

MINUTES
HOUSE & SENATE INTERIM COMMITTEES ON
STATE AGENCIES AND GOVERNMENTAL AFFAIRS
Meeting Jointly

July 18, 2013

The Senate and House State Agencies and Governmental Affairs Interim Committees met on Thursday, July 18, 2013, at 1:30 p.m., in Room 171 of the State Capitol.

Members in Attendance

The following members attended: Senators Eddie Joe Williams, Chair; Jane English, Vice Chair; Jimmy Hickey, and Gary Stubblefield. Representatives Andrea Lea, Chair; Butch Wilkins, Vice Chair; Duncan Baird, Nate Bell, John Catlett, Ann Clemmer, Jim Dotson, Mary Hickerson, Debra Hobbs, Karen Hopper, John Hutchison, Josh Miller, Jim Nickels, Betty Overbey, Allen Kerr, and John Walker.

The following non-voting members attended: Bob Ballinger, Fonda Hawthorne, John Payton, and Richard Womack.

Other members attending were: Senators Jonathan Dismang, Jim Hendren, Stephanie Flowers, and David Sanders. Representatives Randy Alexander, David Branscum, Shelia Lampkin, Homer Lenderman, and Mary Slinkard.

The House and Senate Interim Committees on State Agencies and Governmental Affairs were called to order by Senator Williams.

Without objection, the October 26 and November 19, 2012, meeting minutes were approved.

Summary of Legislation referred to the State Agencies and Governmental Affairs Committees of the 89th General Assembly [EXHIBIT D]

Senator Williams stated Exhibit D is a summary of legislation that the House and Senate Committees on State Agencies and Governmental Affairs addressed during the 89th General Assembly Regular Session.

Adopt of Interim Study Proposals (ISP) [EXHIBITS E1 – E19]

Senator Williams stated, without objection, the following ISPs were adopted: 2013-003; 2013-024; 2013-025; 2013-043; 2013-044; 2013-047; 2013-054; 2013-072; 2013-073; 2013-074; 2013-075; 2013-076; 2013-132; 2013-134; 2013-138; 2013-146; 2013-147; 2013-163; and 2013-164.

Review Reporting Method(s) of Arkansas Department of Community Correction Parole and Probation Center Populations

Shelia Sharp, Interim Director, Arkansas Department of Community Correction (DCC) stated, DCC submits a “Monthly Report” to Arkansas Legislative Council. The department is devising a one-page report, summarizing inmate population by area of supervision (i.e. probation, parole, centers, technical violators, and drug court). Ms. Sharp cited low pay; heavy workloads; education requirements and administrative structure as reasons for DCC’s high employee-turnover rate.

John Felts, Chairman, Arkansas Board of Patrol (ABP), and Dan Roberts, Deputy Director Parole/Probation, DCC, explained the legal and parole/probation systems define ‘absconder’ differently; and that causes confusion for DCC and Arkansas Department of Correction (ADC). Arkansas’s parole/probation systems consider any parolee or probationer, failing to report for more than thirty days, an “absconder.” Legal statutes consider “absconding” a Class D felony, but “failure to report” is not a felony. It is possible for a parolee to remain on abscond status; and be discharged from the system when their parole time passes. ABP is working to change this policy. Currently, a parole-hold can keep a parolee incarcerated, but only at the discretion of DCC or ADC.

Ms. Sharp explained DCC requires arresting agencies to hold parolees arrested for new felony charges. It is the arresting agency's responsibility to access the Arkansas Crime Information Center (ACIC) Victim Information and Notification Everyday database; or call DCC to know if a person is on parole. However, state laws do not require local law-enforcement agencies to comply with DCC or ADC regulations, permitting them to set bond for parolees arrested on new charges. DCC, ADC, and ACIC are working with local law-enforcement agencies to implement interfacing systems that simplify checking criminal histories. Ms. Sharp noted statewide compliance might be slow because some departments lack the systems' required technology.

In response to a question by Senator Williams, Mr. Roberts explained, Arkansas parolees are custody of the state; and any arrest is a violation of parole. Depending on the charge, not the conviction, a new arrest can revoke parole and send a parolee back to prison. Until charged with new crime(s), DCC and ADC can only enforce penalties for a parolee's original sentence. For this situation to change, it requires revisions to existing state laws.

Overview of Arkansas Board of Parole Process(es)

[EXHIBIT G]

Mr. Felts provided an overview of how the ABP fits into the state's Corrections System. He explained:

- Arkansas Board of Parole:
 - is not part of ADC, DCC, or the AR Board of Corrections;
 - has seven full-time commissioners who hear prisoners' requests for parole;
 - does not determine who is eligible to request parole; and
 - is the only body authorized to release an Arkansas prisoner prior to their discharge date.
- Arkansas Department of Community Correction (DCC):
 - houses about 1,500 non-violent offenders in five units;
 - focuses on resident therapy and rehabilitation;
 - operates the Technical Violator's Program; and
 - supervises parolees and probationers.
- Arkansas Department of Correction (ADC):
 - houses felons not sentenced specifically to DCC;
 - has a population of about 15,000 violent and non-violent offenders; and
 - operates 18 labor-intensive units in Arkansas.
- Arkansas Correctional School (ACS) and Riverside Vo-Tech (RVT) are educational facilities that provide General Education Degree and vocational programs for ADC and DCC inmates.
- The Arkansas Board of Corrections makes policies for and governs ADC, DCC, ACS and RVT.

ISP 2013-079 by Representative Kerr – Requesting that the interim House Committee on State Agencies and Governmental Affairs conduct a study of the most economical and efficient means of intrastate travel for conducting state business **[EXHIBITS H1 & H2]**

Representative Kerr explained he believes leasing rather than purchasing fleet vehicles would save the state money.

Representative Kerr made a motion that the committee asks Arkansas Department of Finance and Administration to study whether leasing rather than purchasing state fleet vehicles will save the state money. Without discussion, the motion passed.

With no further business, the committees adjourned at 3:15 p.m.