

Hb1197 Hall of the House of Representatives
90th General Assembly - Regular Session, 2015
Amendment Form

Subtitle of House Bill No. 1197

CONCERNING THE SENTENCING OF A PERSON UNDER EIGHTEEN YEARS OF AGE; ESTABLISHING
THE FAIR SENTENCING FOR MINORS ACT OF 2015.

Amendment No. 1 to House Bill No. 1197

Amend House Bill No. 1197 as originally introduced:

Page 2, delete lines 19 through 21, and substitute the following:

"(c) It is the intent of the General Assembly to eliminate life without parole as a sentencing option for minors and create more age-appropriate sentencing standards when minors commit serious crimes. It is also the intent of the General Assembly that in consideration of parole for those persons sentenced to life imprisonment for homicide offenses committed as minors, that the Parole Board have access to an evaluation conducted before the minors' entries into the Department of Correction."

AND

Page 2, line 36, delete "twenty-eight (28)" and substitute "twenty-eight (28) thirty (30)"

AND

Page 3, line 20, delete "twenty-eight (28)" and substitute "twenty-eight (28) thirty (30)"

AND

Page 4, line 19, delete "Twenty-eight (28)" and substitute "Thirty (30)"

AND

Page 4, delete line 30, and substitute the following:

SECTION 7. Arkansas Code § 9-28-407(h)(1), concerning the nondisclosure of information possessed by a licensee or state agency engaged concerning the placement of a child, is amended to add a new subdivision to read as follows:

(Y) To a member of the Parole Board acting in his or her official capacity, but only if the member agrees not to permit any



redisclosure of the information.

SECTION 8. Arkansas Code § 12-18-909(g), concerning the confidentiality of a child maltreatment report in the central registry, is amended to add a new subdivision to read as follows:

(22) A member of the Parole Board acting in his or her official capacity, but only if the member agrees not to permit any redisclosure of the information.

SECTION 9. Arkansas Code § 16-93-612(e), concerning parole eligibility"

AND

Page 5, line 12, delete "before, on, or after" and substitute "on or after"

AND

Page 5, line 19, delete "before, on, or after" and substitute "on or after"

AND

Page 5, line 27, delete "before, on, or after" and substitute "on or after"

AND

Page 5, line 36, delete "before, on, or after" and substitute "on or after"

AND

Page 6, line 7, delete "before, on, or after" and substitute "on or after"

AND

Page 6, line 11, delete "before, on, or after" and substitute "on or after"

AND

Page 6, line 22, delete "twenty-eighth" and substitute "thirtieth"

AND

Page 6, delete lines 23 through 36, and substitute the following:

"(b) Notwithstanding any other provision of law to the contrary, credit for meritorious good time shall not be applied to calculations of time served under subsection (a) of this section:

(1) For a minor convicted and sentenced for capital murder under § 5-10-101(c); or

(2) When a life sentence is imposed for murder in the first degree under § 5-10-102.

(c)(1) If a comprehensive mental health evaluation is not performed at the request of a minor prior to trial or sentencing of a minor sentenced to life imprisonment, the circuit court shall ensure that a comprehensive mental

health evaluation is conducted on the minor by an adolescent mental health professional licensed in the state before the minor's entry into the Department of Correction for the sentence of life imprisonment.

(2) The Parole Board shall order an inmate eligible for parole under this section to undergo a comprehensive mental health evaluation which shall include:

- (A) Family interviews;
- (B) Prenatal history;
- (C) Developmental history;
- (D) Medical history;
- (E) History of treatment for substance use;
- (F) Social history; and
- (G) A psychological evaluation.

(3) A comprehensive mental health evaluation performed under this subsection shall include the following:

- (A) Family interviews;
- (B) Prenatal history;
- (C) Developmental history;
- (D) Medical history;
- (E) History of treatment for substance use;
- (F) Social history; and
- (G) A psychological evaluation.

(4) The comprehensive mental health evaluation conducted under this subsection shall only be used for the purpose of determining parole eligibility.

(d)(1) The Parole Board shall ensure that the hearing to consider an inmate's parole eligibility under this section takes into account how minors are different from adult offenders and provides an inmate eligible under this section with a meaningful opportunity to be released on parole based on demonstrated maturity and rehabilitation.

(2) During a parole eligibility hearing involving an inmate described under this section, in addition to other factors required by law to be considered by the board, the board shall take into consideration:

- (A) The diminished culpability of minors as compared to that of adults;
- (B) The hallmark features of youth;
- (C) Subsequent growth and increased maturity of the inmate during incarceration;
- (D) Age of the inmate at the time of the offense;
- (E) Immaturity of the inmate at the time of the offense;
- (F) The extent of the inmate's role in the offense and whether and to what extent an adult was involved in the offense;

(G)(i) The inmate's family and community circumstances at the time of the offense, including any history of abuse, trauma, and involvement in the child welfare system.

(ii) Upon request by the board, the Division of Children and Family Services of the Department of Human Services shall provide the board with any information within the division's possession pertaining to the inmate's involvement in the child welfare system.

(iii) Information provided under subdivision (b)(2)(G)(ii) of this section shall not be disclosed to any person not authorized to receive the information under this subdivision (d)(2)(G);

(H) The inmate's participation in available rehabilitative and educational programs while in prison, if the rehabilitative and educational programs have been made available, or use of self-study for self-improvement;

(I) The results of a comprehensive mental health evaluation conducted by an adolescent mental health professional licensed in the state at the time of sentencing and the mental health evaluation the board has ordered under subdivision (c)(2) of this section; and

(J) Other factors the board deems relevant.

(e)(1)(A) The Parole Board shall notify a victim of the crime before the board reviews parole eligibility under this section for an inmate convicted of the crime and provide information regarding victim input meetings, as well as state and national victim resource information.

(B) If the victim is incapacitated or deceased, the notice under subdivision (e)(1)(A) of this section shall be given to the victim's family.

(C) If the victim is less than eighteen (18) years of age, the notice under subdivision (e)(1)(A) of this section shall be given to the victim's parent or guardian.

(2) Victim notification under this subsection shall include:

(A) The location, date, and time of parole review; and

(B) The name and phone number of the individual to contact for additional information."

AND

Page 7, delete lines 1 through 10

AND

Renumber the sections accordingly

The Amendment was read _____
By: Representative Leding
BPG/LNS - 03-12-2015 15:05:16
BPG520

Chief Clerk