

INTERIM STUDY PROPOSAL 2019-027

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1788

By: Representatives A. Collins, Gazaway

Filed with: House Committee on Judiciary
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT CONCERNING BAIL DATA AND TRANSPARENCY; AND FOR
OTHER PURPOSES.

Subtitle

THE BAIL DATA AND TRANSPARENCY ACT.

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

SECTION 1. DO NOT CODIFY. Legislative findings.

The General Assembly finds that:

(1) The implementation of a uniform data collection system regarding bail to better understand how bail is employed throughout the state is an important state interest;

(2) The public has the right to transparent information regarding the use of bail throughout the state;

(3) Based on the most recently available data from the Association of Arkansas Counties and the Prison Policy Initiative, Arkansas spends approximately one hundred million dollars (\$100,000,000) per year to house detainees in local jails; and

(4) Seeking opportunities to reduce financial expenditures and unnecessary government services while improving public safety and the integrity of the criminal justice system is an important state interest; and

SECTION 2. Arkansas Code Title 16, Chapter 84, Subchapter 1, is amended to add an additional section to read as follows:

1 16-84-117. Bail bond data and transparency.

2 (a) As used in this section:

3 (1) "Participating court" means a court that uses the uniform
4 case management software promulgated by the Administrative Office of the
5 Courts; and

6 (2) "Person" means a person who is or has been incarcerated or
7 detained in a county jail, local detention facility, or regional detention
8 facility.

9 (b) The office shall establish a uniform data collection system to
10 collect data regarding each setting and modification of bail from every
11 participating court.

12 (c) A court that uses the office's case management software system
13 shall collect and remit to the office the following data regarding every
14 person:

15 (1) Any arrest date, any bail hearing date, any date the person
16 is admitted to bail, and any date of bail modification;

17 (2) The person authorized to take bail, as defined under § 16-
18 84-102, who has set or modified bail;

19 (3) Information about the person, including the person's year of
20 birth, race, ethnicity, gender, primary language, and residential zip code;

21 (4) Information concerning whether the person is considered
22 indigent by the court;

23 (5) Information related to the person's charges or reason for
24 detention, including:

25 (A) The number of charges; and

26 (B) The most serious offense for which the person is
27 charged and a general description and classification of the offense;

28 (6) Information concerning whether the person is admitted to
29 bail or whether the bail has been modified;

30 (7) Information related to the conditions of bail and the bond
31 for the person, including without limitation:

32 (A) Whether the bond was secured or unsecured;

33 (B) The monetary amount set on the bond, including the
34 amount set on both secured and unsecured bonds;

35 (C) Initial nonmonetary conditions of release imposed;

36 (D) Subsequent modifications of the bail;

1 (E) The total amount of money paid on the bond; and

2 (F) Whether the person utilized the services of a
3 professional bail bondsman;

4 (8) If an person is not admitted to bail, the reason for the
5 denial;

6 (9) If the person has any known outstanding arrest warrants or
7 other holds that are an impediment to his or her release from custody placed
8 on him or her from another jurisdiction, including a detention hold from the
9 United States Immigration and Customs Enforcement or other detention hold
10 from another jurisdiction;

11 (10) Any date where a person failed to appear for a court
12 hearing;

13 (11) Any date of any revocation of bail due to a violation of
14 the person's conditions of release, failure to appear for a court hearing, or
15 the commission of a new offense by the person, and the reason for revocation;

16 (12) The date the person is sentenced to prison, if applicable,
17 and any date the person begins serving his or her term in prison;

18 (13) The date the person is released or discharged from custody,
19 including release upon satisfaction of the terms of any recognizance, release
20 upon the disposition of any charges, or release upon completion of sentence;

21 (14) The reason for a release or discharge of the person from
22 custody of the correctional facility; and

23 (15) The average cost per night to house the person in the
24 correctional facility where the person is detained or, if released, where the
25 person would be detained but for release.

26 (d)(1) The office shall submit a quarterly report compiling the data
27 received under this section to the Legislative Council.

28 (2) The report under this subsection shall not identify a person
29 by name and shall disaggregate data by person and sentencing court.

30 (e) The office may promulgate rules as necessary to implement this
31 section.

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33 SECTION 3. DO NOT CODIFY. Temporary legislation.

34 (a) The first report required under § 16-84-117(c) shall be made on or
35 before January 1, 2020.

1 (b) The uniform data collection system required under this act shall
2 be operational on or before October 1, 2019.

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5 Referred by Representative A. Collins
6 Prepared by: BPG/VJF

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