 to read as follows:

19 (b) Under this section, the term "capital improvements for criminal
20 justice purposes" means, whether obtained by purchase, lease, construction,
21 reconstruction, restoration, improvement, alteration, repair, or other means,
22 any physical public facility, betterment, or improvement with the purpose of
23 furthering or promoting law enforcement or the apprehension, prosecution,
24 probation, rehabilitation, or detention of any criminals, accused defendants,
25 suspects, or juvenile detainees, and any preliminary plans, studies, or
26 surveys relative thereto; land or rights in land, including, without
27 limitations, leases, air rights, easements, rights-of-way, or licenses; and
28 any furnishings, machinery, vehicles, apparatus, or equipment for any such
29 public facility or betterment or improvement, which shall include, but is not
30 limited to, the following: any and all facilities for city or town halls,
31 courthouses and other administrative, executive, or other public offices for
32 law enforcement officials or agencies; court facilities; jails; police
33 stations and sheriffs' offices; police precincts or sheriffs' stations or
34 substations; law enforcement training facilities; ~~probation or parole~~
35 community supervision offices and facilities; alternative learning centers;
36 county and municipal criminal detention and correctional facilities; and

1 juvenile detention facilities.

2
3 SECTION 117. Arkansas Code § 16-1-101(a), concerning recidivism
4 definition and reporting, is amended to read as follows:

5 (a) As used in this title, "recidivism" means a criminal act that
6 results in the rearrest, reconviction, or return to incarceration of a person
7 with ~~or without~~ a new sentence or a revocation from parole or post-release
8 supervision during a three-year period following the person's release from
9 custody.

10
11 SECTION 118. Arkansas Code Title 16, Chapter 10, Subchapter 1, is
12 amended to add additional sections to read as follows:

13 16-10-143. Contracts – Qualified attorneys.

14 (a) As used in this section, "qualified attorney" means an attorney
15 who:

16 (1) Has previously been employed as an attorney by the state
17 regardless of the limitation provided under § 19-11-709(d); or

18 (2) Is currently serving as a part-time public defender or is
19 otherwise employed by the state as an attorney on a part-time basis.

20 (b) The Director of the Administrative Office of the Courts may employ
21 or enter into a professional service contract with a qualified attorney to
22 serve as a specialty court team member and to represent specialty court
23 participants.

24 (c) The fees for contracted services provided by a qualified attorney
25 under subsection (a) of this section shall be paid from funds appropriated
26 for that purpose to the Administrative Office of the Courts.

27 (d)(1) A qualified attorney who is employed or contracted by the
28 Administrative Office of the Courts under this section is eligible for
29 additional compensation.

30 (2) Additional compensation received for service under this
31 section as a specialty court team member or to represent specialty court
32 participants shall not be construed as exceeding the line-item maximum for
33 the grade of the qualified attorney's other part-time position, if any.

34 (e) Any funds appropriated for the purpose of this section remaining
35 on June 30 shall be retained by the Administrative Office of the Court and
36 may be distributed after July 1 as supplemental funding to be used for the

1 expansion or establishment of specialty court programs in circuit courts.

2
3 16-10-144. Contracts – Qualified treatment providers.

4 (a) The Director of the Administrative Office of the Courts may enter
5 into a professional service contract with a qualified treatment provider to
6 serve as a specialty court team member and to provide behavioral health
7 treatment to specialty court participants.

8 (b) The fees for contracted services provided by a qualified treatment
9 provider shall be paid from funds appropriated for that purpose to the
10 Administrative Office of the Courts.

11 (c) Any funds appropriated for the purpose of this section remaining
12 on June 30 shall be retained by the Administrative Office of the Courts and
13 may be distributed after July 1 as supplemental funding for the expansion or
14 establishment of specialty court programs in circuit courts.

15
16 SECTION 119. Arkansas Code § 16-17-137(a)(3), concerning areas that
17 may be under the jurisdiction of district court if authorized in judicial
18 district administrative plan, is amended to read as follows:

19 (3) A parole or post-release supervision program.

20
21 SECTION 120. Arkansas Code § 16-21-106(c)(1) and (2), concerning
22 assistance to victims and witnesses of crimes, are amended to read as
23 follows:

24 (c)(1) The prosecuting attorney of the county from which the inmate
25 was committed shall notify the ~~Parole~~ Post-Prison Transfer Board at the time
26 of commitment of the desire of the victim or member of the victim's family to
27 be notified of any future parole, post-release supervision, or clemency
28 hearings, and to forward to the board the last known address and telephone
29 number of the victim or member of the victim's family.

30 (2) It shall be the responsibility of the victim or the victim's
31 next of kin to notify the board after the date of commitment of any change in
32 regard to the desire to be notified of any future parole, post-release
33 supervision, or clemency hearings.

34
35 SECTION 121. Arkansas Code § 16-21-204(b), concerning the duties of
36 the prosecutor coordinator, is amended to add an additional subdivision to

1 read as follows:

2 (6)(A) Establish and administer a statewide certified facility
 3 dog program to assist child and vulnerable victims and child and vulnerable
 4 witnesses throughout the criminal justice system.

5 (B) As used in subdivision (b)(6)(A) of this section,
 6 "certified facility dog" means the same as defined in § 16-43-1002.

7
 8 SECTION 122. Arkansas Code § 16-80-104(c)(2), concerning the
 9 comprehensive mental health evaluation for a minor convicted of capital
 10 murder or murder in the first degree, is amended to read as follows:

11 (2) Shall be included in any documentation or inmate file kept
 12 by the Division of Correction or, if the minor is eventually supervised on
 13 parole or post-release supervision, the Division of Community Correction.

14
 15 SECTION 123. Arkansas Code § 16-84-207(c)-(f), concerning action on
 16 bail bond in circuit courts, are amended to read as follows:

17 (c)(1)(A) If the defendant is apprehended and brought before the
 18 circuit court within ~~seventy-five (75)~~ thirty (30) days of the date
 19 notification is sent under subdivision (b)(2)(A) of this section, then no
 20 judgment of forfeiture may be entered against the surety.

21 (B) ~~The~~ If the defendant is not apprehended and brought
 22 before the circuit court within thirty (30) days, the surety shall be liable
 23 for the cost of returning the defendant to the circuit court, ~~in an amount~~
 24 ~~not to exceed the face amount of the bond~~ and the circuit court shall enter a
 25 judgment of forfeiture for the face amount of the bond.

26 ~~(2)(A) If the defendant is apprehended and brought before the~~
 27 ~~circuit court after the seventy five day period under subdivision (c)(1) of~~
 28 ~~this section, the circuit court may exonerate the amount of the surety's~~
 29 ~~liability under the bail bond as the circuit court determines in its~~
 30 ~~discretion and, if the surety does not object, enter judgment accordingly~~
 31 ~~against the surety.~~

32 ~~(B) In determining the extent of liability of the surety on~~
 33 ~~the bond, the circuit court may take into consideration the actions taken and~~
 34 ~~the expenses incurred by the surety to locate the defendant, the expenses~~
 35 ~~incurred by law enforcement officers to locate and return the defendant, and~~
 36 ~~any other factors the circuit court finds relevant.~~

1 ~~(3)~~(2) The appropriate law enforcement agencies shall make every
2 reasonable effort to apprehend the defendant.

3 ~~(d)(1)~~ If the surety does not consent to the entry of judgment in the
4 amount determined under subsection (c) of this section, or if the defendant
5 has not surrendered or been brought into custody, then at the time of the
6 show cause hearing unless continued to a subsequent time, the circuit court
7 shall determine the surety's liability and enter judgment on the forfeited
8 bond.

9 ~~(2)~~ The circuit court may exercise its discretion in determining
10 the amount of the judgment and may consider the factors listed in subsection
11 ~~(c)~~ of this section.

12 ~~(e)(1)~~(d)(1) No pleading on the part of the state shall be required in
13 order to enforce a bond under this section.

14 (2) The summons required under subsection (b) of this section
15 shall be made returnable and shall be executed as in civil actions, and the
16 action shall be docketed and shall proceed as an ordinary civil action.

17 (3) The summons shall be directed to and served on the surety in
18 the manner provided in Rule 4 of the Arkansas Rules of Civil Procedure, and
19 the surety's appearance pursuant to the summons shall be in person and not by
20 filing an answer or other pleading.

21 ~~(f)~~(e) Notwithstanding any law to the contrary, a circuit court may
22 suspend a bail bond company's or agent's ability to issue bail bonds in its
23 court if the bail bond company or agent fails to comply with an order of the
24 circuit court or fails to pay forfeited bonds in accordance with a circuit
25 court's order.

26
27 SECTION 124. Arkansas Code § 16-90-107(b)(2), concerning termination
28 of a sentence of imprisonment by the Post-Prison Transfer Board, is amended
29 to read as follows:

30 (2) At any time after the expiration of the minimum time, upon
31 the recommendation of the Director of the ~~Department~~ Division of Correction
32 and it appearing that a prisoner has a good record as a convict, his or her
33 sentence may be terminated by the ~~Parole~~ Post-Prison Transfer Board.

34
35 SECTION 125. The introductory language of Arkansas Code § 16-90-
36 120(e)(1), concerning the sentencing of a felony offense involving a firearm,

1 is amended to read as follows:

2 (e)(1) For an offense committed on or after July 2, 2007,
3 notwithstanding any law allowing the award of meritorious good time or any
4 other law to the contrary, except as provided in subdivision (e)(1)(B)(ii) of
5 this section, any person who is sentenced under subsection (a) of this
6 section is not eligible for parole, transfer to post-release supervision, or
7 community correction transfer until the person serves:

8
9 SECTION 126. Arkansas Code § 16-90-120, concerning a felony with a
10 firearm, is amended to add an additional subsection to read as follows:

11 (g) Any person convicted under this section is not eligible for early
12 release on parole, transfer to post-release supervision, or community
13 correction transfer for the additional period of confinement.

14
15 SECTION 127. Arkansas Code § 16-90-121 is amended to read as follows:
16 16-90-121. Second or subsequent felony with firearm.

17 Any person who is found guilty of or pleads guilty or nolo contendere
18 to a second or subsequent felony involving the use of a firearm shall be
19 sentenced to a minimum term of imprisonment of ten (10) years in the Division
20 of Correction without eligibility of parole or community correction transfer
21 but subject to reduction by meritorious good-time credit or earned release
22 credits.

23
24 SECTION 128. Arkansas Code § 16-90-402 is amended to read as follows:
25 16-90-402. Delivery of defendant and copy of judgment to proper
26 officials - Development of standardized copy of sentencing order.

27 (a)(1) In executing a judgment of confinement, the county sheriff
28 shall deliver the defendant with a certified standardized copy of the
29 sentencing order to the Division of Correction, Division of Community
30 Correction, or to another detention facility, as indicated in the sentencing
31 order.

32 (2) If electronic filing of court records has been implemented
33 by the circuit clerk in the county where the defendant's conviction occurred,
34 the standardized copy of the sentencing order may be electronically
35 transmitted by the circuit clerk to the Division of Correction, the Division
36 of Community Correction, or to another detention facility, as indicated in

1 the sentencing order.

2 (b) The standardized copy of the sentencing order shall be developed
 3 by ~~representatives from the Division of Correction, the Administrative Office~~
 4 ~~of the Courts, the Arkansas Sentencing Commission, and the Prosecutor~~
 5 ~~Coordinator's office~~ a committee composed of:

6 (1) Three (3) members appointed by the Secretary of the
 7 Department of Corrections, to include:

8 (A) One (1) member with experience in records for confined
 9 offenders;

10 (B) One (1) member with experience in records for
 11 offenders on supervision; and

12 (C) One (1) member with experience in offender management
 13 systems;

14 (2) One (1) member appointed by the Chair of the Arkansas
 15 Sentencing Commission;

16 (3) One (1) member appointed by the Administrative Office of the
 17 Courts;

18 (4) One (1) member appointed by the Prosecutor Coordinator; and

19 (5) One (1) member appointed by the Executive Director of the
 20 Public Defender Commission.

21
 22 SECTION 129. DO NOT CODIFY. TEMPORARY LANGUAGE. First meeting of
 23 committee to develop standardized sentencing order.

24 (a) The person appointed by the Chair of the Arkansas Sentencing
 25 Commission to the committee established under Arkansas Code § 16-90-402(b)
 26 shall call the first meeting of the committee established under Arkansas Code
 27 § 16-90-402(b).

28 (b) At the first meeting of the committee established under Arkansas
 29 Code § 16-90-402(b), the members of the committee shall elect a chair and any
 30 other officers the committee deems necessary.

31
 32 SECTION 130. Arkansas Code § 16-90-802(d)-(f), concerning the Arkansas
 33 Sentencing Commission, are amended to read as follows:

34 (d) In furtherance of its purpose, the commission shall have the
 35 following powers and duties:

36 (1)(A) The commission shall adopt an initial sentencing

1 standards grid and an offense seriousness reference table based upon the
2 statutory parameters and additional data and information gathered ~~prior to~~
3 before January 1, 1994.

4 (B) The commission shall also set the percentage of time
5 within parameters set by law to be served for offenses at each seriousness
6 level ~~prior to~~ before any type of transfer or release;

7 (2)(A) The commission shall periodically review and may revise
8 the voluntary sentencing standards.

9 (B) Any revision of the standards shall be in compliance
10 with provisions applicable to rule making contained in the Arkansas
11 Administrative Procedure Act, § 25-15-201 et seq.

12 (C) Any revision of the standards shall become effective
13 as provided by the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

14 (D)(i) The revised standards will be in effect unless
15 modified by the General Assembly at its next session or until revised again
16 by the commission.

17 (ii) Any revisions by the commission shall be within
18 the statutory parameters set for the various crime classes.

19 (E) Before review and approval by the Legislative Council
20 under the Administrative Procedure Act, § 25-15-201 et seq., revisions to the
21 voluntary sentencing standards shall be reviewed by the House Committee on
22 Judiciary and the Senate Committee on Judiciary;

23 (3) The commission may review and make recommendations for
24 revision of the § 16-93-1201 et seq. target group to the General Assembly
25 such that nonviolent offenses and offenders are routinely handled in
26 community correction programs;

27 (4)(A) The commission shall be in charge of strategic planning
28 for a balanced correctional plan for the state.

29 (B) The commission shall develop such a plan in
30 conjunction with the Board of Corrections.

31 (C) The commission shall monitor compliance with
32 sentencing standards, assess their impact on the correctional resources of
33 the state with the assistance of the board, and determine if the standards
34 further the adopted sentencing policy goals of the state;

35 (5) The commission may review the classifications of crimes and
36 sentences and make recommendations for change when supported by information

1 that change is advisable to further the adopted sentencing policy goals of
2 the state;

3 (6)(A) The commission shall develop a research and analysis
4 system to determine the feasibility, impact on resources, and budget
5 consequences of any proposed or existing legislation affecting sentence
6 length.

7 (B) The commission shall prepare and submit to the General
8 Assembly a report on any such legislation ~~prior to~~ before its adoption;

9 (7)(A)(i) All courts having criminal jurisdiction of felony
10 crimes shall provide to the commission in a timely manner all information
11 deemed necessary by the commission.

12 (ii) Such information shall be in the form
13 determined necessary by the commission.

14 (B) The commission shall have the authority to collect
15 from any state or local governmental entity information, data in electronic
16 or in other usable form, reports, statistics, or such other material which
17 relates to sentencing laws, policies, and practices, or impacts on
18 correctional resources or is necessary to carry out the commission's
19 functions.

20 (C) The commission may coordinate its data collection with
21 the Administrative Office of the Courts, the Arkansas Crime Information
22 Center, the various circuit clerks of the state, and the various state and
23 local correctional agencies;

24 (8) Under its duties outlined in this section, the commission
25 shall be a criminal justice agency, as defined in § 12-12-1001, as its powers
26 and duties include:

27 (A) Determining transfer eligibility;

28 (B) Gathering, analyzing, and disseminating criminal
29 history information as it relates to sentencing practices, dispositions, and
30 release criteria; and

31 (C) Determining the appropriate use of correctional and
32 rehabilitative resources of the state;

33 ~~(9)(A) Produce annual reports regarding compliance with~~
34 ~~sentencing guidelines, including the application of voluntary presumptive~~
35 ~~standards, § 16-90-803, and departures from the standards, § 16-90-804.~~

36 ~~(B) The report shall include:~~

1 ~~(i) Data collected from each county; and~~
 2 ~~(ii) Both a county by county and statewide accounting~~
 3 ~~of the results including without limitation;~~

4 ~~(a) Sentences to the Division of Correction~~
 5 ~~and Division of Community Correction;~~

6 ~~(b) The average sentence length for sentences~~
 7 ~~by offense type and severity level according to the sentencing guidelines;~~

8 ~~(c) The percentage of sentences that are an~~
 9 ~~upward departure from the sentencing guidelines; and~~

10 ~~(d) The average number of months above the~~
 11 ~~recommended sentence for those sentences described in subdivision~~
 12 ~~(d)(9)(B)(ii)(c) of this section.~~

13 ~~(C) The report filed each year after the initial report~~
 14 ~~submitted under this section shall include data from prior years;~~

15 ~~(10) (9)~~ Prepare and conduct annual continuing legal education
 16 seminars regarding the sentencing guidelines to be presented to judges,
 17 prosecuting attorneys and their deputies, and public defenders and their
 18 deputies, as so required; ~~and~~

19 ~~(11)(A) (10)~~ The commission shall collaborate with the
 20 Administrative Office of the Courts to develop and implement an integrated
 21 sentencing ~~commitment and departure form~~ order that shall include:

22 ~~(i)(A)~~ Demographic information including the race and
 23 ethnicity of both the offender and the victim or victims;

24 ~~(ii)(B)~~ The placement decision;

25 ~~(iii)(C)~~ Sentence length;

26 ~~(iv)(D)~~ Any departure from the sentencing guidelines on
 27 placement and sentence length;

28 ~~(v)(E)~~ The number of months above or below the presumptive
 29 sentence;

30 ~~(vi)(F)~~ Justification for the departure; and

31 ~~(vii)(G)~~ A signature space for the judge and the
 32 prosecuting attorney to sign off on the contents of the form.

33 ~~(B) The commission shall begin using the new form on~~
 34 ~~January 1, 2012.~~

35 ~~(C)(i) Forms are to be collected annually and sent to the~~
 36 ~~Administrative Office of the Courts.~~

1 ~~(ii) Data from the forms shall be collected and~~
 2 ~~submitted to the Chair of the House Committee on Judiciary and the Chair of~~
 3 ~~the Senate Committee on Judiciary.,~~

4 (11) Coordinate with Director of the Arkansas Sentencing
 5 Commission, the Division of Correction, and the Division of Community
 6 Correction to develop policy to ensure that the intake process best utilizes
 7 beds in nontraditional correctional facilities, including without limitation
 8 community correction centers, work release centers, and reentry facilities;
 9 and

10 (12) Upon the enactment of any legislation amending release
 11 eligibility provisions for felony offenses, review the statutory ranges and
 12 presumptive sentences of impacted offense classes or rankings and provide a
 13 report on its findings to the Secretary of the Department of Corrections and
 14 to the Legislative Council.

15 (e)(1) The commission shall meet no less than quarterly.

16 (2)(A) The commission shall submit to the Governor, the General
 17 Assembly, and the Arkansas Judicial Council, Inc. a biennial report three (3)
 18 months ~~prior to~~ before the convening of the regular session.

19 (B) The report shall include a summary of the commission
 20 proceedings, summary of compliance with the voluntary sentencing standards
 21 and recommendations for legislative and administrative action.

22 (f)(1) The commission shall employ a director from candidates
 23 presented to it by the Chair of the Arkansas Sentencing Commission in
 24 consultation with the Secretary of the Department of Corrections.

25 (2) The Director of the Arkansas Sentencing Commission shall
 26 have appropriate training and experience to assist the commission in the
 27 performance of its duties.

28 (3) The director shall be responsible for compiling the work of
 29 the commission and drafting suggested legislation incorporating the
 30 commission's findings for submission to the General Assembly.

31 (4) The director shall serve at the pleasure of the Secretary of
 32 the Department of Corrections.

33
 34 SECTION 131. Arkansas Code § 16-90-803(b)(1), concerning voluntary
 35 presumptive sentencing standards, is amended to read as follows:

36 (b) The two (2) dimensions of the sentencing standards grid represent

1 the primary determinants of a sentence, offense seriousness and offender
2 history.

3 (1) Offense Seriousness. The offense seriousness level is
4 determined by the offense of conviction or the offense of which the person
5 was found guilty or to which the person pleaded guilty or nolo contendere.

6 (A) Felony offenses are ~~divided into ten (10) levels of~~
7 ranked by seriousness, ranging from low, seriousness level I, to high,
8 seriousness level X with lower seriousness levels representing less serious
9 offenses.

10 (B) The typical cases for the offenses listed within each
11 level of seriousness on a grid are deemed to be generally equivalent in
12 seriousness.

13 (C) The most frequently occurring offenses within each
14 seriousness level are listed on the vertical axis of the sentencing standards
15 grid.

16 (D) The seriousness level for infrequently occurring
17 offenses can be determined by consulting the offense seriousness reference
18 table.

19 (E) The seriousness level for inchoate offenses is one (1)
20 level below the level for substantive offenses.

21

22 SECTION 132. Arkansas Code § 16-90-803(b)(2)(C)(iv), concerning the
23 voluntary presumptive standards of the seriousness grid for determining the
24 seriousness of offenses, is amended to read as follows:

25 (iv) One (1) point is to be added to an offender's
26 score if the offender is under any type of criminal justice restraint for a
27 felony offense at the time that he or she committed the crime for which he or
28 she is being sentenced. Such restraint includes without limitation pretrial
29 bond, suspended imposition of sentence, probation, parole, postprison
30 supervision, and release pending sentencing for a prior crime;

31

32 SECTION 133. Arkansas Code § 16-90-1109(b)(1), concerning the right of
33 a crime victim to information concerning confinement or commitment, is
34 amended to read as follows:

35 (b)(1) At least thirty (30) days before a ~~Parole~~ Post-Prison Transfer
36 Board hearing concerning the defendant, if requested by the victim, the board

1 shall inform the victim of the hearing and of the victim's right to submit to
2 the board a victim impact statement and shall promptly inform the victim of
3 any decision of the board.

4
5 SECTION 134. Arkansas Code § 16-90-1109(b)(2)(B), concerning the right
6 of a crime victim to information concerning confinement or commitment, is
7 amended to read as follows:

8 (B) It is the responsibility of the victim or his or her
9 next of kin to notify the board after the date of commitment of any change in
10 regard to the desire to be notified of any future parole or post-release
11 supervision hearings.

12
13 SECTION 135. Arkansas Code § 16-90-1113(a)(1)(A), concerning a victim
14 impact statement to be considered during a parole or post-release hearing, is
15 amended to read as follows:

16 (a)(1)(A) Before determining whether to release the inmate on parole,
17 the ~~Parole~~ Post-Prison Transfer Board shall permit the victim to present a
18 written victim impact statement at a victim impact hearing concerning the
19 effects of the crime on the victim, the circumstances surrounding the crime,
20 the manner in which the crime was perpetrated, and the victim's opinion
21 regarding whether the inmate should be released on parole.

22
23 SECTION 136. The introductory language of Arkansas Code § 16-90-
24 1113(c), concerning a victim impact statement to be considered during a
25 parole or post-release hearing, is amended to read as follows:

26 (c) In deciding whether to release an inmate on parole or post-release
27 supervision, the board shall consider among other factors:

28
29 SECTION 137. The introductory language of Arkansas Code § 16-90-
30 1303(a), concerning the procedure for credits earned toward discharge and
31 completion of a sentence, is amended to read as follows:

32 (a) If a person is incarcerated for an eligible felony, whether by an
33 immediate commitment or after his or her probation is revoked, and after he
34 or she is moved to community supervision through parole or transfer by the
35 ~~Parole~~ Post-Prison Transfer Board, or if he or she is placed on probation, he
36 or she is immediately eligible to begin earning daily credits that shall

1 count toward reducing the number of days he or she is otherwise required to
2 serve until he or she has completed the sentence.

3
4 SECTION 138. Arkansas Code § 16-90-1303(b)(1), concerning the
5 procedure for credits earned toward discharge and completion of a sentence,
6 is amended to read as follows:

7 (b)(1) Credits equal to thirty (30) days per month for every month
8 that the offender complies with court-ordered conditions and a set of
9 predetermined criteria established by the ~~Department~~ Division of Community
10 Correction in consultation with judges, prosecuting attorneys, and defense
11 counsel shall accrue while the person is on community supervision, including
12 without limitation parole, post-release supervision, or probation.

13
14 SECTION 139. Arkansas Code § 16-90-1303(b)(2), concerning the
15 procedure for credits earned toward discharge and completion of a sentence,
16 is amended to read as follows:

17 (2) The ~~department~~ division shall calculate the number of days
18 the person has remaining to serve on parole, post-release supervision, or
19 probation before that person completes his or her sentence.

20
21 SECTION 140. Arkansas Code § 16-90-1303(c)(2), concerning the
22 procedure for credits earned toward discharge and completion of a sentence,
23 is amended to read as follows:

24 (2) A person convicted of another felony offense while on
25 parole, post-release supervision, or probation may result in the forfeiture
26 of any credits earned under this subchapter.

27
28 SECTION 141. Arkansas Code § 16-90-1304(b)(1)(B), concerning entities
29 required to be notified of an application for discharge and completion of a
30 sentence, is amended to read as follows:

31 (B) The ~~Parole~~ Post-Prison Transfer Board.

32
33 SECTION 142. Arkansas Code § 16-90-1305(c), concerning notice and
34 effect of discharge and completion of a sentence, is amended to read as
35 follows:

36 (c) A person who earns discharge and completion of his or her sentence

1 under this subchapter is considered as having completed his or her sentence
2 in full and is not subject to parole, post-release supervision, or probation
3 revocation for those sentences.

4
5 SECTION 143. Arkansas Code § 16-90-1404(1)(C)(i), concerning the
6 definition of "completion of a person's sentence" under the Comprehensive
7 Criminal Record Sealing Act of 2013 , is amended to read as follows:

8 (i) Has been discharged from probation, ~~or parole,~~
9 or post-release supervision;

10
11 SECTION 144. Arkansas Code § 16-90-1404(1)(C)(vii), concerning the
12 definition of "completion of a person's sentence" under the Comprehensive
13 Criminal Record Sealing Act of 2013, is amended to read as follows:

14 (vii) Completed any vocational or technical
15 education or training program that was required as a condition of the
16 person's parole, post-release supervision, or probation;

17
18 SECTION 145. The introductory language of Arkansas Code § 16-93-
19 101(3)(D), concerning conduct that constitutes a "detriment to the community"
20 in relation to the definitions applicable to community supervision, is
21 amended to read as follows:

22 (D) During the three (3) calendar years before the
23 person's parole or post-release supervision hearing:

24
25 SECTION 146. Arkansas Code § 16-93-101(5)(G), concerning options for
26 "intermediate sanctions" in relation to the definitions applicable to
27 community supervision, is amended to read as follows:

28 (G) Reporting requirements to ~~probation or parole~~
29 community supervision officers;

30
31 SECTION 147. Arkansas Code § 16-93-101(6), concerning the definitions
32 applicable to community supervision, is amended to read as follows:

33 (6) "Jacket review" means the review of the file of a transfer-
34 eligible inmate located at any correctional facility in the state by an
35 individual staff member or team of staff members of the Division of Community
36 Correction for purposes of preparing the inmate's application for parole or

1 post-release supervision consideration by the ~~Parole~~ Post-Prison Transfer
2 Board;

3
4 SECTION 148. Arkansas Code § 16-93-101(11) concerning the definitions
5 applicable to community supervision, is amended to read as follows:

6 (11) "Serious conditions violation" means a violation of the
7 conditions of a ~~parolee's parole or probationer's probation~~ community
8 supervision that results from the ~~parolee's or probationer's~~ offender's
9 absenting himself or herself from supervision for a period of six (6) months
10 or more or an arrest for a misdemeanor offense that does not involve:

11 (A) An act involving a violent misdemeanor that provides
12 the prosecuting attorney with the option to revoke the ~~probationer's~~
13 ~~probation or parolee's parole~~ offender's community supervision, or allow the
14 Division of Community Correction to utilize the sanctions provided under this
15 chapter;

16 (B) An offense for which a conviction would require the
17 person to register as a sex offender under the Sex Offender Registration Act
18 of 1997, § 12-12-901 et seq.;

19 (C) A misdemeanor offense of harassment or stalking or
20 that contains a threat of violence to a victim, or a threat of violence to a
21 family member of the victim of the offense for which the defendant was placed
22 on ~~probation or parole~~ community supervision;

23 (D) A misdemeanor offense of driving or boating while
24 intoxicated, § 5-65-103, when the ~~probationer or parolee~~ offender on
25 community supervision is currently being supervised for a felony offense of §
26 5-65-103, § 5-10-104, or § 5-10-105, and the felony offense was alcohol-
27 related or drug-related; or

28 (E) Except for an offense under the Uniform Controlled
29 Substances Act, § 5-64-101 et seq., a misdemeanor offense that is a lesser
30 included offense or falls within the same chapter of the Arkansas Criminal
31 Code of the offense for which the defendant was placed on ~~probation or parole~~
32 community supervision;

33
34 SECTION 149. Arkansas Code § 16-93-101(12)(A), concerning the
35 definition of "technical conditions violation" applicable to community
36 supervision, is amended to read as follows:

1 (A) A violation of the conditions of a ~~parolee's parole or~~
2 ~~a probationer's probation~~ an offender's community supervision that results
3 from a noncriminal act or positive drug screen; or
4

5 SECTION 150. Arkansas Code § 16-93-101, concerning the definitions
6 that are applicable to community supervision, is amended to add an additional
7 subdivision to read as follows:

8 (15) "Community supervision" means a period of supervision of an
9 offender in the community and includes without limitation probation, parole,
10 and post-release supervision.
11

12 SECTION 151. Arkansas Code § 16-93-103, is amended to read as follows:

13 16-93-103. Authority of officers to make arrests and carry firearms.

14 (a) A probation officer appointed by a circuit court or district
15 court, excluding a juvenile probation officer, and a ~~parole and probation~~
16 community supervision officer employed by the Division of Community
17 Correction who is a currently certified law enforcement officer may execute,
18 serve, and return all lawful warrants of arrest issued by the State of
19 Arkansas or any political subdivision of the state and are otherwise
20 authorized to make lawful arrests as is any law enforcement officer of the
21 State of Arkansas.

22 (b) A ~~parole and probation~~ community supervision officer either
23 employed by the division or another entity authorized to employ a ~~parole and~~
24 probation community supervision officer may carry a:

25 (1) Firearm during all hours in which he or she is actively
26 engaged in the obligations and duties of the office to which he or she is
27 appointed or employed, pursuant to selection and training requirements under
28 §§ 12-9-104, 12-9-106, and 12-9-107; and

29 (2) Nonstate-issued firearm during all hours in which he or she
30 is not actively pursuing the obligations and duties of the office to which he
31 or she is appointed.

32 (c) A ~~parole and probation~~ community supervision officer employed by
33 the division may also carry:

34 (1) A nonstate-issued firearm as a secondary weapon while
35 actively engaged in the duties of the office to which he or she is appointed
36 or employed; and

1 (2) A state-issued firearm during all hours in which he or she
 2 is not actively engaged in the duties of the office to which he or she is
 3 appointed or employed, except that a ~~parole and probation~~ community
 4 supervision officer may not carry a firearm issued by the division while the
 5 ~~parole and probation~~ community supervision officer is actively working at
 6 employment other than for the division.

7
 8 SECTION 152. Arkansas Code § 16-93-104(a)(1), concerning the
 9 supervision fee to be paid by offenders on release, is amended to read as
 10 follows:

11 (a)(1) An offender on probation, parole, post-release supervision, or
 12 transfer under supervision of the Division of Community Correction shall pay
 13 to the division a monthly supervision fee.

14
 15 SECTION 153. Arkansas Code § 16-93-104(c), concerning the supervision
 16 fee to be paid by offenders on release, is amended to read as follows:

17 (c)(1) The offender on parole or post-release supervision may be
 18 imprisoned for violation of parole or post-release supervision if the
 19 offender is financially able to make the payments and if the payments are not
 20 made and the ~~Parole~~ Post-Prison Transfer Board so finds, subject to the
 21 limitations set out in this subsection.

22 (2) The offender shall not be imprisoned if the offender is
 23 financially unable to make the payments and states so under oath to the
 24 ~~Parole~~ Post-Prison Transfer Board in writing, and the ~~Parole~~ Post-Prison
 25 Transfer Board so finds.

26
 27 SECTION 154. Arkansas Code § 16-93-106(a)(1), concerning the
 28 warrantless search of a person on probation or parole, is amended to read as
 29 follows:

30 (a)(1) A person who is placed on supervised probation or is released
 31 on parole or post-release supervision under this chapter is required to agree
 32 to a waiver as a condition of his or her supervised probation, ~~or~~ parole, or
 33 post-release supervision that allows any certified law enforcement officer or
 34 Division of Community Correction officer to conduct a warrantless search of
 35 his or her person, place of residence, ~~or~~ motor vehicle, or other real or
 36 personal property, including without limitation a cellular or electronic

1 device under his or her control or possession, at any time, day or night,
2 whenever requested by the certified law enforcement officer or division
3 officer.

4
5 SECTION 155. Arkansas Code § 16-93-106(b), concerning warrantless
6 searches of offenders on community supervision, is amended to read as
7 follows:

8 (b)(1) A person who will be placed on supervised probation, ~~or parole,~~
9 or post-release supervision and is required to agree to the waiver required
10 by this section shall acknowledge and sign the waiver.

11 (2) If the person fails to acknowledge and sign the waiver
12 required by this section, he or she is ineligible to be placed on supervised
13 probation, ~~or parole,~~ or post-release supervision.

14
15 SECTION 156. Arkansas Code § 16-93-107(b), concerning Medicaid
16 eligibility of offenders on community supervision, is amended to read as
17 follows:

18 (b) If an inmate nearing release from incarceration, parolee, offender
19 on post-release supervision, or probationer receives medical services,
20 including substance abuse and mental health treatment, that meet criteria for
21 Medicaid coverage, the ~~parole officer, probation~~ community supervision
22 officer, or Division of Correction official or Division of Community
23 Correction official may apply for Medicaid coverage for the inmate nearing
24 release from incarceration, parolee, offender on post-release supervision, or
25 probationer under this section.

26
27 SECTION 157. The introductory language of Arkansas Code § 16-93-
28 107(c)(2), concerning Medicaid eligibility of offenders on community
29 supervision, is amended to read as follows:

30 (2) However, the ~~parole officer, probation~~ community supervision
31 officer, or Division of Correction official or Division of Community
32 Correction official shall be the authorized representative for purposes of
33 establishing and maintaining Medicaid eligibility under this subsection if:
34

35 SECTION 158. Arkansas Code § 16-93-107(e)(1), concerning Medicaid
36 eligibility of offenders on community supervision, is amended to read as

1 follows:

2 (e)(1) The ~~parole officer, probation~~ community supervision officer, or
 3 Division of Correction official or Division of Community Correction official
 4 or the designee of the ~~parole officer, probation~~ community supervision
 5 officer, or Division of Correction official or Division of Community
 6 Correction official may access information necessary to determine if a
 7 Medicaid application has been filed on behalf of the inmate nearing release
 8 from incarceration, parolee, offender on post-release supervision, or
 9 probationer.

10

11 SECTION 159. Arkansas Code § 16-93-111, is amended to read as follows:
 12 16-93-111. Parole or probation prohibitions for sex offenses.

13 A person required to register as a sex offender under the Sex Offender
 14 Registration Act of 1997, § 12-12-901 et seq., who is under felony probation
 15 or released on parole or post-release supervision shall have as a term and
 16 condition of his or her probation, ~~or parole, or post-release supervision~~ a
 17 prohibition against recording a person under fourteen (14) years of age under
 18 § 5-14-137 if he or she is assessed as a Level 3 or Level 4 offender.

19

20 SECTION 160. DO NOT CODIFY. As of the effective date of this act, the
 21 Parole Board shall be known as the Post-Prison Transfer Board.

22

23 SECTION 161. Arkansas Code § 16-93-201(a)(1), concerning the creation
 24 and makeup of the Post-Prison Transfer Board, is amended to read as follows:

25 (a)(1) There is created the ~~Parole~~ Post-Prison Transfer Board, to be
 26 composed of seven (7) members to be appointed from the state at large by the
 27 Governor and confirmed by the Senate.

28

29 SECTION 162. Arkansas Code § 16-93-201(a)(2)(A)(ii)(b), concerning the
 30 requirements for members of the Post-Prison Transfer Board, is amended to
 31 read as follows:

32 (b) A member may engage in employment that has
 33 a limited time commitment with approval from the Chair of the ~~Parole~~ Post-
 34 Prison Transfer Board.

35

36 SECTION 163. Arkansas Code § 16-93-201(a)(4)(A)(i), concerning

1 experience required for members of the Post-Prison Transfer Board, is amended
2 to read as follows:

3 (i) Parole or post-release supervision;
4

5 SECTION 164. Arkansas Code § 16-93-202(a), concerning the official
6 seal of the Post-Prison Transfer Board, is amended to read as follows:

7 (a) The ~~Parole~~ Post-Prison Transfer Board shall adopt an official seal
8 of which the courts shall take judicial notice.
9

10 SECTION 165. Arkansas Code § 16-93-202(c)(2), concerning reports
11 required for the Post-Prison Transfer Board, is amended to read as follows:

12 (2) The report shall be directed to the Governor and to the
13 General Assembly and shall contain statistical and other data concerning its
14 work, including research studies which it may make on parole, post-release
15 supervision, or related functions.
16

17 SECTION 166. Arkansas Code § 16-93-202(e)(1)(A), concerning access by
18 the General Assembly to records of the Post-Prison Transfer Board, is amended
19 to read as follows:

20 (e)(1)(A) Upon written request, a member of the General Assembly or an
21 employee of the House of Representatives, the Senate, or the Bureau of
22 Legislative Research acting on the member's behalf may view all
23 classification, disciplinary, demographic, ~~and~~ parole, and post-release
24 supervision hearing records of a current or former inmate, ~~or~~ parolee, or
25 offender on post-release supervision who is currently or was formerly granted
26 parole or post-release supervision by the board.
27

28 SECTION 167. Arkansas Code § 16-93-203(1), concerning the duty of
29 corrections officials to cooperate with the Post-Prison Transfer Board, is
30 amended to read as follows:

31 (1) Grant access at all reasonable times to any prisoner over
32 whom the ~~Parole~~ Post-Prison Transfer Board has jurisdiction under this
33 chapter to the members of the board or its properly accredited
34 representatives;
35

36 SECTION 168. Arkansas Code § 16-93-204(a)(2) and (3), concerning

1 executive clemency, are amended to read as follows:

2 (2) An applicant shall obtain and include with his or her
3 application a certified copy of the applicant's ~~judgment and commitment~~
4 sentencing order or comparable document.

5 (3) Applications shall be referred to the ~~Parole~~ Post-Prison
6 Transfer Board for investigation.

7
8 SECTION 169. Arkansas Code § 16-93-205, is amended to read as follows:

9 16-93-205. Parole of Arkansas inmates in out-of-state prisons.

10 (a) The ~~Parole~~ Post-Prison Transfer Board may request the appropriate
11 board or commission having jurisdiction over parole, post-release
12 supervision, or transfer matters in other states or the United States Parole
13 Commission to make recommendations concerning whether Arkansas inmates
14 confined in prison systems of the other states or in federal prisons should
15 be granted parole, post-release supervision, or transfer when eligible under
16 Arkansas law.

17 (b) The ~~Parole~~ Post-Prison Transfer Board may take action at its
18 option on the application of an inmate for parole, post-release supervision,
19 or transfer, using as its criteria the recommendations received from the
20 appropriate board or commission of the other states or the United States
21 Parole Commission in lieu of the personal appearance before the ~~Parole~~ Post-
22 Prison Transfer Board of the inmate seeking parole, post-release supervision,
23 or transfer.

24
25 SECTION 170. Arkansas Code § 16-93-206, is amended to read as follows:

26 16-93-206. Parole revocation review – Jurisdiction.

27 (a) The ~~Parole~~ Post-Prison Transfer Board shall serve as the
28 revocation review board for any person subject to either parole, post-release
29 supervision, or transfer from prison.

30 (b) Revocation proceedings for either parole, post-release
31 supervision, or transfer shall follow all legal requirements applicable to
32 parole, post-release supervision, or transfer and shall be subject to any
33 additional policies and rules set by the board.

34
35 SECTION 171. Arkansas Code § 16-93-207(b), concerning an application
36 for pardon, commutation of sentence, and remission of fines and forfeitures,

1 is amended to read as follows:

2 (b) If the Governor does not grant an application for pardon,
3 commutation of sentence, or remission of fine or forfeiture within two
4 hundred forty (240) days of the Governor's receipt of the recommendation of
5 the ~~Parole~~ Post-Prison Transfer Board regarding the application, the
6 application shall be deemed denied by the Governor, and any pardon,
7 commutation of sentence, or remission of fine or forfeiture granted after the
8 two-hundred-forty-day period shall be null and void.

9
10 SECTION 172. Arkansas Code § 16-93-207(c)(1), concerning applications
11 for pardon, commutation of sentence, and remission of fines and forfeitures,
12 is amended to read as follows:

13 (c)(1)~~(A)~~ Except as provided in subdivision (c)(3) and subsection (d)
14 of this section, if an application for pardon, commutation of sentence, or
15 remission of fine or forfeiture is denied in writing by the Governor, the
16 person filing the application shall not be eligible to file a new application
17 for pardon, commutation of sentence, or remission of fine or forfeiture
18 related to the same offense for a period of ~~four (4)~~ five (5) years from the
19 date of ~~filing the application that was denied~~ the denial.

20 ~~(B) Any person who made an application for pardon,~~
21 ~~commutation of sentence, or remission of fine or forfeiture that was denied~~
22 ~~on or after July 1, 2004, shall be eligible to file a new application four~~
23 ~~(4) years after the date of filing the application that was denied.~~

24
25 SECTION 173. Arkansas Code § 16-93-207(d)(1), concerning applications
26 for pardon, commutation of sentence, and remission of fines and forfeitures,
27 is amended to read as follows:

28 (d)(1) Except as provided in subdivision (d)(3) of this section, if an
29 application for pardon, commutation of sentence, or remission of fine or
30 forfeiture of a person sentenced to life imprisonment without parole is
31 denied in writing by the Governor, the person filing the application shall
32 not be eligible to file a new application for pardon, commutation of
33 sentence, or remission of fine or forfeiture related to the same offense for
34 a period of:

35 (A) ~~Six (6)~~ Seven (7) years from the date of the denial;

36 or

1 (B) ~~Eight (8)~~ Nine (9) years from the date of the denial
2 if the applicant is serving a sentence of life without parole for capital
3 murder, § 5-10-101.

4
5 SECTION 174. Arkansas Code § 16-93-208, is amended to read as follows:
6 16-93-208. Services and equipment.

7 The Division of Correction and the Division of Community Correction may
8 provide services, furnishings, equipment, and office space to assist the
9 ~~Parole~~ Post-Prison Transfer Board in fulfilling the purposes for which the
10 board was created by law.

11
12 SECTION 175. Arkansas Code § 16-93-210, is amended to read as follows:

13 16-93-210. Monthly performance report on parole and post-release
14 supervision applications and outcome – Reports concerning administrative
15 directives filed with Legislative Council.

16 (a)(1) The ~~Parole~~ Post-Prison Transfer Board shall submit a monthly
17 report to the chairs of the House Committee on Judiciary and the Senate
18 Committee on Judiciary, the Legislative Council, the Board of Corrections,
19 and the Governor, showing the number of persons who make application for
20 parole or post-release supervision and those who are granted or denied parole
21 or post-release supervision during the previous month for each criminal
22 offense classification.

23 (2) The report shall include a breakdown by race of all persons
24 sentenced in each criminal offense classification.

25 (3) The report shall include the reason for each denial of
26 parole or post-release supervision, the results of the risk-needs assessment,
27 and the course of action that accompanies each denial pursuant to § 16-93-
28 615(a)(2)(B)(ii).

29 (b) The ~~Parole~~ Post-Prison Transfer Board shall cooperate with and
30 upon request make presentations and provide various reports, to the extent
31 the ~~Parole~~ Post-Prison Transfer Board's budget will allow, to the Legislative
32 Council concerning ~~Parole~~ Post-Prison Transfer Board policy and criteria on
33 discretionary offender programs and services.

34 (c) The ~~Parole~~ Post-Prison Transfer Board shall file a report with the
35 Legislative Council on a quarterly basis containing all new and revised
36 administrative directives issued in the previous quarter by:

- 1 (1) The ~~Parole~~ Post-Prison Transfer Board;
- 2 (2) The Chair of the ~~Parole~~ Post-Prison Transfer Board; and
- 3 (3) ~~The Administrative Services Manager of the Parole Board;~~
- 4 ~~(4) The Administrator of the Parole Board; and~~
- 5 ~~(5) Staff of the Parole~~ Post-Prison Transfer Board.

6
 7 SECTION 176. Arkansas Code § 16-93-211(a)(1)(A), concerning early
 8 release to transitional housing facilities, is amended to read as follows:

9 (A) ~~Transferred or paroled~~ Paroled or transferred to post-
 10 release supervision from the Division of Correction by the ~~Parole~~ Post-Prison
 11 Transfer Board;

12
 13 SECTION 177. Arkansas Code § 16-93-211(b)(1), concerning early release
 14 to transitional housing facilities, is amended to read as follows:

15 (b)(1) To assist an offender who will be eligible for parole, post-
 16 release supervision, or transfer to successfully reintegrate into the
 17 community, the board is authorized to place the offender into approved
 18 transitional housing up to one (1) year prior to the offender's date of
 19 eligibility for parole or transfer.

20
 21 SECTION 178. Arkansas Code § 16-93-212, is amended to read as follows:
 22 16-93-212. Rulemaking authority.

23 The ~~Parole~~ Post-Prison Transfer Board may adopt rules to implement,
 24 administer, and enforce this subchapter.

25
 26 SECTION 179. The introductory language of Arkansas Code § 16-93-
 27 213(a), concerning records to be posted on the website of the Post-Prison
 28 Transfer Board, is amended to read as follows:

29 (a) To the extent permitted by federal law, the ~~Parole~~ Post-Prison
 30 Transfer Board shall post on the board's website the following information
 31 concerning an inmate who is being considered for parole or post-release
 32 supervision no less than six (6) months before his or her transfer-
 33 eligibility or parole-eligibility date or post-release supervision
 34 eligibility date, or the date the board determines eligibility for parole or
 35 transfer or post-release supervision if the inmate is past his or her
 36 transfer-eligibility or parole-eligibility date or post-release supervision

1 eligibility date:

2
3 SECTION 180. Arkansas Code § 16-93-213(a)(5), concerning records to be
4 posted on the website of the Post-Prison Transfer Board, is amended to read
5 as follows:

6 (5) The number of times, if any, probation, ~~or parole~~, or post-
7 release supervision has been revoked from the inmate; and

8
9 SECTION 181. Arkansas Code § 16-93-213(b)(3), concerning removal of
10 records posted on the website of the Post-Prison Transfer Board, is amended
11 to read as follows:

12 (3) May be removed when the inmate has been either granted or
13 denied parole or post-release supervision.

14
15 SECTION 182. Arkansas Code § 16-93-306(d)(2), concerning probation
16 supervision, is amended to add an additional subdivision to read as follows:

17 (C) The intermediate sanctioning grid shall include:

18 (i) An assignment of point values to commonly
19 occurring violations of terms of probation or criminal behavior;

20 (ii) An assignment of point values to behaviors that
21 decrease the likelihood of recidivism, including without limitation:

22 (a) Education;

23 (b) Workforce development;

24 (c) Community service; and

25 (d) Behavioral health programming;

26 (iii) Details on the mechanisms by which points are
27 accumulated and reduced; and

28 (iv) Guidance on which intermediate sanctions should
29 be applied at which point thresholds.

30
31 SECTION 183. Arkansas Code § 16-93-306(d)(3)(E)(ii)(d), concerning
32 probation supervision, is amended to read as follows:

33 (d) A probationer may not be incarcerated more
34 than two (2) times as a probation sanction in a Division of Community
35 Correction or Division of Correction facility during a two-year period.

36

1 SECTION 184. Arkansas Code § 16-93-310(c)(2)(A), concerning the
 2 revocation of probation, is amended to read as follows:

3 (2)(A) The court shall commit the eligible offender to the
 4 custody of the Division of Correction under this subchapter for judicial or
 5 administrative transfer to the Division of Community Correction subject to
 6 the following:

7 (i) That the sentence imposed provides that the
 8 offender shall serve no more than three (3) years of confinement, with credit
 9 for meritorious good time or earned release credits, with initial placement
 10 in a Division of Community Correction facility; and

11 (ii) That the initial placement in the Division of
 12 Community Correction is conditioned upon the offender’s continuing
 13 eligibility for Division of Community Correction placement and the offender’s
 14 compliance with all applicable rules established by the Board of Corrections
 15 for community correction programs.

16
 17 SECTION 185. Arkansas Code § 16-93-601(a), concerning felonies
 18 committed before April 1, 1977, is amended to read as follows:

19 (a) Death Sentence. An individual under sentence of death is not
 20 eligible for release on parole or post-release supervision.

21
 22 SECTION 186. Arkansas Code § 16-93-609 is amended to read as follows:

23 16-93-609. Effect of more than one conviction for certain felonies –
 24 Definition.

25 (a) Any person who commits murder in the first degree, § 5-10-102,
 26 rape, § 5-14-103, or aggravated robbery, § 5-12-103, subsequent to March 24,
 27 1983, and who has previously been found guilty of or pleaded guilty or nolo
 28 contendere to murder in the first degree, § 5-10-102, rape, § 5-14-103, or
 29 aggravated robbery, § 5-12-103, shall not be eligible for release on parole
 30 by the ~~Parole~~ Post-Prison Transfer Board.

31 (b)(1) Any person who commits a violent felony offense or any felony
 32 sex offense subsequent to August 13, 2001, but before January 1, 2025, and
 33 who has previously been found guilty of or pleaded guilty or nolo contendere
 34 to any violent felony offense or any felony sex offense shall not be eligible
 35 for release on parole by the board.

36 (2) As used in this subsection, “a violent felony offense or any

1 felony sex offense” means those offenses listed in § 5-4-501(d)(2).

2 (c) A person who commits the offense of possession of firearms by
3 certain persons, § 5-73-103, in which the offense is under § 5-73-103(c)(1),
4 after April 27, 2021, is not eligible for parole.

5 (d)(1) Any person who commits a parole-ineligible felony on or after
6 January 1, 2024, but before January 1, 2025, is not eligible for release on
7 parole.

8 (2) As used in this subsection, “parole-ineligible felony” means
9 the same as a felony ineligible to receive earned release credits as defined
10 in § 16-93-1802.

11
12 SECTION 187. Arkansas Code § 16-93-612 is amended to read as follows:

13 16-93-612. Parole eligibility – Date of offense.

14 (a) A person’s parole eligibility shall be determined by the laws in
15 effect at the time of the offense for which he or she is sentenced to the
16 Division of Correction.

17 (b) For an offender serving a sentence for a felony committed before
18 April 1, 1977, § 16-93-601 governs that person’s parole eligibility.

19 (c) For an offender serving a sentence for a felony committed between
20 April 1, 1977, and April 1, 1983, § 16-93-604 governs that person’s parole
21 eligibility.

22 (d) For an offender serving a sentence for a felony committed on or
23 after April 1, 1983, but before January 1, 1994, § 16-93-607 governs that
24 person’s parole eligibility.

25 (e) For an offender serving a sentence for a felony committed on or
26 after January 1, 1994, but before January 1, 2025, § 16-93-614 governs that
27 person’s parole eligibility, unless otherwise noted and except:

28 (1) If the felony is murder in the first degree, § 5-10-102,
29 kidnapping, if a Class Y felony, § 5-11-102(b)(1), aggravated robbery, § 5-
30 12-103, rape, § 5-14-103, or causing a catastrophe, § 5-38-202(a), and the
31 offense occurred after July 28, 1995, but before January 1, 2025, § 16-93-618
32 governs that person’s parole eligibility;

33 (2) If the felony is manufacturing methamphetamine, § 5-64-
34 423(a) or the former § 5-64-401, or possession of drug paraphernalia with the
35 intent to manufacture methamphetamine, the former § 5-64-403(c)(5), and the
36 offense occurred after April 9, 1999, but before January 1, 2025, § 16-93-618

1 governs that person’s parole eligibility;

2 (3) If the felony is battery in the second degree, § 5-13-202,
3 aggravated assault, § 5-13-204, terroristic threatening, § 5-13-301, domestic
4 battering in the second degree, § 5-26-304, or residential burglary, § 5-39-
5 201(a), and the offense occurred on or after April 1, 2015, but before
6 January 1, 2025, § 16-93-620 governs that person’s parole eligibility; ~~or~~

7 (4) If the felony was committed by a person who was a minor at
8 the time of the offense, he or she was committed to the former Department of
9 Correction, or to the division, and the offense occurred before, on, or after
10 March 20, 2017, § 16-93-621 governs the date on which that ~~person’s parole~~
11 eligibility person becomes eligible for consideration for release;

12 (5) If the felony was committed prior to January 1, 2025, § 16-
13 93-701 et seq. governs procedures for consideration for parole or transfer to
14 the Division of Community Correction; and

15 (6) If the felony was committed on or after January 1, 2025, §
16 16-93-1901 et. seq., governs procedures for consideration for transfer to
17 post-release supervision.

18 (f) For an offender serving a sentence for a felony committed on or
19 after January 1, 1994, but before January 1, 2025, § 16-93-615 governs that
20 person’s parole eligibility procedures.

21 (g) Notwithstanding any law allowing the award of meritorious good
22 time, earned release credits, or any other law to the contrary, if the felony
23 is an offense that is subject to delayed release under § 5-4-405 and was
24 committed on or after July 28, 2021, the person shall not be eligible for
25 parole or community correction transfer until the person serves a minimum of
26 eighty percent (80%) of the term of imprisonment to which the person is
27 sentenced.

28
29 SECTION 188. Arkansas Code § 16-93-614(b)(3), concerning offenses
30 committed after January 1, 1994, is amended to read as follows:

31 (3) A person who has committed a felony who is within a target
32 group as currently defined under § 16-93-1202(10) and who is released on
33 parole shall be eligible, pursuant to rules established by the ~~Parole Post-~~
34 Prison Transfer Board, for commitment to a community correction facility if
35 he or she is found to be in violation of any of his or her parole conditions,
36 unless the parole violation constitutes a nontarget felony offense.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

SECTION 189. Arkansas Code § 16-93-615(a), concerning parole eligibility procedures for offenses committed after January 1, 1994, is amended to read as follows:

(a)(1)(A) An inmate under sentence for any felony, except those listed in § 5-4-104(c)(2) or subsection (b) of this section, shall be transferred from the Division of Correction to the Division of Community Correction under this section and §§ 16-93-614, 16-93-616, and 16-93-617, subject to rules promulgated by the Board of Corrections or the Parole Post-Prison Transfer Board and conditions adopted by the Parole Post-Prison Transfer Board.

(B) The determination under subdivision (a)(1)(A) of this section shall be made by reviewing information such as the result of the risk-needs assessment to inform the decision of whether to release a person on parole by quantifying that person’s risk to reoffend, and if parole is granted, this information shall be used to set conditions for supervision.

(C) The Parole Post-Prison Transfer Board shall begin transfer release proceedings or a preliminary review under this subchapter no later than six (6) months before a person’s transfer eligibility date, and the Parole Post-Prison Transfer Board shall authorize jacket review procedures no later than six (6) months before a person’s transfer eligibility at all institutions holding parole-eligible inmates to prepare parole applications.

(D) This review may be conducted without a hearing when the inmate has not received a major disciplinary report against him or her that resulted in the loss of good time, there has not been a request by a victim to have input on transfer conditions, and there is no indication in the risk-needs assessment review that special conditions need to be placed on the inmate.

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

(B) The Parole Post-Prison Transfer Board has two (2) options:

(i) To transfer the individual to the Division of Community Correction accompanied by notice of conditions of the transfer,

1 including without limitation:

- 2 (a) Supervision levels;
- 3 (b) Economic fee sanction;
- 4 (c) Treatment program;
- 5 (d) Programming requirements; and
- 6 (e) Facility placement when appropriate; or

7 (ii) To deny transfer based on a set of established
 8 criteria and to accompany the denial with a prescribed course of action to be
 9 undertaken by the inmate to rectify the ~~Parole~~ Post-Prison Transfer Board's
 10 concerns.

11 (C) Upon completion of the course of action determined by
 12 the ~~Parole~~ Post-Prison Transfer Board and after final review of the inmate's
 13 file to ensure successful completion, the ~~Parole~~ Post-Prison Transfer Board
 14 shall authorize the inmate's transfer to the Division of Community Correction
 15 under this section and §§ 16-93-614, 16-93-616, and 16-93-617, in accordance
 16 with administrative policies and procedures governing the transfer and
 17 subject to conditions attached to the transfer.

18 (3) Should an inmate fail to fulfill the course of action
 19 outlined by the ~~Parole~~ Post-Prison Transfer Board to facilitate transfer to
 20 community correction, it shall be the responsibility of the inmate to
 21 petition the ~~Parole~~ Post-Prison Transfer Board for rehearing.

22 (4)(A) The ~~Parole~~ Post-Prison Transfer Board shall conduct open
 23 meetings and shall make public its findings for each eligible candidate for
 24 parole.

25 (B)(i) Open meetings held under subdivision (a)(2)(A) of
 26 this section may be conducted through video-conference technology if the
 27 person is housed at that time in a county jail and if the technology is
 28 available.

29 (ii) Open meetings utilizing video-conference
 30 technology shall be conducted in public.

31 (5) Inmate interviews and related deliberations may be closed to
 32 the public.

33
 34 SECTION 190. The introductory language of Arkansas Code § 16-93-
 35 615(b)(1), concerning parole eligibility procedures for offenses committed
 36 after January 1, 1994, is amended to read as follows:

1 (b)(1) An inmate under sentence for one (1) of the following felonies
2 is eligible for discretionary transfer to the Division of Community
3 Correction by the ~~Parole~~ Post-Prison Transfer Board after having served one-
4 third ($\frac{1}{3}$) or one-half ($\frac{1}{2}$) of his or her sentence, with credit for meritorious
5 good time, depending on the seriousness determination made by the Arkansas
6 Sentencing Commission, or one-half ($\frac{1}{2}$) of the time to which his or her
7 sentence is commuted by executive clemency, with credit for meritorious good
8 time:

9
10 SECTION 191. Arkansas Code § 16-93-615(b)(3)-(6), concerning parole
11 eligibility procedures for offenses committed after January 1, 1994, are
12 amended to read as follows:

13 (3)(A) Review of an inmate convicted of the enumerated offenses
14 in subdivision (b)(1) of this section shall be based upon policies and
15 procedures adopted by the ~~Parole~~ Post-Prison Transfer Board for the review,
16 and the ~~Parole~~ Post-Prison Transfer Board shall conduct a risk-needs
17 assessment review.

18 (B) The policies and procedures shall include a provision
19 for notification of the victim or victims that a hearing shall be held and
20 records kept of the proceedings and that there be a listing of the criteria
21 upon which a denial may be based.

22 (4) Any transfer of an offender specified in this subsection
23 shall be issued upon an order, duly adopted, of the ~~Parole~~ Post-Prison
24 Transfer Board in accordance with such policies and procedures.

25 (5) After the ~~Parole~~ Post-Prison Transfer Board has fully
26 considered and denied the transfer of an offender sentenced for committing an
27 offense listed in subdivision (b)(1) of this section, the ~~Parole~~ Post-Prison
28 Transfer Board may delay any reconsideration of the transfer for a maximum
29 period of two (2) years.

30 (6) Notification of the court, prosecutor, county sheriff, and
31 the victim or the victim's next of kin for a person convicted of an offense
32 listed in subdivision (b)(1) of this section shall follow the procedures set
33 forth below:

34 (A)(i) Before the ~~Parole~~ Post-Prison Transfer Board shall
35 grant any transfer, the ~~Parole~~ Post-Prison Transfer Board shall solicit the
36 written or oral recommendations of the committing court, the prosecuting

1 attorney, and the county sheriff of the county from which the inmate was
2 committed.

3 (ii) If the person whose transfer is being
4 considered by the ~~Parole~~ Post-Prison Transfer Board was convicted of one (1)
5 of the offenses enumerated in subdivision (b)(1) of this section, the ~~Parole~~
6 Post-Prison Transfer Board shall also notify the victim of the crime or the
7 victim's next of kin of the transfer hearing and shall solicit written or
8 oral recommendations of the victim or his or her next of kin regarding the
9 granting of the transfer unless the prosecuting attorney has notified the
10 ~~Parole~~ Post-Prison Transfer Board at the time of commitment of the prisoner
11 that the victim or his or her next of kin does not want to be notified of
12 future transfer hearings.

13 (iii) The recommendations shall not be binding upon
14 the ~~Parole~~ Post-Prison Transfer Board in the granting of any transfer but
15 shall be maintained in the inmate's file.

16 (iv) When soliciting recommendations from a victim
17 of a crime, the ~~Parole~~ Post-Prison Transfer Board shall notify the victim or
18 his or her next of kin of the date, time, and place of the transfer hearing;

19 (B)(i) The ~~Parole~~ Post-Prison Transfer Board shall not
20 schedule transfer hearings at which victims or relatives of victims of crimes
21 are invited to appear at a facility wherein inmates are housed other than the
22 Central Administration Building of the Division of Correction at Pine Bluff.

23 (ii) Nothing herein shall be construed as
24 prohibiting the ~~Parole~~ Post-Prison Transfer Board from conducting transfer
25 hearings in two (2) sessions, one (1) at the place of the inmate's
26 incarceration for interviews with the inmate, the inmate's witnesses, and
27 correctional personnel, and the second session for victims and relatives of
28 victims as set out in subdivision (b)(6)(B)(i) of this section;

29 (C)(i) At the time that any person eligible under
30 subdivision (c)(1) of this section is transferred by the ~~Parole~~ Post-Prison
31 Transfer Board, the Division of Community Correction shall give written
32 notice of the granting of the transfer to the county sheriff, the committing
33 court, and the chief of police of each city of the first class of the county
34 from which the person was sentenced.

35 (ii) If the person is transferred to a county other
36 than that from which he or she was committed, the ~~Parole~~ Post-Prison Transfer

1 Board shall give notice to the chief of police or marshal of the city to
2 which he or she is transferred, to the chief of police of each city of the
3 first class and the county sheriff of the county to which he or she is
4 transferred, and to the county sheriff of the county from which the person
5 was committed; and

6 (D)(i) It shall be the responsibility of the prosecuting
7 attorney of the county from which the inmate was committed to notify the
8 Parole Post-Prison Transfer Board at the time of commitment of the desire of
9 the victim or his or her next of kin to be notified of any future transfer
10 hearings and to forward to the Parole Post-Prison Transfer Board the last
11 known address and telephone number of the victim or his or her next of kin.

12 (ii) It shall be the responsibility of the victim or
13 his or her next of kin to notify the Parole Post-Prison Transfer Board of any
14 change in address or telephone number.

15 (iii) It shall be the responsibility of the victim
16 or his or her next of kin to notify the Parole Post-Prison Transfer Board
17 after the date of commitment of any change in regard to the desire to be
18 notified of any future transfer hearings.

19
20 SECTION 192. Arkansas Code § 16-93-615(c)-(i), concerning parole
21 eligibility procedures for offenses committed after January 1, 1994, are
22 amended to read as follows:

23 (c)(1) In all other felonies committed before January 1, 2025, before
24 the Parole Post-Prison Transfer Board sets conditions for transfer of an
25 inmate to community correction, a victim, or his or her next of kin in cases
26 in which the victim is unable to express his or her wishes, who has expressed
27 the wish to be consulted by the Parole Post-Prison Transfer Board shall be
28 notified of the date, time, and place of the transfer hearing.

29 (2)(A) A victim or his or her next of kin who wishes to be
30 consulted by the Parole Post-Prison Transfer Board shall inform the Parole
31 Post-Prison Transfer Board in writing at the time of sentencing.

32 (B) A victim or his or her next of kin who does not so
33 inform the Parole Post-Prison Transfer Board shall not be notified by the
34 Parole Post-Prison Transfer Board.

35 (3)(A) Victim input to the Parole Post-Prison Transfer Board
36 shall be limited to oral or written recommendations on conditions relevant to

1 the offender under review for transfer.

2 (B) The recommendations shall not be binding on the ~~Parole~~
3 Post-Prison Transfer Board, but shall be given due consideration within the
4 resources available for transfer.

5 (d)(1) The ~~Parole~~ Post-Prison Transfer Board shall approve a set of
6 conditions that shall be applicable to all inmates transferred from the
7 Division of Correction to the Division of Community Correction.

8 (2) The set of conditions is subject to periodic review and
9 revision as the ~~Parole~~ Post-Prison Transfer Board deems necessary.

10 (e)(1) The course of action required by the ~~Parole~~ Post-Prison
11 Transfer Board shall not be outside the current resources of the Division of
12 Correction nor the conditions set be outside the current resources of the
13 Division of Community Correction.

14 (2) However, the Division of Correction and Division of
15 Community Correction shall strive to accommodate the actions required by the
16 Board of Corrections or the ~~Parole~~ Post-Prison Transfer Board to the best of
17 their abilities.

18 (f) Transfer is not an award of clemency, and it shall not be
19 considered as a reduction of sentence or a pardon.

20 (g) Every inmate while on transfer status shall remain in the legal
21 custody of the Division of Correction under the supervision of the Division
22 of Community Correction and subject to the orders of the ~~Parole~~ Post-Prison
23 Transfer Board.

24 (h) An inmate who is sentenced under the provisions of § 5-4-501(c) or
25 § 5-4-501(d) for a serious violent felony or a felony involving violence may
26 be considered eligible for parole or for community correction transfer upon
27 reaching regular parole or transfer eligibility, but only after reaching a
28 minimum age of fifty-five (55) years.

29 (i) Decisions on parole release, courses of action applicable prior to
30 transfer, and transfer conditions to be set by the ~~Parole~~ Post-Prison
31 Transfer Board shall be based on a reasoned and rational plan developed in
32 conjunction with an accepted risk-needs assessment tool such that each
33 decision is defensible based on preestablished criteria.

34
35 SECTION 193. Arkansas Code § 16-93-617(a), concerning revocation of
36 transfer for offenses committed after January 1, 1994, is amended to read as

1 follows:

2 (a) In the event an offender transferred under this section, §§ 16-93-
3 614 – 16-93-616, or § 16-93-618 violates the terms or conditions of his or
4 her transfer, a hearing shall follow all applicable legal requirements and
5 shall be subject to any additional policies and rules set by the ~~Parole~~ Post-
6 Prison Transfer Board.

7
8 SECTION 194. The introductory language for Arkansas Code § 16-93-
9 618(a)(1), concerning parole eligibility for Class Y felony offenses and
10 certain methamphetamine offenses, is amended to read as follows:

11 (a)(1) Notwithstanding any law allowing the award of meritorious good
12 time or any other law to the contrary, and subject to provisions requiring
13 that an offender serve a greater percentage of his or her sentence in § 16-
14 93-609 or delayed release under § 5-4-405, a person who is found guilty of or
15 pleads guilty or nolo contendere to subdivisions (a)(1)(A)-(I) of this
16 section for an offense committed before January 1, 2025, shall not be
17 eligible for parole or community correction transfer, except as provided in
18 subdivision (a)(3) of this section or subsection (c) of this section, until
19 the person serves seventy percent (70%) of the term of imprisonment to which
20 the person is sentenced, including a sentence prescribed under § 5-4-501:

21
22 SECTION 195. Arkansas Code § 16-93-619 is amended to read as follows:
23 16-93-619. Rulemaking authority.

24 The ~~Parole~~ Post-Prison Transfer Board may adopt rules to implement,
25 administer, and enforce this subchapter.

26
27 SECTION 196. The introductory language of Arkansas Code § 16-93-
28 620(a), concerning parole eligibility procedures for offenses committed after
29 April 1, 2015, is amended to read as follows:

30 (a) An inmate sentenced for one (1) of the following felonies on or
31 after April 1, 2015, is eligible for discretionary transfer to the ~~Department~~
32 Division of Community Correction by the ~~Parole~~ Post-Prison Transfer Board
33 after having served one-third ($\frac{1}{3}$) or one-half ($\frac{1}{2}$) of his or her sentence,
34 with credit for meritorious good time, depending on the seriousness
35 determination made by the Arkansas Sentencing Commission, or one-half ($\frac{1}{2}$) of
36 the time to which his or her sentence is commuted:

1
2 SECTION 197. Arkansas Code § 16-93-621, is amended to read as follows:

3 16-93-621. Parole or post-release supervision eligibility – A person
4 who was a minor at the time of committing an offense that was committed
5 before, on, or after March 20, 2017.

6 (a)(1)(A) A minor who was convicted and sentenced to the former
7 Department of Correction or the Division of Correction for an offense
8 committed before he or she was eighteen (18) years of age and in which the
9 death of another person did not occur is eligible for release on parole or
10 transfer to post-release supervision no later than after twenty (20) years of
11 incarceration, including any applicable sentencing enhancements, and
12 including an instance in which multiple sentences are to be served
13 consecutively or concurrently, unless by law the minor is eligible for
14 earlier parole or post-release supervision eligibility.

15 (B) Subdivision (a)(1)(A) of this section applies
16 retroactively to a minor whose offense was committed before he or she was
17 eighteen (18) years of age, including a minor serving a sentence of life,
18 regardless of the original sentences that were imposed.

19 (2)(A) A minor who was convicted and sentenced to the department
20 or the division for an offense committed before he or she was eighteen (18)
21 years of age, in which the death of another person occurred, and that was
22 committed before, on, or after March 20, 2017, is eligible for release on
23 parole or transfer to post-release supervision no later than after twenty-
24 five (25) years of incarceration if he or she was convicted of murder in the
25 first degree, § 5-10-102, or no later than after thirty (30) years of
26 incarceration if he or she was convicted of capital murder, § 5-10-101,
27 including any applicable sentencing enhancements, unless by law the minor is
28 eligible for earlier parole or post-release supervision eligibility.

29 (B) Subdivision (a)(2)(A) of this section applies
30 retroactively to a minor whose offense was committed before he or she was
31 eighteen (18) years of age, including minors serving sentences of life,
32 regardless of the original sentences that were imposed.

33 (3) Credit for meritorious good time or earned release credits
34 shall not be applied to calculations of time served under this subsection for
35 minors convicted and sentenced for capital murder, § 5-10-101(c), or when a
36 life sentence is imposed for murder in the first degree, § 5-10-102.

1 (4) The calculation of the time periods under this subsection
2 shall include any applicable sentence enhancements to which the minor was
3 sentenced that accompany the sentence for the underlying offense.

4 (b)(1) The ~~Parole~~ Post-Prison Transfer Board shall ensure that a
5 hearing to consider the parole or post-release supervision eligibility of a
6 person who was a minor at the time of the offense that was committed before,
7 on, or after March 20, 2017, takes into account how a minor offender is
8 different from an adult offender and provides a person who was a minor at the
9 time of the offense that was committed before, on, or after March 20, 2017,
10 with a meaningful opportunity to be released on parole or post-release
11 supervision based on demonstrated maturity and rehabilitation.

12 (2) During a parole eligibility or transfer hearing involving a
13 person who was a minor at the time of the offense that was committed before,
14 on, or after March 20, 2017, the board shall take into consideration in
15 addition to other factors required by law to be considered by the board:

16 (A) The diminished culpability of minors as compared to
17 that of adults;

18 (B) The hallmark features of youth;

19 (C) Subsequent growth and increased maturity of the person
20 during incarceration;

21 (D) Age of the person at the time of the offense;

22 (E) Immaturity of the person at the time of the offense;

23 (F) The extent of the person's role in the offense and
24 whether and to what extent an adult was involved in the offense;

25 (G) The person's family and community circumstances at the
26 time of the offense, including any history of abuse, trauma, and involvement
27 in the child welfare system;

28 (H) The person's participation in available rehabilitative
29 and educational programs while in prison, if those programs have been made
30 available, or use of self-study for self-improvement;

31 (I) The results of comprehensive mental health evaluations
32 conducted by an adolescent mental health professional licensed in the state
33 at the time of sentencing and at the time the person becomes eligible for
34 parole or transfer to post-release supervision under this section; and

35 (J) Other factors the board deems relevant.

36 (3) A person eligible for parole or transfer to post-release

1 supervision under this section may have an attorney present to represent him
2 or her at the parole eligibility or transfer hearing.

3 (c)(1)(A) The board shall notify a victim of the crime before the
4 board reviews parole or transfer eligibility under this section for an inmate
5 convicted of the crime and provide information regarding victim input
6 meetings, as well as state and national victim resource information.

7 (B) If the victim is incapacitated or deceased, the notice
8 under subdivision (c)(1)(A) of this section shall be given to the victim's
9 family.

10 (C) If the victim is less than eighteen (18) years of age,
11 the notice under subdivision (c)(1)(A) of this section shall be given to the
12 victim's parent or guardian.

13 (2) Victim notification under this subsection shall include:

14 (A) The location, date, and time of parole or transfer
15 review; and

16 (B) The name and phone number of the individual to contact
17 for additional information.

18

19 SECTION 198. Arkansas Code § 16-93-622, is amended to read as follows:
20 16-93-622. Parole discharge for offenders who are minors -
21 Reinstatement of rights.

22 (a) The ~~Parole~~ Post-Prison Transfer Board may discharge a person from
23 parole or post-release supervision if:

24 (1) The person:

25 (A) Was released on parole or post-release supervision
26 under § 16-93-621 for having committed an offense as a minor; and

27 (B) Has served at least five (5) years on parole or post-
28 release supervision without a violation; and

29 (2) The prosecuting attorney in the county where the person was
30 originally convicted has consented to the discharge of the person from parole
31 or post-release supervision.

32 (b) Unless otherwise provided by Arkansas Constitution, Amendment 51,
33 a person who has been discharged from parole or post-release supervision
34 under subsection (a) of this section shall have his or her constitutional
35 right to vote restored.

36

1 SECTION 199. Arkansas Code § 16-93-701(a)(1), concerning the authority
2 of the Post-Prison Transfer Board to grant release, is amended to read as
3 follows:

4 (a)(1) The ~~Parole~~ Post-Prison Transfer Board may release on parole any
5 eligible inmate who is confined in any correctional institution administered
6 by the Division of Correction or the Division of Community Correction, when
7 in the board's opinion there is a reasonable probability that the inmate can
8 be released without detriment to the community or himself or herself and is
9 able and willing to fulfill the obligations of a law-abiding citizen.

10
11 SECTION 200. Arkansas Code § 16-93-702(a), concerning recommendations
12 solicited by the Post-Prison Transfer Board is amended to read as follows:

13 (a) Before the ~~Parole~~ Post-Prison Transfer Board shall grant any
14 parole, the board shall solicit the written or oral recommendations of the
15 committing court, the prosecuting attorney, and the county sheriff of the
16 county from which the inmate was committed.

17
18 SECTION 201. Arkansas Code § 16-93-703(a), concerning place of hearing
19 of the Post-Prison Transfer Board, is amended to read as follows:

20 (a) The ~~Parole~~ Post-Prison Transfer Board shall not schedule parole
21 hearings at which victims or relatives of victims of crime are invited to
22 appear at a facility wherein inmates are housed other than the Central
23 Administration Building of the Division of Correction at Pine Bluff.

24
25 SECTION 202. Arkansas Code § 16-93-704(a), concerning notice to law
26 enforcement personnel and the committing court before a hearing of the Post-
27 Prison Transfer Board, is amended to read as follows:

28 (a) At the time that any person is paroled by the ~~Parole~~ Post-Prison
29 Transfer Board, the board shall give written notice of the granting of the
30 parole to the county sheriff, the committing court, and the chief of police
31 of all cities of the first class of the county from which the person was
32 sentenced.

33
34 SECTION 203. Arkansas Code § 16-93-705(a)(1)(A)(i), concerning
35 procedures for parole revocation, is amended to read as follows:

36 (a)(1)(A)(i) At any time during a parolee's release on parole, the

1 ~~Parole~~ Post-Prison Transfer Board may issue a warrant for the arrest of the
2 parolee for violation of any conditions of parole or may issue a notice to
3 appear to answer a charge of a violation.

4
5 SECTION 204. Arkansas Code § 16-93-705(a)(4), concerning procedures
6 for parole revocation, is amended to read as follows:

7 (4) Any ~~parole~~ community supervision officer may arrest a
8 parolee without a warrant or may deputize any officer with power of arrest to
9 arrest the parolee without a warrant by giving him or her a written statement
10 setting forth that the parolee, in the judgment of the parole officer,
11 violated conditions of his or her parole.

12
13 SECTION 205. Arkansas Code § 16-93-705(b)(5)-(8), concerning
14 procedures for parole revocation, are amended to read as follows:

15 (5) If the ~~parole~~ revocation hearing judge finds that there is
16 reasonable cause to believe that the parolee has violated a condition of
17 parole, the ~~parole~~ revocation hearing judge may order the parolee returned to
18 the nearest facility of the Division of Correction or Division of Community
19 Correction where the parolee shall be placed in custody for a parole
20 revocation hearing before the board.

21 (6) If the ~~parole~~ revocation hearing judge finds that there is
22 reasonable cause to believe that the parolee has violated a condition of
23 parole, the ~~parole~~ revocation hearing judge may return the parolee to parole
24 supervision rather than to the custody of the Division of Correction and may
25 impose additional supervision conditions in response to the violating
26 conduct.

27 (7) If the ~~parole~~ revocation hearing judge does not find
28 reasonable cause, he or she shall order the parolee released from custody,
29 but that action shall not bar the board from holding a parole revocation
30 hearing on the alleged violation of parole or from ordering the parolee to
31 appear before the board.

32 (8) The ~~parole~~ revocation hearing judge shall prepare and
33 furnish to the board and the parolee a summary of the parole revocation
34 hearing, including the substance of the evidence and testimony considered
35 along with the ruling or determination, within twenty-one (21) days from the
36 date of the preliminary hearing, excluding a weekend, holiday, or delay

1 caused by an act of nature.

2
3 SECTION 206. Arkansas Code § 16-93-705(d)(1), concerning procedures
4 for parole revocation, is amended to read as follows:

5 (1) The parolee shall have the right to confront and cross-
6 examine adverse witnesses unless the ~~parole~~ revocation hearing judge or the
7 board or its designee specifically finds good cause for not allowing
8 confrontation; and

9
10 SECTION 207. Arkansas Code § 16-93-706(a)(1), concerning the subpoena
11 of witnesses and documents for a parole revocation hearing, is amended to
12 read as follows:

13 (a)(1) The Chair of the ~~Parole~~ Post-Prison Transfer Board or his or
14 her designee, the hearing officer presiding over any preliminary hearing with
15 respect to an alleged parole violation, the administrator of the ~~Parole Post-~~
16 Prison Transfer Board, or any member of the board pursuant to the authority
17 of the board to meet and determine whether to revoke parole shall have the
18 power to issue oaths and to subpoena witnesses to appear and testify and
19 bring before the hearing officer or the board any relevant books, papers,
20 records, or documents.

21
22 SECTION 208. Arkansas Code § 16-93-708(b)(1)(A), concerning home
23 detention as a parole alternative, is amended to read as follows:

24 (b)(1)(A) Subject to the provisions of subdivision (b)(2) of this
25 section, a defendant convicted of a felony or misdemeanor and sentenced to
26 imprisonment may be incarcerated in a home detention program when the
27 Director of the ~~Department~~ Division of Correction or the Director of the
28 ~~Department~~ Division of Community Correction communicates to the ~~Parole Post-~~
29 Prison Transfer Board when, in the independent opinions of either a
30 ~~Department~~ Division of Correction physician or ~~Department~~ Division of
31 Community Correction physician and a consultant physician in Arkansas, an
32 inmate is either terminally ill, permanently incapacitated, or would be
33 suitable for hospice care and should be considered for transfer to parole
34 supervision.

35
36 SECTION 209. Arkansas Code § 16-93-708(b)(1)(B), concerning home

1 detention as a parole alternative, is amended to read as follows:

2 (B) The Director of the ~~Department~~ Division of Correction
3 or the Director of the ~~Department~~ Division of Community Correction shall make
4 the facts described in subdivision (b)(1)(A) of this section known to the
5 ~~Parole~~ Post-Prison Transfer Board for consideration of early release to home
6 detention.

7
8 SECTION 210. Arkansas Code § 16-93-709(a), concerning the prohibition
9 on a sex offender residing with a minor, is amended to read as follows:

10 (a) Whenever an inmate in a facility of the Division of Correction who
11 has been found guilty of or has pleaded guilty or nolo contendere to any
12 sexual offense defined in § 5-14-101 et seq., or incest as defined by § 5-26-
13 202, and the sexual offense or incest was perpetrated against a minor,
14 becomes eligible for parole and makes application for release on parole, the
15 ~~Parole~~ Post-Prison Transfer Board shall prohibit, as a condition of granting
16 the parole, the parolee from residing upon parole in a residence with any
17 minor, unless the board makes a specific finding that the inmate poses no
18 danger to the minors residing in the residence.

19
20 SECTION 211. Arkansas Code § 16-93-710(a)(1), concerning parole for
21 inmates who have served imprisonment in the county jail prior to being
22 processed into the Division of Correction, is amended to read as follows:

23 (a)(1) Subject to conditions set by the ~~Parole~~ Post-Prison Transfer
24 Board, an offender convicted of a felony and sentenced to a term of
25 imprisonment of two (2) years or less in the Division of Correction, and who
26 has served his or her term of imprisonment in a county jail prior to being
27 processed into the Division of Correction, may be paroled from the Division
28 of Correction county jail backup facility directly to the Division of
29 Community Correction under parole supervision, and upon eligibility
30 determination, processed for release by the board.

31
32 SECTION 212. Arkansas Code § 16-93-711(b)(1)(B), concerning electronic
33 monitoring as a parole alternative, is amended to read as follows:

34 (B) The Director of the ~~Department~~ Division of Correction
35 shall make the facts described in subdivision (b)(1)(A) of this section known
36 to the ~~Parole~~ Post-Prison Transfer Board for consideration of electronic

1 monitoring.

2
3 SECTION 213. Arkansas Code § 16-93-712(a)(1), concerning parole
4 supervision, is amended to read as follows:

5 (a)(1) The ~~Parole~~ Post-Prison Transfer Board shall establish written
6 policies and procedures governing the supervision of parolees designed to
7 enhance public safety and to assist the parolees in reintegrating into
8 society.

9
10 SECTION 214. The introductory language of Arkansas Code § 16-93-
11 712(b), concerning parole supervision, is amended to read as follows:

12 (b) A ~~parole~~ community supervision officer shall:

13
14 SECTION 215. Arkansas Code § 16-93-712(b)(1), concerning the duties of
15 a community supervision officer in relation to parole supervision, is amended
16 to read as follows:

17 (1) Investigate each case referred to him or her by the Chair of
18 the ~~Parole~~ Post-Prison Transfer Board, the Division of Community Correction,
19 or the prosecuting attorney;

20
21 SECTION 216. Arkansas Code § 16-93-712(d)(2)(A)(i) and (ii),
22 concerning the sanctioning grid required for parole supervision, are amended
23 to read as follows:

24 (2)(A)(i) The Division of Community Correction shall develop an
25 intermediate sanctions procedure and grid to guide a ~~parole~~ community
26 supervision officer in determining the appropriate response to a violation of
27 conditions of supervision.

28 (ii) The intermediate sanctions procedure shall
29 include a requirement that the ~~parole~~ community supervision officer consider
30 multiple factors when determining the sanction to be imposed, including
31 previous violations and sanctions and the severity of the current and prior
32 violation.

33
34 SECTION 217. Arkansas Code § 16-93-712(d)(2), concerning the
35 sanctioning grid required for community supervision, is amended to add an
36 additional subdivision to read as follows:

1 (C) The intermediate sanctioning grid shall include:

2 (i) An assignment of point values to commonly
 3 occurring violations of terms of parole or criminal behavior;

4 (ii) An assignment of point values to behaviors that
 5 decrease the likelihood of recidivism, including without limitation:

6 (a) Education;

7 (b) Workforce development;

8 (c) Community service; and

9 (d) Behavioral health programming;

10 (iii) Details on the mechanisms by which points are
 11 accumulated and reduced; and

12 (iv) Guidance on which intermediate sanctions should
 13 be applied at which point thresholds.

14
 15 SECTION 218. Arkansas Code § 16-93-712(d)(2)(B)(d), concerning
 16 sanctions permitted for parole supervision, is amended to read as follows:

17 (d) A parolee may not be incarcerated more
 18 than two (2) times as a parole sanction in a Division of Community Correction
 19 facility or Division of Correction facility during a two-year period.

20
 21 SECTION 219. Arkansas Code § 16-93-712(d)(3)(E)(ii)(b), concerning
 22 sanctions permitted for parole supervision, is amended to read as follows:

23 (b) A parolee shall accumulate no more than
 24 twenty-one (21) days' incarceration in a county jail or no more than two
 25 hundred forty (240) days' incarceration in a Division of Community Correction
 26 facility or Division of Correction facility as an intermediate sanction
 27 before the ~~parole~~ community supervision officer recommends a violation of the
 28 person's parole under § 16-93-706.

29
 30 SECTION 220. Arkansas Code § 16-93-713, is amended to read as follows:
 31 16-93-713. Rulemaking authority.

32 The ~~Parole~~ Post-Prison Transfer Board may adopt rules to implement,
 33 administer, and enforce this subchapter.

34
 35 SECTION 221. Arkansas Code § 16-93-714, is amended to read as follows:
 36 16-93-714. Denial of parole – Detriment to the community.

1 The ~~Parole~~ Post-Prison Transfer Board may deny parole to any otherwise
2 eligible person, regardless of the sentence that he or she is serving, if
3 five (5) members of the board determine that the person upon release would be
4 a detriment to the community into which the person would be released.

5
6 SECTION 222. Arkansas Code § 16-93-715(b)(2)(C), concerning revocation
7 of parole after sanctions for technical violations, is amended to read as
8 follows:

9 (C) A parolee is subject to having his or her parole
10 revoked and being returned to the Division of Correction or the Division of
11 Community Correction under this section without having been sanctioned for a
12 period of confinement set out under § 16-93-712(d) or subdivision (a)(1) of
13 this section if the ~~Parole~~ Post-Prison Transfer Board determines by a
14 preponderance of the evidence that the parolee is engaging in or has engaged
15 in behavior that poses a threat to the community.

16
17 SECTION 223. Arkansas Code § 16-93-1202(4), concerning the definitions
18 to be used in relation to community correction, is amended to read as
19 follows:

20 (4) "Division of Community Correction" means the administrative
21 structure in place to oversee the development and operation of community
22 correction facilities, programs, and services, including probation, ~~and~~
23 parole, and post-release supervision;

24
25 SECTION 224. Arkansas Code § 16-93-1202(8), concerning the definitions
26 to be used in relation to community correction, is amended to read as
27 follows:

28 (8) "Supervision" means direct supervision at varying levels of
29 intensity by ~~either probation~~ community supervision officers in the case of
30 sentences to probation with a condition of community correction, ~~or parole~~
31 ~~and post-prison supervision officers, in the case of~~ or offenders eligible
32 for release on parole or offenders transferred to community correction or
33 community supervision from the Division of Correction;

34
35 SECTION 225. Arkansas Code § 16-93-1202(10), concerning the
36 definitions to be used in relation to community correction, is amended to

1 read as follows:

2 (10)(A)(i) "Target group" means a group of offenders who have
 3 committed one (1) or more of the following offenses without limitation:

4 ~~(a) Terroristic threatening, § 5-13-301, if a~~
 5 ~~firearm was not used or brandished during the commission of the offense;~~

6 ~~(b)(a)~~ Endangering the welfare of a minor in the
 7 first degree, § 5-27-205;

8 ~~(e)(b)~~ Theft, § 5-36-101 et seq.;

9 ~~(d)(c)~~ Theft by receiving, § 5-36-106;

10 ~~(e)(d)~~ Fraudulent use of a credit card or debit
 11 card, § 5-37-207;

12 ~~(f)(e)~~ Violation of the Arkansas Hot Check Law, § 5-
 13 37-301 et seq.;

14 ~~(g)(f)~~ Criminal mischief in the first degree, § 5-
 15 38-203, and criminal mischief in the second degree, § 5-38-204;

16 ~~(h)(g)~~ Commercial burglary, § 5-39-201(b);

17 ~~(i)(h)~~ Breaking or entering, § 5-39-202;

18 ~~(j)(i)~~ Failure to appear, § 5-54-120;

19 ~~(k)(j)~~ Drug paraphernalia, § 5-64-443;

20 ~~(l)(k)~~ Driving or boating while intoxicated, § 5-65-
 21 103, fourth or subsequent offense;

22 ~~(m)(l)~~ Leaving the scene of an accident resulting in
 23 death or injury, § 27-53-101;

24 ~~(n)(m)~~ A Class B felony, Class C felony, or Class D
 25 felony that is not violent or sexual and that meets the eligibility criteria
 26 determined by the General Assembly to have significant impact on the use of
 27 correctional resources;

28 ~~(o)(n)~~ A controlled substance felony, other than
 29 trafficking a controlled substance, § 5-64-440;

30 ~~(p)(o)~~ An unclassified felony for which the
 31 prescribed limitations on the sentence do not exceed the prescribed
 32 limitations for a Class B felony and that is not violent or sexual; and

33 ~~(q)(p)~~ Solicitation, attempt, or conspiracy to
 34 commit an offense listed in this subdivision (10)(A)(i).

35 (ii) As used in this subdivision (10)(A), "violent or
 36 sexual" includes:

1 (a) An offense against the person under § 5-10-101
2 et seq., § 5-11-101 et seq., § 5-12-101 et seq., § 5-13-201 et seq., § 5-13-
3 310, and § 5-14-101 et seq.; ~~and~~

4 (b) A felony ineligible to receive earned release
5 credits or a restricted release felony, as defined in § 16-93-1802; and

6 ~~(b)(c)~~ (c) An offense containing as an element of the
7 offense the use of physical force, the threatened use of serious physical
8 force, the infliction of physical injury, or the creation of a substantial
9 risk of serious physical injury, and an offense for which the offender is
10 required to register as a sex offender under the Sex Offender Registration
11 Act of 1997, § 12-12-901 et seq.

12 (iii) For the purpose of the sealing of a criminal record
13 under § 16-93-1207, "target group" includes any misdemeanor conviction except
14 a misdemeanor conviction for which the offender is required to register as a
15 sex offender or a misdemeanor conviction for driving while intoxicated.

16 (B) Except for those offenders assigned to a technical violator
17 program, only those offenders falling within the target group population may
18 access community correction facilities whether by judicial transfer,
19 administrative transfer, drug court sanction, or probation sanction.

20 (C) Final determination of eligibility for placement in any
21 community correction center or program is the responsibility of the Division
22 of Community Correction;

23
24 SECTION 226. Arkansas Code § 16-93-1208(a)(1)(A), concerning post-
25 commitment transfer to community correction, is amended to read as follows:

26 (a)(1)(A) Upon commitment of an eligible offender to the Division of
27 Correction, the Division of Correction will transfer the eligible offender to
28 a community correction program, when he or she reaches his or her transfer
29 date, in accordance with the rules promulgated by the Board of Corrections
30 and conditions set by the ~~Parole~~ Post-Prison Transfer Board.

31
32 SECTION 227. Arkansas Code § 16-93-1208(a)(2), concerning post-
33 commitment transfer to community correction, is amended to read as follows:

34 (2) A person eligible for release from incarceration on parole
35 or post-release supervision may be placed in community correction programming
36 while under parole supervision or post-release supervision upon the

1 recommendation of the condition by the releasing authority.

2
3 SECTION 228. Arkansas Code § 16-93-1209, concerning post-commitment
4 transfer to community correction, is amended to read as follows:

5 16-93-1209. Liability.

6 The Division of Correction, the Board of Corrections, the Division of
7 Community Correction, the ~~Parole~~ Post-Prison Transfer Board, and all
8 governmental agencies and units utilizing eligible offenders in community
9 correction programs as defined in this subchapter are immune from liability
10 and suit for damages, and no tort action shall lie against the Division of
11 Correction, the Board of Corrections, the Division of Community Correction,
12 the ~~Parole~~ Post-Prison Transfer Board, and any governmental agency or unit or
13 any of their employees because of any acts of eligible offenders utilized
14 under the provisions of this subchapter.

15
16 SECTION 229. Arkansas Code § 16-93-1401(2), concerning notification of
17 offenders' acquired immune deficiency syndrome status and related
18 definitions, is amended to read as follows:

19 (2) "~~Parole or probation~~ Community supervision officer" means a
20 parole, post-release supervision, or probation officer of the ~~Department~~
21 Division of Community Correction.

22
23 SECTION 230. Arkansas Code § 16-93-1402(a), concerning notification of
24 offenders' acquired immune deficiency syndrome status, is amended to read as
25 follows:

26 (a) The purpose of this subchapter is to provide ~~parole or probation~~
27 community supervision officers with information so they can make informed
28 programming decisions and direct offenders to autoimmune deficiency syndrome-
29 related resources, including appropriate financial, housing, legal, medical,
30 and counseling services.

31
32 SECTION 231. Arkansas Code § 16-93-1402(b), concerning notification of
33 offenders' acquired immune deficiency syndrome status, is amended to read as
34 follows:

35 (b) Upon the release of an offender from a correctional institution, a
36 medical representative of the correctional institution shall notify the

1 offender's ~~parole or probation~~ community supervision officer when the
2 offender has tested positive for infection with human immunodeficiency virus
3 (HIV), or has been diagnosed as having acquired deficiency syndrome (AIDS) or
4 acquired immune deficiency syndrome-related conditions.

5
6 SECTION 232. Arkansas Code § 16-93-1402(c), concerning notification of
7 offenders' acquired immune deficiency syndrome status, is amended to read as
8 follows:

9 (c) Information obtained by a ~~parole or probation~~ community
10 supervision officer pursuant to this subchapter shall be confidential and
11 shall not be disclosed except as specifically authorized by this subchapter.

12
13 SECTION 233. Arkansas Code § 16-93-1602(3)(A), concerning definitions
14 related to transitional housing for offenders transferring from the Division
15 of Correction, is amended to read as follows:

16 (3)(A) "Transitional housing" means a program that provides
17 housing for one (1) or more offenders who either have been transferred or
18 paroled from the Division of Correction by the ~~Parole~~ Post-Prison Transfer
19 Board or placed on probation by a circuit court or district court.

20
21 SECTION 234. Arkansas Code § 16-93-1603(b)(1), concerning powers and
22 duties of the Board of Corrections related to transitional housing for
23 offenders transferring from the Division of Correction, is amended to read as
24 follows:

25 (b)(1) The ~~Parole~~ Post-Prison Transfer Board, a district court, or a
26 circuit court shall not release a transferee, parolee, or probationer to a
27 transitional housing facility as a resident unless the transitional housing
28 facility provides a copy of a current license issued by the Division of
29 Community Correction under § 16-93-1604.

30
31 SECTION 235. Arkansas Code § 16-97-103(1), concerning relevant
32 evidence related to sentencing, is amended to read as follows:

33 (1) The law applicable to parole, post-release supervision,
34 meritorious good time, earned release credits, or transfer;

35
36 SECTION 236. Arkansas Code § 16-112-208(c)(2)(C), concerning actions a

1 court may take upon finding that a person’s assertion of actual innocence is
2 false, is amended to read as follows:

3 (C) Forward the finding to the Board of Corrections for
4 consideration in the awarding of meritorious good time or earned release
5 credits to the person; or

6
7 SECTION 237. Arkansas Code § 16-112-208(c)(2)(D), concerning new
8 evidence based on new deoxyribonucleic acid technology, is amended to read as
9 follows:

10 (D) Forward the finding to the ~~Parole~~ Post-Prison Transfer
11 Board for consideration in the granting of parole or post-release supervision
12 to the person.

13
14 SECTION 238. Arkansas Code § 17-1-103(d)(1), concerning registration,
15 certification, and licensing for criminal offenders and evidence of
16 rehabilitation, is amended to read as follows:

17 (1) Probation, ~~or~~ parole, or post-release supervision; and

18
19 SECTION 239. Arkansas Code § 19-5-302(12)(B)(ii), concerning the
20 Miscellaneous Agencies Fund Account that is part of the State General
21 Government Fund, is amended to read as follows:

22 (ii) Nonrevenue income derived from services
23 provided by the probation, parole, post-release supervision, and community
24 correction program; and

25
26 SECTION 240. Arkansas Code § 19-6-301(31), concerning enumerated
27 special revenues, is amended to read as follows:

28 (31) Fees recovered from ex-offenders on probation, ~~or~~ parole,
29 or post-release supervision from a facility of the Division of Community
30 Correction, as enacted by Acts 1981, No. 70, and all laws amendatory thereto,
31 § 16-93-104;

32
33 SECTION 241. Arkansas Code § 19-10-204(b)(5), concerning the
34 jurisdiction of the Arkansas State Claims Commission, is amended to read as
35 follows:

36 (5) Brought against the Division of Community Correction for

1 acts committed by a person while that person is subject to conditions of
2 parole, post-release supervision, or probation under Arkansas law;

3
4 SECTION 242. Arkansas Code § 20-13-1704(b), concerning immunity for
5 seeking medical assistance related to a controlled substance, is amended to
6 read as follows:

7 (b) A person shall not be subject to penalties for a violation of a
8 permanent or temporary protective order or restraining order or sanctions for
9 a violation of a condition of pretrial release, condition of probation, or
10 condition of parole or post-release supervision based on the possession of a
11 controlled substance in violation of § 5-64-419 if the penalties or sanctions
12 are related to the seeking of medical assistance.

13
14 SECTION 243. Arkansas Code § 20-18-306 is amended to read as follows:

15 20-18-306. Fees for certified copies.

16 (a) ~~All~~ Except as provided in subsections (b) and (c) of this section,
17 all fees for certified copies of vital records or vital reports under this
18 chapter are listed in § 20-7-123.

19 (b)(1) ~~However, certified~~ Certified copies of the records shall be
20 furnished to veterans or their dependents without costs when the Department
21 of Veterans Affairs requires certified copies of the records.

22 (2) Any veteran or his or her dependents shall make application
23 and shall execute an unnotarized affidavit that he or she is a veteran or a
24 dependent of a veteran in order to obtain the free certified copy of any
25 vital record.

26 (3) Any person who falsely or fraudulently makes an application
27 and unnotarized affidavit that he or she is a veteran or a dependent of a
28 veteran when the person is not a veteran or a dependent of a veteran shall be
29 guilty of a misdemeanor. Upon conviction, the person shall be subject to a
30 fine of not less than fifty dollars (\$50.00) nor more than two hundred fifty
31 dollars (\$250) or imprisonment for not less than thirty (30) days nor more
32 than six (6) months, or both fine and imprisonment.

33 (c) Certified copies of the records shall be furnished to the
34 Department of Corrections on behalf on a state inmate without costs when
35 requested as release documentation for the state inmate.

1 SECTION 244. Arkansas Code § 20-38-105(d)(3)(D), concerning exceptions
2 to background checks and disqualification from employment, is amended to read
3 as follows:

4 (D) The person has completed probation, ~~or parole,~~ or
5 post-release supervision, paid all court-ordered fees or fines, including
6 restitution, and fully complied with all court orders pertaining to the
7 conviction or plea;

8

9 SECTION 245. Arkansas Code § 20-76-410(a)(6), concerning conduct that
10 warrants a reduction in a grant of assistance, is amended to read as follows:

11 (6) The individual flees prosecution or custody or confinement
12 following conviction or is in violation of the terms or conditions of parole, or
13 post-release supervision, or probation.

14

15 SECTION 246. Arkansas Code § 25-16-904(11), concerning state boards
16 that may pay a stipend to members, is amended to read as follows:

17 (11) ~~Parole~~ Post-Prison Transfer Board;

18

19 SECTION 247. Arkansas Code § 25-43-402(a)(7), concerning state
20 entities transferred to the Department of Corrections, is amended to read as
21 follows:

22 (7) The ~~Parole~~ Post-Prison Transfer Board, created under § 16-
23 93-201;

24

25 SECTION 248. Arkansas Code § 25-43-403(c), concerning the Secretary of
26 the Department of Corrections, is amended to read as follows:

27 (c) The secretary may perform all duties to administer the department,
28 subject to Arkansas Constitution, Amendment 33, including without limitation:

29 (1) Delegate to the employees of the department any of the
30 powers or duties of the department required to administer the:

31 (A) Statutory duties; or

32 (B) Rules, orders, or directives promulgated or issued by
33 the state entities transferred to or established within the department;

34 (2) Hire department personnel; ~~and~~

35 (3) Perform or assign duties assigned to the department or to
36 the employees of the department; and

1 (4)(A) Ensure compliance with the balanced correctional plan
2 developed under § 16-90-802(d)(4) by reviewing the strategic plans of the
3 state entities transferred to or established within the department.

4 (B) Review by the secretary under subdivision (c)(4)(A) of
5 this section shall be conducted before the review and approval of the
6 authority of a state entity that is required to develop a strategic plan.

7
8 SECTION 249. Arkansas Code § 27-16-816 is amended to read as follows:
9 27-16-816. Probationer and parolee restricted permits.

10 (a)(1) If a person is on probation, ~~or~~ or post-release
11 supervision, or is within ninety (90) days of release on probation, ~~or~~
12 parole, or post-release supervision, for an offense that did not involve the
13 operation of a motor vehicle ~~and he or she has his or her license suspended~~
14 ~~for a reason not listed under § 27-16-915(b)(2)(C)~~, the person may be
15 eligible for a restricted driving permit under this section that permits the
16 holder to drive a motor vehicle directly to and directly home from:

17 (A) A place where he or she is employed;

18 (B) A place where he or she, or his or her minor child,
19 attends school;

20 (C) A scheduled meeting with his or her ~~probation or~~
21 parole community supervision officer; or

22 (D) Any place, location, or meeting that the person's
23 ~~probation or parole~~ community supervision officer has directed the person on
24 probation or parole to travel to or attend.

25 (2) This section does not apply to a person with an expired
26 driver's license or a person who has failed to comply with license
27 reinstatement requirements under § 5-65-115(a) and § 5-65-121.

28 (3) The Department of Corrections shall provide access to the
29 programs required under § 5-65-115(a) and § 5-65-121 to inmates.

30 (b)(1)(A) The application for a restricted driving permit under this
31 section by a person on probation, ~~or~~ or post-release supervision may
32 be submitted electronically to the Department of Finance and Administration
33 by a ~~probation or parole~~ community supervision officer employed by the
34 Division of Community Correction.

35 (B) The ~~department~~ Department of Finance and
36 Administration shall determine whether the restricted driving permit that

1 allows a person on probation, ~~or~~ parole, or post-release supervision to drive
2 a motor vehicle to and from a place listed under subsection (a) of this
3 section shall be issued.

4 (2)(A) A restricted driving permit issued under this section
5 shall be a standardized permit, and the person possessing a restricted
6 driving permit under this section shall have the restricted driving permit in
7 his or her possession at all times when the person is operating a motor
8 vehicle until the person's driver's license is no longer suspended.

9 (B)(i) A restricted driving permit shall include the
10 address of the person's residence and the address of each location to and
11 from where the person is permitted to drive under this section.

12 (ii) The person's name and address on a restricted
13 driving permit under this section shall match the person's name and address
14 as listed on a valid state-issued identification in the person's possession.

15 (3) The ~~department~~ Department of Finance and Administration may
16 revoke a restricted driving permit under this section at any time and for any
17 reason.

18 (c) A person who knowingly creates a fraudulent restricted driving
19 permit, the purpose of which is to be used as a restricted driving permit
20 under this section upon conviction is guilty of a Class A misdemeanor.

21 (d) A motor vehicle liability insurance carrier may provide liability
22 insurance for a person issued a restricted driving permit under this section
23 but is not required to issue an insurance policy for a person who has been
24 issued a restricted driving permit under this section.

25 (e)(1) A person on probation, ~~or~~ parole, or post-release supervision
26 who has been issued a restricted driving permit under this section shall
27 continue to have his or her driver's license suspended until the person has
28 satisfied all the requirements necessary to remove his or her driver's
29 license from suspension.

30 (2) Once the person on probation, ~~or~~ parole, or post-release
31 supervision has his or her driver's license removed from suspension, he or
32 she shall be free from the restrictions placed on him or her under this
33 section.

34 (f) A restricted driving permit issued under this section expires on
35 the date on which the person is released from probation, ~~or~~ parole, or post-
36 release supervision.

1 (g) The division and the ~~department~~ Department of Finance and
2 Administration may promulgate rules to implement this section.

3
4 SECTION 250. TEMPORARY LANGUAGE. DO NOT CODIFY. Legislative
5 Recidivism Reduction Task Force – Creation – Membership – Duties.

6 (a) There is created the Legislative Recidivism Reduction Task Force.

7 (b) The task force shall consist of the following nineteen (19)
8 members:

9 (1) One (1) member appointed by the Chief Justice of the Supreme
10 Court;

11 (2) Nine (9) members appointed by the Governor, as follows:

12 (A) One (1) member who is a county sheriff;

13 (B) One (1) member who is a representative of the Arkansas
14 Public Defender Commission;

15 (C) One (1) member who is a public defender;

16 (D) One (1) member who is a prosecuting attorney;

17 (E) One (1) member who is a member of the executive board
18 of the Arkansas Association of Chiefs of Police;

19 (F) One (1) member who is a victim of crime or an advocate
20 for victims of crime;

21 (G) One (1) member who is a member of a community affected
22 by crime and who may be a person with personal experience in the criminal
23 justice system; and

24 (H) Two (2) at-large members who are representative of the
25 racial, ethnic, gender, and geographical diversity of the state;

26 (3) Two (2) members of the Senate appointed by the President Pro
27 Tempore of the Senate;

28 (4) Two (2) members of the House of Representatives appointed by
29 the Speaker of the House of Representatives;

30 (5) The Chair of the Board of Corrections, or his or her
31 designee;

32 (6) The Chair of the Arkansas Parole Board, or his or her
33 designee;

34 (7) The Secretary of the Department of Corrections, or his or
35 her designee;

36 (8) The Director of the Division of Community Correction, or his

1 or her designee; and

2 (9) The Attorney General, or his or her designee.

3 (c) If a vacancy occurs on the task force, the vacancy shall be filled
4 by the same process as the original appointment.

5 (d)(1) The Senate members appointed by the President Pro Tempore of
6 the Senate shall call the first meeting of the task force no later than
7 August 31, 2023.

8 (2) At the first meeting of the task force, the members of the
9 task force shall elect from the membership a chair and other officers as
10 needed for the transaction of its business.

11 (3) The task force shall meet at least quarterly at the call of
12 the chair or a majority of the members of the task force.

13 (4) The task force shall meet at the State Capitol Building or
14 in the legislative committee rooms in the Multi-Agency Complex on the State
15 Capitol grounds.

16 (e)(1) The task force shall adopt rules and procedures for conducting
17 its business.

18 (2) Nine (9) members of the task force shall constitute a quorum
19 for transacting business.

20 (f) The purpose of the task force is to study and recommend
21 improvements to the criminal justice system outcomes in the State of
22 Arkansas.

23 (g) To achieve this purpose, the task force, working with the support
24 of the Council of State Governments Justice Center, shall:

25 (1) Conduct a comprehensive data analysis to identify the
26 drivers of Arkansas's high recidivism rates;

27 (2) Examine the effectiveness of current supervision practices
28 and responses to technical violations of supervision;

29 (3) Identify unnecessary barriers to successful reentry into
30 society;

31 (4) Determine gaps in behavioral health treatment, workforce
32 training, and other services for people on supervision and reentering society
33 from incarceration;

34 (5) Use data to identify how recidivism contributes to overall
35 crime and incarceration rates; and

36 (6) Develop data-driven recommendations for reducing recidivism

1 and improving outcomes for people on supervision and reentering society from
2 incarceration.

3 (h)(1) On or before December 31, 2023, the task force shall submit a
4 preliminary report to the Legislative Council, the Governor, and the Chief
5 Justice of the Supreme Court.

6 (2) On or before December 1, 2024, the task force shall submit
7 its final report to the Legislative Council, the Governor, and the Chief
8 Justice of the Supreme Court.

9 (3) The preliminary report and the final report shall include
10 the task force's activities, findings, and recommendations, including without
11 limitation:

12 (A) Recommendations for improvements to criminal justice
13 system outcomes;

14 (B) A summary of projected savings to the State of
15 Arkansas to be generated from adoption of the recommendations of the task
16 force; and

17 (C) The projected impact on public safety in the state
18 with adoption of the recommendations of the task force.

19 (i) The task force shall expire on December 31, 2024.

20
21 SECTION 251. DO NOT CODIFY. CORRECTION OF TECHNICAL ERRORS RELATED TO
22 IMPLEMENTATION OF the "Protect Arkansas Act".

23 (a)(1) The General Assembly finds that:

24 (A) The implementation of this act involves a multitude of
25 changes to existing Arkansas law;

26 (B) Many of the changes implicated by this act are highly
27 technical and require careful study of the purpose and context of each
28 Arkansas Code section, with the need for some of the changes not becoming
29 apparent until the implementation of this act;

30 (C) When implementing revisions as large and comprehensive
31 as the changes under this act, it is inevitable that certain sections of the
32 Arkansas Code requiring technical changes to follow the intent of this act
33 will be either omitted or amended in a manner that is later found to be
34 erroneous and unintentional;

35 (D) It is likewise inevitable that other acts enacted by
36 the Ninety-fourth General Assembly will not take into account the changes in

1 this act, resulting in technical inconsistencies between newly passed laws;
2 and

3 (E) If the correct statutory change to remedy an
4 unintentional error or an inconsistency between this act and another act of
5 the Ninety-fourth General Assembly is readily apparent and consistent with
6 the intent of this act, the unintentional error or inconsistency should be
7 corrected as part of the codification process due to the technical nature of
8 the unintentional error or inconsistency.

9 (2) It is the intent of the General Assembly to empower the
10 Arkansas Code Revision Commission to correct technical errors identified in
11 the Arkansas Code during the implementation of this act to allow this act to
12 be fully implemented.

13 (b)(1)(A) Any person or state entity identifying one (1) or more
14 sections of the Arkansas Code that require revision to implement the intent
15 of this act may notify the Director of the Bureau of Legislative Research or
16 his or her designee of the section or sections at issue.

17 (B) If the Bureau of Legislative Research, while assisting
18 the commission with the commission's powers and duties, becomes aware of one
19 (1) or more sections of the Arkansas Code that require revision to implement
20 the intent of this act for which it appears that the bureau and the
21 commission do not have authority to make the necessary revision under § 1-2-
22 303(d), the bureau may notify the commission of the section or sections at
23 issue.

24 (2) If the commission determines that the revision necessary to
25 one (1) or more sections of the Arkansas Code under subdivision (b)(1) of
26 this section is technical in nature, germane to the intent of this act, and
27 consistent with this act's policy and purposes, the commission may make the
28 revision to the Arkansas Code.

29 (3) The commission shall notify the publisher of the Arkansas
30 Code of a revision to the Arkansas Code under subdivision (b)(2) of this
31 section as soon as possible so that the revision may be reflected in the
32 official hard copy version of the Arkansas Code and official electronic
33 version of the Arkansas Code.

34 (4)(A) Except as provided in subdivision (b)(4)(B) of this
35 section, when the commission approves a revision to the Arkansas Code under
36 subdivision (b)(2) of this section, the commission shall notify the following

1 of the revision within thirty (30) days:

2 (i) The Speaker of the House of Representatives;

3 (ii) The President Pro Tempore of the Senate; and

4 (iii) The Legislative Council.

5 (B) The commission is not required to make a notification
6 under subdivision (b)(4)(A) of this section if the revision is made under §
7 1-2-303(d).

8 (c) The authority granted to the commission under this section is
9 supplemental to the commission's authority under § 1-2-303.

10 (d) This section shall expire on December 31, 2024.

11
12 SECTION 252. DO NOT CODIFY. CONSTRUCTION.

13 (a) Except as provided in subsection (b) of this section, to the
14 extent that a conflict exists between an act of the regular session of the
15 Ninety-Fourth General Assembly and this act:

16 (1) Section 1-2-107 shall not apply; and

17 (2) All of the enactments of each act shall be given effect
18 except to the extent of irreconcilable conflicts, in which case the
19 conflicting provision of this act shall prevail.

20 (b) This section shall not revive or re-enact any provision of the
21 Arkansas Code that has been repealed by an act of the regular session of the
22 Ninety-Fourth General Assembly, including without limitation this act.

23
24 SECTION 253. DO NOT CODIFY. Severability.

25 As provided in § 1-2-117, the provisions of this act are severable,
26 and, if any portion of this act is determined to be unconstitutional or
27 invalid, the remaining portions of the act remain in effect.

28
29 SECTION 254. DO NOT CODIFY. Revisions to position classification
30 titles.

31 (a) Any position classification title that is no longer appropriate in
32 light of the changes to Arkansas law under this act may be revised as
33 determined appropriate by the Office of Personnel Management, including
34 without limitation the revision of position classification titles that
35 reference the Parole Board to instead reference the Post-Prison Transfer
36 Board.

1 (b) The authority under subsection (a) of this section does not allow
2 for revisions to:

3 (1) A pay grade;

4 (2) A line item;

5 (3) The number of authorized classifications; or

6 (4) A job duty.

7
8 SECTION 255. DO NOT CODIFY. EFFECTIVE DATE.

9 Sections 1-249 of this act and sections 251-254 of this act are
10 effective on and after January 1, 2024.