


BLR  ADMINISTRATIVE RULE STATE OF ARKANSAS POST-PRISON TRANSFER BOARD	Section Number:	Page Number: 1
	Board Approval Date: June 5, 2024	
	Supersedes: New	Dated:
	Reference:	Effective Date:
SUBJECT: EXECUTIVE CLEMENCY		

I. AUTHORITY

- A. The Post-Prison Transfer Board is authorized to promulgate this rule by A.C.A. § 16-93-212 and mandated to promulgate this rule by A.C.A. § 16-93-207.
- B. Any person sentenced to death may apply for executive clemency. Arkansas Constitution, Article 6, Section 18.

II. DEFINITIONS

- A. “Commutation” means a permanent change of sentence or punishment, such as changing a death sentence to a sentence of life without parole or reducing the term of years.
- B. “Executive Clemency” or “Clemency” means the process through which the Governor considers requests for Commutation, Pardon, and Remission of Fines and Forfeitures.
- C. “Executive Clemency Coordinator” means the Division of Community Correction employee assigned to administering responsibilities in the Clemency process.
- D. “Institutional Release Officer” means a Division of Community Correction employee at secured facilities who coordinates Institutional Release Services.
- E. “Institutional Release Services” means the section of the Division of Community Correction responsible for scheduling inmates to be seen by the Post-Prison Transfer Board.
- F. “Pardon” means removal of a criminal record from public record.
- G. “Remission of Fines and Forfeitures” means the reduction or removal of a fine or forfeiture.

III. PROCEDURE

A. Applications

1. **Obtaining an Application**

- a. A person who is incarcerated may request an application from the unit’s Institutional Release Officer.
- b. A person who is not incarcerated may request an application from the Office of Institutional Release Services or from the Department of Corrections Website.



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2. **Required Information.** The application must include the following information in order to be accepted:

a. The following information about the applicant:

- i. Name
- ii. Address
- iii. Date of Birth
- iv. Race
- v. Sex
- vi. ADC Number, if applicable
- vii. PID Number
- viii. Social Security Number
- ix. Phone Number
- x. Whether the applicant is currently on probation or Suspended Imposition of Sentence
- xi. Whether the applicant is required to register as a sex offender

b. The following information about criminal convictions:

- i. The full name under which the applicant was convicted as well as any potential aliases
- ii. For every offense
 - a. The name of the offense
 - b. The county of conviction
 - c. The date of the offense
 - d. The court docket number
 - e. The assessed sentence
 - f. The facts of the crime
- iii. Whether the sentences have been completely discharged
- iv. Whether any restitution was ordered in any of the convictions
- v. The status of any assessed fines, fees, court costs, and restitution
- vi. Information about any victims of the applicant's crimes
- vii. Information about any accomplices to the applicant's crimes
- viii. Any other information as required by the current Clemency application from the Office Institutional Release Services or from the Department of Corrections Website



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- c. The grounds upon which the Pardon, Commutation, or Remission of Fine or Forfeiture is sought. The following are grounds on which an application may be filed:
 - i. To correct an injustice which may have occurred during the person's trial;
 - ii. To reduce an excessive sentence;
 - iii. Due to a life-threatening medical condition as defined by A.C.A. § 12-29-404;or
 - iv. Because the person's institutional adjustment has been exemplary, and the ends of justice have been achieved.
 - d. A narrative explanation of why the Governor should grant the relief requested;
 - e. A narrative explanation of what the applicant has done to demonstrate rehabilitation;
 - f. Information about:
 - i. Familial relationships, including marital status, information about former and current spouses, information about children,
 - ii. Any military service,
 - iii. Educational information, and
 - iv. Employment information, including current and prior employment.
3. **Required Documentation.** The following must be attached to the application:
- a. A certified copy of the sentencing order (or commitment order if the sentence was prior to 2012);
 - b. The felony information or probable cause affidavit;
 - c. The incident report from the arresting agency;
 - d. Letters of recommendation;
 - e. For sealed records, a copy of the order to seal, and
 - f. For applications for restorations of firearms, the recommendation of the Chief Law Enforcement Officer in the applicant's county of residence.



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4. Eligibility.

- a. An application for Clemency will be considered as having been duly filed once it is received at the current mailing address of the Arkansas Division of Community Correction, Institutional Release Services, Clemency Department.
- b. Once a person has submitted an application for Clemency, that person is ineligible to submit another application until a decision has been made on the initial application.
- c. Any person who files an application for Clemency, and is denied in writing without prejudice by the Governor, is subject to a waiting period pursuant to A.C.A. § 16-93-207.
- d. Any person whose application was denied without prejudice by the Governor may petition the Board for a waiver of the waiting period no sooner than twelve (12) months after the date of the filing of the application that was denied. A waiver will only be considered if the applicant alleges, and provides supporting documentation for, one of the following grounds:
 - i. Discovery of new material evidence relating to guilt or punishment;
 - ii. Substantial deterioration in the applicant's physical or mental health; or
 - iii. Other meritorious circumstances justify a waiver of the waiting period.
- e. Any person whose application was denied with prejudice by the Governor is not eligible to petition the Board for a waiver of the waiting period and is barred from filing any subsequent application for Pardon, Commutation, or Remission of Fines and Forfeitures while the Governor who issued the denial with prejudice serves as Governor.

B. Application Review

1. All exhibits or supporting documentation to be considered by the Board shall be attached to the Clemency application.
2. Upon receipt of an application, Institutional Release Services will review the application and any documentation to ensure compliance with the requirements set out by this Rule.



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3. If the application is deficient, Institutional Release Services will notify the applicant.
4. If the application is complete, Institutional Release Services will forward the application to the Post-Prison Transfer Board for screening and recommendation.

C. Board Recommendation

1. Upon receipt of an application from Institutional Release Services, at least five (5) Board members will individually screen the application.
2. Following the screening process, the Board may vote to schedule a hearing.
3. All death penalty applications require a hearing.
4. Board members may request supplemental information or take other reasonable actions to ensure a complete and thorough investigation is conducted prior to making a decision.
5. If a hearing is scheduled:
 - a. The Executive Clemency Coordinator will notify the victim(s) of the crime or the victim(s) next-of-kin of the scheduled hearing if he/she filed a request for notice with the prosecuting attorney pursuant to A.C.A. § 5-04-607. The Executive Clemency Coordinator will ask the Institutional Release Officer to schedule a hearing at least thirty (30) days from the date notice of the hearing was given to the victim(s) or victim's next of kin.
 - b. The Board shall consider:
 - i. The statements of the applicant and their spokesperson,
 - ii. The applicant's file,
 - iii. Reports from law enforcement,
 - iv. Any pre-sentence reports, and
 - v. Any documentary evidence presented by the applicant or other interested persons, including the victim(s) of the crime or the victim's next-of-kin.
 - c. If the applicant is not incarcerated in Arkansas, his or her appearance before the Board is not required.

D. Post-Recommendation Procedure

1. The Board shall submit to the Governor for final action its non-binding recommendation, a report of the investigation, and all other information that the Board possesses regarding the applicant.



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2. Upon finalization of the Board's decision, the Clemency application will be returned to Institutional Review Services.
3. There is no appeal of the Board's recommendation or the Governor's decision.
4. A person denied Clemency may reapply as authorized by A.C.A. § 16-93-207.

E. Additional Requirements for Death Sentences

1. When the Governor sets an execution date, Institutional Release Services shall send a certified letter to the inmate and the inmate's attorney of record informing them that any applications for Clemency must be filed no later than sixty (60) days prior to the scheduled execution date.
 - a. The application date deadline as calculated by the Board shall be specified in the certified letter. This date shall be determined by counting back sixty (60) days from the scheduled date of execution, with the day preceding the scheduled date of execution being day 1.
 - b. Late applications shall not be considered unless the 60th day is a Saturday, Sunday, or holiday, in which case the application will be accepted the next business day.
2. At least thirty (30) days before the execution date, the Board shall conduct a mandatory hearing with the applicant who has submitted a Clemency application.
3. The applicant or applicant's attorney shall notify the Board three (3) business days before the scheduled hearing of the number of witnesses and supporters to provide testimony at the scheduled hearing.
4. The time allocated for all presentations and/or testimony by the applicant, applicant's attorney and/or witnesses and supporters at the scheduled hearing shall not exceed four (4) hours.
5. Tape recordings of the Clemency hearing will not be transcribed but will be sent directly to the Governor with the application file and supporting evidence. The applicant is responsible for providing recorders and/or stenographers, should a transcript be desired.



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6. Upon conclusion of the hearing process, the Board will determine if the application is with or without merit and shall vote on whether to recommend the Clemency application. If the Board recommends that the application is with merit, it may specify the nature and terms of the commutation being recommended.
7. The Board's decision will be available within 72 hours after the completion of the hearing.
8. The Board may make an exception to these rules in the interests of justice.

IV. REFERENCES

Arkansas Code Annotated § 16-93-207; Arkansas Code Annotated § 16-93-204;
Arkansas Code Annotated § 5-4-607; Arkansas Code Annotated § 12-29-404

Stricken language would be deleted from and underlined language would be added to present law.
Act 659 of the Regular Session

1 State of Arkansas *As Engrossed: S3/30/23 H4/5/23*

2 94th General Assembly

A Bill

3 Regular Session, 2023

SENATE BILL 495

4

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, *A. Clark*

8 By: Representatives Gazaway, *M. Shepherd, Achor, Andrews, Barker, Beck, Beaty Jr., Bentley, M. Berry,*
9 *S. Berry, Breaux, Brooks, K. Brown, M. Brown, Burkes, Joey Carr, John Carr, Cavanaugh, C. Cooper,*
10 *Cozart, Crawford, Dalby, Duffield, Eaves, Eubanks, Evans, C. Fite, L. Fite, Fortner, Furman, Gramlich,*
11 *Haak, Hawk, G. Hodges, Holcomb, Hollowell, L. Johnson, Ladyman, Lundstrum, Maddox, McAlindon,*
12 *McCollum, McGrew, B. McKenzie, McNair, S. Meeks, Milligan, J. Moore, Painter, Pearce, Pilkington,*
13 *Ray, R. Scott Richardson, Richmond, Rose, Rye, Schulz, Steimel, Tosh, Underwood, Vaught, Walker,*
14 *Wardlaw, Warren, Watson, Wing, Wooldridge, Wooten*

15

16

For An Act To Be Entitled

17

AN ACT TO CREATE THE PROTECT ARKANSAS ACT; TO AMEND

18

ARKANSAS LAW CONCERNING SENTENCING AND PAROLE; TO

19

AMEND ARKANSAS LAW CONCERNING CERTAIN CRIMINAL

20

OFFENSES; TO AMEND ARKANSAS LAW CONCERNING THE PAROLE

21

BOARD; TO CREATE THE LEGISLATIVE RECIDIVISM REDUCTION

22

TASK FORCE; AND FOR OTHER PURPOSES.

23

24

25

Subtitle

26

TO CREATE THE PROTECT ARKANSAS ACT; TO

27

AMEND ARKANSAS LAW CONCERNING SENTENCING

28

AND PAROLE; TO AMEND ARKANSAS LAW

29

CONCERNING CERTAIN CRIMINAL OFFENSES; AND

30

TO CREATE THE LEGISLATIVE RECIDIVISM

31

REDUCTION TASK FORCE.

32

33

34

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

35

36

SECTION 1. DO NOT CODIFY. This act shall be known as the "Protect



1 Arkansas Act".

2

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

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

7

8 16-93-1801. Applicability.

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

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

15

16 16-93-1802. Definitions.

17 As used in this subchapter:

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

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

25 (i) Capital murder, § 5-10-101;

26 (ii) Murder in the first degree, § 5-10-102;

27 (iii) Kidnapping, § 5-11-102, if a Class Y felony;

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

29 (v) Rape, § 5-14-103;

30 (vi) Trafficking of persons, § 5-18-103;

31 (vii) Engaging children in sexually explicit conduct
32 for use in visual or print medium, § 5-27-303;

33 (viii) Pandering or possessing visual or print
34 medium depicting sexually explicit conduct involving a child, § 5-27-304;

35 (ix) Transportation of minors for prohibited sexual
36 conduct, § 5-27-305;

- 1 (x) Internet stalking of a child, § 5-27-306;
2 (xi) Sexually grooming a child, § 5-27-307, if a
3 felony offense;
4 (xii) Producing, directing, or promoting a sexual
5 performance by a child, § 5-27-403;
6 (xiii) Computer exploitation of a child, § 5-27-605;
7 (xiv) Causing a catastrophe, § 5-38-202(a);
8 (xv) Aggravated residential burglary, § 5-39-204, if
9 a Class Y felony;
10 (xvi) Treason, § 5-51-201;
11 (xvii) Fleeing, § 5-54-125, if a Class B felony; and
12 (xviii) Possession of firearms by certain persons, §
13 5-73-103, if a Class B felony; and
14 (2)(A) "Restricted release felony" means a felony offense for
15 which a person is not eligible for release until at least eighty-five percent
16 (85%) of the sentenced imposed by the sentencing court has been served.
17 (B) "Restricted release felony" includes only the following
18 felony offenses, or an attempt, solicitation, or conspiracy to commit one (1)
19 of the following felony offenses:
20 (i) Murder in the second degree, § 5-10-103;
21 (ii) Manslaughter, § 5-10-104;
22 (iii) Negligent homicide, § 5-10-105, if a Class B
23 felony;
24 (iv) Encouraging the suicide of another person, § 5-
25 10-107;
26 (v) Kidnapping, § 5-11-102, if a Class B felony;
27 (vi) Battery in the first degree, § 5-13-201;
28 (vii) Terroristic act, § 5-13-310;
29 (viii) Sexual indecency with a child, § 5-14-110;
30 (ix) Sexual extortion, § 5-14-113;
31 (x) Exposing another person to human
32 immunodeficiency virus, § 5-14-123;
33 (xi) Sexual assault in the first degree, § 5-14-124;
34 (xii) Unlawful female genital mutilation of a minor,
35 § 5-14-136;
36 (xiii) Crime of video voyeurism, § 5-16-101, if a

1 Class C felony offense;

2 (xiv) Voyeurism, § 5-16-102, if a Class C felony

3 offense;

4 (xv) Patronizing a victim of human trafficking, § 5-

5 18-104;

6 (xvi) Grooming a minor for future sex trafficking, §

7 5-18-106;

8 (xvii) Traveling for the purpose of an unlawful sex

9 act with a minor, § 5-18-107;

10 (xviii) Domestic battering in the first degree, § 5-

11 26-303;

12 (xix) Aggravated assault on a family or household

13 member, § 5-26-306, if under § 5-26-306(a)(3);

14 (xx) Permitting abuse of a minor, § 5-27-221, if a

15 Class B felony;

16 (xxi) Exposing a child to a chemical substance or

17 methamphetamine, § 5-27-230;

18 (xxii) Employing or consenting to the use of a child

19 in a sexual performance, § 5-27-402;

20 (xxiii) Arson, § 5-38-301, if a Class Y felony;

21 (xxiv) Aggravated residential burglary, § 5-39-204,

22 if a Class A felony;

23 (xxv) Advocating assassination or overthrow of

24 government, § 5-51-202;

25 (xxvi) First degree escape, § 5-54-110;

26 (xxvii) Soliciting material support for terrorism, §

27 5-54-202(a);

28 (xxviii) Providing material support for a terrorist

29 act, § 5-54-202(b);

30 (xxix) Making a terrorist threat, § 5-54-203;

31 (xxx) Falsely communicating a terrorist threat, 5-

32 54-204;

33 (xxxii) Terrorism, § 5-54-205;

34 (xxxiii) Hindering prosecution of terrorism, § 5-54-

35 207;

36 (xxxiiii) Exposing the public to toxic biological,

1 chemical, or radioactive substances, § 5-54-208;
2 (xxxiv) Use of a hoax substance or hoax bomb, § 5-
3 54-209;
4 (xxxv) Engaging in a continuing criminal enterprise,
5 § 5-64-405;
6 (xxxvi) Delivery of fentanyl, § 5-64-421(c);
7 (xxxvii) Manufacture of fentanyl, § 5-64-421(d);
8 (xxxviii) Trafficking a controlled substance, § 5-
9 64-440;
10 (xxxix) Driving or boating while intoxicated, sixth
11 or subsequent offense, § 5-65-111(f);
12 (xl) Promoting prostitution in the first degree, §
13 5-70-104, if a Class B felony;
14 (xli) Arming rioters, § 5-71-204;
15 (xlii) Criminal use of prohibited weapons, § 5-73-
16 104, if a Class B felony;
17 (xliii) Criminal possession of explosive material or
18 a destructive device, § 5-73-108(a);
19 (xliv) Criminal distribution of explosive material,
20 § 5-73-108(b);
21 (xlv) Possession of stolen explosive material, § 5-
22 73-108(c);
23 (xlvi) Unlawful receipt or possession of an
24 explosive material, § 5-73-108(d);
25 (xlvii) Theft of any explosive material with the
26 purpose to cause harm to a person or property, § 5-73-108(f);
27 (xlviii) Possession or use of weapons by
28 incarcerated persons, § 5-73-131;
29 (xlix) Possession or use of a machine gun in the
30 course of a criminal offense, § 5-73-211;
31 (l) Unlawful discharge of a firearm from a vehicle
32 in the first degree, § 5-74-107(a);
33 (li) Using a born-alive infant for scientific
34 research or other kind of experimentation, § 20-16-604(i);
35 (lii) Partial-birth abortion, § 20-16-1203; and
36 (liii) Performing an abortion in violation of the

1 Arkansas Unborn Child Protection from Dismemberment Abortion Act, § 20-16-
2 1801 et seq.

3
4 16-93-1803. Release eligibility for felony ineligible for earned
5 release credits or restricted release felony committed on or after January 1,
6 2025.

7 (a) A person who, on or after January 1, 2025, commits a felony
8 ineligible to receive earned release credits and who is convicted and
9 incarcerated for the felony ineligible to receive earned release credits is
10 not eligible for release before serving the entire term of imprisonment
11 imposed by the sentencing court.

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

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

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

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

28
29 16-93-1804. Release eligibility for felonies committed on or after
30 January 1, 2025.

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

34 (1) A person who commits an offense meeting the definition of
35 target group as defined under § 16-93-1202 and who is judicially or
36 administratively transferred to a community correction center is eligible for

1 transfer to post-release supervision as follows:

2 (A) If the person is transferred back to the Division of
3 Correction for disciplinary reasons, he or she is ineligible to accrue earned
4 release credits against the sentence for which he or she is transferred to
5 the Division of Correction for disciplinary reasons;

6 (B) If the person is transferred back to the Division of
7 Correction for administrative reasons, he or she may be considered for
8 transfer to post-release supervision as otherwise authorized in § 16-93-1803
9 and this section;

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

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

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

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

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

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

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

35 (3) A person sentenced for a felony who was a minor at the time
36 he or she committed the felony is eligible for release on the earlier of

1 either the date authorized by this section or the date authorized by § 16-93-
2 621; and

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

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

15
16 16-93-1805. Procedures for release – Generally.

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

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

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

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

29
30 16-93-1806. Procedures for release – Hearing.

31 (a) An inmate under sentence for a felony, except those designated as
32 a felony ineligible to receive earned release credits under § 16-93-1802, may
33 be transferred to post-release supervision under § 16-93-1903 and § 16-93-
34 1904 subject to rules promulgated by the Board of Corrections or the Post-
35 Prison Transfer Board and conditions adopted by the Post-Prison Transfer
36 Board.

1 (b) Before a hearing of the Post-Prison Transfer Board to consider a
2 transfer to post-release supervision, notification of the committing court,
3 the prosecuting attorney, county sheriff, and the victim or the victim's next
4 of kin for an inmate under sentence for an offense other than one (1) in the
5 target group as defined in § 16-93-1202 shall follow the procedures stated in
6 § 16-93-1810.

7 (c)(1) For an inmate under sentence for a felony within the target
8 group as defined in § 16-93-1202, before the Post-Prison Transfer Board sets
9 conditions for transfer of the inmate to post-release supervision, a victim,
10 or his or her next of kin in cases in which the victim is unable to express
11 his or her desire, who has expressed the desire to be consulted by the Post-
12 Prison Transfer Board shall be notified of the date, time, and place of the
13 transfer hearing.

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

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

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

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

29
30 16-93-1807. Risk and needs assessment to be considered – Release
31 without a hearing.

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

35 (2) If transfer to post-release supervision is granted, the risk
36 and needs assessment under this section and other relevant information shall

1 be used to set the conditions for post-release supervision.

2 (b)(1) Review of an inmate's appropriateness for transfer to post-
3 release supervision is based on rules and policies adopted by the board and
4 the board shall conduct a risk and needs assessment review as a part of the
5 review of the inmate's appropriateness for transfer to post-release
6 supervision.

7 (2) The rules and policies adopted by the board under
8 subdivision (c)(1) of this section shall include without limitation:

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

11 (B) A requirement for keeping a record of the proceedings;
12 and

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

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

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

21 (2) Authorize procedures for jacket review , as defined in § 16-
22 93-101, no later than six (6) months before an inmate's post-release
23 supervision transfer eligibility.

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

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

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

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

32
33 16-93-1808. Hearing procedure.

34 (a) When a hearing is needed to determine whether to transfer an
35 inmate to post-release supervision, the Post-Prison Transfer Board shall
36 conduct a hearing to determine the appropriateness of the inmate for transfer

1 to post-release supervision.

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

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

7 (A) Supervision levels;

8 (B) Economic fee sanction;

9 (C) Participation in a treatment program;

10 (D) Programming requirements; and

11 (E) Facility placement when appropriate;

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

16 (B) Upon completion of the course of action determined by
17 the board under subdivision (b)(2)(A) of this section and after final review
18 of the inmate's file to ensure successful completion of the course of action,
19 the board shall authorize the inmate's transfer to the post-release
20 supervision under this subchapter in accordance with administrative rules and
21 policies governing the transfer and subject to the conditions attached to the
22 transfer.

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

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

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

33
34 16-93-1809. Open meetings.

35 (a) The Post-Prison Transfer Board shall conduct open meetings and
36 shall make public its findings for each inmate eligible for transfer to post-

1 release supervision.

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

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

8
9 16-93-1810. Notices required for hearings on transfer to post-release
10 supervision.

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

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

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

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

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

35 (c)(1) The board shall not schedule transfer hearings at which victims
36 or the next of kin of victims of offenses are invited to appear at a facility

1 where inmates are housed other than the Department of Corrections
2 Headquarters building in North Little Rock.

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

4 (A) One (1) session at the place of the inmate's
5 incarceration with the inmate, the inmate's witnesses, and correctional
6 facility personnel; and

7 (B) One (1) session for victims and the next of kin of
8 victims as stated in this section.

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

13 (A) County sheriff;

14 (B) Prosecuting attorney of the judicial district;

15 (C) Committing court; and

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

18 (2) If the inmate is transferred to a county other than the
19 county from which he or she was committed, the board shall give notice to the
20 chief of police or marshal of the city or town to which the inmate is
21 transferred and to the county sheriff and prosecuting attorney of the county
22 from which the inmate was committed.

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

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

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

33
34 16-93-1811. Post-release supervision.

35 (a)(1) The Post-Prison Transfer Board shall establish a set of
36 conditions that are applicable to all inmates transferred to post-release

1 supervision.

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

6 (b)(1)(A) A course of action required by the Post-Prison Transfer
7 Board shall not be outside the current resources of the Division of
8 Correction.

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

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

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

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

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

19 (2) Under the supervision of the Division of Community
20 Correction; and

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

22 (e) Decisions on release to post-release supervision, courses of
23 action before transfer to post-release supervision, and post-release
24 supervision transfer conditions to be set by the Post-Prison Transfer Board
25 shall be:

26 (1) Informed by the risk and needs assessment tool under § 16-
27 93-1807;

28 (2) Reasonable and rational; and

29 (3) Defensible based on preestablished criteria.

30
31 16-93-1812. Rules.

32 The Post-Prison Transfer Board shall adopt rules to implement this
33 subchapter.

34
35 Subchapter 19 – Post-Release Supervision for Persons Committing Offenses on
36 or after January 1, 2025

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16-93-1901. Applicability.

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

16-93-1902. Definitions.

As used in this subchapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (3) Transfer to post-release supervision shall not be considered
8 a reduction of a sentence or a pardon.

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

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

11 (B) Under the supervision of the Division of Community
12 Correction; and

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

14
15 16-93-1904. Post-release supervision – Required recommendations.

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

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

22 (2) Notify the victim or the next of kin as provided in § 16-93-
23 1810.

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

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

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

30
31 16-93-1905. Length of post-release supervision.

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

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

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

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

12
13 16-93-1906. Post-release supervision – Generally.

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

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

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

23 (B) Decisions concerning supervision of offenders shall
24 target the offender's criminal risk factors with appropriate supervision and
25 treatment.

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

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

32 (2) A community supervision officer shall:

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

36 (B) Furnish each offender on post-release supervision a

1 written statement of the conditions of post-release supervision and instruct
2 the offender that he or she is required to stay in compliance with the
3 conditions of post-release supervision or risk revocation under § 16-93-1908;

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

6 (i) Is based on the risk and needs assessment under
7 § 16-93-1807 and targets the criminal risk factors identified in the risk and
8 needs assessment;

9 (ii) Is responsive to the individual characteristics
10 of the offender; and

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

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

15 (i) Visitation;

16 (ii) Required reporting; or

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

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

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

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

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

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

36 (c)(1) The Division of Community Correction shall allocate resources,

1 including assignment of community supervision officers, to focus on moderate-
2 risk and high-risk offenders as determined by the validated risk and needs
3 assessment provided under this section.

4 (2) The Division of Community Correction shall require public
5 and private treatment and service providers to use evidence-based programs
6 and practices if the public and private treatment and service providers
7 receive state funds for the treatment of or service of offenders on post-
8 release supervision.

9
10 16-93-1907. Post-release supervision – Administrative sanctions.

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

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

17 (2)(A) The Division of Community Correction shall develop an
18 intermediate sanctions procedure and an intermediate sanctions grid to guide
19 a community supervision officer in determining the appropriate response to a
20 violation of the conditions of supervision.

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

23 (C) The intermediate sanctions grid shall include:

24 (i) An assignment of point values to commonly
25 occurring violations of terms of post-release supervision or criminal
26 behavior;

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

29 (a) Education;

30 (b) Workforce development;

31 (c) Community service; and

32 (d) Behavioral health programming;

33 (iii) Details on the mechanisms by which points are
34 accumulated and reduced; and

35 (iv) Guidance on which intermediate sanctions should
36 be applied at which points thresholds.

1 (3) Intermediate sanctions shall include without limitation:

2 (A) Community service;

3 (B) Increased substance abuse screening and treatment;

4 (C) Increased monitoring, including electronic monitoring
5 and home confinement; and

6 (D)(i) Incarceration in a county or regional jail for no
7 more than seven (7) days or incarceration in a Division of Correction
8 facility or a Division of Community Correction facility for no more than
9 ninety (90) days.

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

13 (b) If an offender on post-release supervision
14 accumulates no more than thirty (30) days' incarceration in a county or
15 regional jail or more than three hundred sixty (360) days' incarceration in a
16 Division of Correction facility or a Division of Community Correction
17 facility as an intermediate sanction, the community supervision officer shall
18 recommend a revocation of the offender's post-release supervision under § 16-
19 93-1908.

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

23 (4) The Division of Community Correction shall:

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

27 (B) Include an explanation of the cause for incarceration;
28 and

29 (C) Include the result of the intermediate sanction, if
30 applicable.

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

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

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

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

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

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

11
12 16-93-1908. Revocation of post-release supervision.

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

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

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

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

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

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

32 (4) A community supervision officer may arrest an offender on
33 post-release supervision without a warrant by giving him or her a written
34 statement stating that the offender, in the judgment of the community
35 supervision officer, violated the conditions of his or her post-release
36 supervision.

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

5 (6) If the board or its designee finds, by a preponderance of
6 the evidence, that the offender has inexcusably failed to comply with a
7 condition of his or her post-release supervision, the post-release
8 supervision may be revoked at any time before the expiration of the period of
9 post-release supervision.

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

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

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

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

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

32 (5) If a revocation hearing judge finds after the preliminary
33 hearing that there is reasonable cause to believe that an offender has
34 violated a condition of post-release supervision by committing a felony
35 ineligible to receive earned release credits or a restricted release felony,
36 as defined in § 16-93-1802, the revocation hearing judge shall order the

1 offender be returned to the nearest facility of the Division of Correction or
2 the Division of Community Correction where he or she shall be placed in
3 custody for a revocation hearing before the board.

4 (6) If a revocation hearing judge finds after the preliminary
5 hearing that there is reasonable cause to believe that an offender has
6 violated a condition of post-release supervision other than the commission of
7 a felony ineligible to receive earned release credits or a restricted release
8 felony, as defined in § 16-93-1802, the revocation hearing judge shall:

9 (A) Order the offender be returned to the nearest facility
10 of the Division of Correction or the Division of Community Correction where
11 he or she shall be placed in custody for a revocation hearing before the
12 board; or

13 (B) Return the offender to post-release supervision with
14 or without additional supervision conditions in response to the violating
15 conduct.

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

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

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

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

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

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

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

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

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

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

18 (2) The offender may introduce any relevant evidence of the
19 alleged violation, including without limitation letters, affidavits, and
20 other documentary evidence, regardless of the admissibility of the evidence
21 under the rules governing the admission of evidence.

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

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

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

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

1 (h) An offender whose post-release supervision is revoked under this
2 section due to a technical conditions violation or serious conditions
3 violation and who is sentenced to any period of incarceration resulting from
4 the revocation is subject to the periods of incarceration provided in § 16-
5 93-1907.

6 (i) Upon revocation under this section, an offender subject to a term
7 of post-release supervision for a felony ineligible to receive earned release
8 credits or a restricted release felony shall return to incarceration for the
9 entire remaining period of imprisonment or post-release supervision assessed
10 by the sentencing court.

11
12 16-93-1909. Subpoena of witnesses and documents for revocation of
13 post-release supervision.

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

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

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

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

21 (D) The revocation hearing judge presiding over any
22 preliminary hearing concerning an alleged violation of the conditions of
23 post-release supervision.

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

25 (i) Directed to the county sheriff, county coroner,
26 or constable of any county where the designated witness resides or is found;
27 and

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

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

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

35 (c)(1) If a person fails or refuses to comply with a subpoena issued
36 under this section to testify or answer to any matter regarding which the

1 person may be lawfully interrogated, a circuit court in this state, on
2 application of hearing officer or the chair, shall issue an attachment for
3 the person and compel him or her to comply with the subpoena and appear
4 before the revocation hearing judge or the board and produce any testimony or
5 documents as may be required.

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

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

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

16
17 16-93-1910. Prohibition on sex offenders residing with minors.

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

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

24 (B) Incest, § 5-26-202; or

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

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

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

35
36 16-93-1911. Rules.

1 The Post-Prison Transfer Board shall adopt rules to implement this
2 subchapter.

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

6 5-2-332. Secured restoration program authorized.

7 (a) The purpose of this section is to provide an additional setting
8 for the provision of restorative treatment services in the least restrictive
9 environment.

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

13 (1) Have been found to lack fitness to proceed; and

14 (2) Are not in an acute phase of illness requiring the services
15 of a psychiatric hospital.

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

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

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

22 (2) The division has the exclusive authority to determine
23 whether and when a defendant is admitted to the program based on the
24 defendant's acuity, medical need, and other factors determined by the
25 division.

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

28
29 SECTION 4. Arkansas Code § 5-4-101(5), concerning definitions
30 applicable in Title 5, Chapter 4, is amended to read as follows:

31 (5) "Recidivism" means a criminal act that results in the
32 rearrest, reconviction, or return to incarceration of a person with ~~or~~
33 ~~without~~ a new sentence or a revocation from parole or post-release
34 supervision during a three-year period following the person's release from
35 custody;

36

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

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

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

13 (i) Pay a fine as authorized by §§ 5-4-201 and 5-4-
14 202;

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

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

18 (C)(i) In addition to the term of imprisonment imposed by
19 the trial court, the trial court shall impose a period of post-release
20 supervision for any defendant sentenced to a felony ineligible to receive
21 earned release credits or a restricted release felony, as defined in § 16-93-
22 1802, who is not sentenced to the statutory maximum for the offense.

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

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

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

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

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

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

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

6 (2) A defendant who was eighteen (18) years of age or older at
7 the time of the offense and who was convicted of one (1) or more of the
8 following Class Y felonies in which the victim was less than fourteen (14)
9 years of age at the time of the offense shall be sentenced to life without
10 the possibility of parole:

11 (A) Rape involving forcible compulsion, § 5-14-103(a)(1);

12 (B) Trafficking of persons, § 5-18-103;

13 (C) Engaging children in sexually explicit conduct for use
14 in visual or print medium, § 5-27-303;

15 (D) Transportation of minors for prohibited sexual
16 conduct, § 5-27-305;

17 (E) Producing, directing, or promoting a sexual
18 performance by a child, § 5-27-403; and

19 (F) Computer exploitation of a child in the first degree,
20 § 5-27-605.

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

26 (1) Imprisonment as authorized by §§ 5-4-401 – 5-4-404;

27 (2) Probation as authorized by §§ 5-4-301 – 5-4-307 and 16-93-
28 306 – 16-93-314;

29 (3) Payment of a fine as authorized by §§ 5-4-201 and 5-4-202;

30 (4) Restitution as authorized by a provision of § 5-4-205; or

31 (5) Imprisonment and payment of a fine.

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

35 (i) Capital murder, § 5-10-101;

36 (ii) Treason, § 5-51-201;

1 (iii) A Class Y felony, except to the extent
2 suspension of an additional term of imprisonment is permitted in subsection
3 (c) of this section;

4 (iv) Driving or boating while intoxicated, § 5-65-
5 103;

6 (v) Murder in the second degree, § 5-10-103, except
7 to the extent suspension of an additional term of imprisonment is permitted
8 in subsection (c) of this section; ~~or~~

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

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

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

16 (B)(i) In any other case, the court may suspend imposition
17 of sentence or place the defendant on probation, in accordance with §§ 5-4-
18 301 – 5-4-307 and 16-93-306 – 16-93-314, except as otherwise specifically
19 prohibited by statute.

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

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

24 (3)(A) The court may sentence the defendant to a term of
25 imprisonment and suspend imposition of sentence as to an additional term of
26 imprisonment.

27 (B) However, the court shall not sentence a defendant to
28 imprisonment and place him or her on probation, except as authorized by § 5-
29 4-304.

30 (C) This subdivision (e)(3) does not prohibit a period of
31 post-release supervision as authorized in § 16-93-1801 et seq. and § 16-93-
32 1901 et seq.

33
34 SECTION 6. Arkansas Code § 5-4-107(a)(1), concerning extended
35 supervision and monitoring for certain sex offenders, is amended to read as
36 follows:

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

7
8 SECTION 7. Arkansas Code § 5-4-202, is amended to read as follows:
9 5-4-202. Alternative sentence prohibited – Time of payment.

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

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

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

16 (B) In specified installments.

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

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

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

26
27 SECTION 8. Arkansas Code § 5-4-205(f)(1), concerning restitution to be
28 included as a condition of release, is amended to read as follows:

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

33
34 SECTION 9. Arkansas Code § 5-4-206(a), concerning the collection of
35 unpaid restitution and the interception of state income tax returns, is
36 amended to read as follows:

1 (a) As used in this section, “restitution order” means a ~~judgment and~~
2 ~~commitment sentencing order, judgment and disposition order,~~ or other order
3 that imposes a duty on a defendant to pay restitution.
4

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

7 (a)(1) A court shall not suspend imposition of sentence as to a term
8 of imprisonment or place a defendant on probation for the following offenses:

9 (A) Capital murder, § 5-10-101;

10 (B) Treason, § 5-51-201;

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

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

14 (E) Murder in the second degree, § 5-10-103, except to the
15 extent suspension of an additional term of imprisonment is permitted in § 5-
16 4-104(c); ~~or~~

17 (F) Engaging in a continuing criminal enterprise, § 5-64-
18 405;

19 (G) Furnishing a prohibited article, possessing a
20 prohibited article, using a prohibited article, or delivering a prohibited
21 article, § 5-54-119; or

22 (H) A felony ineligible to receive earned release credits
23 as defined in § 16-93-1802.
24

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

28 (e)(1) Notwithstanding any provision prohibiting a sentence of
29 probation or suspended imposition of sentence for certain felonies, a court
30 may sentence a defendant to a term of imprisonment and suspend imposition of
31 sentence as to an additional term of imprisonment.

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

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

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

(D) A decision to release a defendant administratively transferred to the Division of Community Correction from the Division of Correction under subdivision (b)(3)(A) of this section is vested solely with the ~~Parole~~ Post-Prison Transfer Board.

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

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

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

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

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

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

1 (2) If a defendant is convicted of a felony for an offense
2 committed while serving a term of imprisonment at a facility operated or
3 contracted by the Division of Correction or the Division of Community
4 Correction, the sentence for the offense committed while serving the term of
5 imprisonment shall run consecutively to the sentence for which the defendant
6 was serving the term of imprisonment.

7 (3) If a defendant is convicted of a felony for an offense
8 committed while on post-release supervision, the sentence for the offense
9 committed while on post-release supervision shall run consecutively to the
10 sentence for which the defendant was subject to post-release supervision.

11
12 SECTION 16. Arkansas Code § 5-4-501(c)(1) and (2), concerning habitual
13 offenders, are amended to read as follows:

14 (c)(1) Except as provided in subdivision (c)(3) of this section, a
15 defendant who is convicted of a serious felony involving violence enumerated
16 in subdivision (c)(2) of this section and who previously has been convicted
17 of one (1) or more of the serious felonies involving violence enumerated in
18 subdivision (c)(2) of this section may be sentenced to pay any fine
19 authorized by law for the serious felony involving violence conviction and
20 shall be sentenced+

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

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

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

27 (A) Any of the following felonies:

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

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

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

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

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

35 (vi) Rape, § 5-14-103;

36 (vii) Sexual assault in the first degree, § 5-14-

1 124;

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

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

4 (x) Aggravated assault upon a law enforcement

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

6 felony; ~~or~~

7 (xi) Capital murder, § 5-10-101; or

8 (xii) Unlawful discharge of a firearm from a

9 vehicle, § 5-74-107; or

10 (B) A conviction of a comparable serious felony involving

11 violence from another jurisdiction.

12

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

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

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

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

26 (C) For a conviction of a Class B felony or for a
27 conviction of an unclassified felony punishable by life imprisonment, a term
28 of imprisonment of not less than thirty (30) years nor more than sixty (60)
29 years;

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

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

36 (F) For a conviction of an unclassified felony punishable

1 by less than life imprisonment, a term of imprisonment not more than three
2 (3) times the maximum sentence for the unclassified felony offense.

3 (2) As used in this subsection, "felony involving violence"
4 means:

5 (A) Any of the following felonies:

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

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

8 (iii) Kidnapping, § 5-11-102;

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

10 (v) Rape, § 5-14-103;

11 (vi) Battery in the first degree, § 5-13-201;

12 (vii) Terroristic act, § 5-13-310;

13 (viii) Sexual assault in the first degree, § 5-14-
14 124;

15 (ix) Sexual assault in the second degree, § 5-14-
16 125;

17 (x) Domestic battering in the first degree, § 5-26-
18 303;

19 ~~(xi) Residential burglary, § 5-39-201(a);~~

20 ~~(xii)~~ (xi) Aggravated residential burglary, § 5-39-
21 204;

22 ~~(xiii)~~ (xii) Unlawful discharge of a firearm from a
23 vehicle, § 5-74-107;

24 ~~(xiv)~~ (xiii) Criminal use of prohibited weapons, §
25 5-73-104, involving an activity making it a Class B felony;

26 ~~(xv)~~ (xiv) A felony attempt, solicitation, or
27 conspiracy to commit:

28 (a) Capital murder, § 5-10-101;

29 (b) Murder in the first degree, § 5-10-102;

30 (c) Murder in the second degree, § 5-10-103;

31 (d) Kidnapping, § 5-11-102;

32 (e) Aggravated robbery, § 5-12-103;

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

36 (g) Rape, § 5-14-103;

1 (h) Battery in the first degree, § 5-13-201;
 2 (i) Domestic battering in the first degree, §
 3 5-26-303; or

4 ~~(j) Residential burglary, § 5-39-201(a); or~~
 5 ~~(k) (j) Aggravated residential burglary, § 5-~~
 6 39-204; ~~or~~

7 ~~(xvi) (xv) Aggravated assault upon a law enforcement~~
 8 officer or an employee of a correctional facility, § 5-13-211, if a Class Y
 9 felony; or

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

11 (B) A conviction of a comparable felony involving violence
 12 from another jurisdiction.

13
 14 SECTION 18. DO NOT CODIFY. Residential burglary.

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

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

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

23
 24 SECTION 19. Arkansas Code § 5-4-702(a), concerning enhanced penalties
 25 for certain offenses committed in the presence of a child, is amended to read
 26 as follows:

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

- 31 (1) Capital murder, § 5-10-101;
 32 (2) Murder in the first degree, § 5-10-102;
 33 (3) Murder in the second degree, § 5-10-103;
 34 (4) Aggravated robbery, § 5-12-103;
 35 (5) A felony offense of assault or battery under § 5-13-201 et
 36 seq.;

- 1 (6) Rape, § 5-14-103;
2 (7) Sexual assault in the second degree, § 5-14-125; ~~or~~
3 (8) A felony offense of domestic battering or assault on a
4 family or household member under §§ 5-26-303 – 5-26-309;
5 (9) Unlawful discharge of a firearm from a vehicle, § 5-74-107;
6 or
7 (10) Terroristic act, § 5-13-310.
8

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

12 (e) Any person convicted under this section is not eligible for early
13 release on parole, transfer to post-release supervision, or community
14 correction transfer for the enhanced portion of the sentence.
15

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

19 (f) A person receiving an additional term of imprisonment under this
20 section is not eligible for early release on parole, transfer to post-release
21 supervision, or community correction transfer for the additional term of
22 imprisonment.
23

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

26 (3) If an eligible offender withdraws consent to participate in
27 a community work project, the eligible offender is entitled to all good time,
28 ~~and parole, and post-release supervision~~ eligibility considerations as
29 provided by law.
30

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

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

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

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

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

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

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

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

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

7
8 SECTION 28. Arkansas Code § 5-10-104(c), concerning manslaughter, is
9 amended to read as follows:

10 (c) Manslaughter is a Class ~~C~~ B felony.

11
12 SECTION 29. Arkansas Code § 5-10-105(b), concerning negligent
13 homicide, is amended to read as follows:

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

16 (2) *A person who violates subdivision (b)(1) of this section by*
17 *means of a deadly weapon upon conviction is guilty of a Class ~~A misdemeanor~~ D*
18 *felony.*

19 (3) *If otherwise committed under subdivision (b)(1) of this*
20 *section, negligent homicide is a Class A misdemeanor.*

21
22 SECTION 30. Arkansas Code § 5-14-110(a)(4)(B), concerning sexual
23 indecency with a child committed by certain persons, is amended to read as
24 follows:

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

30
31 SECTION 31. Arkansas Code § 5-14-112(b), concerning indecent exposure,
32 is amended to read as follows:

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

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

36 (A) For a fourth or fifth conviction within ten (10) years

1 of a previous conviction, ~~indecent exposure is a Class D felony,; or~~
2 (B) If a person is in the custody of a correctional
3 facility or a detention facility at the time the person exposes his or her
4 sex organs.

5 (3) For a sixth conviction and each successive conviction within
6 ten (10) years of a previous conviction, indecent exposure is a Class C
7 felony.

8
9 SECTION 32. Arkansas Code § 5-14-113 is amended to read as follows:

10 5-14-113. Sexual extortion.

11 (a) A person commits the offense of sexual extortion if:

12 (1) With the purpose to coerce another person to engage in
13 sexual contact or sexually explicit conduct, the person communicates a threat
14 to:

15 (A) Damage the property or harm the reputation of the
16 other person; or

17 (B) Produce or distribute a recording of the other person
18 engaged in sexually explicit conduct or depicted in a state of nudity;

19 (2) With the purpose to produce or distribute a recording of a
20 person in a state of nudity or engaged in sexually explicit conduct, the
21 person communicates a threat to:

22 (A) Damage the property or harm the reputation of the
23 other person; or

24 (B) Produce or distribute a recording of the other person
25 engaged in sexually explicit conduct or depicted in a state of nudity; ~~or~~

26 (3) The person knowingly causes another person to engage in
27 sexual contact or sexually explicit conduct or to produce or distribute a
28 recording of a person in a state of nudity or engaged in sexually explicit
29 conduct by communicating a threat to:

30 (A) Damage the property or harm the reputation of the
31 other person; or

32 (B) Produce or distribute a recording of the other person
33 engaged in sexually explicit conduct or depicted in a state of nudity; or

34 (4) The person knowingly demands payment of money or receipt of
35 anything of value by communicating a threat to distribute a recording of a
36 person engaged in sexually explicit conduct or depicted in a state of nudity.

1 (b) Sexual extortion is a Class B felony.

2
3 SECTION 33. Arkansas Code § 5-14-124(a)(1)(B), concerning sexual
4 assault in the first degree committed by certain persons, is amended to read
5 as follows:

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

11
12 SECTION 34. Arkansas Code § 5-14-125(a)(4)(A)(ii), concerning sexual
13 assault in the second degree committed by certain persons, is amended to read
14 as follows:

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

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

29
30 SECTION 36. Arkansas Code § 5-14-137(b)(1), concerning the prohibition
31 against a registered sex offender recording a person younger than fourteen
32 years of age, is amended to read as follows:

33 (1) Record a person under fourteen (14) years of age and post
34 the recording of the person on an online social media platform or other
35 internet website that allows the using or posting of a recording in any form
36 after the person has previously been warned of his or her possible criminal

1 exposure by a judge at the person's sentencing for the offense for which the
 2 person is required to register as a sex offender, or by his or her ~~parole or~~
 3 ~~probation~~ community supervision officer that recording a person under
 4 fourteen (14) years of age is a violation of his or her terms and conditions
 5 of his or her probation, ~~or parole, or post-release supervision~~; or

6
 7 SECTION 37. Arkansas Code § 5-36-103(b)(3), concerning theft of
 8 property that is classified as Class D felony, is amended to add an
 9 additional subdivision to read as follows:

10 (J) The value of the property is one thousand dollars
 11 (\$1,000) or less and the person has been previously convicted of a theft
 12 offense of any classification within ten (10) years of the current offense.

13
 14 SECTION 38. Arkansas Code § 5-39-204, concerning aggravated
 15 residential burglary, is amended to read as follows:

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

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

21 (2) He or she is armed with a deadly weapon or represents by
 22 word or conduct that he or she is armed with a deadly weapon; ~~or.~~

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

25 (b) Aggravated residential burglary is a:

26 (1) Class Y felony if:

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

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

30 (2) Class A felony if otherwise committed.

31
 32 SECTION 39. Arkansas Code § 5-53-101(4)(A), concerning the definitions
 33 used concerning offenses related to official proceedings, is amended to read
 34 as follows:

35 (4)(A) "Official proceeding" means a proceeding heard before any
 36 legislative, judicial, administrative, or other government agency or official

1 authorized to hear evidence under oath, including any referee, hearing
2 examiner, ~~parole~~ revocation hearing judge, commissioner, notary, or other
3 person taking testimony or depositions in any such proceeding.

4
5 SECTION 40. Arkansas Code § 5-54-119, concerning the furnishing,
6 possessing, using, or delivering of a prohibited article, is amended to add
7 an additional subsection to read as follows:

8 (g) A person convicted of furnishing a prohibited article, possessing
9 a prohibited article, using a prohibited article, or delivering a prohibited
10 article and who, at the time of the offense, was an employee of, volunteer
11 for, or contractor with a correctional facility shall have his or her
12 sentence enhanced as follows:

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

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

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

21 (2) The fine is enhanced by up to ten thousand dollars
22 (\$10,000).

23
24 SECTION 41. Arkansas Code § 5-54-129 is amended to read as follows:

25 5-54-129. Search of persons and vehicles entering institutions.

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

32
33 SECTION 42. Arkansas Code § 5-54-206(c), concerning enhanced penalties
34 for the offense of terrorism, is amended to read as follows:

35 (c) Any person sentenced under this section is not eligible for early
36 release on parole, transfer to post-release supervision, or community

1 correction transfer for the enhanced portion of the sentence.

2

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

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

9

10 SECTION 44. Arkansas Code § 5-64-407(c), concerning the manufacture of
11 methamphetamine in the presence of certain persons, is amended to read as
12 follows:

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

16

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

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

23

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

26 (b) Promoting prostitution in the first degree is a:

27 (1) Class D felony under subdivision (a)(1) of this section;

28 (2) Class B felony under subdivision (a)(2) of this section.

29

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

34 (a)(1)(A) A person whose driving privileges are suspended or
35 revoked for violating § 5-65-103, § 5-65-303, § 5-65-310, or § 3-3-203 is
36 required to complete an alcohol education program provided by a contractor

1 with the Division of Aging, Adult, and Behavioral Health Services of the
2 Department of Human Services or an alcoholism treatment program licensed by
3 the division.

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

8
9 SECTION 48. Arkansas Code § 5-73-103(c)(1), concerning possession of
10 firearms by certain persons, is amended to read as follows:

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

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

13 (B) The person's current possession of a firearm involves
14 the commission of another crime; ~~or~~

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

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

20
21 SECTION 49. Arkansas Code § 5-73-323, concerning licenses to carry a
22 concealed handgun held by certain persons, is amended to read as follows:

23 A member of the ~~Parole~~ Post-Prison Transfer Board, a board
24 investigator, or a ~~parole~~ revocation hearing judge who has been issued a
25 license to carry a concealed handgun by the ~~Department~~ Division of Arkansas
26 State Police under this subchapter may carry his or her concealed handgun
27 into a building in which or a location on which a law enforcement officer may
28 carry a handgun if the board member, board investigator, or ~~parole~~ revocation
29 hearing judge is on official business of the board.

30
31 SECTION 50. Arkansas Code § 9-27-507(b)(2)(B), concerning penalties
32 for violating a disposition order in an extended juvenile jurisdiction case,
33 is amended to read as follows

34 (B) Statutory provisions prohibiting or limiting probation
35 or suspended imposition of sentence, ~~or parole, or transfer to post-release~~
36 transfer for offenses when committed by an adult shall not apply to juveniles

1 sentenced as extended juvenile jurisdiction offenders.

2
3 SECTION 51. Arkansas Code § 9-27-507(e)(4)(B), concerning options for
4 disposition at certain points in an extended juvenile jurisdiction case, is
5 amended to read as follows:

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

10
11 SECTION 52. Arkansas Code § 9-27-510(a)(2), concerning placement of a
12 juvenile with the Division of Correction, is amended to read as follows:

13 (2) If a juvenile receives a sentence to the Division of
14 Correction before the juvenile's sixteenth birthday, the juvenile shall be
15 housed by the Division of Youth Services until that date, except as provided
16 by a court order or parole or post-release supervision decision made by the
17 ~~Parole~~ Post-Prison Transfer Board.

18
19 SECTION 53. Arkansas Code § 9-27-510(c)(1)(A) and (B), concerning
20 placement of a juvenile with the Division of Correction, are amended to read
21 as follows:

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

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

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

32 (f)(1) A person who is required to have a criminal records check under
33 subdivision (b)(1) or subdivision (c)(1) of this section who has pleaded
34 guilty or nolo contendere to or been found guilty of any of the offenses
35 listed in subdivision (e)(3) of this section shall be absolutely disqualified
36 from being an owner, operator, volunteer, foster parent, adoptive parent,

1 member of a child welfare agency's board of directors, or employee in a child
2 welfare agency during the period of the person's confinement, probation, ~~or~~
3 parole, or post-release supervision unless the conviction is vacated or
4 reversed.

5
6 SECTION 55. Arkansas Code § 9-28-409(f)(3)(A), concerning criminal
7 background and child maltreatment checks for employees of child welfare
8 agencies, is amended to read as follows:

9 (3)(A) Except as provided under subdivision (f)(1) of this
10 section, a person who is required to have a criminal records check under
11 subdivision (b)(1) or subdivision (c)(1) of this section who has pleaded
12 guilty or nolo contendere to or been found guilty of any of the offenses
13 listed in subdivision (e)(3) of this section shall be presumed to be
14 disqualified to be an owner, operator, volunteer, foster parent, adoptive
15 parent, member of a child welfare agency's board of directors, or employee in
16 a child welfare agency after the completion of his or her term of
17 confinement, probation, ~~or~~ parole, or post-release supervision unless the
18 conviction is vacated or reversed.

19
20 SECTION 56. Arkansas Code § 11-10-513(a)(3), concerning
21 disqualification for unemployment benefits due to voluntarily leaving work,
22 is amended to read as follows:

23 (3) Any person who leaves his or her last work to comply with
24 the order of a correctional institution or to satisfy the terms of his or her
25 parole, post-release supervision, or probation shall be deemed to have left
26 work "voluntarily and without good cause connected with the work".

27
28 SECTION 57. Arkansas Code § 12-1-102 is amended to read as follows:

29 12-1-102. Records to be posted on a public website.

30 (a) Relevant research studies and reports concerning the following
31 topics that are generated by the research divisions of the Division of
32 Correction, the Division of Community Correction, and the ~~Parole~~ Post-Prison
33 Transfer Board or by third-party contractors on behalf of the Division of
34 Correction, the Division of Community Correction, and the board, when
35 applicable, shall be posted on the Division of Correction's, the Division of
36 Community Correction's, or the board's website:

1 (1) Population projections;
2 (2) Recidivism; and
3 (3) Evaluation of the cost-benefit of evidence-based practices
4 of:

- 5 (A) Adult prisons;
6 (B) Community corrections facilities;
7 (C) Probation; ~~and~~
8 (D) Parole; and
9 (E) Post-release supervision.

10 (b) Data posted on the board's, the Division of Correction's, or the
11 Division of Community Correction's websites under this section may be removed
12 from the board's, the Division of Correction's, or the Division of Community
13 Correction's websites after five (5) years.

14
15 SECTION 58. Arkansas Code Title 12, Chapter 1, Subchapter 1, is
16 amended to add an additional section to read as follows:

17 12-1-104. Bail reporting system.

18 (a)(1) The Arkansas Crime Information Center shall administer a public
19 portal for entry by a court of the information required to be reported under
20 § 16-84-118.

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

26 (b) The public portal administered under subsection (a) of this
27 section shall provide the following information concerning a defendant or
28 arrestee:

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

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

32 (A) The county of arrest;

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

34 (C) The specific charges;

35 (D) Eligibility for bail and the amount of the initial
36 bail;

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

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

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

6 (H) The date of release on bond and type of bond posted;
 7 and

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

10 (c) The information entered into the public portal administered under
 11 this section shall be disseminated:

12 (1) In a manner that will allow the information to be organized
 13 by:

14 (A) A defendant or arrestee;

15 (B) A judicial district;

16 (C) A county; and

17 (D) A judge and

18 (2) Upon request to the:

19 (A) Governor;

20 (B) Speaker of the House of Representatives;

21 (C) President Pro Tempore of the Senate;

22 (D) Arkansas Legislative Audit; and

23 (E) Attorney General.

24
 25 SECTION 59. Arkansas Code § 12-12-905(a)(2), concerning registration
 26 requirements for sex offenders, is amended to read as follows:

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

31
 32 SECTION 60. Arkansas Code § 12-12-906(a)(1)(A)(i), concerning the duty
 33 to register as a sex offender or verify registration as a sex offender and
 34 the review of requirements with sex offenders, is amended to read as follows:

35 (a)(1)(A)(i) At the time of adjudication of guilt, the sentencing
 36 court shall enter on the ~~judgment and commitment or judgment and disposition~~

1 ~~form~~ sentencing order that the offender is required to register as a sex
2 offender and shall indicate whether the:

- 3 (a) Offense is an aggravated sex offense;
4 (b) Sex offender has been adjudicated guilty
5 of a prior sex offense under a separate case number; or
6 (c) Sex offender has been classified as a
7 sexually dangerous person.
8

9 SECTION 61. Arkansas Code § 12-12-909(a)(3) and (4), concerning a
10 change of address of a registered sex offender, are amended to read as
11 follows:

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

17 (4) Subdivision (a)(1) of this section applies to a sex offender
18 required to register as a sexually dangerous person, except that the sexually
19 dangerous person shall verify the registration in person every ninety (90)
20 days after the date of the initial release or commencement of parole or post-
21 release supervision.
22

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

26 (B) In developing the guidelines and procedures, the Sex
27 Offender Assessment Committee shall consult with persons who, by experience
28 or training, have a personal interest or professional expertise in law
29 enforcement, crime prevention, victim advocacy, criminology, psychology,
30 parole, post-release supervision, public education, and community relations.
31

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

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

1
2 SECTION 64. Arkansas Code § 12-12-917(b)(2)(A)(ii)(b)(2)(D),
3 concerning the relevant records to be forwarded to Community Notification
4 Assessment regarding an adult sex offender convicted of an offense described
5 in 42 U.S.C. § 14071 et seq., is amended to read as follows:

6 (D) ~~Judgment and disposition forms~~
7 Sentencing orders;

8
9 SECTION 65. Arkansas Code § 12-12-917(b)(4)(A)(ii), concerning
10 notification that will be provided when a sex offender disrupts a sex
11 offender assessment, is amended to read as follows:

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

14
15 SECTION 66. Arkansas Code § 12-12-917(f)(2), concerning evaluation of
16 a sex offender, is amended to read as follows:

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

20
21 SECTION 67. Arkansas Code § 12-12-917(h)(2)(A), concerning evaluation
22 of a sex offender, is amended to read as follows:

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

27
28 SECTION 68. Arkansas Code § 12-12-917(h)(2)(B), concerning evaluation
29 of a sex offender, is amended to read as follows:

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

34
35 SECTION 69. Arkansas Code § 12-12-918(d), concerning classification of
36 a person as a sexually dangerous person, is amended to read as follows:

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

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

7
8 SECTION 70. Arkansas Code § 12-12-919(b)(2)(A), concerning
9 termination of the obligation to register as a sex offender, is amended to
10 read as follows:

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

15
16 SECTION 71. Arkansas Code § 12-12-1003(c), concerning the collection
17 and maintenance of criminal history information, is amended to read as
18 follows:

19 (c) The reporting requirements of this subchapter apply to prosecuting
20 attorneys, judges, and law enforcement, court, probation, correction, ~~and~~
21 parole, and post-release supervision officials within the limits defined in
22 §§ 12-12-1006 and 12-12-1007.

23
24 SECTION 72. Arkansas Code § 12-12-1109(e)(1), concerning the
25 collection of a deoxyribonucleic acid sample upon conviction of certain
26 offenses, is amended to read as follows:

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

31
32 SECTION 73. Arkansas Code § 12-12-1110(e)(1), concerning procedures
33 for the collection of a deoxyribonucleic acid sample upon conviction of
34 certain offenses, is amended to read as follows:

35 (e)(1) Any person who refuses to provide a DNA sample required by this
36 subchapter will receive no further sentence reduction for meritorious good

1 time or earned release credits until such time as a sample is provided, and
2 the Division of Correction shall notify the ~~Parole~~ Post-Prison Transfer Board
3 regarding the refusal.

4
5 SECTION 74. Arkansas Code § 12-12-1506(a)(2), concerning the
6 dissemination of records of felony arrest and conviction, is amended to read
7 as follows:

8 (2) Any criminal history information of felony arrest records
9 and all conviction information that pertains to a person currently being
10 processed by the criminal justice system, including during the entire period
11 of correctional supervision extending through final discharge from parole or
12 post-release supervision, may be disseminated without restriction.

13
14 SECTION 75. Arkansas Code § 12-27-103(b)(15), concerning the creation
15 and powers of the Division of Correction, is amended to read as follows:

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

21
22 SECTION 76. Arkansas Code § 12-27-104(a)(2), concerning members of the
23 Board of Corrections, is amended to read as follows:

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

25
26 SECTION 77. Arkansas Code § 12-27-105(b)(17)(C), concerning the Board
27 of Corrections powers and duties, is amended to read as follows:

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

32
33 SECTION 78. Arkansas Code § 12-27-107(a), concerning the Director of
34 the Division of Correction, is amended to read as follows:

35 (a) The Director of the Division of Correction, ~~who shall be the~~
36 ~~executive, administrative, budgetary, and fiscal officer of the Division of~~

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

5
6 SECTION 79. Arkansas Code § 12-27-107(c), concerning the Director of
7 the Division of 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 80. Arkansas Code § 12-27-107(d)(5), concerning the Director
12 of the Division of Correction, is amended to read as follows:

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

18
19 SECTION 81. Arkansas Code § 12-27-113(b)(3), concerning the transfer
20 of inmates between the Division of Correction and Division of Community
21 Correction, is amended to read as follows:

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

27
28 SECTION 82. Arkansas Code § 12-27-117 is amended to read as follows:

29 12-27-117. Employees' uniforms.

30 As deemed appropriate by the Secretary of the Department of Corrections
31 and approved by the Board of Corrections, the Department of Corrections may
32 purchase identifying occupational uniforms for correctional personnel and
33 ~~probation and parole~~ community supervision personnel.

34
35 SECTION 83. Arkansas Code § 12-27-124(a)(3), concerning the purposes
36 and construction of the Division of Community Correction, is amended to read

1 as follows:

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

7

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

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

16

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

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

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

26

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

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

34

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

1 follows:

2 (21) Subject to availability of funds, it shall employ officers,
3 employees, and agents and secure sufficient offices for monitoring each sex
4 offender on parole, post-release supervision, or probation who is required to
5 register under the Sex Offender Registration Act of 1997, § 12-12-901 et
6 seq., and who has been assessed as a risk Level 3 or Level 4 offender; and
7

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

10 (a) The Director of the Division of Community Correction shall be
11 appointed by the Board of Corrections in consultation with the Secretary of
12 the Department of Corrections at a salary fixed by the Board of Corrections,
13 which shall not exceed the maximum salary for the position established by
14 law.
15

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

18 (c) The director shall serve at the pleasure of the ~~Board~~ Secretary of
19 the Department of Corrections.
20

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

23 (5) Cooperate with the Division of Correction, the ~~Parole~~ Post-
24 Prison Transfer Board, the Arkansas Sentencing Commission, judicial
25 districts, counties, and municipalities to provide the guidance and services
26 required to ensure a full range of correctional and community correction
27 options for the state as a whole.
28

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

30 12-27-127. Transfer to the Division of Community Correction – Transfer
31 of an inmate between divisions.

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

34 (2) However, an inmate may be judicially or administratively
35 transferred to the Division of Community Correction by the Division of
36 Correction unless the court indicates on the sentencing order that the

1 Division of Correction shall not administratively transfer a statutorily
2 eligible inmate to the Division of Community Correction in accordance with
3 the rules promulgated by the Board of Corrections.

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

9 (2) The director may transfer an inmate from one facility,
10 placement, program, or status to another facility, placement, program, or
11 status consistent with the commitment, applicable law, and in accordance with
12 treatment, training, and security needs.

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

20 (B) Time served in a community correction facility or
21 under supervision by the Division of Community Correction shall be credited
22 against the sentence contained in the commitment to the Division of
23 Correction.

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

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

31 (B) Incarcerated for a minimum of:

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

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

36 (C) Determined by the Division of Community Correction to

1 have successfully completed its therapeutic program.

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

5 (i) Aid the therapeutic rehabilitation of the
6 inmates judicially or administratively transferred to the Division of
7 Community Correction; and

8 (ii) More efficiently use the correctional resources
9 of the State of Arkansas.

10 (B) The power granted to the ~~Parole Board~~ Post-Prison
11 Transfer Board under subdivision (c)(1) of this section shall be the sole
12 authority required for the accomplishment of the purposes set forth in this
13 subdivision (c)(2), and when the ~~Parole~~ Post-Prison Transfer Board exercises
14 its power under this section, it shall not be necessary for the ~~Parole~~ Post-
15 Prison Transfer Board to comply with general provisions of other laws dealing
16 with the minimum time constraints as applied to release eligibility.

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

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

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

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

34 (3) In accordance with rules promulgated by the Board of
35 Corrections, upon receipt of a referral from the director or his or her
36 designee, the ~~Parole~~ Post-Prison Transfer Board may release from

1 incarceration an inmate who has been:

2 (A) Administratively transferred to the Division of
3 Community Correction; and

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

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

9 (A) Is denied parole or transfer to post-release
10 supervision; or

11 (B) Fails to complete or is removed from the reentry
12 program.

13

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

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

19

20 SECTION 93. Arkansas Code § 12-27-136, is amended to read as follows:
21 12-27-136. Services and equipment.

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

26

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

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

34

35 SECTION 95. Arkansas Code § 12-27-145(a)(10), concerning records of
36 the Division of Community Correction to be posted on a public website, is

1 amended to read as follows:

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

6

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

10 (I) A list of previous revocation offenses while on
11 ~~probation or parole~~ community supervision and date of revocation.

12

13 SECTION 97. Arkansas Code § 12-27-147 is amended to read as follows:
14 12-27-147. Rulemaking and administrative directive reporting
15 requirement.

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

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

24

25 SECTION 98. Arkansas Code § 12-27-149 is amended to read as follows:
26 12-27-149. Division of Community Correction – Sufficient staffing
27 guidelines.

28 For the purposes of maintaining a sufficiently trained and specialized
29 staff of ~~probation and parole~~ community supervision officers, the Division of
30 Community Correction shall establish staffing guidelines using evidence-based
31 practices to develop ratios between the number of high-risk, medium-risk, and
32 low-risk probationers, ~~and parolees,~~ and offenders on post-release
33 supervision and the ~~probation officers and parole officers~~ community
34 supervision officers assigned to the high-risk, medium-risk, and low-risk
35 probationers, ~~and parolees,~~ and offenders on post-release supervision in
36 order to maximize the effectiveness of the monitoring ability of the

1 ~~probation officers and parole~~ community supervision officers.
2

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

6 (a) The Division of Community Correction may enter into an agreement
7 with entities, including without limitation licensed or accredited, as
8 applicable, community-based providers specializing in behavioral health, case
9 management, and job placement services, and two-year or four-year public
10 universities to create a pay-for-success program for incarcerated individuals
11 or individuals on ~~parole or probation~~ community supervision that requires the
12 division to pay for the intervention services only if the performance targets
13 stated in the agreement are achieved.
14

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

16 ~~12-28-103. Cost impact statements.~~

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

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

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

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

29 ~~(c) Cost impact statements required under this section shall be~~
30 ~~prepared, upon referral thereof by the Speaker of the House of~~
31 ~~Representatives, with respect to House of Representatives bills, and by the~~
32 ~~President of the Senate upon recommendation of the Senate Committee on Rules,~~
33 ~~Resolutions and Memorials, with respect to Senate bills, at the time of~~
34 ~~introduction thereof, to:~~

35 ~~(1) The Director of the Department of Correction who shall~~
36 ~~either personally prepare or cause appropriate officials of the department to~~

1 ~~prepare, a cost impact statement to be approved by the director before~~
2 ~~submission to the house in which the request was made; or~~

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

5 ~~(d) The cost impact statement shall be furnished to the Governor and~~
6 ~~to the President of the Senate and the Speaker of the House of~~
7 ~~Representatives who shall cause copies thereof to be prepared for~~
8 ~~distribution upon the desks of the members of the House of Representatives~~
9 ~~and Senate at least twenty four (24) hours prior to consideration of any such~~
10 ~~bill by committee or twenty four (24) hours prior to the bill's being called~~
11 ~~up for third reading and final passage.~~

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

18
19 SECTION 101. Arkansas Code § 12-28-104 is amended to read as follows:

20 12-28-104. Paroling Transferring authority – Pardon recommendations.

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

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

31
32 SECTION 102. Arkansas Code § 12-28-107(b)(3), concerning training for
33 inmates, is amended to read as follows:

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

36 (A) Professional careers and vocations;

- 1 (B) Service careers and vocations;
2 (C) Information and computer technology;
3 (D) Medical technology; and
4 (E) Office administration.
5

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

9 (c) The following are not eligible for early release under this
10 section:

11 (1) An inmate serving a term of imprisonment for a felony
12 ineligible to receive earned release credits as defined in § 16-93-1802; and

13 (2) An inmate serving a term of imprisonment for a restricted-
14 release felony, as defined in § 16-93-1802, who has not yet served the
15 minimum period of time required by law.
16

17 SECTION 104. Arkansas Code § 12-29-112(a) and (b), concerning
18 discharge or release of an inmate, are amended to read as follows:

19 (a) At least one hundred twenty (120) days before an inmate's
20 anticipated release date, the Division of Correction, in collaboration with
21 the inmate and the Division of Community Correction and the ~~Parole~~ Post-
22 Prison Transfer Board, shall complete a prerelease assessment and reentry
23 plan, which may include a travel subsidy and transportation to the closest
24 commercial transportation pick-up point.

25 (b) A copy of the reentry plan under this section shall be provided to
26 the inmate and the assigned ~~parole~~ community supervision officer, if
27 applicable.
28

29 SECTION 105. Arkansas Code § 12-29-112, concerning discharge or
30 release of an inmate, is amended to additional subsections to read as
31 follows:

32 (d) Except as provided in subsection (e) of this section, the Division
33 of Correction shall provide the following documentation to an inmate upon
34 release:

35 (1) A copy of the training record of the inmate, if applicable;

36 (2) A copy of the institutional work record of the inmate, if

1 applicable;

2 (3) A certified copy of the birth certificate of the inmate, if
3 the inmate was born in Arkansas;

4 (4) A social security card or a replacement Social S
5 ecurity card, if obtainable; and

6 (5) Notification to the inmate if he or she is eligible to apply
7 for a license from a state entity charged with oversight of an occupational
8 license or certification, based on the inmate's criminal history,
9 institutional training record, and institutional work record.

10 (e) The Division of Correction is not required to provide the
11 documentation in subsection (d) of this section if:

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

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

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

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

19
20 SECTION 106. Arkansas Code § 12-29-117 is amended to read as follows:

21 12-29-117. Educational, training, and rehabilitative programs.

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

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

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

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

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

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

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

8
9 SECTION 107. Arkansas Code Title 12, Chapter 29, Subchapter 2, is
10 amended to add an additional section to read as follows:

11 12-29-206. Applicability.

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

13
14 SECTION 108. Arkansas Code § 12-29-404(b), concerning medical parole
15 of an inmate due to terminal illness or permanent incapacitation, is amended
16 to read as follows:

17 (b) The Director of the Division of Correction or the Director of the
18 Division of Community Correction shall communicate to the ~~Parole~~ Post-Prison
19 Transfer Board when, in the independent opinions of either a Division of
20 Correction physician or Division of Community Correction physician, and a
21 consultant physician in Arkansas, an inmate is either terminally ill or
22 permanently incapacitated and should be considered for transfer to parole
23 supervision or post-release supervision.

24
25 SECTION 109. Arkansas Code § 12-29-404(c)(1) and (2), concerning
26 medical parole of an inmate due to terminal illness or permanent
27 incapacitation, are amended to read as follows:

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

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

36

1 SECTION 110. The introductory language of Arkansas Code § 12-29-
2 404(d), concerning medical parole of an inmate due to terminal illness or
3 permanent incapacitation, is amended to read as follows:

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

8
9 SECTION 111. Arkansas Code § 12-29-404(e), concerning medical parole
10 of an inmate due to terminal illness or permanent incapacitation, is amended
11 to read as follows:

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

16
17 SECTION 112. Arkansas Code Title 12, Chapter 29, is amended to add
18 additional subchapters to read as follows:

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

21
22 12-29-701. Applicability.

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

25
26 12-29-702. Earned release credits.

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

31 (b)(1) The Board of Corrections shall promulgate rules and the
32 Division of Correction shall administer rules that set guidelines for accrual
33 of earned release credits for work practices, job responsibilities, good
34 behavior, and involvement in rehabilitative activities while in the custody
35 of the Division of Correction.

36 (2) The rules shall provide for uniform application of

1 authorizing release to post-release supervision for an inmate who
2 successfully completes programs determined to reduce recidivism and has met
3 behavioral expectations while incarcerated.

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

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

9 (3) Earned release credits shall not reduce an inmate's time
10 served in prison by more than the maximum amount authorized under §§ 16-93-
11 1803 and 16-93-1804.

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

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

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

24
25 12-29-703. Classification committee – Classifications.

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

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

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

35 (b)(1) Upon recommendation of the committee, the Director of the
36 Division of Correction may authorize accrual of earned release credits for

1 each successful completion of a:

2 (A) State-sponsored general education development
3 certificate program;

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

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

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

9 (2)(A) The additional days of earned release credits described
10 in subdivision (b)(1) of this section shall be accrued as provided in the
11 rules promulgated by the board.

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

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

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

19
20 12-29-704. Maximum reduction.

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

26
27 Subchapter 8 – Special Considerations for Female Inmates
28 and Inmates with Families

29
30 12-29-801. Mother-newborn child bonding for inmates.

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

35 (b) Following the delivery of a newborn child by an inmate, the
36 department shall permit the inmate to remain with her newborn child for at

1 least seventy-two (72) hours unless:

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

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

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

10 (2) A correctional facility is not required to house a newborn
11 child with the inmate at the correctional facility.

12

13 12-29-802. Family considerations in inmate placement and visitation.

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

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

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

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

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

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

35 (4) Eliminate any restrictions on the number of days on which an
36 inmate may conduct video visitation with a minor child unless restrictions

1 are necessary to maintain the security and good order of the facility; and

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

5
6 12-29-803. Inspections by employees of the Department of Corrections.

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

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

14 (c)(1) If a male correctional officer conducts an inspection of an
15 area where a female inmate is in a state of undress, the male correctional
16 officer shall submit a written report within seventy-two (72) hours following
17 the inspection containing a justification for the male correctional officer
18 to inspect the area where the female inmate was located in a state of
19 undress.

20 (2) The report required under subdivision (c)(1) of this section
21 shall be maintained in the female inmate's record.

22
23 12-29-804. Training and technical assistance.

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

28 (1) General care of pregnant women;

29 (2) Impact of restraints on pregnant inmates and unborn
30 children;

31 (3) Impact of being placed in restrictive housing on pregnant
32 inmates; and

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

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

36 (1) Prenatal care;

- 1 (2) Pregnancy-specific hygiene;
2 (3) Parenting skills;
3 (4) The impact of alcohol and drugs on an unborn child; and
4 (5) The general health of children.

5
6 SECTION 113. Arkansas Code § 14-14-115(b)(1)(B), concerning the
7 prohibition on holding multiple civil offices, is amended to read as follows:

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

9
10 SECTION 114. Arkansas Code § 12-32-101(5), concerning the definitions
11 used in relation to the treatment of female inmates or detainees in
12 correctional facilities, is amended to read as follows:

- 13 (5) “Post-partum” means, ~~as determined by the physician of the~~
14 ~~inmate or detainee, the thirty-day~~ eight-week period following delivery of a
15 child, unless a longer period is determined to be necessary by the healthcare
16 professional responsible for the health and safety of the inmate or detainee;
17 and

18
19 SECTION 115. Arkansas Code § 12-32-102(d), concerning restraint of a
20 pregnant inmate or detainee, is amended to read as follows:

- 21 (d) If restraints are used during labor, the Division of Correction or
22 the Division of Community Correction, as applicable, shall report the use of
23 restraints during labor to the Board of Corrections, the Secretary of the
24 Department of Corrections, and ~~to~~ the Attorney General.

25
26 SECTION 116. Arkansas Code § 14-164-340(b), concerning criminal
27 justice projects that are alternatives to the issuance of bonds, is amended
28 to read as follows:

- 29 (b) Under this section, the term “capital improvements for criminal
30 justice purposes” means, whether obtained by purchase, lease, construction,
31 reconstruction, restoration, improvement, alteration, repair, or other means,
32 any physical public facility, betterment, or improvement with the purpose of
33 furthering or promoting law enforcement or the apprehension, prosecution,
34 probation, rehabilitation, or detention of any criminals, accused defendants,
35 suspects, or juvenile detainees, and any preliminary plans, studies, or
36 surveys relative thereto; land or rights in land, including, without

1 limitations, leases, air rights, easements, rights-of-way, or licenses; and
2 any furnishings, machinery, vehicles, apparatus, or equipment for any such
3 public facility or betterment or improvement, which shall include, but is not
4 limited to, the following: any and all facilities for city or town halls,
5 courthouses and other administrative, executive, or other public offices for
6 law enforcement officials or agencies; court facilities; jails; police
7 stations and sheriffs' offices; police precincts or sheriffs' stations or
8 substations; law enforcement training facilities; ~~probation or parole~~
9 community supervision offices and facilities; alternative learning centers;
10 county and municipal criminal detention and correctional facilities; and
11 juvenile detention facilities.

12
13 SECTION 117. Arkansas Code § 16-1-101(a), concerning recidivism
14 definition and reporting, is amended to read as follows:

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

20
21 SECTION 118. Arkansas Code Title 16, Chapter 10, Subchapter 1, is
22 amended to add additional sections to read as follows:

23 16-10-143. Contracts – Qualified attorneys.

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

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

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

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

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

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

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

8 (e) Any funds appropriated for the purpose of this section remaining
9 on June 30 shall be retained by the Administrative Office of the Court and
10 may be distributed after July 1 as supplemental funding to be used for the
11 expansion or establishment of specialty court programs in circuit courts.

12
13 16-10-144. Contracts – Qualified treatment providers.

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

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

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

25
26 SECTION 119. Arkansas Code § 16-17-137(a)(3), concerning areas that
27 may be under the jurisdiction of district court if authorized in judicial
28 district administrative plan, is amended to read as follows:

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

30
31 SECTION 120. Arkansas Code § 16-21-106(c)(1) and (2), concerning
32 assistance to victims and witnesses of crimes, are amended to read as
33 follows:

34 (c)(1) The prosecuting attorney of the county from which the inmate
35 was committed shall notify the ~~Parole~~ Post-Prison Transfer Board at the time
36 of commitment of the desire of the victim or member of the victim's family to

1 be notified of any future parole, post-release supervision, or clemency
2 hearings, and to forward to the board the last known address and telephone
3 number of the victim or member of the victim's family.

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

8
9 SECTION 121. Arkansas Code § 16-21-204(b), concerning the duties of
10 the prosecutor coordinator, is amended to add an additional subdivision to
11 read as follows:

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

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

17
18 SECTION 122. Arkansas Code § 16-80-104(c)(2), concerning the
19 comprehensive mental health evaluation for a minor convicted of capital
20 murder or murder in the first degree, is amended to read as follows:

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

24
25 SECTION 123. Arkansas Code § 16-90-107(b)(2), concerning termination
26 of a sentence of imprisonment by the Post-Prison Transfer Board, is amended
27 to read as follows:

28 (2) At any time after the expiration of the minimum time, upon
29 the recommendation of the Director of the ~~Department~~ Division of Correction
30 and it appearing that a prisoner has a good record as a convict, his or her
31 sentence may be terminated by the ~~Parole~~ Post-Prison Transfer Board.

32
33 SECTION 124. The introductory language of Arkansas Code § 16-90-
34 120(e)(1), concerning the sentencing of a felony offense involving a firearm,
35 is amended to read as follows:

36 (e)(1) For an offense committed on or after July 2, 2007,

1 notwithstanding any law allowing the award of meritorious good time or any
2 other law to the contrary, except as provided in subdivision (e)(1)(B)(ii) of
3 this section, any person who is sentenced under subsection (a) of this
4 section is not eligible for parole, transfer to post-release supervision, or
5 community correction transfer until the person serves:

6
7 SECTION 125. Arkansas Code § 16-90-120, concerning a felony with a
8 firearm, is amended to add an additional subsection to read as follows:

9 (g) Any person convicted under this section is not eligible for early
10 release on parole, transfer to post-release supervision, or community
11 correction transfer for the additional period of confinement.

12
13 SECTION 126. Arkansas Code § 16-90-121 is amended to read as follows:

14 16-90-121. Second or subsequent felony with firearm.

15 Any person who is found guilty of or pleads guilty or nolo contendere
16 to a second or subsequent felony involving the use of a firearm shall be
17 sentenced to a minimum term of imprisonment of ten (10) years in the Division
18 of Correction without eligibility of parole or community correction transfer
19 but subject to reduction by meritorious good-time credit or earned release
20 credits.

21
22 SECTION 127. Arkansas Code § 16-90-402 is amended to read as follows:

23 16-90-402. Delivery of defendant and copy of judgment to proper
24 officials – Development of standardized copy of sentencing order.

25 (a)(1) In executing a judgment of confinement, the county sheriff
26 shall deliver the defendant with a certified standardized copy of the
27 sentencing order to the Division of Correction, Division of Community
28 Correction, or to another detention facility, as indicated in the sentencing
29 order.

30 (2) If electronic filing of court records has been implemented
31 by the circuit clerk in the county where the defendant's conviction occurred,
32 the standardized copy of the sentencing order may be electronically
33 transmitted by the circuit clerk to the Division of Correction, the Division
34 of Community Correction, or to another detention facility, as indicated in
35 the sentencing order.

36 (b) The standardized copy of the sentencing order shall be developed

1 by ~~representatives from the Division of Correction, the Administrative Office~~
2 ~~of the Courts, the Arkansas Sentencing Commission, and the Prosecutor~~
3 ~~Coordinator's office~~ a committee composed of:

4 (1) Three (3) members appointed by the Secretary of the
5 Department of Corrections, to include:

6 (A) One (1) member with experience in records for confined
7 offenders;

8 (B) One (1) member with experience in records for
9 offenders on supervision; and

10 (C) One (1) member with experience in offender management
11 systems;

12 (2) One (1) member appointed by the Chair of the Arkansas
13 Sentencing Commission;

14 (3) One (1) member appointed by the Administrative Office of the
15 Courts;

16 (4) One (1) member appointed by the Prosecutor Coordinator; and

17 (5) One (1) member appointed by the Executive Director of the
18 Public Defender Commission.

19
20 SECTION 128. DO NOT CODIFY. TEMPORARY LANGUAGE. First meeting of
21 committee to develop standardized sentencing order.

22 (a) The person appointed by the Chair of the Arkansas Sentencing
23 Commission to the committee established under Arkansas Code § 16-90-402(b)
24 shall call the first meeting of the committee established under Arkansas Code
25 § 16-90-402(b).

26 (b) At the first meeting of the committee established under Arkansas
27 Code § 16-90-402(b), the members of the committee shall elect a chair and any
28 other officers the committee deems necessary.

29
30 SECTION 129. Arkansas Code § 16-90-802(d)-(f), concerning the Arkansas
31 Sentencing Commission, are amended to read as follows:

32 (d) In furtherance of its purpose, the commission shall have the
33 following powers and duties:

34 (1)(A) The commission shall adopt an initial sentencing
35 standards grid and an offense seriousness reference table based upon the
36 statutory parameters and additional data and information gathered ~~prior to~~

1 before January 1, 1994.

2 (B) The commission shall also set the percentage of time
3 within parameters set by law to be served for offenses at each seriousness
4 level ~~prior to~~ before any type of transfer or release;

5 (2)(A) The commission shall periodically review and may revise
6 the voluntary sentencing standards.

7 (B) Any revision of the standards shall be in compliance
8 with provisions applicable to rule making contained in the Arkansas
9 Administrative Procedure Act, § 25-15-201 et seq.

10 (C) Any revision of the standards shall become effective
11 as provided by the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

12 (D)(i) The revised standards will be in effect unless
13 modified by the General Assembly at its next session or until revised again
14 by the commission.

15 (ii) Any revisions by the commission shall be within
16 the statutory parameters set for the various crime classes.

17 (E) Before review and approval by the Legislative Council
18 under the Administrative Procedure Act, § 25-15-201 et seq., revisions to the
19 voluntary sentencing standards shall be reviewed by the House Committee on
20 Judiciary and the Senate Committee on Judiciary;

21 (3) The commission may review and make recommendations for
22 revision of the § 16-93-1201 et seq. target group to the General Assembly
23 such that nonviolent offenses and offenders are routinely handled in
24 community correction programs;

25 (4)(A) The commission shall be in charge of strategic planning
26 for a balanced correctional plan for the state.

27 (B) The commission shall develop such a plan in
28 conjunction with the Board of Corrections.

29 (C) The commission shall monitor compliance with
30 sentencing standards, assess their impact on the correctional resources of
31 the state with the assistance of the board, and determine if the standards
32 further the adopted sentencing policy goals of the state;

33 (5) The commission may review the classifications of crimes and
34 sentences and make recommendations for change when supported by information
35 that change is advisable to further the adopted sentencing policy goals of
36 the state;

1 (6)(A) The commission shall develop a research and analysis
2 system to determine the feasibility, impact on resources, and budget
3 consequences of any proposed or existing legislation affecting sentence
4 length.

5 (B) The commission shall prepare and submit to the General
6 Assembly a report on any such legislation ~~prior to~~ before its adoption;

7 (7)(A)(i) All courts having criminal jurisdiction of felony
8 crimes shall provide to the commission in a timely manner all information
9 deemed necessary by the commission.

10 (ii) Such information shall be in the form
11 determined necessary by the commission.

12 (B) The commission shall have the authority to collect
13 from any state or local governmental entity information, data in electronic
14 or in other usable form, reports, statistics, or such other material which
15 relates to sentencing laws, policies, and practices, or impacts on
16 correctional resources or is necessary to carry out the commission's
17 functions.

18 (C) The commission may coordinate its data collection with
19 the Administrative Office of the Courts, the Arkansas Crime Information
20 Center, the various circuit clerks of the state, and the various state and
21 local correctional agencies;

22 (8) Under its duties outlined in this section, the commission
23 shall be a criminal justice agency, as defined in § 12-12-1001, as its powers
24 and duties include:

25 (A) Determining transfer eligibility;

26 (B) Gathering, analyzing, and disseminating criminal
27 history information as it relates to sentencing practices, dispositions, and
28 release criteria; and

29 (C) Determining the appropriate use of correctional and
30 rehabilitative resources of the state;

31 ~~(9)(A) Produce annual reports regarding compliance with~~
32 ~~sentencing guidelines, including the application of voluntary presumptive~~
33 ~~standards, § 16-90-803, and departures from the standards, § 16-90-804.~~

34 ~~(B) The report shall include:~~

35 ~~(i) Data collected from each county; and~~

36 ~~(ii) Both a county-by-county and statewide accounting~~

1 ~~of the results including without limitation:~~

2 ~~(a) Sentences to the Division of Correction~~
3 ~~and Division of Community Correction;~~

4 ~~(b) The average sentence length for sentences~~
5 ~~by offense type and severity level according to the sentencing guidelines;~~

6 ~~(c) The percentage of sentences that are an~~
7 ~~upward departure from the sentencing guidelines; and~~

8 ~~(d) The average number of months above the~~
9 ~~recommended sentence for those sentences described in subdivision~~
10 ~~(d)(9)(B)(ii)(c) of this section.~~

11 ~~(G) The report filed each year after the initial report~~
12 ~~submitted under this section shall include data from prior years;~~

13 ~~(10) (9)~~ Prepare and conduct annual continuing legal education
14 seminars regarding the sentencing guidelines to be presented to judges,
15 prosecuting attorneys and their deputies, and public defenders and their
16 deputies, as so required; ~~and~~

17 ~~(11)(A) (10)~~ The commission shall collaborate with the
18 Administrative Office of the Courts to develop and implement an integrated
19 sentencing ~~commitment and departure form~~ order that shall include:

20 ~~(i)(A)~~ Demographic information including the race and
21 ethnicity of both the offender and the victim or victims;

22 ~~(ii)(B)~~ The placement decision;

23 ~~(iii)(C)~~ Sentence length;

24 ~~(iv)(D)~~ Any departure from the sentencing guidelines on
25 placement and sentence length;

26 ~~(v)(E)~~ The number of months above or below the presumptive
27 sentence;

28 ~~(vi)(F)~~ Justification for the departure; and

29 ~~(vii)(G)~~ A signature space for the judge and the
30 prosecuting attorney to sign off on the contents of the form.

31 ~~(B) The commission shall begin using the new form on~~
32 ~~January 1, 2012.~~

33 ~~(C)(i) Forms are to be collected annually and sent to the~~
34 ~~Administrative Office of the Courts.~~

35 ~~(ii) Data from the forms shall be collected and~~
36 ~~submitted to the Chair of the House Committee on Judiciary and the Chair of~~

1 ~~the Senate Committee on Judiciary.~~

2 (11) Coordinate with Director of the Arkansas Sentencing
3 Commission, the Division of Correction, and the Division of Community
4 Correction to develop policy to ensure that the intake process best utilizes
5 beds in nontraditional correctional facilities, including without limitation
6 community correction centers, work release centers, and reentry facilities;
7 and

8 (12) Upon the enactment of any legislation amending release
9 eligibility provisions for felony offenses, review the statutory ranges and
10 presumptive sentences of impacted offense classes or rankings and provide a
11 report on its findings to the Secretary of the Department of Corrections and
12 to the Legislative Council.

13 (e)(1) The commission shall meet no less than quarterly.

14 (2)(A) The commission shall submit to the Governor, the General
15 Assembly, and the Arkansas Judicial Council, Inc. a biennial report three (3)
16 months ~~prior to~~ before the convening of the regular session.

17 (B) The report shall include a summary of the commission
18 proceedings, summary of compliance with the voluntary sentencing standards
19 and recommendations for legislative and administrative action.

20 (f)(1) The commission shall employ a director from candidates
21 presented to it by the Chair of the Arkansas Sentencing Commission in
22 consultation with the Secretary of the Department of Corrections.

23 (2) The Director of the Arkansas Sentencing Commission shall
24 have appropriate training and experience to assist the commission in the
25 performance of its duties.

26 (3) The director shall be responsible for compiling the work of
27 the commission and drafting suggested legislation incorporating the
28 commission's findings for submission to the General Assembly.

29 (4) The director shall serve at the pleasure of the Secretary of
30 the Department of Corrections.

31
32 SECTION 130. Arkansas Code § 16-90-803(b)(1), concerning voluntary
33 presumptive sentencing standards, is amended to read as follows:

34 (b) The two (2) dimensions of the sentencing standards grid represent
35 the primary determinants of a sentence, offense seriousness and offender
36 history.

1 (1) Offense Seriousness. The offense seriousness level is
2 determined by the offense of conviction or the offense of which the person
3 was found guilty or to which the person pleaded guilty or nolo contendere.

4 (A) Felony offenses are ~~divided into ten (10) levels of~~
5 ranked by seriousness, ranging from low, seriousness level I, to high,
6 seriousness level X with lower seriousness levels representing less serious
7 offenses.

8 (B) The typical cases for the offenses listed within each
9 level of seriousness on a grid are deemed to be generally equivalent in
10 seriousness.

11 (C) The most frequently occurring offenses within each
12 seriousness level are listed on the vertical axis of the sentencing standards
13 grid.

14 (D) The seriousness level for infrequently occurring
15 offenses can be determined by consulting the offense seriousness reference
16 table.

17 (E) The seriousness level for inchoate offenses is one (1)
18 level below the level for substantive offenses.

19
20 SECTION 131. Arkansas Code § 16-90-803(b)(2)(C)(iv), concerning the
21 voluntary presumptive standards of the seriousness grid for determining the
22 seriousness of offenses, is amended to read as follows:

23 (iv) One (1) point is to be added to an offender's
24 score if the offender is under any type of criminal justice restraint for a
25 felony offense at the time that he or she committed the crime for which he or
26 she is being sentenced. Such restraint includes without limitation pretrial
27 bond, suspended imposition of sentence, probation, parole, postprison
28 supervision, and release pending sentencing for a prior crime;

29
30 SECTION 132. Arkansas Code § 16-90-1109(b)(1), concerning the right of
31 a crime victim to information concerning confinement or commitment, is
32 amended to read as follows:

33 (b)(1) At least thirty (30) days before a ~~Parole~~ Post-Prison Transfer
34 Board hearing concerning the defendant, if requested by the victim, the board
35 shall inform the victim of the hearing and of the victim's right to submit to
36 the board a victim impact statement and shall promptly inform the victim of

1 any decision of the board.

2

3 SECTION 133. Arkansas Code § 16-90-1109(b)(2)(B), concerning the right
4 of a crime victim to information concerning confinement or commitment, is
5 amended to read as follows:

6 (B) It is the responsibility of the victim or his or her
7 next of kin to notify the board after the date of commitment of any change in
8 regard to the desire to be notified of any future parole or post-release
9 supervision hearings.

10

11 SECTION 134. Arkansas Code § 16-90-1113(a)(1)(A), concerning a victim
12 impact statement to be considered during a parole or post-release hearing, is
13 amended to read as follows:

14 (a)(1)(A) Before determining whether to release the inmate on parole,
15 the ~~Parole~~ Post-Prison Transfer Board shall permit the victim to present a
16 written victim impact statement at a victim impact hearing concerning the
17 effects of the crime on the victim, the circumstances surrounding the crime,
18 the manner in which the crime was perpetrated, and the victim's opinion
19 regarding whether the inmate should be released on parole.

20

21 SECTION 135. The introductory language of Arkansas Code § 16-90-
22 1113(c), concerning a victim impact statement to be considered during a
23 parole or post-release hearing, is amended to read as follows:

24 (c) In deciding whether to release an inmate on parole or post-release
25 supervision, the board shall consider among other factors:

26

27 SECTION 136. The introductory language of Arkansas Code § 16-90-
28 1303(a), concerning the procedure for credits earned toward discharge and
29 completion of a sentence, is amended to read as follows:

30 (a) If a person is incarcerated for an eligible felony, whether by an
31 immediate commitment or after his or her probation is revoked, and after he
32 or she is moved to community supervision through parole or transfer by the
33 ~~Parole~~ Post-Prison Transfer Board, or if he or she is placed on probation, he
34 or she is immediately eligible to begin earning daily credits that shall
35 count toward reducing the number of days he or she is otherwise required to
36 serve until he or she has completed the sentence.

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SECTION 137. Arkansas Code § 16-90-1303(b)(1), concerning the procedure for credits earned toward discharge and completion of a sentence, is amended to read as follows:

(b)(1) Credits equal to thirty (30) days per month for every month that the offender complies with court-ordered conditions and a set of predetermined criteria established by the ~~Department~~ Division of Community Correction in consultation with judges, prosecuting attorneys, and defense counsel shall accrue while the person is on community supervision, including without limitation parole, post-release supervision, or probation.

SECTION 138. Arkansas Code § 16-90-1303(b)(2), concerning the procedure for credits earned toward discharge and completion of a sentence, is amended to read as follows:

(2) The ~~department~~ division shall calculate the number of days the person has remaining to serve on parole, post-release supervision, or probation before that person completes his or her sentence.

SECTION 139. Arkansas Code § 16-90-1303(c)(2), concerning the procedure for credits earned toward discharge and completion of a sentence, is amended to read as follows:

(2) A person convicted of another felony offense while on parole, post-release supervision, or probation may result in the forfeiture of any credits earned under this subchapter.

SECTION 140. Arkansas Code § 16-90-1304(b)(1)(B), concerning entities required to be notified of an application for discharge and completion of a sentence, is amended to read as follows:

(B) The ~~Parole~~ Post-Prison Transfer Board.

SECTION 141. Arkansas Code § 16-90-1305(c), concerning notice and effect of discharge and completion of a sentence, is amended to read as follows:

(c) A person who earns discharge and completion of his or her sentence under this subchapter is considered as having completed his or her sentence in full and is not subject to parole, post-release supervision, or probation

1 revocation for those sentences.

2

3 SECTION 142. Arkansas Code § 16-90-1404(1)(C)(i), concerning the
4 definition of "completion of a person's sentence" under the Comprehensive
5 Criminal Record Sealing Act of 2013 , is amended to read as follows:

6 (i) Has been discharged from probation, ~~or parole,~~
7 or post-release supervision;

8

9 SECTION 143. Arkansas Code § 16-90-1404(1)(C)(vii), concerning the
10 definition of "completion of a person's sentence" under the Comprehensive
11 Criminal Record Sealing Act of 2013, is amended to read as follows:

12 (vii) Completed any vocational or technical
13 education or training program that was required as a condition of the
14 person's parole, post-release supervision, or probation;

15

16 SECTION 144. The introductory language of Arkansas Code § 16-93-
17 101(3)(D), concerning conduct that constitutes a "detriment to the community"
18 in relation to the definitions applicable to community supervision, is
19 amended to read as follows:

20 (D) During the three (3) calendar years before the
21 person's parole or post-release supervision hearing:

22

23 SECTION 145. Arkansas Code § 16-93-101(5)(G), concerning options for
24 "intermediate sanctions" in relation to the definitions applicable to
25 community supervision, is amended to read as follows:

26 (G) Reporting requirements to ~~probation or parole~~
27 community supervision officers;

28

29 SECTION 146. Arkansas Code § 16-93-101(6), concerning the definitions
30 applicable to community supervision, is amended to read as follows:

31 (6) "Jacket review" means the review of the file of a transfer-
32 eligible inmate located at any correctional facility in the state by an
33 individual staff member or team of staff members of the Division of Community
34 Correction for purposes of preparing the inmate's application for parole or
35 post-release supervision consideration by the ~~Parole~~ Post-Prison Transfer
36 Board;

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SECTION 147. Arkansas Code § 16-93-101(11) concerning the definitions applicable to community supervision, is amended to read as follows:

(11) "Serious conditions violation" means a violation of the conditions of a ~~parolee's parole or probationer's probation~~ community supervision that results from the ~~parolee's or probationer's~~ offender's absenting himself or herself from supervision for a period of six (6) months or more or an arrest for a misdemeanor offense that does not involve:

(A) An act involving a violent misdemeanor that provides the prosecuting attorney with the option to revoke the ~~probationer's probation or parolee's parole~~ offender's community supervision, or allow the Division of Community Correction to utilize the sanctions provided under this chapter;

(B) An offense for which a conviction would require the person to register as a sex offender under the Sex Offender Registration Act of 1997, § 12-12-901 et seq.;

(C) A misdemeanor offense of harassment or stalking or that contains a threat of violence to a victim, or a threat of violence to a family member of the victim of the offense for which the defendant was placed on ~~probation or parole~~ community supervision;

(D) A misdemeanor offense of driving or boating while intoxicated, § 5-65-103, when the ~~probationer or parolee~~ offender on community supervision is currently being supervised for a felony offense of § 5-65-103, § 5-10-104, or § 5-10-105, and the felony offense was alcohol-related or drug-related; or

(E) Except for an offense under the Uniform Controlled Substances Act, § 5-64-101 et seq., a misdemeanor offense that is a lesser included offense or falls within the same chapter of the Arkansas Criminal Code of the offense for which the defendant was placed on ~~probation or parole~~ community supervision;

SECTION 148. Arkansas Code § 16-93-101(12)(A), concerning the definition of "technical conditions violation" applicable to community supervision, is amended to read as follows:

(A) A violation of the conditions of a ~~parolee's parole or a probationer's probation~~ an offender's community supervision that results

1 from a noncriminal act or positive drug screen; or

2
3 SECTION 149. Arkansas Code § 16-93-101, concerning the definitions
4 that are applicable to community supervision, is amended to add an additional
5 subdivision to read as follows:

6 (15) "Community supervision" means a period of supervision of an
7 offender in the community and includes without limitation probation, parole,
8 and post-release supervision.

9
10 SECTION 150. Arkansas Code § 16-93-103, is amended to read as follows:

11 16-93-103. Authority of officers to make arrests and carry firearms.

12 (a) A probation officer appointed by a circuit court or district
13 court, excluding a juvenile probation officer, and a ~~parole and probation~~
14 community supervision officer employed by the Division of Community
15 Correction who is a currently certified law enforcement officer may execute,
16 serve, and return all lawful warrants of arrest issued by the State of
17 Arkansas or any political subdivision of the state and are otherwise
18 authorized to make lawful arrests as is any law enforcement officer of the
19 State of Arkansas.

20 (b) A ~~parole and probation~~ community supervision officer either
21 employed by the division or another entity authorized to employ a ~~parole and~~
22 probation community supervision officer may carry a:

23 (1) Firearm during all hours in which he or she is actively
24 engaged in the obligations and duties of the office to which he or she is
25 appointed or employed, pursuant to selection and training requirements under
26 §§ 12-9-104, 12-9-106, and 12-9-107; and

27 (2) Nonstate-issued firearm during all hours in which he or she
28 is not actively pursuing the obligations and duties of the office to which he
29 or she is appointed.

30 (c) A ~~parole and probation~~ community supervision officer employed by
31 the division may also carry:

32 (1) A nonstate-issued firearm as a secondary weapon while
33 actively engaged in the duties of the office to which he or she is appointed
34 or employed; and

35 (2) A state-issued firearm during all hours in which he or she
36 is not actively engaged in the duties of the office to which he or she is

1 appointed or employed, except that a ~~parole and probation~~ community
2 supervision officer may not carry a firearm issued by the division while the
3 ~~parole and probation~~ community supervision officer is actively working at
4 employment other than for the division.

5
6 SECTION 151. Arkansas Code § 16-93-104(a)(1), concerning the
7 supervision fee to be paid by offenders on release, is amended to read as
8 follows:

9 (a)(1) An offender on probation, parole, post-release supervision, or
10 transfer under supervision of the Division of Community Correction shall pay
11 to the division a monthly supervision fee.

12
13 SECTION 152. Arkansas Code § 16-93-104(c), concerning the supervision
14 fee to be paid by offenders on release, is amended to read as follows:

15 (c)(1) The offender on parole or post-release supervision may be
16 imprisoned for violation of parole or post-release supervision if the
17 offender is financially able to make the payments and if the payments are not
18 made and the ~~Parole~~ Post-Prison Transfer Board so finds, subject to the
19 limitations set out in this subsection.

20 (2) The offender shall not be imprisoned if the offender is
21 financially unable to make the payments and states so under oath to the
22 ~~Parole~~ Post-Prison Transfer Board in writing, and the ~~Parole~~ Post-Prison
23 Transfer Board so finds.

24
25 SECTION 153. Arkansas Code § 16-93-106(a)(1), concerning the
26 warrantless search of a person on probation or parole, is amended to read as
27 follows:

28 (a)(1) A person who is placed on supervised probation or is released
29 on parole or post-release supervision under this chapter is required to agree
30 to a waiver as a condition of his or her supervised probation, ~~or~~ or
31 post-release supervision that allows any certified law enforcement officer or
32 Division of Community Correction officer to conduct a warrantless search of
33 his or her person, place of residence, ~~or~~ or motor vehicle, or other real or
34 personal property, including without limitation a cellular or electronic
35 device under his or her control or possession, at any time, day or night,
36 whenever requested by the certified law enforcement officer or division

1 officer.

2

3 SECTION 154. Arkansas Code § 16-93-106(b), concerning warrantless
4 searches of offenders on community supervision, is amended to read as
5 follows:

6 (b)(1) A person who will be placed on supervised probation, ~~or parole,~~
7 or post-release supervision and is required to agree to the waiver required
8 by this section shall acknowledge and sign the waiver.

9 (2) If the person fails to acknowledge and sign the waiver
10 required by this section, he or she is ineligible to be placed on supervised
11 probation, ~~or parole,~~ or post-release supervision.

12

13 SECTION 155. Arkansas Code § 16-93-107(b), concerning Medicaid
14 eligibility of offenders on community supervision, is amended to read as
15 follows:

16 (b) If an inmate nearing release from incarceration, parolee, offender
17 on post-release supervision, or probationer receives medical services,
18 including substance abuse and mental health treatment, that meet criteria for
19 Medicaid coverage, the ~~parole officer, probation~~ community supervision
20 officer, or Division of Correction official or Division of Community
21 Correction official may apply for Medicaid coverage for the inmate nearing
22 release from incarceration, parolee, offender on post-release supervision, or
23 probationer under this section.

24

25 SECTION 156. The introductory language of Arkansas Code § 16-93-
26 107(c)(2), concerning Medicaid eligibility of offenders on community
27 supervision, is amended to read as follows:

28 (2) However, the ~~parole officer, probation~~ community supervision
29 officer, or Division of Correction official or Division of Community
30 Correction official shall be the authorized representative for purposes of
31 establishing and maintaining Medicaid eligibility under this subsection if:

32

33 SECTION 157. Arkansas Code § 16-93-107(e)(1), concerning Medicaid
34 eligibility of offenders on community supervision, is amended to read as
35 follows:

36 (e)(1) The ~~parole officer, probation~~ community supervision officer, or

1 Division of Correction official or Division of Community Correction official
2 or the designee of the ~~parole officer, probation~~ community supervision
3 officer, or Division of Correction official or Division of Community
4 Correction official may access information necessary to determine if a
5 Medicaid application has been filed on behalf of the inmate nearing release
6 from incarceration, parolee, offender on post-release supervision, or
7 probationer.

8
9 SECTION 158. Arkansas Code § 16-93-111, is amended to read as follows:
10 16-93-111. Parole or probation prohibitions for sex offenses.

11 A person required to register as a sex offender under the Sex Offender
12 Registration Act of 1997, § 12-12-901 et seq., who is under felony probation
13 or released on parole or post-release supervision shall have as a term and
14 condition of his or her probation, ~~or parole, or post-release supervision~~ a
15 prohibition against recording a person under fourteen (14) years of age under
16 § 5-14-137 if he or she is assessed as a Level 3 or Level 4 offender.

17
18 SECTION 159. DO NOT CODIFY. As of the effective date of this act, the
19 Parole Board shall be known as the Post-Prison Transfer Board.

20
21 SECTION 160. Arkansas Code § 16-93-201(a)(1), concerning the creation
22 and makeup of the Post-Prison Transfer Board, is amended to read as follows:

23 (a)(1) There is created the ~~Parole~~ Post-Prison Transfer Board, to be
24 composed of seven (7) members to be appointed from the state at large by the
25 Governor and confirmed by the Senate.

26
27 SECTION 161. Arkansas Code § 16-93-201(a)(2)(A)(ii)(b), concerning the
28 requirements for members of the Post-Prison Transfer Board, is amended to
29 read as follows:

30 (b) A member may engage in employment that has
31 a limited time commitment with approval from the Chair of the ~~Parole~~ Post-
32 Prison Transfer Board.

33
34 SECTION 162. Arkansas Code § 16-93-201(a)(4)(A)(i), concerning
35 experience required for members of the Post-Prison Transfer Board, is amended
36 to read as follows:

1 (i) Parole or post-release supervision;
2

3 SECTION 163. Arkansas Code § 16-93-202(a), concerning the official
4 seal of the Post-Prison Transfer Board, is amended to read as follows:

5 (a) The ~~Parole~~ Post-Prison Transfer Board shall adopt an official seal
6 of which the courts shall take judicial notice.
7

8 SECTION 164. Arkansas Code § 16-93-202(c)(2), concerning reports
9 required for the Post-Prison Transfer Board, is amended to read as follows:

10 (2) The report shall be directed to the Governor and to the
11 General Assembly and shall contain statistical and other data concerning its
12 work, including research studies which it may make on parole, post-release
13 supervision, or related functions.
14

15 SECTION 165. Arkansas Code § 16-93-202(e)(1)(A), concerning access by
16 the General Assembly to records of the Post-Prison Transfer Board, is amended
17 to read as follows:

18 (e)(1)(A) Upon written request, a member of the General Assembly or an
19 employee of the House of Representatives, the Senate, or the Bureau of
20 Legislative Research acting on the member's behalf may view all
21 classification, disciplinary, demographic, ~~and~~ parole, and post-release
22 supervision hearing records of a current or former inmate, ~~or~~ parolee, or
23 offender on post-release supervision who is currently or was formerly granted
24 parole or post-release supervision by the board.
25

26 SECTION 166. Arkansas Code § 16-93-203(1), concerning the duty of
27 corrections officials to cooperate with the Post-Prison Transfer Board, is
28 amended to read as follows:

29 (1) Grant access at all reasonable times to any prisoner over
30 whom the ~~Parole~~ Post-Prison Transfer Board has jurisdiction under this
31 chapter to the members of the board or its properly accredited
32 representatives;
33

34 SECTION 167. Arkansas Code § 16-93-204(a)(2) and (3), concerning
35 executive clemency, are amended to read as follows:

36 (2) An applicant shall obtain and include with his or her

1 application a certified copy of the applicant's ~~judgment and commitment~~
2 sentencing order or comparable document.

3 (3) Applications shall be referred to the ~~Parole~~ Post-Prison
4 Transfer Board for investigation.

5
6 SECTION 168. Arkansas Code § 16-93-205, is amended to read as follows:

7 16-93-205. Parole of Arkansas inmates in out-of-state prisons.

8 (a) The ~~Parole~~ Post-Prison Transfer Board may request the appropriate
9 board or commission having jurisdiction over parole, post-release
10 supervision, or transfer matters in other states or the United States Parole
11 Commission to make recommendations concerning whether Arkansas inmates
12 confined in prison systems of the other states or in federal prisons should
13 be granted parole, post-release supervision, or transfer when eligible under
14 Arkansas law.

15 (b) The ~~Parole~~ Post-Prison Transfer Board may take action at its
16 option on the application of an inmate for parole, post-release supervision,
17 or transfer, using as its criteria the recommendations received from the
18 appropriate board or commission of the other states or the United States
19 Parole Commission in lieu of the personal appearance before the ~~Parole~~ Post-
20 Prison Transfer Board of the inmate seeking parole, post-release supervision,
21 or transfer.

22
23 SECTION 169. Arkansas Code § 16-93-206, is amended to read as follows:

24 16-93-206. Parole revocation review – Jurisdiction.

25 (a) The ~~Parole~~ Post-Prison Transfer Board shall serve as the
26 revocation review board for any person subject to either parole, post-release
27 supervision, or transfer from prison.

28 (b) Revocation proceedings for either parole, post-release
29 supervision, or transfer shall follow all legal requirements applicable to
30 parole, post-release supervision, or transfer and shall be subject to any
31 additional policies and rules set by the board.

32
33 SECTION 170. Arkansas Code § 16-93-207(b), concerning an application
34 for pardon, commutation of sentence, and remission of fines and forfeitures,
35 is amended to read as follows:

36 (b) If the Governor does not grant an application for pardon,

1 commutation of sentence, or remission of fine or forfeiture within two
2 hundred forty (240) days of the Governor's receipt of the recommendation of
3 the ~~Parole~~ Post-Prison Transfer Board regarding the application, the
4 application shall be deemed denied by the Governor, and any pardon,
5 commutation of sentence, or remission of fine or forfeiture granted after the
6 two-hundred-forty-day period shall be null and void.

7
8 SECTION 171. Arkansas Code § 16-93-207(c)(1), concerning applications
9 for pardon, commutation of sentence, and remission of fines and forfeitures,
10 is amended to read as follows:

11 (c)(1)~~(A)~~ Except as provided in subdivision (c)(3) and subsection (d)
12 of this section, if an application for pardon, commutation of sentence, or
13 remission of fine or forfeiture is denied in writing by the Governor, the
14 person filing the application shall not be eligible to file a new application
15 for pardon, commutation of sentence, or remission of fine or forfeiture
16 related to the same offense for a period of ~~four (4)~~ five (5) years from the
17 date of ~~filing the application that was denied~~ the denial.

18 ~~(B) Any person who made an application for pardon,~~
19 ~~commutation of sentence, or remission of fine or forfeiture that was denied~~
20 ~~on or after July 1, 2004, shall be eligible to file a new application four~~
21 ~~(4) years after the date of filing the application that was denied.~~

22
23 SECTION 172. Arkansas Code § 16-93-207(d)(1), concerning applications
24 for pardon, commutation of sentence, and remission of fines and forfeitures,
25 is amended to read as follows:

26 (d)(1) Except as provided in subdivision (d)(3) of this section, if an
27 application for pardon, commutation of sentence, or remission of fine or
28 forfeiture of a person sentenced to life imprisonment without parole is
29 denied in writing by the Governor, the person filing the application shall
30 not be eligible to file a new application for pardon, commutation of
31 sentence, or remission of fine or forfeiture related to the same offense for
32 a period of:

33 (A) ~~Six (6)~~ Seven (7) years from the date of the denial;

34 or

35 (B) ~~Eight (8)~~ Nine (9) years from the date of the denial
36 if the applicant is serving a sentence of life without parole for capital

1 murder, § 5-10-101.

2

3 SECTION 173. Arkansas Code § 16-93-208, is amended to read as follows:
4 16-93-208. Services and equipment.

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

9

10 SECTION 174. Arkansas Code § 16-93-210, is amended to read as follows:
11 16-93-210. Monthly performance report on parole and post-release
12 supervision applications and outcome – Reports concerning administrative
13 directives filed with Legislative Council.

14 (a)(1) The ~~Parole~~ Post-Prison Transfer Board shall submit a monthly
15 report to the chairs of the House Committee on Judiciary and the Senate
16 Committee on Judiciary, the Legislative Council, the Board of Corrections,
17 and the Governor, showing the number of persons who make application for
18 parole or post-release supervision and those who are granted or denied parole
19 or post-release supervision during the previous month for each criminal
20 offense classification.

21 (2) The report shall include a breakdown by race of all persons
22 sentenced in each criminal offense classification.

23 (3) The report shall include the reason for each denial of
24 parole or post-release supervision, the results of the risk-needs assessment,
25 and the course of action that accompanies each denial pursuant to § 16-93-
26 615(a)(2)(B)(ii).

27 (b) The ~~Parole~~ Post-Prison Transfer Board shall cooperate with and
28 upon request make presentations and provide various reports, to the extent
29 the ~~Parole~~ Post-Prison Transfer Board's budget will allow, to the Legislative
30 Council concerning ~~Parole~~ Post-Prison Transfer Board policy and criteria on
31 discretionary offender programs and services.

32 (c) The ~~Parole~~ Post-Prison Transfer Board shall file a report with the
33 Legislative Council on a quarterly basis containing all new and revised
34 administrative directives issued in the previous quarter by:

35 (1) The ~~Parole~~ Post-Prison Transfer Board;

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

1 (3) ~~The Administrative Services Manager of the Parole Board;~~
2 ~~(4) The Administrator of the Parole Board; and~~
3 ~~(5) Staff of the Parole Post-Prison Transfer Board.~~
4

5 SECTION 175. Arkansas Code § 16-93-211(a)(1)(A), concerning early
6 release to transitional housing facilities, is amended to read as follows:

7 (A) ~~Transferred or paroled~~ Paroled or transferred to post-
8 release supervision from the Division of Correction by the ~~Parole~~ Post-Prison
9 Transfer Board;

10
11 SECTION 176. Arkansas Code § 16-93-211(b)(1), concerning early release
12 to transitional housing facilities, is amended to read as follows:

13 (b)(1) To assist an offender who will be eligible for parole, post-
14 release supervision, or transfer to successfully reintegrate into the
15 community, the board is authorized to place the offender into approved
16 transitional housing up to one (1) year prior to the offender's date of
17 eligibility for parole or transfer.

18
19 SECTION 177. Arkansas Code § 16-93-212, is amended to read as follows:
20 16-93-212. Rulemaking authority.

21 The ~~Parole~~ Post-Prison Transfer Board may adopt rules to implement,
22 administer, and enforce this subchapter.
23

24 SECTION 178. The introductory language of Arkansas Code § 16-93-
25 213(a), concerning records to be posted on the website of the Post-Prison
26 Transfer Board, is amended to read as follows:

27 (a) To the extent permitted by federal law, the ~~Parole~~ Post-Prison
28 Transfer Board shall post on the board's website the following information
29 concerning an inmate who is being considered for parole or post-release
30 supervision no less than six (6) months before his or her transfer-
31 eligibility or parole-eligibility date or post-release supervision
32 eligibility date, or the date the board determines eligibility for parole or
33 transfer or post-release supervision if the inmate is past his or her
34 transfer-eligibility or parole-eligibility date or post-release supervision
35 eligibility date;
36

1 SECTION 179. Arkansas Code § 16-93-213(a)(5), concerning records to be
2 posted on the website of the Post-Prison Transfer Board, is amended to read
3 as follows:

4 (5) The number of times, if any, probation, ~~or parole~~, or post-
5 release supervision has been revoked from the inmate; and
6

7 SECTION 180. Arkansas Code § 16-93-213(b)(3), concerning removal of
8 records posted on the website of the Post-Prison Transfer Board, is amended
9 to read as follows:

10 (3) May be removed when the inmate has been either granted or
11 denied parole or post-release supervision.
12

13 SECTION 181. Arkansas Code § 16-93-306(d)(2), concerning probation
14 supervision, is amended to add an additional subdivision to read as follows:

15 (C) The intermediate sanctioning grid shall include:

16 (i) An assignment of point values to commonly
17 occurring violations of terms of probation or criminal behavior;

18 (ii) An assignment of point values to behaviors that
19 decrease the likelihood of recidivism, including without limitation:

20 (a) Education;

21 (b) Workforce development;

22 (c) Community service; and

23 (d) Behavioral health programming;

24 (iii) Details on the mechanisms by which points are
25 accumulated and reduced; and

26 (iv) Guidance on which intermediate sanctions should
27 be applied at which point thresholds.
28

29 SECTION 182. Arkansas Code § 16-93-306(d)(3)(E)(ii)(d), concerning
30 probation supervision, is amended to read as follows:

31 (d) A probationer may not be incarcerated more
32 than two (2) times as a probation sanction in a Division of Community
33 Correction or Division of Correction facility during a two-year period.
34

35 SECTION 183. Arkansas Code § 16-93-310(c)(2)(A), concerning the
36 revocation of probation, is amended to read as follows:

1 (2)(A) The court shall commit the eligible offender to the
2 custody of the Division of Correction under this subchapter for judicial or
3 administrative transfer to the Division of Community Correction subject to
4 the following:

5 (i) That the sentence imposed provides that the
6 offender shall serve no more than three (3) years of confinement, with credit
7 for meritorious good time or earned release credits, with initial placement
8 in a Division of Community Correction facility; and

9 (ii) That the initial placement in the Division of
10 Community Correction is conditioned upon the offender's continuing
11 eligibility for Division of Community Correction placement and the offender's
12 compliance with all applicable rules established by the Board of Corrections
13 for community correction programs.

14
15 SECTION 184. Arkansas Code § 16-93-601(a), concerning felonies
16 committed before April 1, 1977, is amended to read as follows:

17 (a) Death Sentence. An individual under sentence of death is not
18 eligible for release on parole or post-release supervision.

19
20 SECTION 185. Arkansas Code § 16-93-609 is amended to read as follows:

21 16-93-609. Effect of more than one conviction for certain felonies –
22 Definition.

23 (a) Any person who commits murder in the first degree, § 5-10-102,
24 rape, § 5-14-103, or aggravated robbery, § 5-12-103, subsequent to March 24,
25 1983, and who has previously been found guilty of or pleaded guilty or nolo
26 contendere to murder in the first degree, § 5-10-102, rape, § 5-14-103, or
27 aggravated robbery, § 5-12-103, shall not be eligible for release on parole
28 by the ~~Parole~~ Post-Prison Transfer Board.

29 (b)(1) Any person who commits a violent felony offense or any felony
30 sex offense subsequent to August 13, 2001, but before January 1, 2025, and
31 who has previously been found guilty of or pleaded guilty or nolo contendere
32 to any violent felony offense or any felony sex offense shall not be eligible
33 for release on parole by the board.

34 (2) As used in this subsection, “a violent felony offense or any
35 felony sex offense” means those offenses listed in § 5-4-501(d)(2).

36 (c) A person who commits the offense of possession of firearms by

1 certain persons, § 5-73-103, in which the offense is under § 5-73-103(c)(1),
2 after April 27, 2021, is not eligible for parole.

3 (d)(1) Any person who commits a parole-ineligible felony on or after
4 January 1, 2024, but before January 1, 2025, is not eligible for release on
5 parole.

6 (2) As used in this subsection, "parole-ineligible felony" means
7 the same as a felony ineligible to receive earned release credits as defined
8 in § 16-93-1802.

9
10 SECTION 186. Arkansas Code § 16-93-612 is amended to read as follows:

11 16-93-612. Parole eligibility – Date of offense.

12 (a) A person's parole eligibility shall be determined by the laws in
13 effect at the time of the offense for which he or she is sentenced to the
14 Division of Correction.

15 (b) For an offender serving a sentence for a felony committed before
16 April 1, 1977, § 16-93-601 governs that person's parole eligibility.

17 (c) For an offender serving a sentence for a felony committed between
18 April 1, 1977, and April 1, 1983, § 16-93-604 governs that person's parole
19 eligibility.

20 (d) For an offender serving a sentence for a felony committed on or
21 after April 1, 1983, but before January 1, 1994, § 16-93-607 governs that
22 person's parole eligibility.

23 (e) For an offender serving a sentence for a felony committed on or
24 after January 1, 1994, but before January 1, 2025, § 16-93-614 governs that
25 person's parole eligibility, unless otherwise noted and except:

26 (1) If the felony is murder in the first degree, § 5-10-102,
27 kidnapping, if a Class Y felony, § 5-11-102(b)(1), aggravated robbery, § 5-
28 12-103, rape, § 5-14-103, or causing a catastrophe, § 5-38-202(a), and the
29 offense occurred after July 28, 1995, but before January 1, 2025, § 16-93-618
30 governs that person's parole eligibility;

31 (2) If the felony is manufacturing methamphetamine, § 5-64-
32 423(a) or the former § 5-64-401, or possession of drug paraphernalia with the
33 intent to manufacture methamphetamine, the former § 5-64-403(c)(5), and the
34 offense occurred after April 9, 1999, but before January 1, 2025, § 16-93-618
35 governs that person's parole eligibility;

36 (3) If the felony is battery in the second degree, § 5-13-202,

1 aggravated assault, § 5-13-204, terroristic threatening, § 5-13-301, domestic
2 battering in the second degree, § 5-26-304, or residential burglary, § 5-39-
3 201(a), and the offense occurred on or after April 1, 2015, but before
4 January 1, 2025, § 16-93-620 governs that person's parole eligibility; ~~or~~

5 (4) If the felony was committed by a person who was a minor at
6 the time of the offense, he or she was committed to the former Department of
7 Correction, or to the division, and the offense occurred before, on, or after
8 March 20, 2017, § 16-93-621 governs the date on which that ~~person's parole~~
9 eligibility person becomes eligible for consideration for release;

10 (5) If the felony was committed prior to January 1, 2025, § 16-
11 93-701 et seq. governs procedures for consideration for parole or transfer to
12 the Division of Community Correction; and

13 (6) If the felony was committed on or after January 1, 2025, §
14 16-93-1901 et. seq., governs procedures for consideration for transfer to
15 post-release supervision.

16 (f) For an offender serving a sentence for a felony committed on or
17 after January 1, 1994, but before January 1, 2025, § 16-93-615 governs that
18 person's parole eligibility procedures.

19 (g) Notwithstanding any law allowing the award of meritorious good
20 time, earned release credits, or any other law to the contrary, if the felony
21 is an offense that is subject to delayed release under § 5-4-405 and was
22 committed on or after July 28, 2021, the person shall not be eligible for
23 parole or community correction transfer until the person serves a minimum of
24 eighty percent (80%) of the term of imprisonment to which the person is
25 sentenced.

26
27 SECTION 187. Arkansas Code § 16-93-614(b)(3), concerning offenses
28 committed after January 1, 1994, is amended to read as follows:

29 (3) A person who has committed a felony who is within a target
30 group as currently defined under § 16-93-1202(10) and who is released on
31 parole shall be eligible, pursuant to rules established by the ~~Parole Post-~~
32 Prison Transfer Board, for commitment to a community correction facility if
33 he or she is found to be in violation of any of his or her parole conditions,
34 unless the parole violation constitutes a nontarget felony offense.

35
36 SECTION 188. Arkansas Code § 16-93-615(a), concerning parole

1 eligibility procedures for offenses committed after January 1, 1994, is
2 amended to read as follows:

3 (a)(1)(A) An inmate under sentence for any felony, except those listed
4 in § 5-4-104(c)(2) or subsection (b) of this section, shall be transferred
5 from the Division of Correction to the Division of Community Correction under
6 this section and §§ 16-93-614, 16-93-616, and 16-93-617, subject to rules
7 promulgated by the Board of Corrections or the ~~Parole~~ Post-Prison Transfer
8 Board and conditions adopted by the ~~Parole~~ Post-Prison Transfer Board.

9 (B) The determination under subdivision (a)(1)(A) of this
10 section shall be made by reviewing information such as the result of the
11 risk-needs assessment to inform the decision of whether to release a person
12 on parole by quantifying that person's risk to reoffend, and if parole is
13 granted, this information shall be used to set conditions for supervision.

14 (C) The ~~Parole~~ Post-Prison Transfer Board shall begin
15 transfer release proceedings or a preliminary review under this subchapter no
16 later than six (6) months before a person's transfer eligibility date, and
17 the ~~Parole~~ Post-Prison Transfer Board shall authorize jacket review
18 procedures no later than six (6) months before a person's transfer
19 eligibility at all institutions holding parole-eligible inmates to prepare
20 parole applications.

21 (D) This review may be conducted without a hearing when
22 the inmate has not received a major disciplinary report against him or her
23 that resulted in the loss of good time, there has not been a request by a
24 victim to have input on transfer conditions, and there is no indication in
25 the risk-needs assessment review that special conditions need to be placed on
26 the inmate.

27 (2)(A) When one (1) or more of the circumstances in subdivision
28 (a)(1) of this section are present, the ~~Parole~~ Post-Prison Transfer Board
29 shall conduct a hearing to determine the appropriateness of the inmate for
30 transfer.

31 (B) The ~~Parole~~ Post-Prison Transfer Board has two (2)
32 options:

33 (i) To transfer the individual to the Division of
34 Community Correction accompanied by notice of conditions of the transfer,
35 including without limitation:

36 (a) Supervision levels;

1 (b) Economic fee sanction;
2 (c) Treatment program;
3 (d) Programming requirements; and
4 (e) Facility placement when appropriate; or
5 (ii) To deny transfer based on a set of established
6 criteria and to accompany the denial with a prescribed course of action to be
7 undertaken by the inmate to rectify the ~~Parole~~ Post-Prison Transfer Board's
8 concerns.

9 (C) Upon completion of the course of action determined by
10 the ~~Parole~~ Post-Prison Transfer Board and after final review of the inmate's
11 file to ensure successful completion, the ~~Parole~~ Post-Prison Transfer Board
12 shall authorize the inmate's transfer to the Division of Community Correction
13 under this section and §§ 16-93-614, 16-93-616, and 16-93-617, in accordance
14 with administrative policies and procedures governing the transfer and
15 subject to conditions attached to the transfer.

16 (3) Should an inmate fail to fulfill the course of action
17 outlined by the ~~Parole~~ Post-Prison Transfer Board to facilitate transfer to
18 community correction, it shall be the responsibility of the inmate to
19 petition the ~~Parole~~ Post-Prison Transfer Board for rehearing.

20 (4)(A) The ~~Parole~~ Post-Prison Transfer Board shall conduct open
21 meetings and shall make public its findings for each eligible candidate for
22 parole.

23 (B)(i) Open meetings held under subdivision (a)(2)(A) of
24 this section may be conducted through video-conference technology if the
25 person is housed at that time in a county jail and if the technology is
26 available.

27 (ii) Open meetings utilizing video-conference
28 technology shall be conducted in public.

29 (5) Inmate interviews and related deliberations may be closed to
30 the public.

31
32 SECTION 189. The introductory language of Arkansas Code § 16-93-
33 615(b)(1), concerning parole eligibility procedures for offenses committed
34 after January 1, 1994, is amended to read as follows:

35 (b)(1) An inmate under sentence for one (1) of the following felonies
36 is eligible for discretionary transfer to the Division of Community

1 Correction by the ~~Parole~~ Post-Prison Transfer Board after having served one-
2 third ($\frac{1}{3}$) or one-half ($\frac{1}{2}$) of his or her sentence, with credit for meritorious
3 good time, depending on the seriousness determination made by the Arkansas
4 Sentencing Commission, or one-half ($\frac{1}{2}$) of the time to which his or her
5 sentence is commuted by executive clemency, with credit for meritorious good
6 time:

7
8 SECTION 190. Arkansas Code § 16-93-615(b)(3)-(6), concerning parole
9 eligibility procedures for offenses committed after January 1, 1994, are
10 amended to read as follows:

11 (3)(A) Review of an inmate convicted of the enumerated offenses
12 in subdivision (b)(1) of this section shall be based upon policies and
13 procedures adopted by the ~~Parole~~ Post-Prison Transfer Board for the review,
14 and the ~~Parole~~ Post-Prison Transfer Board shall conduct a risk-needs
15 assessment review.

16 (B) The policies and procedures shall include a provision
17 for notification of the victim or victims that a hearing shall be held and
18 records kept of the proceedings and that there be a listing of the criteria
19 upon which a denial may be based.

20 (4) Any transfer of an offender specified in this subsection
21 shall be issued upon an order, duly adopted, of the ~~Parole~~ Post-Prison
22 Transfer Board in accordance with such policies and procedures.

23 (5) After the ~~Parole~~ Post-Prison Transfer Board has fully
24 considered and denied the transfer of an offender sentenced for committing an
25 offense listed in subdivision (b)(1) of this section, the ~~Parole~~ Post-Prison
26 Transfer Board may delay any reconsideration of the transfer for a maximum
27 period of two (2) years.

28 (6) Notification of the court, prosecutor, county sheriff, and
29 the victim or the victim's next of kin for a person convicted of an offense
30 listed in subdivision (b)(1) of this section shall follow the procedures set
31 forth below:

32 (A)(i) Before the ~~Parole~~ Post-Prison Transfer Board shall
33 grant any transfer, the ~~Parole~~ Post-Prison Transfer Board shall solicit the
34 written or oral recommendations of the committing court, the prosecuting
35 attorney, and the county sheriff of the county from which the inmate was
36 committed.

1 (ii) If the person whose transfer is being
2 considered by the ~~Parole~~ Post-Prison Transfer Board was convicted of one (1)
3 of the offenses enumerated in subdivision (b)(1) of this section, the ~~Parole~~
4 Post-Prison Transfer Board shall also notify the victim of the crime or the
5 victim's next of kin of the transfer hearing and shall solicit written or
6 oral recommendations of the victim or his or her next of kin regarding the
7 granting of the transfer unless the prosecuting attorney has notified the
8 ~~Parole~~ Post-Prison Transfer Board at the time of commitment of the prisoner
9 that the victim or his or her next of kin does not want to be notified of
10 future transfer hearings.

11 (iii) The recommendations shall not be binding upon
12 the ~~Parole~~ Post-Prison Transfer Board in the granting of any transfer but
13 shall be maintained in the inmate's file.

14 (iv) When soliciting recommendations from a victim
15 of a crime, the ~~Parole~~ Post-Prison Transfer Board shall notify the victim or
16 his or her next of kin of the date, time, and place of the transfer hearing;

17 (B)(i) The ~~Parole~~ Post-Prison Transfer Board shall not
18 schedule transfer hearings at which victims or relatives of victims of crimes
19 are invited to appear at a facility wherein inmates are housed other than the
20 Central Administration Building of the Division of Correction at Pine Bluff.

21 (ii) Nothing herein shall be construed as
22 prohibiting the ~~Parole~~ Post-Prison Transfer Board from conducting transfer
23 hearings in two (2) sessions, one (1) at the place of the inmate's
24 incarceration for interviews with the inmate, the inmate's witnesses, and
25 correctional personnel, and the second session for victims and relatives of
26 victims as set out in subdivision (b)(6)(B)(i) of this section;

27 (C)(i) At the time that any person eligible under
28 subdivision (c)(1) of this section is transferred by the ~~Parole~~ Post-Prison
29 Transfer Board, the Division of Community Correction shall give written
30 notice of the granting of the transfer to the county sheriff, the committing
31 court, and the chief of police of each city of the first class of the county
32 from which the person was sentenced.

33 (ii) If the person is transferred to a county other
34 than that from which he or she was committed, the ~~Parole~~ Post-Prison Transfer
35 Board shall give notice to the chief of police or marshal of the city to
36 which he or she is transferred, to the chief of police of each city of the

1 first class and the county sheriff of the county to which he or she is
2 transferred, and to the county sheriff of the county from which the person
3 was committed; and

4 (D)(i) It shall be the responsibility of the prosecuting
5 attorney of the county from which the inmate was committed to notify the
6 Parole Post-Prison Transfer Board at the time of commitment of the desire of
7 the victim or his or her next of kin to be notified of any future transfer
8 hearings and to forward to the Parole Post-Prison Transfer Board the last
9 known address and telephone number of the victim or his or her next of kin.

10 (ii) It shall be the responsibility of the victim or
11 his or her next of kin to notify the Parole Post-Prison Transfer Board of any
12 change in address or telephone number.

13 (iii) It shall be the responsibility of the victim
14 or his or her next of kin to notify the Parole Post-Prison Transfer Board
15 after the date of commitment of any change in regard to the desire to be
16 notified of any future transfer hearings.

17
18 SECTION 191. Arkansas Code § 16-93-615(c)-(i), concerning parole
19 eligibility procedures for offenses committed after January 1, 1994, are
20 amended to read as follows:

21 (c)(1) In all other felonies committed before January 1, 2025, before
22 the Parole Post-Prison Transfer Board sets conditions for transfer of an
23 inmate to community correction, a victim, or his or her next of kin in cases
24 in which the victim is unable to express his or her wishes, who has expressed
25 the wish to be consulted by the Parole Post-Prison Transfer Board shall be
26 notified of the date, time, and place of the transfer hearing.

27 (2)(A) A victim or his or her next of kin who wishes to be
28 consulted by the Parole Post-Prison Transfer Board shall inform the Parole
29 Post-Prison Transfer Board in writing at the time of sentencing.

30 (B) A victim or his or her next of kin who does not so
31 inform the Parole Post-Prison Transfer Board shall not be notified by the
32 Parole Post-Prison Transfer Board.

33 (3)(A) Victim input to the Parole Post-Prison Transfer Board
34 shall be limited to oral or written recommendations on conditions relevant to
35 the offender under review for transfer.

36 (B) The recommendations shall not be binding on the Parole

1 Post-Prison Transfer Board, but shall be given due consideration within the
2 resources available for transfer.

3 (d)(1) The ~~Parole~~ Post-Prison Transfer Board shall approve a set of
4 conditions that shall be applicable to all inmates transferred from the
5 Division of Correction to the Division of Community Correction.

6 (2) The set of conditions is subject to periodic review and
7 revision as the ~~Parole~~ Post-Prison Transfer Board deems necessary.

8 (e)(1) The course of action required by the ~~Parole~~ Post-Prison
9 Transfer Board shall not be outside the current resources of the Division of
10 Correction nor the conditions set be outside the current resources of the
11 Division of Community Correction.

12 (2) However, the Division of Correction and Division of
13 Community Correction shall strive to accommodate the actions required by the
14 Board of Corrections or the ~~Parole~~ Post-Prison Transfer Board to the best of
15 their abilities.

16 (f) Transfer is not an award of clemency, and it shall not be
17 considered as a reduction of sentence or a pardon.

18 (g) Every inmate while on transfer status shall remain in the legal
19 custody of the Division of Correction under the supervision of the Division
20 of Community Correction and subject to the orders of the ~~Parole~~ Post-Prison
21 Transfer Board.

22 (h) An inmate who is sentenced under the provisions of § 5-4-501(c) or
23 § 5-4-501(d) for a serious violent felony or a felony involving violence may
24 be considered eligible for parole or for community correction transfer upon
25 reaching regular parole or transfer eligibility, but only after reaching a
26 minimum age of fifty-five (55) years.

27 (i) Decisions on parole release, courses of action applicable prior to
28 transfer, and transfer conditions to be set by the ~~Parole~~ Post-Prison
29 Transfer Board shall be based on a reasoned and rational plan developed in
30 conjunction with an accepted risk-needs assessment tool such that each
31 decision is defensible based on preestablished criteria.

32

33 SECTION 192. Arkansas Code § 16-93-617(a), concerning revocation of
34 transfer for offenses committed after January 1, 1994, is amended to read as
35 follows:

36 (a) In the event an offender transferred under this section, §§ 16-93-

1 614 – 16-93-616, or § 16-93-618 violates the terms or conditions of his or
2 her transfer, a hearing shall follow all applicable legal requirements and
3 shall be subject to any additional policies and rules set by the ~~Parole Post-~~
4 Prison Transfer Board.

5
6 SECTION 193. The introductory language for Arkansas Code § 16-93-
7 618(a)(1), concerning parole eligibility for Class Y felony offenses and
8 certain methamphetamine offenses, is amended to read as follows:

9 (a)(1) Notwithstanding any law allowing the award of meritorious good
10 time or any other law to the contrary, and subject to provisions requiring
11 that an offender serve a greater percentage of his or her sentence in § 16-
12 93-609 or delayed release under § 5-4-405, a person who is found guilty of or
13 pleads guilty or nolo contendere to subdivisions (a)(1)(A)-(I) of this
14 section for an offense committed before January 1, 2025, shall not be
15 eligible for parole or community correction transfer, except as provided in
16 subdivision (a)(3) of this section or subsection (c) of this section, until
17 the person serves seventy percent (70%) of the term of imprisonment to which
18 the person is sentenced, including a sentence prescribed under § 5-4-501:

19
20 SECTION 194. Arkansas Code § 16-93-619 is amended to read as follows:

21 16-93-619. Rulemaking authority.

22 The ~~Parole Post-Prison Transfer~~ Board may adopt rules to implement,
23 administer, and enforce this subchapter.

24
25 SECTION 195. The introductory language of Arkansas Code § 16-93-
26 620(a), concerning parole eligibility procedures for offenses committed after
27 April 1, 2015, is amended to read as follows:

28 (a) An inmate sentenced for one (1) of the following felonies on or
29 after April 1, 2015, is eligible for discretionary transfer to the ~~Department~~
30 Division of Community Correction by the ~~Parole Post-Prison Transfer~~ Board
31 after having served one-third ($\frac{1}{3}$) or one-half ($\frac{1}{2}$) of his or her sentence,
32 with credit for meritorious good time, depending on the seriousness
33 determination made by the Arkansas Sentencing Commission, or one-half ($\frac{1}{2}$) of
34 the time to which his or her sentence is commuted:

35
36 SECTION 196. Arkansas Code § 16-93-621, is amended to read as follows:

1 16-93-621. Parole or post-release supervision eligibility – A person
2 who was a minor at the time of committing an offense that was committed
3 before, on, or after March 20, 2017.

4 (a)(1)(A) A minor who was convicted and sentenced to the former
5 Department of Correction or the Division of Correction for an offense
6 committed before he or she was eighteen (18) years of age and in which the
7 death of another person did not occur is eligible for release on parole or
8 transfer to post-release supervision no later than after twenty (20) years of
9 incarceration, including any applicable sentencing enhancements, and
10 including an instance in which multiple sentences are to be served
11 consecutively or concurrently, unless by law the minor is eligible for
12 earlier parole or post-release supervision eligibility.

13 (B) Subdivision (a)(1)(A) of this section applies
14 retroactively to a minor whose offense was committed before he or she was
15 eighteen (18) years of age, including a minor serving a sentence of life,
16 regardless of the original sentences that were imposed.

17 (2)(A) A minor who was convicted and sentenced to the department
18 or the division for an offense committed before he or she was eighteen (18)
19 years of age, in which the death of another person occurred, and that was
20 committed before, on, or after March 20, 2017, is eligible for release on
21 parole or transfer to post-release supervision no later than after twenty-
22 five (25) years of incarceration if he or she was convicted of murder in the
23 first degree, § 5-10-102, or no later than after thirty (30) years of
24 incarceration if he or she was convicted of capital murder, § 5-10-101,
25 including any applicable sentencing enhancements, unless by law the minor is
26 eligible for earlier parole or post-release supervision eligibility.

27 (B) Subdivision (a)(2)(A) of this section applies
28 retroactively to a minor whose offense was committed before he or she was
29 eighteen (18) years of age, including minors serving sentences of life,
30 regardless of the original sentences that were imposed.

31 (3) Credit for meritorious good time or earned release credits
32 shall not be applied to calculations of time served under this subsection for
33 minors convicted and sentenced for capital murder, § 5-10-101(c), or when a
34 life sentence is imposed for murder in the first degree, § 5-10-102.

35 (4) The calculation of the time periods under this subsection
36 shall include any applicable sentence enhancements to which the minor was

1 sentenced that accompany the sentence for the underlying offense.

2 (b)(1) The ~~Parole~~ Post-Prison Transfer Board shall ensure that a
3 hearing to consider the parole or post-release supervision eligibility of a
4 person who was a minor at the time of the offense that was committed before,
5 on, or after March 20, 2017, takes into account how a minor offender is
6 different from an adult offender and provides a person who was a minor at the
7 time of the offense that was committed before, on, or after March 20, 2017,
8 with a meaningful opportunity to be released on parole or post-release
9 supervision based on demonstrated maturity and rehabilitation.

10 (2) During a parole eligibility or transfer hearing involving a
11 person who was a minor at the time of the offense that was committed before,
12 on, or after March 20, 2017, the board shall take into consideration in
13 addition to other factors required by law to be considered by the board:

14 (A) The diminished culpability of minors as compared to
15 that of adults;

16 (B) The hallmark features of youth;

17 (C) Subsequent growth and increased maturity of the person
18 during incarceration;

19 (D) Age of the person at the time of the offense;

20 (E) Immaturity of the person at the time of the offense;

21 (F) The extent of the person's role in the offense and
22 whether and to what extent an adult was involved in the offense;

23 (G) The person's family and community circumstances at the
24 time of the offense, including any history of abuse, trauma, and involvement
25 in the child welfare system;

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

29 (I) The results of comprehensive mental health evaluations
30 conducted by an adolescent mental health professional licensed in the state
31 at the time of sentencing and at the time the person becomes eligible for
32 parole or transfer to post-release supervision under this section; and

33 (J) Other factors the board deems relevant.

34 (3) A person eligible for parole or transfer to post-release
35 supervision under this section may have an attorney present to represent him
36 or her at the parole eligibility or transfer hearing.

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

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

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

11 (2) Victim notification under this subsection shall include:

12 (A) The location, date, and time of parole or transfer
13 review; and

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

16
17 SECTION 197. Arkansas Code § 16-93-622, is amended to read as follows:
18 16-93-622. Parole discharge for offenders who are minors –
19 Reinstatement of rights.

20 (a) The ~~Parole~~ Post-Prison Transfer Board may discharge a person from
21 parole or post-release supervision if:

22 (1) The person:

23 (A) Was released on parole or post-release supervision
24 under § 16-93-621 for having committed an offense as a minor; and

25 (B) Has served at least five (5) years on parole or post-
26 release supervision without a violation; and

27 (2) The prosecuting attorney in the county where the person was
28 originally convicted has consented to the discharge of the person from parole
29 or post-release supervision.

30 (b) Unless otherwise provided by Arkansas Constitution, Amendment 51,
31 a person who has been discharged from parole or post-release supervision
32 under subsection (a) of this section shall have his or her constitutional
33 right to vote restored.

34
35 SECTION 198. Arkansas Code § 16-93-701(a)(1), concerning the authority
36 of the Post-Prison Transfer Board to grant release, is amended to read as

1 follows:

2 (a)(1) The ~~Parole~~ Post-Prison Transfer Board may release on parole any
3 eligible inmate who is confined in any correctional institution administered
4 by the Division of Correction or the Division of Community Correction, when
5 in the board's opinion there is a reasonable probability that the inmate can
6 be released without detriment to the community or himself or herself and is
7 able and willing to fulfill the obligations of a law-abiding citizen.

8

9 SECTION 199. Arkansas Code § 16-93-702(a), concerning recommendations
10 solicited by the Post-Prison Transfer Board is amended to read as follows:

11 (a) Before the ~~Parole~~ Post-Prison Transfer Board shall grant any
12 parole, the board shall solicit the written or oral recommendations of the
13 committing court, the prosecuting attorney, and the county sheriff of the
14 county from which the inmate was committed.

15

16 SECTION 200. Arkansas Code § 16-93-703(a), concerning place of hearing
17 of the Post-Prison Transfer Board, is amended to read as follows:

18 (a) The ~~Parole~~ Post-Prison Transfer Board shall not schedule parole
19 hearings at which victims or relatives of victims of crime are invited to
20 appear at a facility wherein inmates are housed other than the Central
21 Administration Building of the Division of Correction at Pine Bluff.

22

23 SECTION 201. Arkansas Code § 16-93-704(a), concerning notice to law
24 enforcement personnel and the committing court before a hearing of the Post-
25 Prison Transfer Board, is amended to read as follows:

26 (a) At the time that any person is paroled by the ~~Parole~~ Post-Prison
27 Transfer Board, the board shall give written notice of the granting of the
28 parole to the county sheriff, the committing court, and the chief of police
29 of all cities of the first class of the county from which the person was
30 sentenced.

31

32 SECTION 202. Arkansas Code § 16-93-705(a)(1)(A)(i), concerning
33 procedures for parole revocation, is amended to read as follows:

34 (a)(1)(A)(i) At any time during a parolee's release on parole, the
35 ~~Parole~~ Post-Prison Transfer Board may issue a warrant for the arrest of the
36 parolee for violation of any conditions of parole or may issue a notice to

1 appear to answer a charge of a violation.

2

3 SECTION 203. Arkansas Code § 16-93-705(a)(4), concerning procedures
4 for parole revocation, is amended to read as follows:

5 (4) Any ~~parole~~ community supervision officer may arrest a
6 parolee without a warrant or may deputize any officer with power of arrest to
7 arrest the parolee without a warrant by giving him or her a written statement
8 setting forth that the parolee, in the judgment of the parole officer,
9 violated conditions of his or her parole.

10

11 SECTION 204. Arkansas Code § 16-93-705(b)(5)-(8), concerning
12 procedures for parole revocation, are amended to read as follows:

13 (5) If the ~~parole~~ revocation hearing judge finds that there is
14 reasonable cause to believe that the parolee has violated a condition of
15 parole, the ~~parole~~ revocation hearing judge may order the parolee returned to
16 the nearest facility of the Division of Correction or Division of Community
17 Correction where the parolee shall be placed in custody for a parole
18 revocation hearing before the board.

19 (6) If the ~~parole~~ revocation hearing judge finds that there is
20 reasonable cause to believe that the parolee has violated a condition of
21 parole, the ~~parole~~ revocation hearing judge may return the parolee to parole
22 supervision rather than to the custody of the Division of Correction and may
23 impose additional supervision conditions in response to the violating
24 conduct.

25 (7) If the ~~parole~~ revocation hearing judge does not find
26 reasonable cause, he or she shall order the parolee released from custody,
27 but that action shall not bar the board from holding a parole revocation
28 hearing on the alleged violation of parole or from ordering the parolee to
29 appear before the board.

30 (8) The ~~parole~~ revocation hearing judge shall prepare and
31 furnish to the board and the parolee a summary of the parole revocation
32 hearing, including the substance of the evidence and testimony considered
33 along with the ruling or determination, within twenty-one (21) days from the
34 date of the preliminary hearing, excluding a weekend, holiday, or delay
35 caused by an act of nature.

36

1 SECTION 205. Arkansas Code § 16-93-705(d)(1), concerning procedures
2 for parole revocation, is amended to read as follows:

3 (1) The parolee shall have the right to confront and cross-
4 examine adverse witnesses unless the ~~parole~~ revocation hearing judge or the
5 board or its designee specifically finds good cause for not allowing
6 confrontation; and

7
8 SECTION 206. Arkansas Code § 16-93-706(a)(1), concerning the subpoena
9 of witnesses and documents for a parole revocation hearing, is amended to
10 read as follows:

11 (a)(1) The Chair of the ~~Parole~~ Post-Prison Transfer Board or his or
12 her designee, the hearing officer presiding over any preliminary hearing with
13 respect to an alleged parole violation, the administrator of the ~~Parole Post-~~
14 Prison Transfer Board, or any member of the board pursuant to the authority
15 of the board to meet and determine whether to revoke parole shall have the
16 power to issue oaths and to subpoena witnesses to appear and testify and
17 bring before the hearing officer or the board any relevant books, papers,
18 records, or documents.

19
20 SECTION 207. Arkansas Code § 16-93-708(b)(1)(A), concerning home
21 detention as a parole alternative, is amended to read as follows:

22 (b)(1)(A) Subject to the provisions of subdivision (b)(2) of this
23 section, a defendant convicted of a felony or misdemeanor and sentenced to
24 imprisonment may be incarcerated in a home detention program when the
25 Director of the ~~Department~~ Division of Correction or the Director of the
26 ~~Department~~ Division of Community Correction communicates to the ~~Parole Post-~~
27 Prison Transfer Board when, in the independent opinions of either a
28 ~~Department~~ Division of Correction physician or ~~Department~~ Division of
29 Community Correction physician and a consultant physician in Arkansas, an
30 inmate is either terminally ill, permanently incapacitated, or would be
31 suitable for hospice care and should be considered for transfer to parole
32 supervision.

33
34 SECTION 208. Arkansas Code § 16-93-708(b)(1)(B), concerning home
35 detention as a parole alternative, is amended to read as follows:

36 (B) The Director of the ~~Department~~ Division of Correction

1 or the Director of the ~~Department~~ Division of Community Correction shall make
2 the facts described in subdivision (b)(1)(A) of this section known to the
3 ~~Parole~~ Post-Prison Transfer Board for consideration of early release to home
4 detention.

5
6 SECTION 209. Arkansas Code § 16-93-709(a), concerning the prohibition
7 on a sex offender residing with a minor, is amended to read as follows:

8 (a) Whenever an inmate in a facility of the Division of Correction who
9 has been found guilty of or has pleaded guilty or nolo contendere to any
10 sexual offense defined in § 5-14-101 et seq., or incest as defined by § 5-26-
11 202, and the sexual offense or incest was perpetrated against a minor,
12 becomes eligible for parole and makes application for release on parole, the
13 ~~Parole~~ Post-Prison Transfer Board shall prohibit, as a condition of granting
14 the parole, the parolee from residing upon parole in a residence with any
15 minor, unless the board makes a specific finding that the inmate poses no
16 danger to the minors residing in the residence.

17
18 SECTION 210. Arkansas Code § 16-93-710(a)(1), concerning parole for
19 inmates who have served imprisonment in the county jail prior to being
20 processed into the Division of Correction, is amended to read as follows:

21 (a)(1) Subject to conditions set by the ~~Parole~~ Post-Prison Transfer
22 Board, an offender convicted of a felony and sentenced to a term of
23 imprisonment of two (2) years or less in the Division of Correction, and who
24 has served his or her term of imprisonment in a county jail prior to being
25 processed into the Division of Correction, may be paroled from the Division
26 of Correction county jail backup facility directly to the Division of
27 Community Correction under parole supervision, and upon eligibility
28 determination, processed for release by the board.

29
30 SECTION 211. Arkansas Code § 16-93-711(b)(1)(B), concerning electronic
31 monitoring as a parole alternative, is amended to read as follows:

32 (B) The Director of the ~~Department~~ Division of Correction
33 shall make the facts described in subdivision (b)(1)(A) of this section known
34 to the ~~Parole~~ Post-Prison Transfer Board for consideration of electronic
35 monitoring.

36

1 SECTION 212. Arkansas Code § 16-93-712(a)(1), concerning parole
2 supervision, is amended to read as follows:

3 (a)(1) The ~~Parole~~ Post-Prison Transfer Board shall establish written
4 policies and procedures governing the supervision of parolees designed to
5 enhance public safety and to assist the parolees in reintegrating into
6 society.

7
8 SECTION 213. The introductory language of Arkansas Code § 16-93-
9 712(b), concerning parole supervision, is amended to read as follows:

10 (b) A ~~parole~~ community supervision officer shall:

11
12 SECTION 214. Arkansas Code § 16-93-712(b)(1), concerning the duties of
13 a community supervision officer in relation to parole supervision, is amended
14 to read as follows:

15 (1) Investigate each case referred to him or her by the Chair of
16 the ~~Parole~~ Post-Prison Transfer Board, the Division of Community Correction,
17 or the prosecuting attorney;

18
19 SECTION 215. Arkansas Code § 16-93-712(d)(2)(A)(i) and (ii),
20 concerning the sanctioning grid required for parole supervision, are amended
21 to read as follows:

22 (2)(A)(i) The Division of Community Correction shall develop an
23 intermediate sanctions procedure and grid to guide a ~~parole~~ community
24 supervision officer in determining the appropriate response to a violation of
25 conditions of supervision.

26 (ii) The intermediate sanctions procedure shall
27 include a requirement that the ~~parole~~ community supervision officer consider
28 multiple factors when determining the sanction to be imposed, including
29 previous violations and sanctions and the severity of the current and prior
30 violation.

31
32 SECTION 216. Arkansas Code § 16-93-712(d)(2), concerning the
33 sanctioning grid required for community supervision, is amended to add an
34 additional subdivision to read as follows:

35 (C) The intermediate sanctioning grid shall include:

36 (i) An assignment of point values to commonly

1 occurring violations of terms of parole or criminal behavior;

2 (ii) An assignment of point values to behaviors that
3 decrease the likelihood of recidivism, including without limitation:

4 (a) Education;

5 (b) Workforce development;

6 (c) Community service; and

7 (d) Behavioral health programming;

8 (iii) Details on the mechanisms by which points are
9 accumulated and reduced; and

10 (iv) Guidance on which intermediate sanctions should
11 be applied at which point thresholds.

12
13 SECTION 217. Arkansas Code § 16-93-712(d)(2)(B)(d), concerning
14 sanctions permitted for parole supervision, is amended to read as follows:

15 (d) A parolee may not be incarcerated more
16 than two (2) times as a parole sanction in a Division of Community Correction
17 facility or Division of Correction facility during a two-year period.

18
19 SECTION 218. Arkansas Code § 16-93-712(d)(3)(E)(ii)(b), concerning
20 sanctions permitted for parole supervision, is amended to read as follows:

21 (b) A parolee shall accumulate no more than
22 twenty-one (21) days' incarceration in a county jail or no more than two
23 hundred forty (240) days' incarceration in a Division of Community Correction
24 facility or Division of Correction facility as an intermediate sanction
25 before the ~~parole~~ community supervision officer recommends a violation of the
26 person's parole under § 16-93-706.

27
28 SECTION 219. Arkansas Code § 16-93-713, is amended to read as follows:
29 16-93-713. Rulemaking authority.

30 The ~~Parole~~ Post-Prison Transfer Board may adopt rules to implement,
31 administer, and enforce this subchapter.

32
33 SECTION 220. Arkansas Code § 16-93-714, is amended to read as follows:
34 16-93-714. Denial of parole – Detriment to the community.

35 The ~~Parole~~ Post-Prison Transfer Board may deny parole to any otherwise
36 eligible person, regardless of the sentence that he or she is serving, if

1 five (5) members of the board determine that the person upon release would be
2 a detriment to the community into which the person would be released.

3
4 SECTION 221. Arkansas Code § 16-93-715(b)(2)(C), concerning revocation
5 of parole after sanctions for technical violations, is amended to read as
6 follows:

7 (C) A parolee is subject to having his or her parole
8 revoked and being returned to the Division of Correction or the Division of
9 Community Correction under this section without having been sanctioned for a
10 period of confinement set out under § 16-93-712(d) or subdivision (a)(1) of
11 this section if the ~~Parole~~ Post-Prison Transfer Board determines by a
12 preponderance of the evidence that the parolee is engaging in or has engaged
13 in behavior that poses a threat to the community.

14
15 SECTION 222. Arkansas Code § 16-93-1202(4), concerning the definitions
16 to be used in relation to community correction, is amended to read as
17 follows:

18 (4) "Division of Community Correction" means the administrative
19 structure in place to oversee the development and operation of community
20 correction facilities, programs, and services, including probation, ~~and~~
21 parole, and post-release supervision;

22
23 SECTION 223. Arkansas Code § 16-93-1202(8), concerning the definitions
24 to be used in relation to community correction, is amended to read as
25 follows:

26 (8) "Supervision" means direct supervision at varying levels of
27 intensity by ~~either probation~~ community supervision officers in the case of
28 sentences to probation with a condition of community correction, ~~or parole~~
29 ~~and post-prison supervision officers, in the case of~~ or offenders eligible
30 for release on parole or offenders transferred to community correction or
31 community supervision from the Division of Correction;

32
33 SECTION 224. Arkansas Code § 16-93-1202(10), concerning the
34 definitions to be used in relation to community correction, is amended to
35 read as follows:

36 (10)(A)(i) "Target group" means a group of offenders who have

1 committed one (1) or more of the following offenses without limitation:
2 ~~(a) Terroristic threatening, § 5-13-301, if a~~
3 ~~firearm was not used or brandished during the commission of the offense;~~
4 ~~(b)(a)~~ Endangering the welfare of a minor in the
5 first degree, § 5-27-205;
6 ~~(e)(b)~~ Theft, § 5-36-101 et seq.;
7 ~~(d)(c)~~ Theft by receiving, § 5-36-106;
8 ~~(e)(d)~~ Fraudulent use of a credit card or debit
9 card, § 5-37-207;
10 ~~(f)(e)~~ Violation of the Arkansas Hot Check Law, § 5-
11 37-301 et seq.;
12 ~~(g)(f)~~ Criminal mischief in the first degree, § 5-
13 38-203, and criminal mischief in the second degree, § 5-38-204;
14 ~~(h)(g)~~ Commercial burglary, § 5-39-201(b);
15 ~~(i)(h)~~ Breaking or entering, § 5-39-202;
16 ~~(j)(i)~~ Failure to appear, § 5-54-120;
17 ~~(k)(j)~~ Drug paraphernalia, § 5-64-443;
18 ~~(l)(k)~~ Driving or boating while intoxicated, § 5-65-
19 103, fourth or subsequent offense;
20 ~~(m)(l)~~ Leaving the scene of an accident resulting in
21 death or injury, § 27-53-101;
22 ~~(n)(m)~~ A Class B felony, Class C felony, or Class D
23 felony that is not violent or sexual and that meets the eligibility criteria
24 determined by the General Assembly to have significant impact on the use of
25 correctional resources;
26 ~~(o)(n)~~ A controlled substance felony, other than
27 trafficking a controlled substance, § 5-64-440;
28 ~~(p)(o)~~ An unclassified felony for which the
29 prescribed limitations on the sentence do not exceed the prescribed
30 limitations for a Class B felony and that is not violent or sexual; and
31 ~~(q)(p)~~ Solicitation, attempt, or conspiracy to
32 commit an offense listed in this subdivision (10)(A)(i).
33 (ii) As used in this subdivision (10)(A), “violent or
34 sexual” includes:
35 (a) An offense against the person under § 5-10-101
36 et seq., § 5-11-101 et seq., § 5-12-101 et seq., § 5-13-201 et seq., § 5-13-

1 310, and § 5-14-101 et seq.; ~~and~~

2 (b) A felony ineligible to receive earned release
3 credits or a restricted release felony, as defined in § 16-93-1802; and

4 ~~(b)(c)~~ An offense containing as an element of the
5 offense the use of physical force, the threatened use of serious physical
6 force, the infliction of physical injury, or the creation of a substantial
7 risk of serious physical injury, and an offense for which the offender is
8 required to register as a sex offender under the Sex Offender Registration
9 Act of 1997, § 12-12-901 et seq.

10 (iii) For the purpose of the sealing of a criminal record
11 under § 16-93-1207, “target group” includes any misdemeanor conviction except
12 a misdemeanor conviction for which the offender is required to register as a
13 sex offender or a misdemeanor conviction for driving while intoxicated.

14 (B) Except for those offenders assigned to a technical violator
15 program, only those offenders falling within the target group population may
16 access community correction facilities whether by judicial transfer,
17 administrative transfer, drug court sanction, or probation sanction.

18 (C) Final determination of eligibility for placement in any
19 community correction center or program is the responsibility of the Division
20 of Community Correction;

21
22 SECTION 225. Arkansas Code § 16-93-1208(a)(1)(A), concerning post-
23 commitment transfer to community correction, is amended to read as follows:

24 (a)(1)(A) Upon commitment of an eligible offender to the Division of
25 Correction, the Division of Correction will transfer the eligible offender to
26 a community correction program, when he or she reaches his or her transfer
27 date, in accordance with the rules promulgated by the Board of Corrections
28 and conditions set by the ~~Parole~~ Post-Prison Transfer Board.

29
30 SECTION 226. Arkansas Code § 16-93-1208(a)(2), concerning post-
31 commitment transfer to community correction, is amended to read as follows:

32 (2) A person eligible for release from incarceration on parole
33 or post-release supervision may be placed in community correction programming
34 while under parole supervision or post-release supervision upon the
35 recommendation of the condition by the releasing authority.

36

1 SECTION 227. Arkansas Code § 16-93-1209, concerning post-commitment
2 transfer to community correction, is amended to read as follows:

3 16-93-1209. Liability.

4 The Division of Correction, the Board of Corrections, the Division of
5 Community Correction, the ~~Parole~~ Post-Prison Transfer Board, and all
6 governmental agencies and units utilizing eligible offenders in community
7 correction programs as defined in this subchapter are immune from liability
8 and suit for damages, and no tort action shall lie against the Division of
9 Correction, the Board of Corrections, the Division of Community Correction,
10 the ~~Parole~~ Post-Prison Transfer Board, and any governmental agency or unit or
11 any of their employees because of any acts of eligible offenders utilized
12 under the provisions of this subchapter.

13
14 SECTION 228. Arkansas Code § 16-93-1401(2), concerning notification of
15 offenders' acquired immune deficiency syndrome status and related
16 definitions, is amended to read as follows:

17 (2) "~~Parole or probation~~ Community supervision officer" means a
18 parole, post-release supervision, or probation officer of the ~~Department~~
19 Division of Community Correction.

20
21 SECTION 229. Arkansas Code § 16-93-1402(a), concerning notification of
22 offenders' acquired immune deficiency syndrome status, is amended to read as
23 follows:

24 (a) The purpose of this subchapter is to provide ~~parole or probation~~
25 community supervision officers with information so they can make informed
26 programming decisions and direct offenders to autoimmune deficiency syndrome-
27 related resources, including appropriate financial, housing, legal, medical,
28 and counseling services.

29
30 SECTION 230. Arkansas Code § 16-93-1402(b), concerning notification of
31 offenders' acquired immune deficiency syndrome status, is amended to read as
32 follows:

33 (b) Upon the release of an offender from a correctional institution, a
34 medical representative of the correctional institution shall notify the
35 offender's ~~parole or probation~~ community supervision officer when the
36 offender has tested positive for infection with human immunodeficiency virus

1 (HIV), or has been diagnosed as having acquired deficiency syndrome (AIDS) or
2 acquired immune deficiency syndrome-related conditions.

3
4 SECTION 231. Arkansas Code § 16-93-1402(c), concerning notification of
5 offenders' acquired immune deficiency syndrome status, is amended to read as
6 follows:

7 (c) Information obtained by a ~~parole or probation~~ community
8 supervision officer pursuant to this subchapter shall be confidential and
9 shall not be disclosed except as specifically authorized by this subchapter.

10
11 SECTION 232. Arkansas Code § 16-93-1602(3)(A), concerning definitions
12 related to transitional housing for offenders transferring from the Division
13 of Correction, is amended to read as follows:

14 (3)(A) "Transitional housing" means a program that provides
15 housing for one (1) or more offenders who either have been transferred or
16 paroled from the Division of Correction by the ~~Parole~~ Post-Prison Transfer
17 Board or placed on probation by a circuit court or district court.

18
19 SECTION 233. Arkansas Code § 16-93-1603(b)(1), concerning powers and
20 duties of the Board of Corrections related to transitional housing for
21 offenders transferring from the Division of Correction, is amended to read as
22 follows:

23 (b)(1) The ~~Parole~~ Post-Prison Transfer Board, a district court, or a
24 circuit court shall not release a transferee, parolee, or probationer to a
25 transitional housing facility as a resident unless the transitional housing
26 facility provides a copy of a current license issued by the Division of
27 Community Correction under § 16-93-1604.

28
29 SECTION 234. Arkansas Code § 16-97-103(1), concerning relevant
30 evidence related to sentencing, is amended to read as follows:

31 (1) The law applicable to parole, post-release supervision,
32 meritorious good time, earned release credits, or transfer;

33
34 SECTION 235. Arkansas Code § 16-112-208(c)(2)(C), concerning actions a
35 court may take upon finding that a person's assertion of actual innocence is
36 false, is amended to read as follows:

1 (C) Forward the finding to the Board of Corrections for
2 consideration in the awarding of meritorious good time or earned release
3 credits to the person; or
4

5 SECTION 236. Arkansas Code § 16-112-208(c)(2)(D), concerning new
6 evidence based on new deoxyribonucleic acid technology, is amended to read as
7 follows:

8 (D) Forward the finding to the ~~Parole~~ Post-Prison Transfer
9 Board for consideration in the granting of parole or post-release supervision
10 to the person.
11

12 SECTION 237. Arkansas Code § 17-1-103(d)(1), concerning registration,
13 certification, and licensing for criminal offenders and evidence of
14 rehabilitation, is amended to read as follows:

15 (1) Probation, ~~or parole, or post-release~~ supervision; and
16

17 SECTION 238. Arkansas Code § 17-19-301(a), concerning premiums for
18 bail bonds, is amended to read as follows:

19 (a)(1) ~~With the exception of other provisions of~~ Except as provided in
20 this section, the premium or compensation for giving bond or depositing money
21 or property as bail on any bond shall be ten percent (10%), except that the
22 amount may be rounded up to the nearest five-dollar amount.

23 (2)(A) The premium or compensation under subdivision (a)(1) of
24 this section shall be deposited in full prior to release.

25 (B) In no event shall all or a portion of the premium or
26 compensation under subdivision (a)(1) of this section be deposited after
27 release.

28 (3) If property is deposited as bail to meet the premium or
29 compensation under subdivision (a)(1) of this section, appropriate
30 documentation shall be submitted to the court verifying:

31 (A) The value of the property deposited as bail; and

32 (B) That title to the property has been transferred to the
33 surety.
34

35 SECTION 239. Arkansas Code § 19-5-302(12)(B)(ii), concerning the
36 Miscellaneous Agencies Fund Account that is part of the State General

1 Government Fund, is amended to read as follows:

2 (ii) Nonrevenue income derived from services
3 provided by the probation, parole, post-release supervision, and community
4 correction program; and

5

6 SECTION 240. Arkansas Code § 19-6-301(31), concerning enumerated
7 special revenues, is amended to read as follows:

8 (31) Fees recovered from ex-offenders on probation, ~~or parole,~~
9 or post-release supervision from a facility of the Division of Community
10 Correction, as enacted by Acts 1981, No. 70, and all laws amendatory thereto,
11 § 16-93-104;

12

13 SECTION 241. Arkansas Code § 19-10-204(b)(5), concerning the
14 jurisdiction of the Arkansas State Claims Commission, is amended to read as
15 follows:

16 (5) Brought against the Division of Community Correction for
17 acts committed by a person while that person is subject to conditions of
18 parole, post-release supervision, or probation under Arkansas law;

19

20 SECTION 242. Arkansas Code § 20-13-1704(b), concerning immunity for
21 seeking medical assistance related to a controlled substance, is amended to
22 read as follows:

23 (b) A person shall not be subject to penalties for a violation of a
24 permanent or temporary protective order or restraining order or sanctions for
25 a violation of a condition of pretrial release, condition of probation, or
26 condition of parole or post-release supervision based on the possession of a
27 controlled substance in violation of § 5-64-419 if the penalties or sanctions
28 are related to the seeking of medical assistance.

29

30 SECTION 243. Arkansas Code § 20-18-306 is amended to read as follows:
31 20-18-306. Fees for certified copies.

32 (a) ~~All~~ Except as provided in subsections (b) and (c) of this section,
33 all fees for certified copies of vital records or vital reports under this
34 chapter are listed in § 20-7-123.

35 (b)(1) ~~However, certified~~ Certified copies of the records shall be
36 furnished to veterans or their dependents without costs when the Department

1 of Veterans Affairs requires certified copies of the records.

2 (2) Any veteran or his or her dependents shall make application
3 and shall execute an unnotarized affidavit that he or she is a veteran or a
4 dependent of a veteran in order to obtain the free certified copy of any
5 vital record.

6 (3) Any person who falsely or fraudulently makes an application
7 and unnotarized affidavit that he or she is a veteran or a dependent of a
8 veteran when the person is not a veteran or a dependent of a veteran shall be
9 guilty of a misdemeanor. Upon conviction, the person shall be subject to a
10 fine of not less than fifty dollars (\$50.00) nor more than two hundred fifty
11 dollars (\$250) or imprisonment for not less than thirty (30) days nor more
12 than six (6) months, or both fine and imprisonment.

13 (c) Certified copies of the records shall be furnished to the
14 Department of Corrections on behalf on a state inmate without costs when
15 requested as release documentation for the state inmate.

16

17 SECTION 244. Arkansas Code § 20-38-105(d)(3)(D), concerning exceptions
18 to background checks and disqualification from employment, is amended to read
19 as follows:

20 (D) The person has completed probation, ~~or~~ parole, or
21 post-release supervision, paid all court-ordered fees or fines, including
22 restitution, and fully complied with all court orders pertaining to the
23 conviction or plea;

24

25 SECTION 245. Arkansas Code § 20-76-410(a)(6), concerning conduct that
26 warrants a reduction in a grant of assistance, is amended to read as follows:

27 (6) The individual flees prosecution or custody or confinement
28 following conviction or is in violation of the terms or conditions of parole,
29 post-release supervision, or probation.

30

31 SECTION 246. Arkansas Code § 25-16-904(11), concerning state boards
32 that may pay a stipend to members, is amended to read as follows:

33 (11) ~~Parole~~ Post-Prison Transfer Board;

34

35 SECTION 247. Arkansas Code § 25-43-402(a)(7), concerning state
36 entities transferred to the Department of Corrections, is amended to read as

1 follows:

2 (7) The ~~Parole~~ Post-Prison Transfer Board, created under § 16-
3 93-201;

4

5 SECTION 248. Arkansas Code § 25-43-403(c), concerning the Secretary of
6 the Department of Corrections, is amended to read as follows:

7 (c) The secretary may perform all duties to administer the department,
8 subject to Arkansas Constitution, Amendment 33, including without limitation:

9 (1) Delegate to the employees of the department any of the
10 powers or duties of the department required to administer the:

11 (A) Statutory duties; or

12 (B) Rules, orders, or directives promulgated or issued by
13 the state entities transferred to or established within the department;

14 (2) Hire department personnel; ~~and~~

15 (3) Perform or assign duties assigned to the department or to
16 the employees of the department; and

17 (4)(A) Ensure compliance with the balanced correctional plan
18 developed under § 16-90-802(d)(4) by reviewing the strategic plans of the
19 state entities transferred to or established within the department.

20 (B) Review by the secretary under subdivision (c)(4)(A) of
21 this section shall be conducted before the review and approval of the
22 authority of a state entity that is required to develop a strategic plan.

23

24 SECTION 249. Arkansas Code § 27-16-816 is amended to read as follows:
25 27-16-816. Probationer and parolee restricted permits.

26 (a)(1) If a person is on probation, ~~or~~ parole, or post-release
27 supervision, or is within ninety (90) days of release on probation, ~~or~~
28 parole, or post-release supervision, for an offense that did not involve the
29 operation of a motor vehicle ~~and he or she has his or her license suspended~~
30 ~~for a reason not listed under § 27-16-915(b)(2)(C)~~, the person may be
31 eligible for a restricted driving permit under this section that permits the
32 holder to drive a motor vehicle directly to and directly home from:

33 (A) A place where he or she is employed;

34 (B) A place where he or she, or his or her minor child,
35 attends school;

36 (C) A scheduled meeting with his or her ~~probation or~~

1 ~~parole~~ community supervision officer; or

2 (D) Any place, location, or meeting that the person's
3 ~~probation or parole~~ community supervision officer has directed the person on
4 probation or parole to travel to or attend.

5 (2) This section does not apply to a person with an expired
6 driver's license or a person who has failed to comply with license
7 reinstatement requirements under § 5-65-115(a) and § 5-65-121.

8 (3) The Department of Corrections shall provide access to the
9 programs required under § 5-65-115(a) and § 5-65-121 to inmates.

10 (b)(1)(A) The application for a restricted driving permit under this
11 section by a person on probation, ~~or~~ parole, or post-release supervision may
12 be submitted electronically to the Department of Finance and Administration
13 by a ~~probation or parole~~ community supervision officer employed by the
14 Division of Community Correction.

15 (B) The ~~department~~ Department of Finance and
16 Administration shall determine whether the restricted driving permit that
17 allows a person on probation, ~~or~~ parole, or post-release supervision to drive
18 a motor vehicle to and from a place listed under subsection (a) of this
19 section shall be issued.

20 (2)(A) A restricted driving permit issued under this section
21 shall be a standardized permit, and the person possessing a restricted
22 driving permit under this section shall have the restricted driving permit in
23 his or her possession at all times when the person is operating a motor
24 vehicle until the person's driver's license is no longer suspended.

25 (B)(i) A restricted driving permit shall include the
26 address of the person's residence and the address of each location to and
27 from where the person is permitted to drive under this section.

28 (ii) The person's name and address on a restricted
29 driving permit under this section shall match the person's name and address
30 as listed on a valid state-issued identification in the person's possession.

31 (3) The ~~department~~ Department of Finance and Administration may
32 revoke a restricted driving permit under this section at any time and for any
33 reason.

34 (c) A person who knowingly creates a fraudulent restricted driving
35 permit, the purpose of which is to be used as a restricted driving permit
36 under this section upon conviction is guilty of a Class A misdemeanor.

1 (d) A motor vehicle liability insurance carrier may provide liability
2 insurance for a person issued a restricted driving permit under this section
3 but is not required to issue an insurance policy for a person who has been
4 issued a restricted driving permit under this section.

5 (e)(1) A person on probation, ~~or~~ parole, or post-release supervision
6 who has been issued a restricted driving permit under this section shall
7 continue to have his or her driver's license suspended until the person has
8 satisfied all the requirements necessary to remove his or her driver's
9 license from suspension.

10 (2) Once the person on probation, ~~or~~ parole, or post-release
11 supervision has his or her driver's license removed from suspension, he or
12 she shall be free from the restrictions placed on him or her under this
13 section.

14 (f) A restricted driving permit issued under this section expires on
15 the date on which the person is released from probation, ~~or~~ parole, or post-
16 release supervision.

17 (g) The division and the ~~department~~ Department of Finance and
18 Administration may promulgate rules to implement this section.

19
20 SECTION 250. TEMPORARY LANGUAGE. DO NOT CODIFY. Legislative
21 Recidivism Reduction Task Force – Creation – Membership – Duties.

22 (a) There is created the Legislative Recidivism Reduction Task Force.

23 (b) The task force shall consist of the following nineteen (19)
24 members:

25 (1) One (1) member appointed by the Chief Justice of the Supreme
26 Court;

27 (2) Nine (9) members appointed by the Governor, as follows:

28 (A) One (1) member who is a county sheriff;

29 (B) One (1) member who is a representative of the Arkansas
30 Public Defender Commission;

31 (C) One (1) member who is a public defender;

32 (D) One (1) member who is a prosecuting attorney;

33 (E) One (1) member who is a member of the executive board
34 of the Arkansas Association of Chiefs of Police;

35 (F) One (1) member who is a victim of crime or an advocate
36 for victims of crime;

1 (G) One (1) member who is a member of a community affected
2 by crime and who may be a person with personal experience in the criminal
3 justice system; and

4 (H) Two (2) at-large members who are representative of the
5 racial, ethnic, gender, or geographical diversity of the state;

6 (3) Two (2) members of the Senate appointed by the President Pro
7 Tempore of the Senate;

8 (4) Two (2) members of the House of Representatives appointed by
9 the Speaker of the House of Representatives;

10 (5) The Chair of the Board of Corrections, or his or her
11 designee;

12 (6) The Chair of the Arkansas Parole Board, or his or her
13 designee;

14 (7) The Secretary of the Department of Corrections, or his or
15 her designee;

16 (8) The Director of the Division of Community Correction, or his
17 or her designee; and

18 (9) The Attorney General, or his or her designee.

19 (c) If a vacancy occurs on the task force, the vacancy shall be filled
20 by the same process as the original appointment.

21 (d)(1) The Senate members appointed by the President Pro Tempore of
22 the Senate shall call the first meeting of the task force no later than
23 August 31, 2023.

24 (2) At the first meeting of the task force, the members of the
25 task force shall elect from the membership a chair and other officers as
26 needed for the transaction of its business.

27 (3) The task force shall meet at least quarterly at the call of
28 the chair or a majority of the members of the task force.

29 (4) The task force shall meet at the State Capitol Building or
30 in the legislative committee rooms in the Multi-Agency Complex on the State
31 Capitol grounds.

32 (e)(1) The task force shall adopt rules and procedures for conducting
33 its business.

34 (2) Nine (9) members of the task force shall constitute a quorum
35 for transacting business.

36 (f) The purpose of the task force is to study and recommend

1 improvements to the criminal justice system outcomes in the State of
2 Arkansas.

3 (g) To achieve this purpose, the task force, working with the support
4 of the Council of State Governments Justice Center, shall:

5 (1) Conduct a comprehensive data analysis to identify the
6 drivers of Arkansas's high recidivism rates;

7 (2) Examine the effectiveness of current supervision practices
8 and responses to technical violations of supervision;

9 (3) Identify unnecessary barriers to successful reentry into
10 society;

11 (4) Determine gaps in behavioral health treatment, workforce
12 training, and other services for people on supervision and reentering society
13 from incarceration;

14 (5) Use data to identify how recidivism contributes to overall
15 crime and incarceration rates; and

16 (6) Develop data-driven recommendations for reducing recidivism
17 and improving outcomes for people on supervision and reentering society from
18 incarceration.

19 (h)(1) On or before December 31, 2023, the task force shall submit a
20 preliminary report to the Legislative Council, the Governor, and the Chief
21 Justice of the Supreme Court.

22 (2) On or before December 1, 2024, the task force shall submit
23 its final report to the Legislative Council, the Governor, and the Chief
24 Justice of the Supreme Court.

25 (3) The preliminary report and the final report shall include
26 the task force's activities, findings, and recommendations, including without
27 limitation:

28 (A) Recommendations for improvements to criminal justice
29 system outcomes;

30 (B) A summary of projected savings to the State of
31 Arkansas to be generated from adoption of the recommendations of the task
32 force; and

33 (C) The projected impact on public safety in the state
34 with adoption of the recommendations of the task force.

35 (i) The task force shall expire on December 31, 2024.
36

1 SECTION 251. DO NOT CODIFY. CORRECTION OF TECHNICAL ERRORS RELATED TO
2 IMPLEMENTATION OF the "Protect Arkansas Act".

3 (a)(1) The General Assembly finds that:

4 (A) The implementation of this act involves a multitude of
5 changes to existing Arkansas law;

6 (B) Many of the changes implicated by this act are highly
7 technical and require careful study of the purpose and context of each
8 Arkansas Code section, with the need for some of the changes not becoming
9 apparent until the implementation of this act;

10 (C) When implementing revisions as large and comprehensive
11 as the changes under this act, it is inevitable that certain sections of the
12 Arkansas Code requiring technical changes to follow the intent of this act
13 will be either omitted or amended in a manner that is later found to be
14 erroneous and unintentional;

15 (D) It is likewise inevitable that other acts enacted by
16 the Ninety-fourth General Assembly will not take into account the changes in
17 this act, resulting in technical inconsistencies between newly passed laws;
18 and

19 (E) If the correct statutory change to remedy an
20 unintentional error or an inconsistency between this act and another act of
21 the Ninety-fourth General Assembly is readily apparent and consistent with
22 the intent of this act, the unintentional error or inconsistency should be
23 corrected as part of the codification process due to the technical nature of
24 the unintentional error or inconsistency.

25 (2) It is the intent of the General Assembly to empower the
26 Arkansas Code Revision Commission to correct technical errors identified in
27 the Arkansas Code during the implementation of this act to allow this act to
28 be fully implemented.

29 (b)(1)(A) Any person or state entity identifying one (1) or more
30 sections of the Arkansas Code that require revision to implement the intent
31 of this act may notify the Director of the Bureau of Legislative Research or
32 his or her designee of the section or sections at issue.

33 (B) If the Bureau of Legislative Research, while assisting
34 the commission with the commission's powers and duties, becomes aware of one
35 (1) or more sections of the Arkansas Code that require revision to implement
36 the intent of this act for which it appears that the bureau and the

1 commission do not have authority to make the necessary revision under § 1-2-
2 303(d), the bureau may notify the commission of the section or sections at
3 issue.

4 (2) If the commission determines that the revision necessary to
5 one (1) or more sections of the Arkansas Code under subdivision (b)(1) of
6 this section is technical in nature, germane to the intent of this act, and
7 consistent with this act's policy and purposes, the commission may make the
8 revision to the Arkansas Code.

9 (3) The commission shall notify the publisher of the Arkansas
10 Code of a revision to the Arkansas Code under subdivision (b)(2) of this
11 section as soon as possible so that the revision may be reflected in the
12 official hard copy version of the Arkansas Code and official electronic
13 version of the Arkansas Code.

14 (4)(A) Except as provided in subdivision (b)(4)(B) of this
15 section, when the commission approves a revision to the Arkansas Code under
16 subdivision (b)(2) of this section, the commission shall notify the following
17 of the revision within thirty (30) days:

- 18 (i) The Speaker of the House of Representatives;
- 19 (ii) The President Pro Tempore of the Senate; and
- 20 (iii) The Legislative Council.

21 (B) The commission is not required to make a notification
22 under subdivision (b)(4)(A) of this section if the revision is made under §
23 1-2-303(d).

24 (c) The authority granted to the commission under this section is
25 supplemental to the commission's authority under § 1-2-303.

26 (d) This section shall expire on December 31, 2024.

27
28 SECTION 252. DO NOT CODIFY. CONSTRUCTION.

29 (a) Except as provided in subsection (b) of this section, to the
30 extent that a conflict exists between an act of the regular session of the
31 Ninety-Fourth General Assembly and this act:

32 (1) Section 1-2-107 shall not apply; and

33 (2) All of the enactments of each act shall be given effect
34 except to the extent of irreconcilable conflicts, in which case the
35 conflicting provision of this act shall prevail.

36 (b) This section shall not revive or re-enact any provision of the

1 Arkansas Code that has been repealed by an act of the regular session of the
2 Ninety-Fourth General Assembly, including without limitation this act.

3
4 SECTION 253. DO NOT CODIFY. Severability.

5 As provided in § 1-2-117, the provisions of this act are severable,
6 and, if any portion of this act is determined to be unconstitutional or
7 invalid, the remaining portions of the act remain in effect.

8
9 SECTION 254. DO NOT CODIFY. Revisions to position classification
10 titles.

11 (a) Any position classification title that is no longer appropriate in
12 light of the changes to Arkansas law under this act may be revised as
13 determined appropriate by the Office of Personnel Management, including
14 without limitation the revision of position classification titles that
15 reference the Parole Board to instead reference the Post-Prison Transfer
16 Board.

17 (b) The authority under subsection (a) of this section does not allow
18 for revisions to:

19 (1) A pay grade;

20 (2) A line item;

21 (3) The number of authorized classifications; or

22 (4) A job duty.

23
24 SECTION 255. DO NOT CODIFY. EFFECTIVE DATE.

25 Sections 1-249 of this act and sections 251-254 of this act are
26 effective on and after January 1, 2024.

27
28 */s/Gilmore*

29
30
31 **APPROVED: 4/11/23**

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

A Bill

HOUSE BILL 1678

5 By: Representative Beaty Jr.
6 By: Senator Gilmore
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING APPLICATIONS FOR
10 PARDON, COMMUTATION OF SENTENCE, AND REMISSION OF
11 FINES AND FORFEITURES; TO AUTHORIZE THE GOVERNOR TO
12 DENY AN APPLICATION FOR PARDON, COMMUTATION OF
13 SENTENCE, AND REMISSION OF FINES AND FORFEITURES WITH
14 PREJUDICE; AND FOR OTHER PURPOSES.
15

Subtitle

16
17
18 TO AUTHORIZE THE GOVERNOR TO DENY AN
19 APPLICATION FOR PARDON, COMMUTATION OF
20 SENTENCE, AND REMISSION OF FINES AND
21 FORFEITURES WITH PREJUDICE.
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code § 16-93-207 is amended to read as follows:

27 16-93-207. Applications for pardon, commutation of sentence, and
28 remission of fines and forfeitures.

29 (a)(1)(A) At least thirty (30) days before granting an application for
30 pardon, commutation of sentence, or remission of fine or forfeiture, the
31 Governor shall file with the Secretary of State a notice of his or her
32 intention to grant the application.

33 (B) The Governor shall also direct the Division of Correction to
34 send notice of his or her intention to the judge, the prosecuting attorney,
35 and the county sheriff of the county in which the applicant was convicted
36 and, if applicable, to the victim or the victim's next of kin.



1 (2) The filing of the notice shall not preclude the Governor
2 from later denying the application, but any pardon, commutation of sentence,
3 or remission of fine or forfeiture granted without filing the notice shall be
4 null and void.

5 (b) If the Governor does not grant an application for pardon,
6 commutation of sentence, or remission of fine or forfeiture within two
7 hundred forty (240) days of the Governor's receipt of the recommendation of
8 the Parole Board regarding the application, the application shall be deemed
9 denied by the Governor, and any pardon, commutation of sentence, or remission
10 of fine or forfeiture granted after the two-hundred-forty-day period shall be
11 null and void.

12 (c)(1)~~(A)~~ Except as provided in subdivision (c)(3), ~~and~~ subsection
13 (d), and subsection (e) of this section, if an application for pardon,
14 commutation of sentence, or remission of fine or forfeiture is denied in
15 writing by the Governor, the person filing the application shall not be
16 eligible to file a new application for pardon, commutation of sentence, or
17 remission of fine or forfeiture related to the same offense for a period of
18 four (4) years from the date of ~~filing the application that was denied~~
19 denial.

20 ~~(B) Any person who made an application for pardon, commutation of~~
21 ~~sentence, or remission of fine or forfeiture that was denied on or after July~~
22 ~~1, 2004, shall be eligible to file a new application four (4) years after the~~
23 ~~date of filing the application that was denied.~~

24 (2) If an application for pardon, commutation of sentence, or
25 remission of fine or forfeiture is denied by the Governor pursuant to
26 subsection (b) of this section, the person filing the application may
27 immediately file a new application for pardon, commutation of sentence, or
28 remission of fine or forfeiture related to the same offense.

29 (3)(A) The board may waive the waiting period for filing a new
30 application for pardon, commutation of sentence, or remission of fine or
31 forfeiture described in subdivision ~~(e)(1)(A)~~ (c)(1) of this section if:

32 (i) It has been at least twelve (12) months after
33 the date of filing the application that was denied; and

34 (ii) The board determines that the person whose
35 application was denied has established that:

36 (a) New material evidence relating to the

1 person's guilt or punishment has been discovered;

2 (b) The person's physical or mental health has
3 substantially deteriorated; or

4 (c) Other meritorious circumstances justify a
5 waiver of the waiting period.

6 (B)(i) The board shall promulgate rules that shall
7 establish policies and procedures for waiver of the waiting period.

8 (ii) The board may make additions, amendments,
9 changes, or alterations to the rules in accordance with the Arkansas
10 Administrative Procedure Act, § 25-15-201 et seq.

11 (d)(1) Except as provided in subdivision (d)(3) and subsection (e) of
12 this section, if an application for pardon, commutation of sentence, or
13 remission of fine or forfeiture of a person sentenced to life imprisonment
14 without parole is denied in writing by the Governor, the person filing the
15 application shall not be eligible to file a new application for pardon,
16 commutation of sentence, or remission of fine or forfeiture related to the
17 same offense for a period of:

18 (A) Six (6) years from the date of the denial; or

19 (B) Eight (8) years from the date of the denial if the
20 applicant is serving a sentence of life without parole for capital murder, §
21 5-10-101.

22 (2) If an application for pardon, commutation of sentence, or
23 remission of fine or forfeiture of a person sentenced to life imprisonment
24 without parole is denied by the Governor pursuant to subsection (b) of this
25 section, the person filing the application may immediately file a new
26 application for pardon, commutation of sentence, or remission of fine or
27 forfeiture related to the same offense.

28 (3)(A) The board or the Governor may waive the waiting period
29 for filing a new application for pardon, commutation of sentence, or
30 remission of fine or forfeiture described in subdivision (d)(1) of this
31 section if:

32 (i) It has been at least twelve (12) months after
33 the date of filing the application that was denied; and

34 (ii) The board determines that the person whose
35 application was denied has established that:

36 (a) New material evidence relating to the

1 person's guilt or punishment has been discovered;

2 (b) The person's physical or mental health has
3 substantially deteriorated; or

4 (c) Other meritorious circumstances justify a
5 waiver of the waiting period.

6 (B)(i) The board shall promulgate rules that shall
7 establish policies and procedures for waiver of the waiting period.

8 (ii) The board may make additions, amendments,
9 changes, or alterations to the rules in accordance with the Arkansas
10 Administrative Procedure Act, § 25-15-201 et seq.

11 (e)(1) The Governor may specify that a denial in writing of an
12 application for pardon, commutation of sentence, or remission of fine or
13 forfeiture is with prejudice.

14 (2) If the Governor denies an application with prejudice, the
15 applicant is barred from filing any subsequent application for pardon,
16 commutation of sentence, or remission of fine or forfeiture while the
17 Governor who issued the denial with prejudice serves as Governor.

18 (3) The effect of this subsection is in addition to any other
19 waiting period specified by this section.

20 ~~(e)(f)~~ If an application for pardon, commutation of sentence, or
21 remission of fine is granted, the Governor shall:

22 (1) Include in his or her written order the reasons for granting
23 the application; and

24 (2) File with the Senate and the House of Representatives a copy
25 of the order that includes:

26 (A) The applicant's name;

27 (B) The offense of which the applicant was convicted;

28 (C) The sentence imposed upon the applicant;

29 (D) The date that the sentence was imposed; and

30 (E) The effective date of the pardon, commutation of
31 sentence, or remission of fine.

32 ~~(f)(1)~~(g)(1) This section shall not apply to reprieves.

33 (2) Reprieves may be granted as presently provided by law.

34
35 **APPROVED: 4/12/23**