

ARKANSAS CORRECTIONS REFORM

SECTION 1
Committee Summary, Talking Points & Key Charts

Prepared by Victoria Parsons - September 2026

Section I: The Problem: Arkansas Does NOT Have Enough Prison Space

- 19,869 individual inmate records appear on the workbook's Inmate Details sheet.
- The County Jail sheet reports 2,278 state inmates in county/city jail backup.
- The By Unit pivot also lists Statewide County/City Jail Backup = 2,278, showing that backup is included within its statewide total rather than added on top.
- The By Unit pivot totals 19,900, while the detailed inmate list and the Parole Eligible by year pivot total 19,869 - a 31-record workbook discrepancy.
- For proposal calculations, this packet uses 19,869 as the detailed-record denominator and identifies the 31-record pivot discrepancy in the methodology notes.
- Legislative research reports 16,809 operated ADC beds.
- Using 19,869 as the denominator, $19,869 / 16,809 = \text{about } 118.2\%$ of operated-bed capacity.

Jurisdictional inmate count	Operated ADC beds
19,869	16,809
Includes 2,278 in county/city jail backup	Existing operated capacity

THE BOC WORKBOOK POINT

The workbook supports treating the 2,278 county-jail backup as part of the statewide/jurisdictional population, not as 2,278 additional people to add to 19,869. Because the workbook contains a 31-record discrepancy between the detailed list (19,869) and the By Unit pivot (19,900), this packet uses 19,869 for calculations and discloses the discrepancy.

Section II: What My Proposal Is Actually Asking For

- Does **NOT** repeal the Protect Arkansas Act
- Focuses primarily on older pre-2025 cases
- No automatic releases
- Creates an opportunity for individualized review
- Public safety remains the deciding factor

Three possible paths

Path	What it does	Best use
OPTION A - Earned eligibility for pre-2025 70% sentences + first-time-offender priority	Allows a carefully screened subset of people serving pre-2025 70% sentences, including selected first-degree murder cases, to earn earlier transfer eligibility through sustained good conduct, rehabilitation, risk review, and Board approval.	Addresses the legacy 70% population through an incentive-and-transfer framework while prioritizing lower-history first-time offenders for individualized review.
OPTION B - Individualized Second-Look Review	Creates a review pathway after substantial time served, with special consideration for younger people at the offense or plea, secondary participants, exceptional rehabilitation, and other defined factors.	Addresses proportionality, maturity, rehabilitation, and present-day risk in long sentences.
COMBINED OPTION - Earn Credits Toward a Second-Look	Uses earned conduct and programming credits to advance a second-look hearing date while keeping release fully discretionary.	Combines incentive structure with case-by-case safeguards.

NO AUTOMATIC RELEASE

Every pathway is review-based. Eligibility means an opportunity to be considered. The conviction remains in place, victim rights remain protected, and release may be denied whenever public-safety concerns outweigh the evidence supporting transfer.

Section II-A: How This Proposal Fits Beside the Protect Arkansas Act

The Protect Arkansas Act looks forward. This proposal addresses selected older and long-serving cases under earlier eligibility rules.

Protect Arkansas Act	This proposal	Shared policy principle
Earned-release credits for eligible newer offenses	Earned eligibility for selected older 70% cases	Behavior and rehabilitation should matter
Post-release supervision	Structured supervision after any approved release	Accountability continues after prison
100% / 85% minimum-service rules for specified newer offenses	Substantial minimum time served before older-case review	Serious crimes require substantial punishment
Board-controlled release mechanisms	Board, judicial panel, or specialized second-look panel	No automatic release
Recidivism reduction as an express legislative concern	Reentry contracts, workforce preparation, treatment, and outcome tracking	Public safety is measured by what happens after release

LEGISLATIVE FRAMING

The proposal is structured as a companion policy for the legacy population, using concepts Arkansas already employs: accountability, earned rehabilitation, risk assessment, supervision, and public-safety review.

Section III: Options A & B: Who Could Receive Individualized Review

- Applies to selected pre-2025 70% sentences
- Includes selected first-degree murder and aggravated robbery cases under a more extensive review
- Excludes sexual offenses
- Gives additional consideration to first-time felony offenders
- Actual role in the offense should matter
- 15 years served becomes the starting point for individualized review
- Final decision stays with the reviewing authority
- No automatic release on either option

Defined review categories

Category	Proposed treatment
Emerging adults / under 21	Permit review when the person was younger than 21 at the offense or plea that produced a lengthy term. Age is one factor - never an automatic ground for release.
15-year review for long sentences	Allow one comprehensive review after at least 15 years, with a defined waiting period before reapplication if denied.
Secondary participant / accomplice	Permit proportionality review where the person's role was materially different from the person who personally committed the lethal or most violent act.
Addiction and recovery	Allow severe substance-use disorder to be considered as one factor when it materially contributed to the offense and later recovery is demonstrated.
Exceptional rehabilitation	Create a formal certification process for long-serving people with exceptional institutional records, triggering review rather than release.
Geriatric / medical	Create a streamlined review for older or seriously medically impaired prisoners who have served substantial time and whose current risk is low.

Section III-A: Illustrative Score-Based Review Model

This is a discussion model showing how multiple review factors could be weighed consistently. It does not make release automatic.

Factor	Illustrative treatment
Validated current risk	Low 0 Moderate +2 High +3 Very high +5
Recent serious/violent institutional discipline	+2 to +5 depending on severity and frequency
Sustained clean conduct	-1 after 5 years; -2 after 10 years without serious discipline
Emerging-adult status	-2 if offense/major plea occurred under 21; -1 if age 21-24
Secondary/non-lethal role	-1 to -2 when the record establishes materially lesser participation; never automatic
Rehabilitation	Up to -2 for sustained treatment, education, work, mentoring, and demonstrated change
Complete verified reentry plan	-1
15+ years served	Eligibility threshold rather than a release credit

ILLUSTRATIVE SCORE INTERPRETATION

0-7 = suggest release | 8+ = suggest denial. Example discussion model only. The score would guide review; release would remain discretionary and the reviewing authority would retain the final decision.

Section III-B: Combined Option: Earned Credits Toward a Second-Look Hearing

Good conduct and rehabilitation could advance the date of an individualized second-look hearing, while the hearing itself remains fully discretionary.

Stage	How the combined model works
1. Minimum punishment served	No one becomes eligible until a substantial minimum period has been served - for example, 15 years or an offense-specific floor.
2. Earned eligibility	Sustained good conduct, education, work, treatment, mentoring, and reentry preparation can earn credits that advance the review date within statutory limits.
3. Second-look screening	Validated risk, institutional record, offense facts and role, age/maturity, addiction history, victim input, and reentry readiness are reviewed together.
4. Independent decision	The Post-Prison Transfer Board, a judicial panel, or a specialized second-look panel may deny relief, set a later review date, or authorize an appropriate supervised-release mechanism.
5. Supervision and accountability	Any release remains subject to supervision conditions, revocation law, and graduated responses to technical violations when public safety allows.

WHY THIS PAGE IS HERE

It shows how Option A and Option B can operate together without turning earned credits into automatic release.

Section IV: Estimated Bed-Space & Cost Impact

These counts identify potential review candidates from the available BOC workbook. Percentages use the 19,869 individual-record count as the denominator. They are screening pools, not guaranteed releases.

Measure	Option A	Option B	Both	Combined unique
Potential review candidates	1,480	1,833	441	2,872
Share of 19,869 population	7.45%	9.23%	2.22%	14.45%
County-jail backup capacity equivalent	65.0%	80.5%	19.4%	126.1%
Interpretation	70% non-sex, pre-2025 proxy	15+ years served, measurable term sentences	Meets both data tests	No double counting

Illustrative approval scenarios

Scenario	Beds	State population	Backup equivalent	Annual gross equivalent
10%	287	1.44%	12.6%	\$7.80M
25% planning case	718	3.61%	31.5%	\$19.51M
40%	1,149	5.78%	50.4%	\$31.23M
100% ceiling	2,872	14.45%	126.1%	\$78.05M

PLANNING CASE

At 25% of the unique measurable pool, the model produces approximately 718 beds of relief. These percentages are planning scenarios, not predicted approval rates.

Section IV-A: Fiscal Impact at a Glance

FY2026	FY2027	ONE-YEAR RISE	SHARE OF FY2027 RSA ALLOCATIONS
\$628.8M	\$674.7M	+\$45.9M	~10%
official general-revenue allocation	official general-revenue allocation	about 7.3%	about 10.1% of \$6.705B RSA

What this proposal could offset

Scenario	Beds	Gross annual equivalent	Share of FY2027 allocation
10% approval	287	\$7.80M	1.2%
25% planning case	718	\$19.51M	2.9%
40% approval	1,149	\$31.23M	4.6%
100% measurable ceiling	2,872	\$78.05M	11.6%

THE BUDGET POINT

At the 25% planning case, the model represents about 718 beds and \$19.51 million per year in gross operating-cost equivalent - roughly 43% of the FY2026-to-FY2027 increase in Corrections general revenue.

FY2028-FY2029 projections from the full proposal are illustrations, not official forecasts. Savings shown here are gross equivalents and depend on fixed costs, staffing, supervision, reentry, contracted beds, and avoided future capacity.

Reform vs. New Prison Construction

Scale comparison using the combined Option A + Option B planning case and publicly discussed prison-construction figures.

25% planning case - 1 year gross equivalent		\$19.51M
25% planning case - 10-year gross equivalent		\$195.14M
2025 prison appropriation proposal (SB354)		\$750M
2025 estimated total prison project cost		\$825M

WHY THIS COMPARISON MATTERS

At the 25% planning case, the combined Option A + Option B model represents about \$19.51 million per year, or about \$195.14 million over 10 years if a similar effect were maintained. By comparison, SB354 proposed up to \$750 million for prison construction, and a March 3, 2025 Vanir estimate put the total project cost at about \$825 million before future staffing and operating costs. This shows scale, not immediate cash savings.

Construction-cost sources: Arkansas General Assembly SB354 [26]; JPR-FCO Timeline, Exhibit D3 [27].

Section V: Existing Emergency Powers & Parole-Eligible Backlog

- Arkansas already has a Prison Overcrowding Emergency Powers Act
- The Board may declare an overcrowding emergency when the prison population exceeds **98%** of rated capacity for 30 consecutive days
- The law also recognizes a county-jail backlog trigger of more than **500** inmates
- This proposal documents **2,278** state inmates backed up in county jails
- **7,614** inmates are currently parole eligible
- **1,125** have been parole eligible for more than five years
- Parole eligibility does **NOT** mean automatic release
- Existing authority could be used alongside Options A and B

QUESTION FOR REVIEW

Before relying only on new prison construction, Arkansas can examine whether existing overcrowding and parole-review tools are being fully used.

Section VI: Rehabilitation, Programming & Reducing Recidivism

- Rehabilitation should start earlier, not just near release
- Arkansas already has large program waiting lists
- Some inmates can be delayed because required programming is unavailable
- Programming should be based on need and readiness throughout incarceration
- Reentry planning should include housing, employment, treatment, transportation, identification, and supervision
- Verified savings or avoided costs can be reinvested into programs, staffing, treatment, and reentry
- Success should be measured by fewer new crimes and successful completion of supervision

Illustrative reinvestment formula

Approval scenario	Gross annual equivalent	Officer safety & retention 20%	Program capacity 15%	Reentry/community 10%	Data/evaluation 5%	Remaining/reserve 50%
10% / 287 beds	\$7.80M	\$1.56M	\$1.17M	\$0.78M	\$0.39M	\$3.90M
25% / 718 beds	\$19.51M	\$3.90M	\$2.93M	\$1.95M	\$0.98M	\$9.76M
40% / 1,149 beds	\$31.23M	\$6.25M	\$4.68M	\$3.12M	\$1.56M	\$15.62M

Illustration: up to 50% of verified annual savings/avoided costs could be reinvested; the remaining 50% would stay as budget relief or capacity reserve. Actual appropriations would require legislative action and verified savings.

Section VII: Closing: What I am Asking Arkansas to Consider

- Consider Option A, Option B, or both together
- Keep all release decisions individualized
- Continue using risk assessment, institutional conduct, victim input, rehabilitation, and reentry readiness
- Make better use of existing overcrowding and parole-review tools
- Start rehabilitation earlier and strengthen reentry
- Track outcomes so lawmakers can see what is actually working
- Use targeted review to reduce avoidable pressure while Arkansas determines its true long-term bed needs

SUMMARY

This front section is designed to let a committee member follow the proposal quickly: the problem, the legal fit, who could be reviewed, how review could work, the measurable candidate pool, realistic planning scenarios, fiscal context, existing tools, and reinvestment.

ARKANSAS CORRECTIONS REFORM

SECTION 2

Full Policy Proposal

Arkansas corrections reform proposal

ARKANSAS CORRECTIONS EFFICIENCY, SECOND CHANCE & SAFE COMMUNITIES

Combined Policy Proposal - Protect Arkansas Act Alignment Revision

Two complementary reform options to reduce prison overcrowding, reward rehabilitation, preserve accountability, and protect public safety - while expressly complementing the Protect Arkansas Act.

CORE PRINCIPLE

Arkansas does not have to choose between accountability and reform. This proposal does not repeal or weaken the Protect Arkansas Act for newer offenses. It creates carefully controlled review mechanisms for older and long-serving populations while preserving victim participation, risk assessment, supervision, and final discretionary decision-making.

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Searcy, Arkansas | September 2026

Prepared for community discussion, state policymakers, the Arkansas Department of Corrections, the Board of Corrections, the Post-Prison Transfer Board, and justice stakeholders

Policy discussion draft - not legal advice and not final statutory language.

Executive Summary

The immediate capacity problem. The August 2026 BOC workbook contains 19,869 individual inmate records. Its County Jail sheet reports 2,278 state inmates in county/city jail backup, and the By Unit pivot includes those 2,278 within its statewide total. The By Unit pivot totals 19,900, creating a 31-record discrepancy; this proposal uses 19,869 as the detailed-record denominator.

The Protect Arkansas Act changed the forward-looking sentencing and release framework. Act 659 of 2023 created new post-release-supervision rules for offenses committed on or after January 1, 2025. Some designated offenses require **100%** service; restricted-release felonies generally require at least **85%** service, with earned-release credits capped so they cannot reduce confinement below that floor. The Act also created an earned-release-credit structure for eligible offenses tied to work, good behavior, rehabilitation, and program completion.

This proposal is designed to complement - not undo - that framework. The Protect Arkansas Act primarily governs the new sentencing environment. This proposal focuses on older pre-2025 70% cases and other long-serving prisoners who remain under earlier eligibility rules, while borrowing principles Arkansas has already embraced: earned incentives, rehabilitation, objective risk review, structured supervision, and Board discretion.

The combined proposal. Policymakers may adopt either path independently or combine them:

Path	What it does	Best use
OPTION A - Earned Good-Time / Earned Eligibility for Pre-2025 70% Sentences + First-Time-Offender Priority	Allows a carefully screened subset of people serving pre-2025 70% sentences - including selected first-degree murder cases - to earn earlier transfer eligibility through sustained good conduct, rehabilitation, risk review, and Post-Prison Transfer Board approval. First-time felony-offender status would receive additional favorable consideration, but would never guarantee release.	Addresses the legacy 70% population through an incentive-and-transfer framework while prioritizing lower-history first-time offenders for individualized review.
OPTION B - Individualized Second-Look Review	Creates a review pathway after substantial time served, with special consideration for people under 21 at the offense or plea, secondary participants, exceptional rehabilitation, and other defined factors.	Addresses proportionality, maturity, rehabilitation, and present-day risk in long sentences.
COMBINED OPTION - Earn Credits Toward a Second-Look	Uses earned conduct and programming credits to advance a second-look hearing date, while keeping release fully discretionary.	Combines an incentive structure with case-by-case safeguards.

NO AUTOMATIC RELEASE

Every pathway in this packet is review-based. Eligibility means an opportunity remains in place, victim rights remain protected, and release may be denied whenever public-safety concerns outweigh the evidence supporting transfer.

Arkansas Corrections Snapshot

Measure	Current / verified figure
Detailed inmate-record count used	19,869 (August 2026 Board of Corrections inmate-detail dataset and summary supplied for this proposal)
County-jail backup (subset, not additional)	2,278 (August 2026 Board of Corrections email)
FY2025 ADC direct + indirect costs	\$452,889,302
FY2025 average daily prison population	16,663
FY2025 average cost per inmate per day	\$74.46

The policy goal is not to identify a fixed number of people for release. The goal is to create lawful, evidence-informed mechanisms that reduce avoidable bed demand when continued incarceration no longer provides a proportionate public-safety benefit.

1. How This Proposal Complements the Protect Arkansas Act

One legislative approach is to treat the proposal as a targeted companion policy for populations that remain under older rules, rather than as a repeal of Act 659.

The Protect Arkansas Act looks forward. This proposal responsibly addresses the population Arkansas already has.

What the Protect Arkansas Act already established

- For covered offenses committed on or after January 1, 2025, Arkansas moved to a post-release-supervision framework rather than the prior parole structure.
- Certain designated felonies are ineligible for earned release credits and require 100% of the imposed term to be served before release eligibility.
- Restricted-release felonies generally require at least 85% of the imposed term to be served; earned-release credits cannot reduce confinement below that statutory floor.
- For otherwise eligible offenses, Arkansas uses earned-release credits tied to work practices, job responsibilities, good behavior, rehabilitative activities, and completion of specified education, vocational, treatment, and pre-release programs.
- Awarding earned-release credits affects time in confinement rather than reducing the court-imposed sentence, and Board approval remains part of the release mechanism.
- The Act also created the Legislative Recidivism Reduction Task Force, making recidivism reduction part of the legislation itself.

What this proposal would add

- A narrowly defined earned-eligibility pathway for selected pre-2025 70% sentences, where current law generally does not allow meritorious good time to reduce the 70% requirement for listed offenses.
- An individualized second-look process after substantial punishment, focused on present-day risk, institutional conduct, actual role, maturity, rehabilitation, victim input, and reentry readiness.
- A bridge between the old and new systems: Arkansas would retain Act 659 for new offenses while creating a controlled mechanism to evaluate older long-serving populations that continue to consume scarce prison capacity.
- A stronger reentry and recidivism-reduction structure so that any person approved for release leaves with verified housing, employment or income, treatment, transportation, identification, appointments, benefits access, and supervision planning.

Why the two policies can work together

Protect Arkansas Act	This proposal	Shared policy principle
Earned-release credits for eligible newer offenses	Earned eligibility for selected older 70% cases	Behavior and rehabilitation should matter
Post-release supervision	Structured supervision after any approved release	Accountability continues after prison
100%/85% minimum-service rules for specified newer offenses	Substantial minimum time served before any older-case review	Serious crimes require substantial punishment
Board-controlled release mechanisms	Board, judicial panel, or specialized second-look panel	No automatic release
Recidivism reduction as an express legislative concern	Reentry contracts, workforce preparation, treatment, and outcome tracking	Public safety is measured by what happens after release

LEGISLATIVE FRAMING

Arkansas made a deliberate policy decision in 2023 about how future serious offenses should be handled. This proposal respects that decision. It asks the General Assembly to address the legacy population using the same concepts Arkansas has already embraced - accountability, earned rehabilitation, risk assessment, supervision, and public-safety review.

This framing also avoids an inaccurate shorthand that the Protect Arkansas Act simply changed everyone from 70% to 85% or 100%. The Act is offense-specific and includes multiple release structures. Any final bill should therefore be drafted offense-by-offense and date-by-date by legislative counsel.

2. Current Arkansas Law: Why the Date Matters

Arkansas now has materially different release-eligibility rules depending on when an offense occurred. A reform bill should acknowledge that split directly rather than treating all incarcerated people as one legal category.

Offenses committed before January 1, 2025

- Arkansas Code § 16-93-618 identifies offenses commonly described as 70% crimes, including first-degree murder and other serious offenses.
- For first-degree murder and several other listed offenses, meritorious good time does not reduce the 70% requirement.
- Meritorious good time under § 12-29-201 rewards discipline, behavior, work, job responsibility, and rehabilitative activity and affects transfer eligibility rather than the court-imposed sentence.

Offenses committed on or after January 1, 2025

- The Protect Arkansas Act created a new post-release-supervision and earned-release-credit framework for felony offenses committed on or after January 1, 2025.
- Arkansas Code § 16-93-1802 identifies felonies ineligible to receive earned-release credits; covered people generally must serve 100% of the imposed term before release eligibility.
- Arkansas Code § 16-93-1803 addresses restricted-release felonies requiring at least 85% service and permits earned-release credits within the statutory 15% ceiling.
- Arkansas Code § 12-29-701 et seq. establishes earned-release credits for eligible offenses and ties those credits to behavior, work, rehabilitation, education, vocational programming, treatment, and reentry activity.

WHY THIS MATTERS FOR CAPACITY

The newer framework is intentionally more restrictive for specified offenses. If admissions and other population drivers remain significant, Arkansas should expect continued bed pressure. Targeted review of older long-serving populations can operate as a separate capacity-management tool without rewriting the new offense-date framework.

3. OPTION A - Earned Good-Time / Earned Eligibility for Pre-2025 70% Sentences + First-Time-Offender Priority

The General Assembly could create a limited statutory exception allowing a screened subset of people serving specified pre-2025 70% sentences to earn credit toward earlier transfer eligibility. This option is deliberately modeled on principles Arkansas already uses under the Protect Arkansas Act: good conduct, programming, risk review, supervision, and Post-Prison Transfer Board discretion.

Core design

- Covered population: Term-of-years sentences for qualifying pre-January 1, 2025 offenses subject to the 70% requirement, including selected first-degree murder cases; exclude life without parole.
- **First-time offender priority:** Give additional favorable consideration to a person whose current case was the person's first felony conviction or first felony prison commitment, particularly when the person also satisfies the pre-2025 70% pathway. First-time status would be one factor only - it would not override the seriousness of the offense, victim input, institutional conduct, validated current risk, or Board discretion.
- Meaningful minimum service: Require a substantial floor before credits can affect eligibility. The legislature could use years served, a percentage served, or offense-specific thresholds.
- Sustained institutional record: Require long-term good conduct and allow disqualification or forfeiture for serious or repeated disciplinary violations.

- **Rehabilitation:** Reward education, vocational credentials, treatment, cognitive-behavioral programming, substance-use recovery, work, mentoring, and reentry preparation when available.
- **Validated risk review:** Require an individualized current risk-and-needs assessment rather than relying only on the original offense label.
- **Board approval:** Final release or transfer remains subject to Post-Prison Transfer Board approval and all applicable victim-notification and hearing protections.
- **Exclusions / heightened scrutiny:** Exclude violent sexual offenses and permit the General Assembly to create additional exclusions or higher standards for specified offenses.
- **Why first-time offender status matters:** A person with no prior felony history presents a materially different criminal-history profile from a repeat offender. The proposal would allow that distinction to matter at review while still requiring substantial time served, rehabilitation, a current risk assessment, victim participation, and an individualized public-safety decision.

Why first-degree murder can be reviewable without being automatically releasable

- The same conviction label can cover materially different factual roles and levels of culpability.
- Arkansas accomplice law can impose criminal liability on a person who aids or facilitates an offense even when that person did not personally inflict the fatal injury.
- A review-based system lets the Board consider the actual role, institutional history, victim impact, rehabilitation, and present-day risk.
- Including an offense in an eligibility statute does not create a presumption of release; it merely permits individualized review.

The proposal is intended to create a meaningful incentive for sustained good conduct, program completion, work, mentoring, and reentry preparation by allowing exceptional rehabilitation to affect eligibility for later review.

4. OPTION B - Individualized Second-Look Review

The General Assembly could separately create a structured second-look process after substantial punishment has been served. This pathway does not depend on good-time credits alone; it asks who the person is today after years of maturity, accountability, treatment, and institutional history.

Category	Proposed treatment
Emerging adults / under 21	Permit review when the person was younger than 21 at the time of the offense or when entering a plea that produced a lengthy prison term. Age is one factor - never an automatic ground for release.
15-year review for long sentences	Allow one comprehensive review after at least 15 years, with a defined waiting period before reapplication if denied.
Secondary participant / accomplice	Permit proportionality review where the person's role was materially different from the person who personally committed the lethal or most violent act.
Addiction and recovery	Allow severe substance-use disorder to be considered as one factor when it materially contributed to the offense and the person later demonstrates sustained treatment and recovery.
Exceptional rehabilitation	Create a formal Arkansas Department of Corrections certification process for long-serving people with exceptional institutional records, triggering review rather than release.
Geriatric / medical	Create a streamlined review for older or seriously medically impaired prisoners who have served substantial time and whose current risk is low.

Why under-21 status has an evidence base

Research summarized by the National Institute of Justice and the National Academies reports that cognitive-control capacities relevant to inhibiting risk-taking continue developing through adolescence and into young adulthood, including the mid-20s. Age is one factor for individualized review; it does not determine an individual outcome. [10][11]

PLEA AGREEMENTS ENTERED BY YOUNG ADULTS

A second-look statute could expressly allow age and developmental maturity to be considered when a plea agreement was entered, especially when a person in the late teens or early 20s accepted a decades-long sentence. This would not invalidate the plea; it would permit later review in light of maturity, rehabilitation, accountability, and current risk.

5. COMBINED OPTION - Earned Credits Toward a Second-Look Hearing

The two approaches do not have to compete. Arkansas could combine them into one structure in which good conduct and rehabilitation advance the date of an individualized second-look hearing, while the hearing itself remains fully discretionary.

Stage	How the combined model works
1. Minimum punishment served	No one becomes eligible until a substantial minimum period has been served - for example, 15 years or an offense-specific floor.
2. Earned eligibility	Sustained good conduct, education, work, treatment, mentoring, and reentry preparation can earn credits that advance the review date within limits set by statute.
3. Second-look screening	A validated risk assessment, institutional record, offense facts and role, age/maturity, addiction history, victim input, and reentry readiness are reviewed together.
4. Independent decision	The Post-Prison Transfer Board, a judicial panel, or a specialized second-look panel may deny relief, set a later review date, or authorize an appropriate supervised-release mechanism.
5. Supervision and accountability	Any release remains subject to supervision conditions, revocation law, and graduated responses to technical violations when public safety allows.

Why a combined model may be a legislative compromise

- It rewards rehabilitation without making release automatic.
- It gives policymakers objective eligibility rules while preserving case-by-case discretion.
- It preserves the Protect Arkansas Act framework for new offenses while focusing reform on older pre-2025 cases.
- It can include heightened criteria for first-degree murder and other serious Class Y felonies rather than categorical exclusion.
- It can be piloted with a capped cohort and evaluated before expansion.

LEGISLATIVE CHOICE

A bill could authorize Option A only, Option B only, or the combined model. The common safeguards can remain the same regardless of which path lawmakers choose.

6. Public-Safety Safeguards

- No automatic release based solely on time served, age, offense role, addiction history, or program completion.
- Substantial minimum time served before eligibility.
- Validated current risk-and-needs assessment.
- Full institutional disciplinary, work, programming, and classification history.

- Victim notification and a meaningful opportunity to provide written or oral input consistent with Arkansas law.
- Verified housing, employment/income, transportation, treatment, family/community support, and supervision plan.
- Authority to impose intensive post-release supervision and special conditions.
- Written reasons for approval or denial.
- Defined waiting period before reapplication after denial.
- Annual public reporting on approvals, denials, recidivism, revocations, county-jail backup, bed utilization, and fiscal effects.

Illustrative structured scoring concept

Arkansas already uses a validated risk-and-needs assessment and a structured professional-judgment model for transfer decisions. The chart below is only an illustrative, policy-specific second-look scoring concept; it would not replace the Board's current framework.

Factor	Illustrative treatment
Validated current risk	Low 0 Moderate +2 High +3 Very high +5
Recent serious/violent institutional discipline	+2 to +5 depending on severity and frequency
Sustained clean conduct	-1 after 5 years; -2 after 10 years without serious discipline
Emerging-adult status	-2 if offense/major plea occurred under 21; -1 if age 21-24
Secondary/non-lethal role	-1 to -2 when the record establishes materially lesser participation; never automatic
Rehabilitation	Up to -2 for sustained treatment, education, work, mentoring, and demonstrated change
Complete verified reentry plan	-1
15+ years served	Eligibility threshold rather than a release credit

HOW THIS RELATES TO EXISTING ARKANSAS REVIEW

Current Arkansas rules direct the Post-Prison Transfer Board to consider a validated risk-needs assessment together with criminal/supervision history, program responsiveness, institutional behavior, prosocial development, release-plan factors, victim/public input, and other case-specific considerations. This proposed score would be an optional overlay for the new eligibility pathways - not a substitute for ORAS or the Board's existing structured review.

[24]

Because the Protect Arkansas Act created the Legislative Recidivism Reduction Task Force, this proposal pairs any bed-space reform with measurable reentry and outcome tracking. The following items are proposed policy features, not descriptions of programs Arkansas is required to operate today.

- Use validated risk-and-needs assessments at intake and update them during incarceration.
- Create an individualized rehabilitation and reentry plan that identifies education, treatment, work skills, behavioral-health needs, and barriers to successful release.
- Tie program completion and institutional progress to measurable milestones rather than participation alone.

Individualized reentry contract 6-12 months before release

- Government identification and vital records
- Verified housing
- Employment, apprenticeship, or documented income plan
- Treatment and medication continuity where applicable
- Transportation plan
- Scheduled supervision and treatment appointments before release
- Benefits enrollment and health-care continuity where eligible
- Family/community support contacts and emergency stabilization plan

Turn prisons into workforce-development centers

Arkansas should expand industry-recognized vocational credentials, apprenticeships, employer partnerships, work-release pipelines, and direct hiring connections so that able-bodied people leave custody with a realistic way to support themselves. The aim is simple: release should be a transition into structured work and supervision, not a return to the same instability that contributed to failure.

Supervision that distinguishes danger from technical failure

Revocation should remain available when public safety requires it, but Arkansas can use graduated responses for technical violations when appropriate so that supervision does not become an unnecessary revolving door back into expensive prison beds. Outcomes should be tracked publicly by new conviction, technical revocation, employment, treatment completion, and housing stability.

PUBLIC-SAFETY TEST

The success of this proposal should not be measured only by how many beds are freed. It should be measured by whether people released through the program commit fewer new crimes, remain employed, stay housed, complete treatment, and successfully finish supervision.

7A. Officer Safety, Staffing Capacity & Retention

Capacity is also a staffing issue.

Historical ADC data document substantial security-position vacancies. High vacancy rates can increase overtime and staffing strain, so this proposal recommends tracking staffing capacity alongside physical bed capacity. The figures below are historical and are not presented as current 2026 vacancy rates. [19][20]

A legislative research paper presented to the Arkansas General Assembly in 2026 summarized ADC staffing data showing a **36.1%** security-position vacancy rate in FY2022. With **3,539** budgeted security positions, that equated to roughly **1,277** vacant security positions. The same analysis reported that Correctional Officer I and Corporal vacancies averaged about **15%** before COVID and about **45%** since COVID in the period reviewed. These are historical staffing figures rather than a claim that the exact same rate exists today, but they demonstrate a persistent recruitment and retention problem that should be measured and publicly reported every year. [19]

The FY2025 cost report shows overtime increased 6.9% from FY2024. Lower occupied-bed demand could reduce some staffing pressure, but the size of any effect would depend on facility-level staffing and operations.

Officer-safety policy goals

- Require annual facility-by-facility reporting of authorized security positions, filled positions, vacancies, turnover/retention, mandatory overtime hours, assaults on staff, and actual officer-to-inmate post assignments by shift.
- Require a staffing-and-safety certification before permanent or temporary beds are activated. A physical bed should not be counted as safely operational if the facility cannot staff required security posts.
- Use verified savings or avoided costs from population reduction to improve correctional-officer recruitment, retention, hazardous-duty incentives, training, wellness, and overtime reduction.
- Prioritize population reductions at facilities with the most severe staffing deficits when public-safety criteria permit, rather than concentrating additional inmates in already understaffed units.
- Create a public dashboard so lawmakers can distinguish bed capacity from safely staffed operational capacity.

7B. Program Capacity, Waiting Lists & Earlier Rehabilitation Access

Arkansas already operates substance-use treatment, sex-offender treatment, education, work, reentry, and behavioral programs. The problem is not simply whether programs exist; it is whether enough slots and qualified staff exist, whether people can enter early enough to benefit, and whether required programming becomes a bottleneck that keeps otherwise eligible people incarcerated. [21][22][23]

The waiting-list problem is measurable

ADC's July 2025 Director's Board Report showed **3,070 people** on the Substance Use Rehabilitation Services (SURS) waiting list who were within five years of release, including 118 mandated by the Post-Prison Transfer Board. The same report listed 804 men waiting for RSVP and 14 women waiting for SOFT within five years of their transfer-eligibility date. Those numbers demonstrate that treatment demand is measured in the thousands while program capacity is measured in the hundreds. [21]

ADC's October 2024 Board Report separately listed large class waiting lists, including 714 for anger management, 589 for Thinking Errors, 475 for substance-abuse education, 608 for communication skills, and 635 for stress management. The report also identified vacant clinical positions in mental-health and substance-use services. [22]

Program eligibility should also be described carefully. Arkansas does not have one universal 36-month rule for every program. For example, the official Work/Study Release rule requires the inmate to have a parole-eligibility release date within 48 months. Other programs use different time windows or priority rules. The policy problem is broader: tying too much programming to the final few years before release can leave long-serving people without meaningful access for years and can create a last-minute bottleneck when completion later becomes important to release. [23]

Proposed solution: rehabilitation should begin at intake, not at the end

- At intake, every person should receive a validated risk-and-needs assessment and an individualized rehabilitation plan identifying education, substance use, mental health, cognitive-behavioral, vocational, family, and reentry needs.
- Foundational programming should be available based on need and readiness throughout incarceration. The state may still reserve scarce reentry-specific programs for people closer to release, but basic rehabilitation should not be postponed solely because a person is years away from a transfer-eligibility date.
- Create protected program slots for people whose release is delayed because the Board has required completion of a specific program. No one should remain incarcerated past an otherwise approvable release solely because the state cannot provide a required class within a reasonable period.
- Expand instructor, counselor, treatment, case-management, and peer-mentor capacity; use evening/weekend cohorts, secure distance learning, and mobile treatment teams where appropriate.
- Publish monthly program dashboards showing capacity, active enrollment, completions, eligible waiting lists, Board-mandated waiting lists, average wait time, staffing vacancies, and the number of release-ready people delayed by unavailable programming.

8. Capacity and Fiscal Context

The August 2026 BOC workbook contains 19,869 individual inmate records. Its County Jail sheet reports 2,278 state inmates in county/city jail backup. The By Unit pivot includes a 2,278-person Statewide County/City Jail Backup row and totals 19,900, which is 31 higher than the detailed-record count. This packet therefore uses 19,869 as the calculation denominator and treats 2,278 as a subset of the statewide population, not an additional population.

outcome.

[25]

Illustrative operating-cost equivalents

At the FY2025 reported average of \$74.46 per inmate per day, one occupied bed corresponds to about \$27,178 per year on a simple per-day basis. Actual marginal savings from reducing population may be lower because many correctional costs are fixed, but bed reductions can matter when they reduce overtime, county-jail overflow, or new-capacity needs.

Beds / placements avoided	Simple annual cost equivalent*	Policy structure
100	~\$2.72 million	Individualized review + supervision
500	~\$13.59 million	Targeted eligibility, not blanket release
1,000	~\$27.18 million	Phased implementation + outcome tracking
1,500	~\$40.77 million	Larger-scale illustration only

**Illustrative gross equivalent using FY2025 average cost per inmate per day; not a claim of immediately realizable budget savings.*

ACTING BEFORE THE PRESSURE GROWS

Arkansas can build additional prison capacity, safely reduce avoidable bed demand, or use a combination of both. Targeted review of long-serving, rehabilitated people is one way to manage the older population while the state absorbs the long-term effect of newer sentencing rules.

8A. Existing Emergency Powers Authority, Parole-Eligible Backlog, and Capacity Questions

Arkansas already has a statutory pressure-relief mechanism for prison overcrowding. The Prison Overcrowding Emergency Powers Act, Ark. Code Ann. §§ 12-28-601 et seq., allows the Board of Corrections to declare an overcrowding emergency when either (1) the prison system exceeds 98% of rated capacity for 30 consecutive days, or (2) the county-jail backlog exceeds 500 state inmates. The statute is discretionary - it says the Board may declare an emergency - but the numerical triggers establish when the authority is available. [13]

The county-jail trigger is especially important because it does not depend on which prison-capacity measure is used. The August 2026 Board of Corrections summary supplied with the inmate-detail workbook reports 2,278 state inmates backed up in county jails. That is 1,778 inmates above the 500-inmate statutory trigger, or about 4.56 times the threshold. The same Board summary identifies 7,614 inmates as currently parole eligible, including 3,913 classified violent and 3,701 nonviolent; 1,125 have been parole eligible for more than five years, including 682 violent and 443 nonviolent. It also reports 4,738 additional inmates becoming parole eligible from the present through the end of 2029. [2]

	Verified / reported figure
ADC jurisdictional population	
County-jail backup (subset of above)	19,869
	2,278
EPA county-backlog trigger	500
Backlog relative to trigger	4.56x
Currently parole eligible	7,614
Parole eligible more than 5 years	1,125
Additional parole eligible by end of 2029	4,738

Capacity measures require careful wording. An August 2026 Arkansas General Assembly research paper, drawing from ADC Director reports and internal DOC spreadsheets, reports 15,362 as the current capacity of existing ADC facilities, 15,797 as design capacity, 16,770 as Board Rated Capacity, and 16,809 operated beds. [14] Compared with the August Board jurisdictional count of 19,869, those figures equal jurisdictional-population-to-capacity ratios of approximately 129.3%, 125.8%, 118.5%, and 118.2%, respectively. Because the jurisdictional count includes state prisoners housed in county jails, these percentages should not be described as physical in-prison occupancy rates. They do, however, demonstrate the size of the gap between the population for which ADC is responsible and the bed capacity available in the state prison system.

How the Emergency Powers Act can operate. Under the 98%-capacity pathway, the Board can move eligible parole/transfer/minimum-release dates forward by up to 90 days for qualifying Class I and Class II inmates. Under the separate county-jail-backlog pathway, qualifying Class I or II inmates serving nonviolent sentences who have spent at least six months in an ADC facility may have parole, transfer, or discharge eligibility moved forward by up to one year. Current law excludes inmates serving felonies ineligible for earned-release credits and restricted-release felonies before the required statutory minimum has been served. [13][15]

The Emergency Powers Act was historically used as an active capacity-management tool. Arkansas Division of Correction annual reporting documents hundreds of EPA releases per year in earlier periods. A November 2025 prison-population forecast prepared for ADC states that Arkansas discontinued use of the EPA in early 2023 and that the last EPA release occurred in March 2023. [16] A 2026 legislative presentation also reports that 83.1% of releases in 2023 occurred after the person's transfer-eligibility date, compared with 52.9% in 2009, and that the average time held beyond the eligibility date increased from 6.1 months to 10.1 months. [17]

Eligibility is not the same as a right to release. The Post-Prison Transfer Board remains the releasing authority, may approve or deny release, may impose conditions, and release can also depend on an approved residence plan, completion of required programming, detainers or pending charges, institutional conduct, and final release checks. [18] Therefore, the 7,614-person figure should not be presented as 7,614 people who legally should already be free. It is, however, a substantial review population that warrants transparent explanation, especially where 1,125 people have remained parole eligible for more than five years.

OVERSIGHT QUESTION: With a county-jail backlog more than four times the statutory EPA trigger, thousands of people already parole eligible, and official forecasting stating that EPA use ended in March 2023, policymakers should ask why the existing emergency authority is not being used, what specific

legal or administrative barriers account for long delays past eligibility, and whether targeted use of existing authority could safely reduce the backlog before the state commits to additional long-term prison capacity.

A useful transparency requirement would be an annual public report breaking the parole-eligible population into categories: approved but awaiting release; denied; deferred; programming incomplete; housing/reentry plan incomplete; detainer or pending charge; recent disciplinary issue; victim-hearing or notice process; and other legal barriers. That would allow lawmakers to distinguish necessary public-safety holds from avoidable administrative delay.

8B. Fiscal and Bed-Space Impact Using Arkansas Board of Corrections Data

The August 2026 BOC workbook's Inmate Details sheet contains 19,869 individual records, and the Parole Eligible by year pivot also totals 19,869. The By Unit pivot totals 19,900, a 31-record discrepancy, while also including a 2,278-person Statewide County/City Jail Backup row. For consistency, all percentages and screening-pool calculations in this proposal use 19,869 as the denominator. These counts measure potential eligibility for review - not automatic release.

Option A measurable pool. The workbook contains 2,632 term-of-years records whose parole-eligibility timing is consistent with a 70% service rule. After excluding violent sexual offenses and conservatively limiting the count to records with an inferred sentence start before January 1, 2025, 1,480 records fall within the objective Option A candidate pool. Because the workbook does not contain the actual offense date, complete prior-conviction history, or disciplinary/programming history, 1,480 should be treated as a conservative data-defined screening pool, not a final legal eligibility count. The number within that pool who would meet a legislatively defined first-time-offender standard must be verified from criminal-history records before final eligibility is determined.

Option B measurable pool. Using the sentence-length and max-flat fields to estimate sentence start, 1,833 term-of-years records reflect at least 15 years served as of the end of August 2026. The workbook uses sentinel values for many life-coded records and does not provide a usable sentence-start date for those records, so the 1,833 figure is a measurable floor for the 15-year pathway rather than a complete count of every person who might ultimately qualify.

Measure	Option A	Option B	Both	Combined unique
Potential review candidates	1,480	1,833	441	2,872
Share of 19,869 population	7.45%	9.23%	2.22%	14.45%
County-jail backup capacity equivalent	65.0%	80.5%	19.4%	126.1%
Interpretation	70% non-sex, pre-2025 proxy	15+ years served, measurable term sentences	Meets both data tests	No double counting

Maximum measurable bed-space effect. If every person in the 2,872-person combined measurable pool were ultimately approved for release - an intentionally high-end ceiling, not an expected result - the capacity equivalent would equal 14.45% of the current 19,869-person population. That is greater than the current 2,278-person county-jail backup by 594 beds. In practice, the proposal is discretionary and the actual effect would be smaller.

Realistic planning case. A 25% approval/release scenario among the unique measurable pool produces approximately 718 beds. That equals a 3.61% reduction in the current statewide incarcerated population and capacity equivalent to 31.5% of the current county-jail backup. A lower 10% scenario produces about 287 beds; a higher 40% scenario produces about 1,149 beds. These are planning scenarios, not predicted Board approval rates.

Scenario	Beds	State pop.	Backup equiv.	Annual*	10-year*
10%	287	1.44%	12.6%	\$7.80M	\$78.00M
25% planning case	718	3.61%	31.5%	\$19.51M	\$195.14M
40%	1,149	5.78%	50.4%	\$31.23M	\$312.27M
100% ceiling	2,872	14.45%	126.1%	\$78.05M	\$780.55M

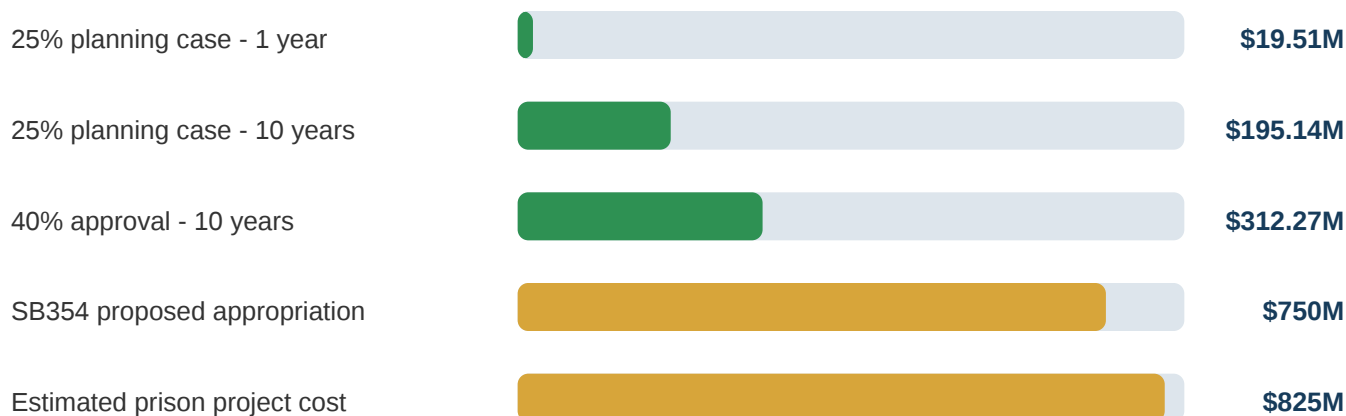
8B-1. Cost Comparison: Reform vs. New Prison Construction

The table and chart below compare the combined Option A + Option B model with the scale of proposed prison-construction spending. The reform figures remain gross operating-cost equivalents based on \$74.46 per inmate per day, not guaranteed immediate cash savings.

Scenario	Beds	Annual*	10-year*	vs. \$750M	vs. \$825M
10% approval	287	\$7.80M	\$78.00M	10.4%	9.5%
25% planning case	718	\$19.51M	\$195.14M	26.0%	23.7%
40% approval	1,149	\$31.23M	\$312.27M	41.6%	37.9%
100% measurable ceiling	2,872	\$78.05M	\$780.55M	104.1%	94.6%

Dollar scale at a glance

Longer bars indicate larger dollar amounts. The 25% planning case is highlighted because it is the most realistic planning comparison.



THE POLICY POINT

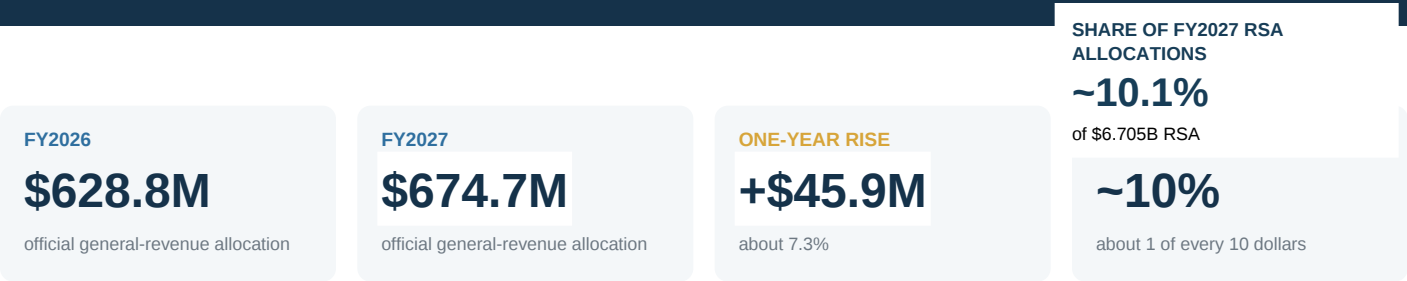
At the 25% planning case, the combined Option A + Option B model equals about \$195.14 million over 10 years. That is only about 26.0% of the \$750 million appropriation proposed in SB354 and about 23.7% of the later \$825 million project estimate. Even the higher 40% approval scenario equals about \$312.27 million over 10 years, still well below the proposed one-time prison-construction cost. This comparison is meant to show scale, not to suggest that all gross equivalents become immediately available cash.

*Gross operating-cost equivalents use \$74.46 per inmate per day; they are not guaranteed immediate cash savings.

Prison-construction figures: SB354 proposed up to \$750M for prison construction [26]; the March 3, 2025

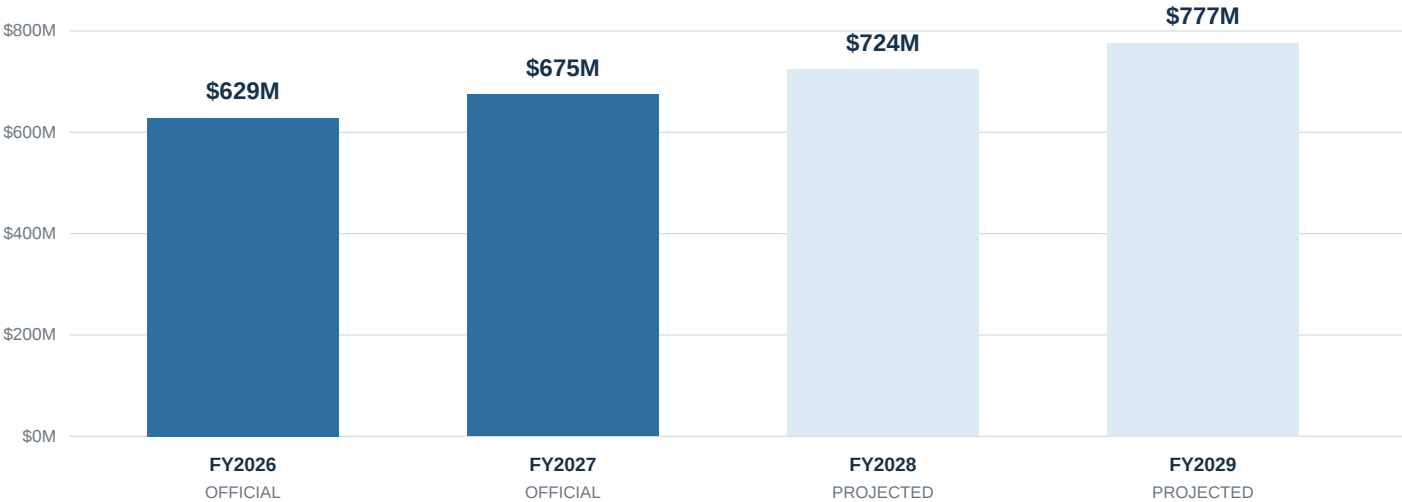
Vanir estimate put total project cost at \$825M [27].

Fiscal Impact at a Glance



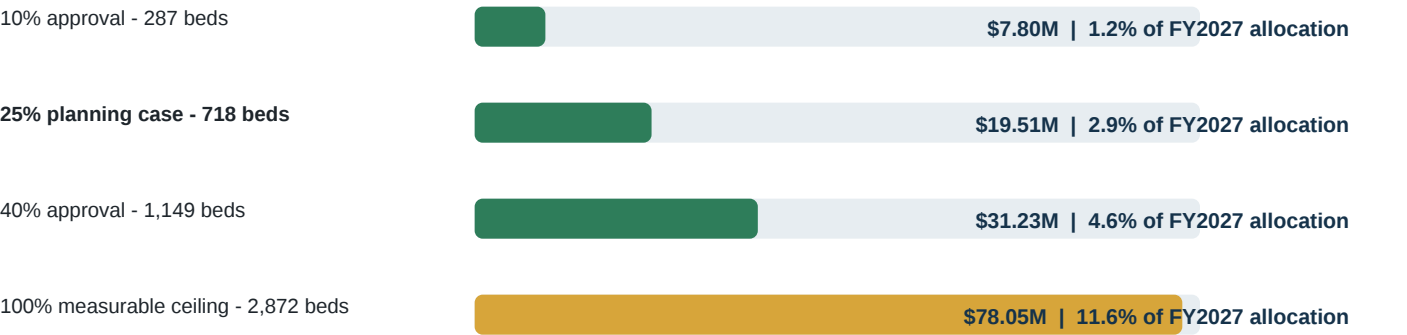
Corrections General-Revenue Allocation and Projection

FY2026-FY2027 are official allocations; FY2028-FY2029 apply the same 7.3% annual growth rate.



What This Proposal Could Offset

Gross annual operating-cost equivalent at the state's reported \$74.46 per inmate per day.



THE BUDGET POINT

At the 25% planning case, this proposal could free about 718 beds and represent \$19.51 million per year in gross operating-cost equivalent - enough to offset roughly 43% of the FY2026-to-FY2027 increase in Corrections general revenue.

Sources & methodology

Arkansas DFA, FY2026 Initial Funded Budget; Arkansas Bureau of Legislative Research, 2026 Fiscal Session Summary and FY2027 General Revenue Allocations; Arkansas Division of Correction, FY2025 Inmate Cost Report; Arkansas Board of Corrections inmate-detail workbook and summary correspondence supplied August 2026. FY2028-FY2029 are illustrations, not official forecasts, calculated by carrying forward the FY2026-to-FY2027 growth rate. Savings are gross equivalents, not guaranteed cash savings; actual savings depend on fixed costs, staffing, supervision, reentry, contracted beds, and avoided future capacity.

**Gross operating-cost equivalents use \$74.46 per inmate per day. These figures are not guaranteed cash savings; actual appropriations effects depend on fixed-cost reductions, avoided units or contracted placements, supervision and reentry costs, staffing decisions, and how quickly county-jail backup is absorbed.*

Methodology note. Option A was identified from records whose calculated parole-eligibility point is approximately 70% of the term-of-years sentence, excluding violent sexual offenses and using inferred sentence start before January 1, 2025 as a conservative proxy. Option B was identified from term-of-years records with an inferred sentence start at least 15 years before August 31, 2026. The workbook does not include actual offense dates, disciplinary history, programming, validated risk scores, offense-role facts, victim input, or reliable start dates for life-coded sentinel records. Those items must be verified before any individual is finally deemed eligible.

8C. Corrections Safety & Recidivism Reinvestment Plan

Population reduction should not be treated only as a budget cut. The strongest version of this proposal would require the state to identify actual, independently verified savings and avoided expenditures and then deliberately reinvest a portion of those dollars into the parts of the correctional system that make release safer and reduce return-to-prison rates. Because many prison costs are fixed, the gross cost equivalents below are not guaranteed cash savings. Any reinvestment should be based on savings actually realized or costs actually avoided through lower overtime, fewer county-jail placements, avoided contracted beds, units not opened, staffing efficiencies, or other documented reductions. [1][20]

Illustrative reinvestment formula

For planning purposes, lawmakers could direct up to 50% of verified annual savings/avoided costs into a dedicated Corrections Safety & Recidivism Reinvestment Fund while leaving the remaining 50% as net budget relief or capacity reserve. An illustrative allocation of the full gross equivalents is shown below; actual appropriations would require legislative action and verified savings.

Approval scenario	Gross annual equivalent	Officer safety & retention (20%)	Program capacity (15%)	Reentry/ community supports (10%)	Data & evaluation (5%)	Remaining / reserve (50%)
10%/287 beds	\$7.80M	\$1.56M	\$1.17M	\$0.78M	\$0.39M	\$3.90M
25%planning /718 beds	\$19.51M	\$3.90M	\$2.93M	\$1.95M	\$0.98M	\$9.76M
40%/1,149 beds	\$31.23M	\$6.25M	\$4.68M	\$3.12M	\$1.56M	\$15.62M

What the reinvestment would buy

- Officer safety and retention: targeted retention bonuses or differentials at hard-to-staff units, recruitment, academy throughput, advanced de-escalation/security training, wellness and mental-health supports, and reduction of mandatory overtime.
- Program capacity: additional Substance Abuse Program Leaders, licensed counselors, social workers, instructors, vocational trainers, case managers, and additional SURS/RSVP/SOFT and cognitive-behavioral cohorts.
- Reentry/community supports: transitional housing, transportation, identification documents, medication continuity, treatment appointments, employment placement, apprenticeships, and intensive first-90-day navigation.
- Data and evaluation: independent outcome tracking for new convictions, technical revocations, employment, housing, treatment completion, program wait times, officer vacancy/turnover, overtime, assaults, and cost per successful release.
- Performance rule: continued funding should be tied to measurable outcomes. Programs that reduce recidivism or release delays should be expanded; ineffective programs should be modified or replaced.

A budget rule worth considering

Create a statutory requirement that DOC and the Department of Finance and Administration report verified savings and avoided costs each year, and that the General Assembly consider reappropriating a defined share to correctional-officer safety, evidence-based programming, and reentry. This avoids promising that every dollar of the \$74.46 daily average becomes immediately available while still creating a transparent mechanism to turn real savings into lower recidivism and safer prisons.

9. Suggested Legislative Framework

The following is concept language for policy discussion. Legislative counsel should conform any bill to the Arkansas Code and the state's existing parole, transfer, earned-release-credit, and post-release-supervision structure.

SECTION 1 - Short title: Arkansas Corrections Efficiency, Second Chance and Safe Communities Act of 2027.

SECTION 2 - Protect Arkansas Act preservation clause: State expressly that the Act does not repeal or modify the offense-date framework of Act 659 for offenses committed on or after January 1, 2025, except where the General Assembly intentionally and specifically amends a cited provision.

SECTION 3 - Legislative findings: Recognize prison and county-jail capacity pressures; the value of institutional discipline and rehabilitation; the existence of distinct pre-2025 and post-2024 release frameworks; and the state's interest in individualized public-safety review.

SECTION 4 - Legislative option: Authorize Option A, Option B, or both. If both are adopted, permit earned conduct/programming credits to advance an individualized second-look review date.

SECTION 5 - Eligibility: Define covered pre-2025 70% cases and/or long-serving people eligible for second-look review. Create a first-time-offender priority within the 70% pathway for people whose current case was their first felony conviction or first felony prison commitment, subject to verification of criminal history. Permit selected serious Class Y offenses, including first-degree murder, only under heightened criteria.

SECTION 6 - Minimum service: Require a meaningful minimum period served before credits or review can have legal effect.

SECTION 7 - Review factors: Time served; first-time-offender status and prior criminal history; age and maturity at offense/plea; role in offense; addiction history; institutional discipline; education and treatment; work; rehabilitation; remorse/accountability; victim input; validated risk; and reentry plan.

SECTION 8 - Exclusions / heightened review: Exclude violent sexual offenses and allow additional exclusions or enhanced standards as determined by the General Assembly.

SECTION 9 - Decision authority: Provide authority to deny relief, set a later reconsideration date, advance transfer eligibility, establish a future parole/post-release date, or authorize supervised release through an appropriate statutory mechanism.

SECTION 10 - Victim rights: Preserve notice, participation, and all rights required by Arkansas law.

SECTION 11 - Reentry contract: Require a verified individualized reentry plan before release, including identification, housing, employment/income, transportation, treatment, scheduled appointments, benefits access where eligible, family/community support, and supervision.

SECTION 12 - Forfeiture / revocation: Permit loss of earned eligibility for serious misconduct; retain supervision and revocation authority after release, with graduated responses to technical violations when consistent with public safety.

SECTION 12A - Officer safety and staffing: Require facility-level reporting of security vacancies, turnover/retention, mandatory overtime, staff assaults, and shift-level staffing; require staffing-and-safety review before activating additional beds; authorize reinvestment in recruitment and retention.

SECTION 12B - Program access and capacity: Require needs-based rehabilitation planning at intake; expand treatment and vocational capacity; prioritize Board-mandated programming; prohibit avoidable release delay caused solely by unavailable required programming when a reasonable alternative can safely be provided.

SECTION 12C - Reinvestment fund: Require annual identification of verified correctional savings and avoided costs and authorize the General Assembly to reappropriate a defined portion to officer safety, evidence-based programming, reentry, and outcome evaluation.

SECTION 13 - Reporting: Require de-identified annual reporting on applications, approvals, denials, new convictions, revocations, employment, housing, county-jail backup, bed use, and fiscal effects.

SECTION 14 - Pilot / sunset review: Allow a capped or phased pilot and require legislative review after three to five years before broader expansion.

10. Practical Legislative Path

- Study and drafting: Convene the Arkansas Sentencing Commission, Arkansas Department of Corrections, Board of Corrections, Post-Prison Transfer Board, prosecutors, defense representatives, victim advocates, behavioral-health experts, workforce partners, and community members.
- Limited pilot: Start with a tightly defined population - for example, people who have served at least **15 years**, meet a risk threshold, and have no recent serious disciplinary violations.
- Independent review: Use the Post-Prison Transfer Board, a judicial panel, or a specialized second-look panel with written decisions and victim participation.
- Data transparency: Publish annual outcomes on petitions, approvals, denials, supervision outcomes, new convictions, revocations, employment, housing, county-jail backup, prison-bed impact, and estimated fiscal effects.
- Sunset / legislative review: Reevaluate the program after three to five years using Arkansas-specific results.

Frequently Asked Questions

Does this repeal or weaken the Protect Arkansas Act? No. The proposal is designed primarily for older pre-**2025** populations and would include an express preservation clause so the newer offense-date framework remains intact unless the legislature specifically chooses otherwise.

Does this automatically release people convicted of murder? No. First-degree murder can be included as a reviewable category under heightened standards without guaranteeing release. The reviewing authority may deny relief in any case that does not satisfy public-safety requirements.

Does this erase the victim or the original crime? No. The conviction remains, the harm remains part of the record, and victim notice and participation remain part of the process.

Why include people under 21? Developmental research supports considering age and maturity as one factor in later review. It is not an automatic ground for release and does not replace current-risk assessment.

Why **15 years?** It provides substantial punishment and enough institutional history to evaluate maturity, conduct, rehabilitation, and present-day risk. Policymakers may choose different thresholds by offense category.

Why combine earned eligibility and second-look review? Because they solve different parts of the same problem. Earned eligibility rewards what a person does in prison; second-look review evaluates who the person has become and whether release is safe.

Why connect this to recidivism reduction? Because reducing prison population without reducing return-to-prison rates is not durable reform. The Protect Arkansas Act itself created a recidivism-reduction task force, and this proposal treats reentry outcomes as a public-safety responsibility.

How does this protect correctional officers? Population and staffing are linked. Fewer unnecessary occupied beds can reduce pressure on understaffed units, overtime, and unsafe post assignments. The proposal also recommends using verified savings to recruit and retain officers and requiring staffing capacity to be considered alongside physical bed capacity.

Why invest savings back into programs instead of simply cutting the budget? Because population reduction is only durable if fewer people return. Reinvestment expands treatment, vocational education, reentry, and supervision capacity while improving officer safety. The proposal uses verified savings rather than assuming every avoided bed produces immediate cash.

Are Arkansas programs universally unavailable until **36 months** before parole? No. Eligibility rules vary. Some programs prioritize people closer to release, and Work/Study Release uses a 48-month parole-eligibility window. The reform goal is to make core rehabilitation available earlier and prevent required programs from becoming a release bottleneck.

11. Community and Policymaker Discussion Points

- Arkansas can be tough on violent crime and still recognize that people can change after 15, 20, or **25 years**.
- A review hearing is not the same as release; it is an opportunity to examine who the person is today.
- The proposal complements the Protect Arkansas Act rather than treating it as an obstacle.
- Including first-degree murder in a reviewable category means allowing individualized consideration, not guaranteeing release.
- Young adults are legally responsible, but developmental science supports considering age and maturity as part of proportionality and later review.

- Secondary participants should be held accountable for their own conduct while still allowing their actual role to be examined after substantial time served.
- First-time offenders should be distinguishable from repeat offenders: a person serving a long 70% sentence with no prior felony history should be allowed to have that lower criminal-history profile considered during individualized review, without creating automatic release.
- The proposal would allow exceptional conduct and programming to earn meaningful consideration during individualized review.
- Victims must remain part of the process, and public safety must remain the deciding factor.
- Prison beds and taxpayer dollars should be focused where continued incarceration is most necessary.
- BOC workbook: 19,869 individual inmate records; 2,278 state inmates in county/city jail backup are included within the statewide unit pivot, not added on top. The By Unit pivot totals 19,900, so this packet discloses the 31-record discrepancy and uses 19,869 for calculations.

THE REQUEST

Give Arkansas policymakers more than one tool. Preserve the Protect Arkansas Act for the newer sentencing framework, while adding earned eligibility, a second-look process, or a combined model for carefully selected older cases - all with strong public-safety safeguards, rigorous reentry planning, measurable recidivism outcomes, and no automatic release.

12. Sources & Verification Notes

[1] Arkansas Department of Corrections, Division of Correction, FY2025 Inmate Cost Report: reported direct and indirect costs \$452,889,302; average daily population 16,663; average cost \$74.46 per inmate per day.

[2] Arkansas Board of Corrections, ADC - Inmate Detail workbook, August 2026: Inmate Details = 19,869 individual records; Parole Eligible by year Grand Total = 19,869; County Jail total = 2,278; By Unit includes Statewide County/City Jail Backup = 2,278 and totals 19,900. This packet uses 19,869 as the denominator and does not add the 2,278 backup to it.

[3] Arkansas General Assembly, Act 659 of 2023 (SB495), Protect Arkansas Act. Official act text establishes the post-January 1, 2025 earned-release-credit and post-release-supervision framework; identifies offenses ineligible for credits and restricted-release felonies; and creates the Legislative Recidivism Reduction Task Force.

[4] Arkansas Code § 16-93-618: pre-2025 70% offenses, including first-degree murder, and limits on meritorious good time.

[5] Arkansas Code § 12-29-201: meritorious good time and its relationship to transfer eligibility.

[6] Arkansas Code §§ 16-93-1802 and 16-93-1803: newer ineligible-for-credit and restricted-release felony framework.

[7] Arkansas Code § 12-29-701 et seq.: earned-release credits for offenses committed on or after January 1, 2025.

[8] 16 CAR § 23-307 (effective Jan. 25, 2026): earned-release-credit rule describing work, good behavior, rehabilitation, and education, with Post-Prison Transfer Board authority.

[10] National Institute of Justice, Five Things About Youth and Delinquency (July 30, 2024): cognitive control capacities continue developing through adolescence and into the mid-20s.

[11] National Academies of Sciences, Engineering, and Medicine, The Promise of Adolescence: Realizing Opportunity for All Youth (2019): adolescence and developmental maturation extending into the mid-20s.

[12] Alabama Board of Pardons and Paroles, ABPP-2 Parole Guidelines and 2025 revised-guideline materials: structured scoring incorporating offense severity, validated risk, institutional behavior, programming, reentry progress, and Board discretion.

[13] Arkansas Code § 12-28-603 and § 12-28-604; 12 CAR §§ 70-111 and 70-112, Prison Overcrowding Emergency Powers Act and county-jail-backlog rule: 98% rated-capacity / 30-day trigger; separate 500-inmate county-jail-backlog trigger; eligibility and date-advancement rules.

[14] Arkansas General Assembly, Exhibit E1, Current State of Arkansas' Criminal Justice System (Aug. 2026): existing ADC facility capacity 15,362; design capacity 15,797; Board Rated Capacity 16,770; operated beds 16,809; July 2026 jurisdictional population 19,454.

[15] Arkansas Code § 12-28-604(c), as amended by Act 659 of 2023: excludes inmates serving felonies ineligible for earned-release credits and restricted-release felonies before statutory minimum service requirements are met.

[16] JFA Associates/CGL, Ten-Year Adult Secure Population Projection 2025-2036, prepared for the Arkansas Department of Corrections (Nov. 2025): states EPA use was discontinued in early 2023 and the last EPA release occurred in March 2023.

[17] Arkansas General Assembly, Handout E1, Does Arkansas Need More Prison Beds? (Aug. 25, 2026), citing Arkansas Post-Prison Transfer Board and CGL/JFA data: share of releases after transfer eligibility increased from 52.9% in 2009 to 83.1% in 2023; average delay increased from 6.1 to 10.1 months.

[18] Arkansas Department of Corrections, Parole/Post-Release Supervision Process; Post-Prison Transfer Board Policy Manual: eligibility initiates review, while Board action, release conditions, residence planning, detainer/open-charge checks, and final release processing affect actual release.

VERIFICATION NOTE

Before actual legislative filing, legislative counsel should conform statutory citations, cross-references, effective dates, eligibility language, amendment text, and any preservation clause to the official Arkansas Code. The August 2026 Board of Corrections population figures should be accompanied by or cross-checked against the underlying email correspondence and inmate-detail workbook.

[19] Arkansas General Assembly, AAC Research Corner, History of, Current State of, and Solutions for the Arkansas Prison System (Summer 2024; presented as Exhibit E2 in 2026): FY2022 security-position vacancy rate 36.1%; approximately 1,277 vacant security positions out of 3,539 budgeted; Correctional Officer I/Corporal vacancy rate averaged about 45% in the post-COVID period reviewed.

[20] Arkansas Department of Corrections, Division of Correction, FY2025 Inmate Cost Report: personnel costs were a major component of the annual cost increase; overtime costs increased 6.9% from FY2024; average cost was \$74.46 per inmate per day.

[21] Arkansas Department of Corrections, Division of Correction Director's Board Report, July 2025: SURS capacity 681; 3,070 people on the SURS waiting list within five years of release; 804 males waiting for RSVP and 14 females waiting for SOFT within five years of transfer eligibility; report also identifies Board-mandated participants.

[22] Arkansas Department of Corrections, Division of Correction Director's Board Report, October 2024: class waiting lists included 714 anger management, 589 Thinking Errors, 475 substance-abuse education, 608 communication skills, and 635 stress management; report also listed vacant mental-health/substance-use treatment positions.

[23] Arkansas Department of Corrections Administrative Rule 1200, Work/Study Release Program: eligibility includes a parole-eligibility release date within 48 months. Program eligibility windows vary by program; this source should not be read as a universal 36-month rule.

Closing Statement

Arkansas does not have to choose between the Protect Arkansas Act and targeted reform. The state can preserve the newer sentencing framework while creating a disciplined process for older long-serving cases. A carefully designed earned-eligibility system, second-look process, or combination of both can recognize the seriousness of crime, protect victims and communities, reward genuine rehabilitation, reduce repeat offending, and give the state a responsible way to decide when continued incarceration is no longer necessary. After substantial punishment, evidence of maturity, accountability, rehabilitation, actual role, reentry readiness, and present-day risk should be allowed to be heard.

[24] 16 CAR § 23-306, Transfer criteria for board consideration: the Post-Prison Transfer Board uses a validated risk-needs assessment as a starting point and a structured professional-judgment model that also considers criminal/supervision history, program responsiveness, institutional/community behavior, prosocial development, release-plan factors, and policy-related considerations.

[25] JFA Associates/CGL, Ten-Year Adult Secure Population Projection 2025-2036 (Nov. 2025), and Arkansas General Assembly Handout E1, Does Arkansas Need More Prison Beds? (Aug. 25, 2026): the legislative presentation states that the Protect Arkansas Act is projected to add more than 2,800 beds of demand.

[26] Arkansas General Assembly, SB354 (2025), sec. 1: proposed an appropriation of up to \$750,000,000 for costs associated with prison construction; official bill status: failed to pass.

[27] Arkansas General Assembly, JPR-FCO Timeline, Exhibit D3 (2025): states that on March 3, 2025, Vanir produced a one-page estimate increasing the estimated prison project cost to \$825 million.

ARKANSAS CORRECTIONS REFORM

SECTION 3

Example Bill

Discussion draft legislative language

State of Arkansas
96th General Assembly
Regular Session, 2027

A BILL
SENATE BILL ____ / HOUSE BILL ____

By: Senator _____

By: Representative _____

For An Act To Be Entitled

AN ACT TO CREATE THE ARKANSAS CORRECTIONS EFFICIENCY, SECOND CHANCE, AND SAFE COMMUNITIES ACT OF 2027; TO CREATE A LIMITED REVIEW PATHWAY FOR CERTAIN PERSONS SERVING PRE-JANUARY 1, 2025 SENTENCES; TO AUTHORIZE EARNED ELIGIBILITY AND INDIVIDUALIZED SECOND-LOOK REVIEW; TO PRESERVE THE PROTECT ARKANSAS ACT FRAMEWORK FOR OFFENSES COMMITTED ON OR AFTER JANUARY 1, 2025; TO REQUIRE PUBLIC-SAFETY SCREENING, VICTIM PARTICIPATION, REENTRY PLANNING, CORRECTIONAL STAFFING AND PROGRAM-CAPACITY REPORTING, AND OUTCOME EVALUATION; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE A CAREFULLY SCREENED, NON-AUTOMATIC REVIEW PROCESS FOR CERTAIN LONG-SERVING PERSONS UNDER PRE-2025 SENTENCING RULES WHILE PRESERVING PUBLIC-SAFETY REVIEW, VICTIM RIGHTS, SUPERVISION, AND THE PROTECT ARKANSAS ACT FOR NEWER OFFENSES.

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

DRAFTING NOTE: This is a policy discussion draft prepared from the September 2026 proposal. Bracketed items identify choices for a legislative sponsor and the Bureau of Legislative Research (BLR). BLR should conform all amendments, cross-references, definitions, effective dates, appropriations, and constitutional requirements before filing.

SECTION 1. SHORT TITLE.

This act shall be known and may be cited as the "Arkansas Corrections Efficiency, Second Chance, and Safe Communities Act of 2027."

SECTION 2. LEGISLATIVE FINDINGS AND PURPOSE.

(a) The General Assembly finds that:

- (1) Arkansas has distinct release-eligibility systems based in part on the date an offense was committed;
- (2) Act 659 of 2023, the Protect Arkansas Act, established a forward-looking release framework for offenses committed on or after January 1, 2025;
- (3) A substantial population remains incarcerated under pre-January 1, 2025 sentencing and transfer-eligibility rules;
- (4) Institutional conduct, rehabilitation, verified present-day risk, actual offense role, victim input, and reentry readiness can provide information relevant to an individualized public-safety determination after substantial punishment has been served;
- (5) Eligibility for review is not a right to release and does not alter the underlying conviction or sentence imposed by the court; and
- (6) Any population-reduction policy should be paired with correctional-officer safety, adequate programming, structured reentry, supervision, and public outcome reporting.

(b) The purpose of this act is to create a limited, review-based pathway for qualifying older cases while preserving accountability, victim participation, public-safety screening, and discretionary release authority.

SECTION 3. PROTECT ARKANSAS ACT PRESERVATION CLAUSE.

- (a) Except as expressly provided in this act, nothing in this act shall repeal, supersede, or modify the release-eligibility framework enacted by Act 659 of 2023 for an offense committed on or after January 1, 2025.
- (b) Arkansas Code §§ 16-93-1801 et seq. and 12-29-701 et seq. remain applicable according to their terms to offenses committed on or after January 1, 2025.
- (c) This act is intended primarily to address persons serving sentences for offenses committed before January 1, 2025.

SECTION 4. ARKANSAS CODE § 16-93-618 - LEGACY SEVENTY-PERCENT EARNED-ELIGIBILITY PATHWAY.

Arkansas Code § 16-93-618 is amended to add an additional subsection to read as follows:

- (d)(1) Notwithstanding another provision of this section, a person serving a term-of-years sentence for an offense committed before January 1, 2025, that is subject to the seventy-percent (70%) service requirement may be considered for earned eligibility under this subsection if the person satisfies the requirements of this subsection.
- (2) A person is not eligible under this subsection if the person:
 - (A) Is serving a sentence of death or life imprisonment without parole;
 - (B) Is serving a sentence for rape, § 5-14-103, or another violent sexual offense designated by the General Assembly; or
 - (C) Has not served the minimum period of confinement required under subdivision (d)(3) of this section.
- (3) A person shall not receive an earlier review date under this subsection until the person has served at least fifteen (15) years of actual incarceration [OR AN OFFENSE-SPECIFIC MINIMUM SELECTED BY THE GENERAL ASSEMBLY].
- (4) Meritorious good time or earned-eligibility credit under this subsection:
 - (A) Shall affect only the date on which the person may be considered for transfer or release;
 - (B) Shall not reduce the sentence imposed by the sentencing court;
 - (C) Shall not create a presumption or entitlement to release; and
 - (D) Shall be subject to forfeiture for serious or repeated disciplinary violations under rules adopted by the Board of Corrections.
- (5) In determining whether a person has earned eligibility for review, the Division of Correction shall consider sustained good conduct, work performance, educational or vocational achievement, treatment completion, cognitive-behavioral programming, substance-use recovery, mentoring, reentry preparation, and other rehabilitative activity.
- (6) A person whose current incarceration arises from the person's first felony conviction or first felony prison commitment may receive favorable consideration in the screening process, but first-time-offender status shall not override the seriousness of the offense, victim input, institutional conduct, current validated risk, or the discretion of the Post-Prison Transfer Board.
- (7) Murder in the first degree, § 5-10-102, may be a reviewable offense under this subsection when all other requirements are satisfied. Reviewability under this subdivision does not create a presumption of release and shall be subject to heightened individualized review under Section 6 of this act.
- (8) The Board of Corrections and Division of Correction shall adopt rules necessary to implement this subsection.

SECTION 5. NEW SUBCHAPTER - INDIVIDUALIZED SECOND-LOOK REVIEW.

Arkansas Code Title 16, Chapter 93, is amended to add an additional subchapter to read as follows:
16-93-1901. Title.

This subchapter shall be known as the "Arkansas Individualized Second-Look Review Program."

16-93-1902. Definitions.

As used in this subchapter:

- (1) "Eligible person" means a person serving a term-of-years sentence for an offense committed before January 1, 2025, who has served at least fifteen (15) years of actual incarceration and is not excluded under § 16-93-1903;
- (2) "Validated risk-and-needs assessment" means an evidence-informed instrument approved by the Board of Corrections or Post-Prison Transfer Board for assessing current risk and criminogenic needs;
- (3) "Secondary participant" means a person whose criminal responsibility arose from participation in an offense but whose documented role was materially less direct than the person who personally committed the lethal or most violent act;
- (4) "Exceptional rehabilitation" means sustained evidence of positive institutional conduct and meaningful progress demonstrated through work, education, treatment, vocational achievement, mentoring, accountability, or other documented rehabilitative activity; and
- (5) "Review" means an individualized determination of whether continued incarceration remains necessary for public safety and whether supervised release or transfer is appropriate under existing law.

16-93-1903. Eligibility and exclusions.

- (a) An eligible person may submit one application for second-look review after serving at least fifteen (15) years of actual incarceration.
- (b) A person is not eligible for review under this subchapter if the person:
 - (1) Is serving a sentence of death or life imprisonment without parole;
 - (2) Is serving a sentence for rape, § 5-14-103, or another violent sexual offense designated by law; or
 - (3) Has a pending criminal charge or detainer that makes review impracticable until resolved.
- (c) Eligibility under this section means eligibility for consideration only and shall not create a right, liberty interest, or presumption in favor of release.

16-93-1904. Factors for individualized review.

- (a) The reviewing authority shall consider the totality of the circumstances, including without limitation:
 - (1) The nature and circumstances of the offense and the harm caused;
 - (2) The person's actual role in the offense, including whether the person was a secondary participant or accomplice;
 - (3) The person's age at the time of the offense and, when relevant, age and developmental maturity at the time of a plea agreement;
 - (4) Whether the current incarceration arose from the person's first felony conviction or first felony prison commitment;
 - (5) The amount of time served;
 - (6) The complete institutional disciplinary record, with particular weight given to recent serious or violent misconduct;
 - (7) Work history, education, vocational credentials, treatment, mentoring, and other evidence of rehabilitation;
 - (8) A current validated risk-and-needs assessment;
 - (9) Evidence of accountability and insight into the offense;
 - (10) A history of severe substance-use disorder that materially contributed to the offense and evidence of sustained treatment or recovery, when applicable;
 - (11) Age, serious medical impairment, or geriatric considerations, when applicable;
 - (12) Victim impact and victim input as provided by law;
 - (13) The proposed reentry and supervision plan; and
 - (14) Any other factor bearing on present-day public safety.
- (b) No single factor listed in subsection (a) of this section is sufficient by itself to require release.

SECTION 6. HEIGHTENED REVIEW FOR FIRST-DEGREE MURDER AND OTHER DESIGNATED SERIOUS OFFENSES.

- (a) If an eligible person was convicted of murder in the first degree, § 5-10-102, or another offense designated by the General Assembly for heightened review, the reviewing authority shall make written findings addressing:
- (1) The person's actual conduct and degree of participation in the offense;
 - (2) Whether the person personally caused the death or personally committed the most violent act;
 - (3) The person's institutional conduct over the preceding ten (10) years;
 - (4) The person's current validated risk level;
 - (5) Evidence of rehabilitation, accountability, and reentry readiness;
 - (6) Victim input and the continuing impact of the offense; and
 - (7) Why supervised release would or would not be consistent with public safety.
- (b) Nothing in this section diminishes accomplice liability or alters the validity of the underlying conviction. The person's role is considered only for purposes of an individualized later review.

SECTION 7. REVIEWING AUTHORITY; HEARING; DECISION.

- (a) The Post-Prison Transfer Board shall conduct reviews under this act [ALTERNATIVE: A SPECIALIZED SECOND-LOOK PANEL OR JUDICIAL PANEL MAY BE CREATED BY THE GENERAL ASSEMBLY].
- (b) Before a hearing, the Division of Correction shall provide the reviewing authority with the person's complete institutional record, current risk-and-needs assessment, program history, disciplinary history, offense information available to the Division, and proposed reentry plan.
- (c) The reviewing authority may:
- (1) Deny relief;
 - (2) Defer review and identify additional requirements;
 - (3) Set a later review date; or
 - (4) Authorize transfer or release under an otherwise lawful supervised-release mechanism.
- (d) A decision approving or denying relief shall be in writing and shall state the principal reasons for the decision.
- (e) If relief is denied, the person may reapply after [THREE (3)] years unless the reviewing authority sets a longer period for stated public-safety reasons.

SECTION 8. VICTIM NOTICE AND PARTICIPATION.

- (a) Existing Arkansas victim-notification and victim-impact protections apply to a review under this act.
- (b) A victim or the victim's next of kin who is entitled to notice shall be provided a meaningful opportunity to submit written or oral input before a final decision.
- (c) Nothing in this act limits rights provided under Arkansas Code Title 16, Chapter 90, Subchapter 11, or other applicable law.

SECTION 9. REENTRY PLAN REQUIRED BEFORE APPROVED RELEASE.

- (a) A person shall not be released under this act until an individualized reentry plan has been verified.
- (b) The reentry plan shall address, as applicable:
- (1) Government identification and vital records;
 - (2) Verified housing;
 - (3) Employment, apprenticeship, education, or documented lawful income;
 - (4) Treatment and medication continuity;
 - (5) Transportation;
 - (6) Scheduled supervision and treatment appointments;
 - (7) Benefits enrollment and healthcare continuity for which the person is legally eligible;
 - (8) Family, faith-community, mentoring, or other community supports; and
 - (9) An emergency stabilization plan for the first ninety (90) days after release.

(c) The reviewing authority may impose intensive supervision, treatment, electronic monitoring, geographic restrictions, employment requirements, or other lawful conditions reasonably related to public safety and successful reentry.

SECTION 10. REHABILITATION PLANNING AND PROGRAM ACCESS.

(a) The Division of Correction shall use a validated risk-and-needs assessment at intake and shall periodically update the assessment.

(b) Each incarcerated person shall have an individualized rehabilitation plan identifying, as applicable, educational, vocational, substance-use, behavioral-health, cognitive-behavioral, family, and reentry needs.

(c) Foundational rehabilitative programming should be available based on demonstrated need and readiness and should not be categorically postponed solely because a person is more than a specified number of months from a transfer-eligibility date.

(d) The Division shall maintain priority access to Board-mandated programs for a person whose otherwise approvable release is delayed because completion of a specific program is required.

(e) If a Board-mandated program is unavailable for an unreasonable period, the Division and the Board shall determine whether a substantially equivalent alternative may safely satisfy the requirement. Nothing in this subsection requires release when a necessary public-safety condition remains unmet.

(f) The Division shall publish a monthly program-capacity dashboard showing available slots, enrollment, completions, eligible waiting lists, Board-mandated waiting lists, average wait times, relevant staffing vacancies, and the number of release-ready persons delayed by unavailable required programming.

SECTION 11. CORRECTIONAL-OFFICER SAFETY AND STAFFING REPORTING.

(a) On or before December 1 of each year, the Division of Correction shall submit to the Board of Corrections and the Legislative Council a facility-by-facility report stating:

- (1) Authorized security positions;
- (2) Filled security positions and vacancies;
- (3) Annual turnover and retention rates;
- (4) Mandatory overtime hours;
- (5) Reported assaults on correctional staff;
- (6) Actual officer-to-inmate post assignments by shift, to the extent publication does not compromise institutional security; and
- (7) Any unit or bed capacity that cannot be safely activated because required posts cannot be staffed.

(b) Before activating a new permanent or temporary housing unit, the Division shall complete a staffing-and-safety review demonstrating that required security posts can be staffed without creating an unreasonable risk to employees or incarcerated persons.

SECTION 12. SUPERVISION; TECHNICAL VIOLATIONS; REVOCATION.

(a) Nothing in this act limits the authority to revoke supervision when necessary to protect public safety.

(b) When permitted under otherwise applicable law, supervision authorities should use graduated responses to technical violations before returning a person to prison when the violation does not involve a new criminal offense or an imminent public-safety threat.

(c) The Department of Corrections shall separately track returns to incarceration based on:

- (1) A new criminal conviction;
- (2) A technical supervision violation; and
- (3) Other grounds for revocation.

SECTION 13. CORRECTIONS SAFETY AND RECIDIVISM REINVESTMENT REPORT.

(a) The Department of Corrections, in coordination with the Department of Finance and Administration, shall annually identify and report verified savings and avoided costs attributable to reduced overtime, reduced county-jail placements, avoided contracted beds, units not activated, staffing efficiencies, or other documented correctional savings.

- (b) The report shall separately identify potential reinvestment needs for:
- (1) Correctional-officer recruitment, retention, training, wellness, and overtime reduction;
 - (2) Treatment, educational, vocational, and cognitive-behavioral program capacity;
 - (3) Transitional housing, transportation, employment placement, treatment continuity, identification documents, and other reentry supports; and
 - (4) Independent data collection and outcome evaluation.
- (c) This section does not continuously appropriate money. Any expenditure or reappropriation shall be made only as authorized by the General Assembly.

SECTION 14. ANNUAL PUBLIC REPORTING.

- (a) Beginning one (1) year after implementation, the Department of Corrections and Post-Prison Transfer Board shall publish a de-identified annual report containing:
- (1) The number of persons screened and determined eligible;
 - (2) Applications received, hearings conducted, approvals, denials, and deferrals;
 - (3) The principal categories of reasons for denial or deferral;
 - (4) The number of approved persons awaiting release because of programming, housing, detainers, victim-notification procedures, or other identified barriers;
 - (5) New criminal convictions among persons released through the program;
 - (6) Technical revocations and other returns to incarceration;
 - (7) Employment, housing, treatment-completion, and supervision-completion outcomes to the extent data are available;
 - (8) County-jail backup and state-prison bed utilization;
 - (9) Program waiting lists and program-related release delays;
 - (10) Correctional staffing and overtime indicators; and
 - (11) Verified fiscal effects, including savings and avoided costs.
- (b) Personally identifying information, victim information, protected health information, and information that would compromise institutional security shall not be included in the public report.

SECTION 15. PILOT IMPLEMENTATION AND LEGISLATIVE REVIEW.

- (a) The program created by this act shall begin as a phased pilot.
- (b) During the first [THREE (3)] years, the Department and Board may limit the number of completed second-look reviews to [____] per year if necessary to preserve meaningful individualized review and victim-notification capacity.
- (c) Priority during the pilot may be given to persons who:
- (1) Have served at least fifteen (15) years;
 - (2) Present a low or moderate current validated risk;
 - (3) Have no recent serious or violent disciplinary violations;
 - (4) Have completed substantial rehabilitative programming when available; and
 - (5) Have a verified reentry plan or are actively completing one.
- (d) No later than [THREE (3) / FIVE (5)] years after implementation, the Legislative Council or a designated interim committee shall review the program's public-safety outcomes, victim-participation procedures, prison-bed effects, staffing effects, recidivism outcomes, and fiscal effects and shall recommend continuation, modification, expansion, or termination.

SECTION 16. RULEMAKING.

The Board of Corrections, Division of Correction, Department of Corrections, and Post-Prison Transfer Board may promulgate rules necessary to implement this act consistent with the Arkansas Administrative Procedure Act.

SECTION 17. SEVERABILITY.

DISCUSSION DRAFT - EXAMPLE ONLY - NOT BLR FINAL BILL LANGUAGE

If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application.

SECTION 18. EFFECTIVE DATE.

This act shall become effective on [DATE TO BE SELECTED BY THE GENERAL ASSEMBLY AND CONFORMED BY BLR]. Rulemaking, data preparation, and administrative implementation may begin as otherwise authorized by law.

DISCUSSION DRAFT - EXAMPLE ONLY - NOT BLR FINAL BILL LANGUAGE
DRAFTING NOTES FOR ARKANSAS LEGISLATORS / BLR

The following notes are not intended to be codified.

- 1. Core legal fit.** The proposal is intentionally drafted as a companion to the Protect Arkansas Act rather than a repeal. Current Arkansas law treats offenses committed on or after January 1, 2025 differently, including 100% service for felonies ineligible for earned release credits and at least 85% service for restricted-release felonies.
- 2. Legacy 70% statute.** Arkansas Code § 16-93-618 is the principal pre-2025 provision commonly associated with the 70% service requirement. BLR should verify the current text and determine the cleanest amendment structure.
- 3. Review, not automatic release.** Every pathway in this draft creates eligibility for individualized consideration only. The conviction remains in place, victim rights remain in place, and the reviewing authority may deny release.
- 4. First-degree murder.** The discussion draft includes first-degree murder as reviewable under heightened standards, while excluding rape and allowing additional violent-sexual-offense exclusions.
- 5. Fifteen-year threshold.** The proposal uses 15 years as a concrete discussion threshold because it provides substantial punishment and a meaningful institutional record. Sponsors may choose different offense-specific thresholds.
- 6. Under-25 / maturity.** Age at offense or plea is drafted as one consideration among many, never as an automatic basis for relief.
- 7. Accomplice / secondary role.** The draft does not alter accomplice liability or the conviction. Actual role is considered only during the later individualized review.
- 8. Program bottlenecks.** The draft requires earlier needs-based planning and transparency concerning required-program waiting lists, while preserving public-safety requirements.
- 9. Reinvestment.** The proposal avoids treating the statewide average daily cost as automatic cash savings. It instead requires identification of actual savings and avoided costs before any legislative reinvestment.
- 10. Pilot.** Bracketed caps and dates are intentionally left for sponsor/BLR choice. The proposal recommends a three-to-five-year review using Arkansas-specific outcomes.

PRIMARY SOURCE MATERIAL

Policy basis: Victoria Parsons, Arkansas Corrections Reform - Revised Policy Proposal, September 2026.

Arkansas statutory sources to be conformed by BLR include Arkansas Code §§ 16-93-618, 16-93-1801 et seq., 12-29-201, 12-29-701 et seq., and applicable victim-rights and Post-Prison Transfer Board provisions.

Official Arkansas bill format modeled on recent Arkansas General Assembly legislation.

IMPORTANT: This document is an illustrative legislative discussion draft, not legal advice, not an official bill, and not a substitute for drafting by the Arkansas Bureau of Legislative Research.