

MINUTES

HOUSE AND SENATE INTERIM COMMITTEES ON JUDICIARY MEETING JOINTLY

October 6, 2014

The House and Senate Interim Committees on Judiciary met jointly at 1:30 p.m., Monday, October 6, 2014, in Room B-MAC, Little Rock, Arkansas.

Committee members present: Senators Jeremy Hutchinson, Chair; Jane English, and Eddie Joe Williams; Representatives Marshall Wright, Chair; John Vines, Vice Chair; John Baine, Bob Ballinger, Charlene Fite, Jeremy Gillam, Monte Hodges, Greg Leding, Mark McElroy, Micah Neal, Jim Nickels, Sue Scott, Mary Lou Slinkard, Nate Steel, and Darrin Williams.

Other members present: Senators Linda Chesterfield, Jimmy Hickey, and David Sanders; Representatives Denny Altes, David Branscum, Dan Douglas, Douglas House, and Betty Overbey.

Representative Wright called the meeting to order.

Consideration to Approve Minutes from the July 17, July 22, and September 4 & 5, 2014, Meetings (Exhibit B)

Without objection, the Minutes from the July 17, July 22, September 4 and September 5, 2014, meetings were approved.

Review of the Crime Victims Reparation Board Regulations Referred by the Administrative Rules and Regulations Subcommittee of the Arkansas Legislative Council (Exhibit C)

Mr. Will Jones, Assistant Attorney General, Attorney General's Office, provided a brief overview of the proposed changes that would extend the time of covering the cost of forensic exams when treatment is sought within 96 hours (up from 72 hours). The proposed changes would also define a claimant's eligibility for a deceased victim's lost wages; define eligibility for economic loss or future support related to a deceased victim; and clarify the definition of an authorized representative at an appeal hearing.

Senator Eddie Williams requested that Mr. Jones review the time period in which payments are made to service providers such as the Children's Advocacy Centers (CAC's) for medical-legal examinations, etc. He said payments are made up front by CAC's and he feels there should be a 30-60 day window on reimbursements. Mr. Jones advised he will report back to Senator Williams.

Representative Wright stated that without objection, the proposed changes to the Crime Victims Reparation Board Regulations stand reviewed.

Representative Wright recognized former Senator Bobby Glover for brief remarks.

Senator Glover said he was speaking as a concerned citizen, not as a board member of the Department of Correction. He gave a brief description of the laws he sponsored as a legislator and stated that current law encourages crime rather than discouraging it. He said protecting the citizens of Arkansas should come first and asked committee members to put some "teeth" in parole laws.

Representative Wright spoke on the recent events surrounding the abduction and murder of Mrs. Beverly Carter and of the accused, parolee Arron Lewis. He said this is a very serious issue and asked each parole board member to come forward and state their background, qualifications, salaries, and how they determine which prisoners should be released.

Overview of the Arkansas Parole Board (Exhibit D)

Introduction, Background/Qualifications and Salaries of Parole Board Members:

Mr. John Felts (12/16/97), Chairman; Arkansas Department of Correction-Security (1982), Assistant to Warden, Institutional Parole Officer, Assistant Administrator-Parole Services, Banking, Commissioner 2011.	\$103,030.10
Dawne Vandiver, (1/23/13); Psychology and Sociology, Former Justice of the Peace -- Budget Chair-County Jail system.	\$83,900.75
Abraham Carpenter, Jr., (2/9/07) Manager/Owner Carpenter's Produce; 25 years of public service; Alderman, City of Grady; served on approximately 50 boards/commissions; received over 150 awards for his service; inducted into the Agriculture and Business Hall of Fame; works with churches and government organizations.	\$85,006.48

Richard Mays Jr., (7/11/07) BS (business-finance); MBA; J.D. (criminal law).	\$85,006.48
Dennis R. Young, (4/1/14) Former Legislator/Co-Chair of Penal Committee.	\$82,255.68
Richard Brown Jr., (7/26/11) Certified Law Enforcement Officer for 17 years; Investigator-Arkansas Alcoholic Beverage Control; Investigator-Attorney General's Office; Extradition Coordinator/Pardons & Clemency, Governor's Office	\$83,900.75
Jimmy Wallace, (2/16/10) Arkansas Health Department-Dairy Certification Officer/Director of Administration; Department of Correction-Food Service; Chair-Agriculture Committee Advisory Commission; Mayor of England; Justice of the Peace-Lonoke County.	\$82,515.06

Upon questioning by several committee members regarding how decisions are made in granting parole, board members agreed that each decision is based upon state law and in compliance with set procedures and regulations.

Senator Hutchinson requested that DOC provide him with a copy of Arron Lewis's institutional records showing behavioral problems or violent tendencies (if any) while incarcerated.

Representatives Nickels, Williams, and Walker noted that all members of the parole board are vetted and appointed by the Governor and confirmed by the Senate. They expressed their concerns with the committees questioning the credentials of board members.

Senator Chesterfield requested the parole board provide information to her regarding the ratio of mental health specialists to inmates.

Representative Walker requested the parole board provide him with a report on the number of murders in any given year by persons on parole.

Senator Sanders requested the complete file on each of the individuals listed below be made available to him for review: Marvin Collins; Ethan Lovelace; Tony Irons; Jerald Brewer; Steven Swanigan; James Johnson; Rico Cohn; Robert Jamison; Tony Brook; Jonathan Bridgewater; Neal Allen Hall; Casey Lee Hooks; Eli Esau; Ben Pitts; Ronnie Hervey; Will Johnston; Donald Biles; Raymond Davis; Patrick Johnson; Curtis Atori McMillion; Joey Osborn; Tramel Edward James; and Ardwin Frank Sylvester.

Senator Sanders said the legislature should look at being more prescriptive in listing qualifications for parole board members. He also said he will introduce legislation, entitled the Public Safety Transparency Act, in the upcoming session to make sure information is open and transparent for public viewing.

Senator Hutchinson stated he feels that members of the parole board should be professionals rather than appointed by the Governor. He said a full time professional staff would do a better job, including interviewing inmates five days a week instead of the current two days, and requiring a unanimous vote to release an inmate on parole.

Sheila Sharp, Director, Arkansas Community Correction, said she had reviewed the Lewis case and found over the course of his supervision he had done everything he was asked to do. When questioned by Representative Nickels about Arron Lewis losing his job and if he reported this information to his parole officer, Ms. Sharp replied there was nothing in the record to indicate he had done so. Representative Nickels then asked if it had been reported, what type of inquiry would the parole officer have made. She said if they had known, he would have been encouraged to find another job; parole officers carry a high number of cases and unless the parolee was on medium or maximum supervision, they would not have inquired about the termination with his employer.

Representative Nickels requested that Ms. Sharp provide him with a list of parole conditions and restrictions.

Mr. Felts advised that Arron Lewis's parole had been revoked on the previous Friday because he had not informed his parole officer about losing his job.

Parole Board's Role in the Arkansas Adult Corrections System and Discussion of the Parole Board's 2015 Legislative Goals

Mr. John Felts, Parole Board Caseload for Fiscal Year 2014 and 2015 (to date) and Mr. Solomon Graves, Administrative Services Manager. This item was deferred.

With no further business, the meeting adjourned at 3:45 p.m.