

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

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**Subtitle of Senate Bill No. 472**

TO BE KNOWN AS THE CRIMINAL JUSTICE REFORM ACT OF 2015; AND TO IMPLEMENT MEASURES  
DESIGNED TO ENHANCE PUBLIC SAFETY AND REDUCE THE PRISON POPULATION.

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**Amendment No. 1 to Senate Bill No. 472**

Amend Senate Bill No. 472 as engrossed, S2/26/15 (version: 02/26/2015 02:41:16 PM):

Add Representatives Gillam, Tucker, Baine, Bragg, Davis, Lemons, Lowery, Lundstrum, Richmond, Scott, B. Smith, Tosh, Vines, Bennett, G. McGill, Leding, V. Flowers, M.J. Gray, Nicks, Sabin, M. Hodges, D. Whitaker, and Johnson as cosponsors of the bill

AND

Page 1, line 13, delete "POPULATION; AND" and substitute "POPULATION; TO DECLARE AN EMERGENCY; AND"

AND

Page 1, delete lines 18 through 21, and substitute the following:  
"TO BE KNOWN AS THE CRIMINAL JUSTICE REFORM ACT OF 2015; TO IMPLEMENT MEASURES DESIGNED TO ENHANCE PUBLIC SAFETY AND REDUCE THE PRISON POPULATION; AND TO DECLARE AN EMERGENCY."

AND

Page 2, line 30, delete "§ 5-39-201" and substitute "§ 5-39-201(a)"

AND

Page 3, line 12, delete "§ 5-39-201" and substitute "§ 5-39-201(a)"

AND

Page 5, delete lines 28 through 36, and substitute the following:

"District Judges Council;  
(5) One (1) circuit court judge who presides over a juvenile drug court program to be appointed by the Arkansas Judicial Council;  
(6) The Director of the Department of Community Correction or



the director's designee;

(7) The Director of the Department of Human Services or the director's designee;

(8) The Director of the Division of Behavioral Health Services or the director's designee;

(9) A prosecutor appointed by the Prosecutor Coordinator;

(10) A public defender appointed by the Executive Director of the Arkansas Public Defender Commission;

(11) A member of the Senate appointed by the President Pro Tempore of the Senate;

(12) A member of the House of Representatives appointed by the Speaker of the House of Representatives; and

(13) The Arkansas Drug Director or the director's designee."

AND

Page 6, delete lines 1 through 6

AND

Page 6, line 26, delete "involving specialty courts", and substitute "involving adult and juvenile specialty courts"

AND

Page 6, delete line 28, and substitute "adult and juvenile specialty court programs as required by § 16-10-139."

SECTION 6. Arkansas Code Title 10, Chapter 3, is amended to add an additional subchapter to read as follows:

Subchapter 30 – Behavioral Health Treatment Access Legislative Task Force

10-3-3001. Behavioral Health Treatment Access Legislative Task Force

(a)(1) There is created a Behavioral Health Treatment Access Legislative Task Force responsible for ensuring that persons in the criminal justice system who have a demonstrated need for behavioral health treatment have access to treatment.

(2) The Bureau of Legislative Research shall provide staff support for the task force.

(b) The task force is composed of no more than nine (9) members, as follows:

(1) No more than four (4) members may be appointed by the Governor from the following persons:

(A) No more than one (1) member who is engaged in providing substance abuse treatment in the private sector;

(B) No more than one (1) member who is engaged in providing mental health treatment in the private sector; and

(C) No more than two (2) members of the general public who advocate for access to behavioral health services;

(2) The Director of the Department of Community Corrections or his or her designee;

(3) The Deputy Chief Counsel of the General Counsel Section for the Department of Human Services or his or her designee;

(4) The Insurance Commissioner of the State Insurance Department or his or her designee;

(5) One (1) member of the General Assembly to be appointed by the President Pro Tempore of the Senate; and

(6) One (1) member of the General Assembly to be appointed by the Speaker of the House of Representatives.

(c)(1) The task force shall meet on or before the thirtieth day after the effective date of this act, at the call of the member of the General Assembly appointed by the President Pro Tempore of the Senate, and organize itself by electing such other officers as the task force may consider necessary.

(2) Thereafter, the task force is to meet at least quarterly and as often as necessary and at the call of the chair or a majority of the members.

(3) A quorum of the task force consists of five (5) members.

(d) The task force has the following powers and duties:

(1) To facilitate access to behavioral health treatment programs;

(2) To coordinate with other public and private entities to develop and promote access;

(3) To take steps to reduce costs and encourage evidence-based care;

(4) To assess feasibility and make recommendation for changes to state programs to improve access; and

(5) To prepare and submit an annual report by December 1 of each year to the Governor and the Legislative Council."

AND

Page 8, line 13, delete "specialty court programs as defined under § 16-10-139" and substitute "adult and juvenile specialty court programs as defined under § 16-10-139, based upon a formula to be developed by the Arkansas Judicial Council, reviewed by the Specialty Courts Advisory Committee, and approved by the Legislative Council"

AND

Page 11, delete lines 17 through 23, and substitute the following:

"(5)(A) The Department of Human Services shall allow applications for Medicaid coverage and benefits to be submitted up to forty-five (45) days before the release of:

(i) An inmate or offender not previously qualified or previously qualified and subsequently suspended; or

(ii) An inmate or offender, eighteen (18) years of age or older, adjudicated as delinquent and not previously qualified or previously qualified and subsequently suspended.

(B) To the extent feasible, the Department of Correction and Department of Community Correction shall provide for Medicaid coverage applications to be submitted online to the Department of Human Services.

(C) A sentencing order shall satisfy the identity

verification for Medicaid applications, if required for an application, and if permitted by federal law."

AND

Page 12, delete lines 13 and 14, and substitute the following:

"(e) To the extent feasible, the Department of Human Services shall allow an online application for Medicaid coverage and benefits to be submitted up to forty-

AND

Page 12, delete line 18, and substitute the following:

"subsequently suspended.

SECTION 14. Arkansas Code Title 12, Chapter 41, Subchapter 1, is amended to add a new section to read as follows:

12-41-107. Medical services billing to a local correctional facility.

(a) As used in this section:

(1) "Healthcare professional" means an individual or entity that is licensed, certified, or otherwise authorized by the laws of this state to administer health care in the ordinary course of the practice of his or her profession or as a function of an entity's administration of the practice of medicine;

(2) "Local correctional facility" means a county jail, a city jail, regional jail, criminal justice center, or county house of correction that is not operated by the Department of Correction, Department of Community Correction, or a federal correctional agency; and

(3) "Medicaid reimbursement rate" means the prevailing cost paid by the Arkansas Medicaid Program for a particular medical service or treatment established by the Division of Medical Services of the Department of Human Services in the Arkansas Medicaid Program fee schedules for a particular medical service, treatment, or medical code.

(b) A healthcare professional that provides medical service or treatment to a local correctional facility under this chapter for the benefit of an inmate housed in a local correctional facility for which the local correctional facility is responsible for payment shall not charge the local correctional facility more than the Medicaid reimbursement rate for the same or similar medical service or treatment."

AND

Page 12, delete line 36, and substitute the following:

"(E) A "HOPE" court;

(F) A "smarter sentencing" court; and

(G) A mental health crisis intervention center."

AND

Page 13, delete line 1

AND

Page 15, delete lines 1 and 2, and substitute the following:

"(v) A "HOPE" court;  
(vi) A "smarter sentencing" court; and  
(vii) A mental health crisis intervention center."

AND

Page 15, delete lines 4 and 5, and substitute the following:

"(1) A specialty court program user fee of up to two hundred fifty dollars (\$250) shall be assessed on any participant in a specialty court"

AND

Page 15, delete lines 16 and 17, and substitute the following:

"the State Treasury to the credit of the Public Defender User Fee Fund within the State Central Services Fund."

AND

Page 19, delete lines 23 through 26, and substitute the following:

"(4)(A) A member ~~must~~ shall have at least a bachelor's degree from an accredited college or university, and the member should have no less than five (5) years' professional experience in one (1) or more of the following fields:"

AND

Page 20, delete lines 1 through 22

AND

Page 25, line 2, delete "or other person", and substitute "or to a friend or a facility"

AND

Page 28, delete lines 3 through 18, and substitute the following:

"(2) Subject to an appropriation, funding, and position authorization, both programmatic and administrative, the Department of Community Correction:

(A) shall ~~shall~~ Shall:

(i) Establish standards regarding the classification of a drug court program participant as a high-risk offender or medium-risk offender;

~~(A)~~(ii) Provide positions for persons to serve as probation officers, drug counselors, and administrative assistants;

~~(B)~~(iii) Provide for drug testing for drug court program participants;

~~(C)~~(iv) Provide for intensive outpatient treatment for drug court program participants;

~~(D)(v)~~ Provide for intensive short-term and long-term residential treatment for drug court program participants; and

~~(E)(vi)~~ Develop clinical assessment capacity, including drug testing, to identify ~~participants~~ a drug court program participant with a substance addiction and develop a treatment protocol that improves the ~~person's~~ drug court program participant's likelihood of success; and

(B) May:

(i) Provide for continuous alcohol monitoring for drug court program participants, including a minimum period of one hundred twenty (120) days; and

(ii) Develop clinical assessment capacity, including continuous alcohol monitoring, to identify a drug court program participant with a substance addiction and develop a treatment protocol that improves the drug court program participant's likelihood of success."

AND

Page 28, line 31, delete "Drug Court Advisory", and substitute "~~Drug Court Advisory~~ Specialty Court Program Advisory"

AND

Page 28, line 36, delete "drug court judge", and substitute "adult or juvenile drug court judge"

AND

Page 29, delete lines 6 through 9, and substitute the following:

"residential treatment fees; and

(6) Any fees determined or authorized under § 12-27-125(b)(17)(B) or § 16-93-104(a)(1) ~~which~~ that are to be paid to the Department of Community Correction;

(7) Global Positioning System monitoring; and

(8) Continuous alcohol monitoring fees."

AND

Page 29, delete line 12, and substitute the following:

"(2) The cost for treatment, drug testing, continuous alcohol monitoring if ordered, and supervision shall"

AND

Page 29, delete line 16, and substitute the following:

"(4) Treatment, drug testing, continuous alcohol monitoring if ordered, and supervision costs or fees shall"

AND

Page 30, line 25, delete "Drug Court", and substitute "~~Drug Court~~ Specialty Court Program"

AND

Page 31, line 3, delete "specialty court programs" and substitute "adult and juvenile specialty court programs"

AND

Page 35, line 17, delete "specialty court programs as defined under § 16-10-139" and substitute "adult and juvenile specialty court programs as defined under § 16-10-139, based upon a formula to be developed by the Arkansas Judicial Council, reviewed by the Specialty Courts Advisory Committee, and approved by the Legislative Council"

AND

Page 36, line 29, delete "16-9-305" and substitute "16-98-305"

AND

Page 36, line 32, delete "centers." and substitute "centers."

AND

Page 37, delete lines 1 through 18, and substitute the following:

"(i)(1) As used in this subsection, "eligible inmate" means a person who is within one hundred twenty (120) days of release from custody by the Department of Correction or the Department of Community Correction.

(2)(A) The office shall issue an identification card to an eligible inmate who has previously been issued an:

(i) Arkansas identification card; or

(ii) Arkansas driver's license and the driving privileges of the eligible inmate are suspended or revoked.

(B) The office shall issue a driver's license to an eligible inmate who has previously been issued an Arkansas driver's license if the driving privileges of the eligible inmate are:

(i) Not suspended or revoked; or

(ii) Suspended or revoked solely as a result of an outstanding driver's license reinstatement fee imposed under the laws of this state.

(3) The Department of Correction and the Department of Community Correction shall identify eligible inmates to apply for a replacement or renewal driver's license or identification card.

(4) Any fees for a replacement identification card under § 27-16-805 shall be waived for an eligible inmate.

(5) If the office issues a driver's license to an eligible inmate under subdivision (i)(2)(B)(ii) of this section, the office shall waive the reinstatement fee."

AND

Page 37, delete line 36, and substitute the following:

"United States citizens.

SECTION 47. DO NOT CODIFY. Effective dates.

(a) Sections 11, 12, 13, and 20 of this act are effective on and after September 1, 2015.

(b) Sections 46 and 47 of this act are effective on and after January 1, 2016.

SECTION 48. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that prison overcrowding is one of the largest problems currently burdening the state both from a public safety and budgetary standpoint; that safe and effective measures are needed to immediately combat this problem; and that this act is immediately necessary because in the interests of public safety and the state budget the Department of Correction, Department of Community Correction, Department of Human Services, and the Parole Board should be allowed to immediately implement these new measures. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

AND

Appropriately renumber the sections of the bill

The Amendment was read \_\_\_\_\_

By: Representative Shepherd  
BPG/BPG - 03-19-2015 08:53:28  
BPG525

\_\_\_\_\_  
Chief Clerk