

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S2/16/99

A Bill

Act 380 of 1999
HOUSE BILL 1142

5 By: Representative Vess
6

For An Act To Be Entitled

8 "AN ACT TO ADD A NEW SECTION TO THE CORRECTIONS
9 COOPERATIVE ENDEAVORS AND PRIVATE MANAGEMENT ACT TO
10 LIMIT SPECULATIVE PRISON CONSTRUCTION; AND FOR OTHER
11 PURPOSES. "

Subtitle

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14 "TO ADD A NEW SECTION TO THE CORRECTIONS
15 COOPERATIVE ENDEAVORS AND PRIVATE
16 MANAGEMENT ACT TO LIMIT SPECULATIVE
17 PRISON CONSTRUCTION. "

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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code Title 12, Chapter 50, Subchapter 1, is amended
23 by adding the following new section to be appropriately numbered by the
24 Arkansas Code Revision Commission:

25 "(a) No private correctional facility in which inmates committed to the
26 Department of Correction, out-of-state inmates, or federal inmates are to be
27 housed shall be constructed nor shall any facility be renovated for the
28 purpose of creating a private correctional facility in which inmates committed
29 to the Department of Correction, out-of state inmates, or federal inmates are
30 to be housed within the State without review and approval by the board of
31 Correction and Community Punishment and review and approval by the Legislative
32 Council. Review of requests for construction shall, at a minimum, include:
33 (1) consideration of the location, design, security level, and financing of
34 the facility, and (2) the nature of the inmates to be housed in the facility.

35 (b) Except as provided in subsection (e) no facility located within
36 this state (except a facility operated by the Federal Bureau of Prisons) may

1 house out-of-state or federal inmates without approval of the board. Review
2 of requests to house such inmates may include, among other factors,
3 consideration of the design and security level of the facility and the nature
4 of the inmates to be housed in the facility. Approval must be obtained at
5 least annually.

6 (c) Except as provided in subsection (e), no facility located within
7 this State (except a facility operated by the Federal Bureau of Prisons) may
8 house out-of-state or federal inmates unless the board has certified that the
9 state does not need some or all of the capacity of the facility for state
10 inmates. Such certification shall be obtained at least annually. The board
11 shall also certify the custody levels of any facility housing out-of-state or
12 federal inmates.

13 (d) The board, in its discretion, may declare an emergency and waive
14 the provisions of subsection (a) to make use of available space for housing
15 state inmates.

16 (e) Subsections (b) and (c) of this section shall not be construed to
17 prohibit the temporary detention in this State of any out-of-state or federal
18 inmate transported to this State for the purpose of appearing in court or any
19 suspected alien detained by authority of the Immigration and Naturalization
20 Service, nor shall those subsections be construed to alter or affect the
21 operation of any interstate compact or agreement between this state or any
22 other state or the federal government regarding the detention and housing of
23 inmates."

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25 SECTION 2. All provisions of this act of a general and permanent nature
26 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
27 Revision Commission shall incorporate the same in the Code.

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29 SECTION 3. If any provision of this act or the application thereof to
30 any person or circumstance is held invalid, such invalidity shall not affect
31 other provisions or applications of the act which can be given effect without
32 the invalid provision or application, and to this end the provisions of this
33 act are declared to be severable.

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35 SECTION 4. All laws and parts of laws in conflict with this act are
36 hereby repealed.

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/s/ Ves

APPROVED: 3/2/1999s