

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

SENATE BILL 539

5 By: Senator Gilmore
6 By: Representative Gazaway
7

For An Act To Be Entitled

9 AN ACT TO UPDATE AND CLARIFY CERTAIN PORTIONS OF THE
10 LAW REGARDING THE DIVISION OF COMMUNITY CORRECTION
11 AND THE DIVISION OF CORRECTION; TO CLARIFY REFERENCES
12 TO COMMUNITY CORRECTION CENTERS; TO TRANSFER SEX
13 OFFENDER COMMUNITY NOTIFICATION ASSESSMENTS TO THE
14 DEPARTMENT OF CORRECTIONS; TO DECLARE AN EMERGENCY;
15 AND FOR OTHER PURPOSES.
16
17

Subtitle

19 TO UPDATE AND CLARIFY CERTAIN PORTIONS
20 OF THE LAW REGARDING THE DIVISION OF
21 COMMUNITY CORRECTION AND THE DIVISION OF
22 CORRECTION; TO CLARIFY REFERENCES TO
23 COMMUNITY CORRECTION CENTERS; AND TO
24 DECLARE AN EMERGENCY.
25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27

28 SECTION 1. Arkansas Code § 5-4-304(c)(1), concerning confinement as a
29 condition of a suspended sentence or probation, is amended to read as
30 follows:

31 (c)(1)(A) The period actually spent in confinement pursuant to this
32 section in a county jail, city jail, or other authorized local detention,
33 correctional, or rehabilitative facility shall not exceed:

34 (i) One hundred twenty (120) days in the case of a
35 felony; or

36 (ii) Thirty (30) days in the case of a misdemeanor.



1 (B) In the case of confinement to a ~~facility in the~~
2 ~~Division of Community Correction~~ community correction center operated or
3 contracted by a division of the Department of Corrections, the period
4 actually spent in confinement under this section shall not exceed three
5 hundred sixty-five (365) days.

6
7 SECTION 2. Arkansas Code § 5-4-312(b), concerning placement in a
8 community correction program, is amended to read as follows:

9 (b) Upon a preliminary determination by a court that a defendant is an
10 eligible offender and that placement in a community correction program under
11 § 16-93-1201 et seq. is proper, the court may:

12 (1)(A) Suspend the imposition of the sentence or place the
13 defendant on probation, under § 5-4-104, § 5-4-201 et seq., §§ 5-4-301 – 5-4-
14 307, and § 16-93-314.

15 (B) A sentence under subdivision (b)(1)(A) of this section
16 may be accompanied by assignment to a community correction program under §
17 16-93-1201 et seq. for a designated period of time commensurate with the
18 goals of the community correction program assignment and the rules
19 established by the Board of Corrections for the operation of community
20 correction programs.

21 (C) The court shall maintain jurisdiction over the
22 defendant sentenced under subdivision (b)(1)(A) of this section with
23 supervision outside the confines of the specific programming provided by
24 probation officers assigned to the court.

25 (D)(i) If a person sentenced under subdivision (b)(1)(A)
26 of this section violates any term or condition of his or her sentence or term
27 of probation, revocation of the sentence or term of probation shall be
28 consistent with the procedures established by law for the revocation of
29 suspended imposition of sentence or probation.

30 (ii) Upon revocation as described in subdivision
31 (b)(1)(D)(i) of this section, the court shall determine whether the defendant
32 shall remain under the jurisdiction of the court and be assigned to a more
33 restrictive community correction program, facility, or institution for a
34 period of time or committed to ~~the Division of Correction~~, a secured facility
35 operated or contracted by a division of the Department of Corrections;

36 ~~(iii) If the defendant is committed to the Division~~

1 ~~of Correction under subdivision (b)(1)(D)(ii) of this section, the court~~
2 ~~shall specify if the commitment is for judicial transfer of the defendant to~~
3 ~~the Division of Community Correction or is a commitment to the Division of~~
4 ~~Correction;~~

5 (2)(A) Commit the defendant to the custody of the Division of
6 Correction for judicial transfer to ~~the Division of Community Correction a~~
7 community correction center operated or contracted by a division of the
8 department subject to the following:

9 (i) That the sentence imposed provides that the
10 defendant shall not serve more than three (3) years of confinement, with
11 credit for meritorious good time or earned release credits, with initial
12 placement in a ~~Division of Community Correction facility~~ community correction
13 center operated or contracted by a division of the department; and

14 (ii) That the preliminary placement in ~~the Division~~
15 ~~of Community Correction facility~~ a community correction center operated or
16 contracted by a division of the department is conditioned upon the ~~Division~~
17 ~~of Community Correction's~~ department's final determination of the defendant's
18 initial and continuing eligibility for ~~Division of Community Correction~~
19 community correction center placement and the defendant's compliance with all
20 applicable rules established by the Board of Corrections for community
21 correction programs.

22 (B) Post-prison supervision of the defendant shall
23 accompany and follow the community correction program when appropriate; or

24 (3)(A) Sentence the defendant to the Division of Correction,
25 granting the Division of Correction the ability to administratively transfer
26 the defendant to ~~the Division of Community Correction a community correction~~
27 center operated or contracted by a division of the department if the Division
28 of Correction determines that the sentence imposed meets the eligibility
29 requirements for placement in a community correction program under this
30 subchapter and § 16-93-1201 et seq.

31 (B) Administrative transfer to ~~the Division of Community~~
32 ~~Correction a community correction center operated or contracted by a division~~
33 of the department under subdivision (b)(3)(A) of this section is conditioned
34 upon bed space availability and upon the ~~Division of Community Correction's~~
35 department's final determination of the defendant's initial and continuing
36 eligibility for ~~Division of Community Correction~~ community correction center

1 placement.

2 (C) A determination of ineligibility under subdivision
3 (b)(3)(B) of this section by the ~~Division of Community Correction~~ department
4 shall result in the immediate ~~return~~ removal of the defendant ~~to the Division~~
5 ~~of Correction~~ from the community correction center.

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

10

11 SECTION 3. Arkansas Code § 5-4-312(d)(1), concerning a defendant not
12 eligible for placement in a community correction program, is amended to read
13 as follows:

14 (d)(1) If after receipt of an order directing a defendant to a
15 community correction center, the ~~Division of Community Correction~~ department
16 determines that the defendant is not eligible for placement in a community
17 correction program under § 16-93-1201 et seq., the ~~Division of Community~~
18 ~~Correction~~ department shall not admit the defendant to the community
19 correction center but shall immediately notify the prosecuting attorney in
20 writing.

21

22 SECTION 4. Arkansas Code § 12-12-911(b)(1), concerning the Sex and
23 Child Offenders Registration Fund, is amended to read as follows:

24 (b)(1) This fund shall consist of special revenues collected pursuant
25 to § 12-12-910, there to be used equally by the Arkansas Crime Information
26 Center and the ~~Division of Correction~~ Department of Corrections for the
27 administration of this subchapter.

28

29 SECTION 5. Arkansas Code § 12-12-913(c) and (d), concerning the
30 disclosure of sex offender registration records, are amended to read as
31 follows:

32 (c)(1)(A) The Sex Offender Assessment Committee shall promulgate
33 guidelines and procedures for the disclosure of relevant and necessary
34 information regarding sex offenders to the public when the release of the
35 information is necessary for public protection.

36 (B) In developing the guidelines and procedures, the Sex

1 Offender Assessment Committee shall consult with persons who, by experience
2 or training, have a personal interest or professional expertise in law
3 enforcement, crime prevention, victim advocacy, criminology, psychology,
4 parole, post-release supervision, public education, and community relations.

5 (2)(A) The guidelines and procedures shall identify factors
6 relevant to a sex offender's future dangerousness and likelihood of reoffense
7 or threat to the community.

8 (B) The guidelines and procedures shall also address the
9 extent of the information to be disclosed and the scope of the community to
10 whom disclosure shall be made as these factors relate to the:

11 (i) Level of the sex offender's dangerousness;

12 (ii) Sex offender's pattern of offending behavior;

13 and

14 (iii) Need of community members for information to
15 enhance their individual and collective safety.

16 (3) The Sex Offender Assessment Committee shall submit the
17 proposed guidelines and procedures to the House Committee on Public Health,
18 Welfare, and Labor and the Senate Committee on Public Health, Welfare, and
19 Labor for their review ~~and shall report to the House Committee on Public~~
20 ~~Health, Welfare, and Labor and the Senate Committee on Public Health,~~
21 ~~Welfare, and Labor every six (6) months on the implementation of this~~
22 ~~section.~~

23 (d)(1) A local law enforcement agency having jurisdiction that decides
24 to disclose information pursuant to this section shall make a good faith
25 effort to notify the public and residents at least fourteen (14) days before
26 a sex offender is released or placed into the community.

27 (2) If a change occurs in a sex offender's release plan, this
28 notification provision shall not require an extension of the release date.

29 (3) In conjunction with the notice provided under § 12-12-914,
30 the ~~Division of Correction~~ Department of Corrections and the Department of
31 Human Services shall make available to a local law enforcement agency having
32 jurisdiction all information that the ~~Division of Correction~~ Department of
33 corrections and the Department of Human Services have concerning the sex
34 offender, including information on risk factors in the sex offender's
35 history.

36

1 SECTION 6. Arkansas Code § 12-12-917(g)(1), concerning the assessment
2 of a sex offender, is amended to read as follows:

3 (g)(1) In cooperation with the committee, the ~~Division of Correction~~
4 Department of Corrections shall promulgate rules to establish the review
5 process for assessment determinations.
6

7 SECTION 7. Arkansas Code § 12-12-918(b)(2), concerning the evaluation
8 to determine that a defendant is a sexually dangerous person, is amended to
9 read as follows:

10 (2) The cost of the evaluation shall be paid by the ~~Division of~~
11 Correction Department of Corrections.
12

13 SECTION 8. Arkansas Code § 12-27-113 is amended to read as follows:

14 12-27-113. Commitments to the Division of Correction – Records.

15 (a)(1) All commitments to the Division of Correction shall be to the
16 Division of Correction and not to a particular institution.

17 (2) Commitments may provide for judicial or administrative
18 transfer to ~~the Division of Community Correction~~ a community correction
19 center operated or contracted by a division of the Department of Corrections.
20

21 (b)(1) The Director of the Division of Correction, in accordance with
22 the rules and procedures promulgated by the Board of Corrections, shall
23 transfer an inmate to ~~the Division of Community Correction~~ a community
24 correction center operated or contracted by a division of the department,
25 pursuant to a judicial transfer, determine the administrative transfer of an
26 inmate to ~~the Division of Community Correction~~ a community correction center
27 operated or contracted by a division of the department, or assign a newly
28 committed inmate to an appropriate facility of the Division of Correction.

29 (2) The director may transfer an inmate from one (1) facility to
30 another consistent with the commitment and in accordance with treatment,
31 training, and security needs.

32 (3) Inmates may be transferred between ~~the Division of~~
33 Correction and the Division of Community Correction secured facilities
34 operated or contracted by a division of the department within the constraints
35 of law applicable to judicial or administrative transfer, subject to the
36 policies and rules established by the Board of Corrections and conditions set
by the Post-Prison Transfer Board.

1 (4) The Division of Correction shall retain legal custody of all
2 inmates transferred to community correction unless altered by court order.

3 (c)(1) When a prisoner is committed to the Division of Correction, his
4 or her commitment papers must include a report on the circumstances attending
5 the offense, particularly such circumstances as tend to aggravate or
6 extenuate the offense, which report shall be kept in the permanent file of
7 such prisoner.

8 (2) The report shall be prepared by the prosecutor or deputy
9 prosecutor who represented the state in the proceeding against the prisoner.
10 The report shall be approved by the sentencing judge.

11 (d)(1) A county sheriff, a deputy county sheriff, or a trained
12 security contractor shall transport all inmates committed to ~~the Division of~~
13 ~~Correction or the Division of Community Correction~~ a secured facility
14 operated or contracted by a division of the department as described in this
15 subsection, and the county sheriff is entitled to the fees provided by law.

16 (2) A county sheriff shall notify the director of the number of
17 inmates in his or her charge who are under commitment to ~~the Division of~~
18 ~~Correction~~ a secured facility operated or contracted by a division of the
19 department, and upon request to the county sheriff by the director, the
20 county sheriff, the deputy county sheriff, or the trained security contractor
21 shall send for, take charge of, and safely transport the inmates to the
22 nearest appropriate secured facility as determined by the Division of
23 Correction or the Division of Community Correction.

24 (3) However, if the county sheriff determines that it would be
25 in the best interest of an inmate and the public to immediately transport the
26 inmate to the Division of Correction or the Division of Community Correction
27 because of overcrowding or another issue, the county sheriff may notify the
28 Division of Correction or the Division of Community Correction of the need
29 for immediate transport and the Division of Correction or the Division of
30 Community Correction shall consider the request in scheduling inmates for
31 intake.

32 (e)(1) The director shall make and preserve a full and complete record
33 of every inmate committed to the Division of Correction, along with a
34 photograph of the inmate and data pertaining to his or her trial conviction
35 and past history.

36 (2)(A) To protect the integrity of records described in

1 subdivision (e)(1) of this section and to ensure their proper use, it is
 2 unlawful to permit inspection of or disclose information contained in records
 3 described in subdivision (e)(1) of this section or to copy or issue a copy of
 4 all or part of a record described in subdivision (e)(1) of this section
 5 except:

6 (i) As authorized by rule;

7 (ii) By order of a court of competent jurisdiction;

8 or

9 (iii) Records posted on the Division of Correction's
 10 website as required by § 12-27-145.

11 (B) A rule under subdivision (e)(2)(A) of this section
 12 shall provide for adequate standards of security and confidentiality of
 13 records described in subdivision (e)(1) of this section.

14 ~~(3) For those inmates committed to the Division of Correction~~
 15 ~~and judicially or administratively transferred to the Division of Community~~
 16 ~~Correction, the preparation of a record described in subdivision (e)(1) of~~
 17 ~~this section may be delegated to the Division of Community Correction~~
 18 ~~pursuant to policies applicable to records transmission adopted by the Board~~
 19 ~~of Corrections.~~

20 ~~(4)(3)~~ A rule under subdivision (e)(2)(A) of this section may
 21 authorize the disclosure of information contained in a record described in
 22 subdivision (e)(1) of this section for research purposes.

23 ~~(5)(4)(A)(i)~~ Upon written request, an employee of the Bureau of
 24 Legislative Research acting on behalf of a member of the General Assembly may
 25 view all records described in subdivision (e)(1) of this section of a current
 26 or former inmate.

27 (ii) A request under subdivision ~~(e)(5)(A)(i)~~
 28 (e)(4)(A)(i) of this section shall be made in good faith.

29 (B) A view of records under this subdivision ~~(e)(5)~~ (e)(4)
 30 by an employee may be performed only if the employee is assigned to one (1)
 31 or more of the following committees:

32 (i) Senate Committee on Judiciary;

33 (ii) House Committee on Judiciary; or

34 (iii) Charitable, Penal, and Correctional
 35 Institutions Subcommittee of the Legislative Council.

36 (C) The ~~Division of Correction~~ Secretary of the Department

1 of Corrections shall ensure that the employee authorized under subdivision
 2 ~~(e)(5)(B)~~ (e)(4)(B) of this section to view records is provided access to the
 3 records.

4 (D) A record requested to be viewed under this subdivision
 5 ~~(e)(5)~~ (e)(4) is privileged and confidential and shall not be shown to any
 6 person not authorized to have access to the record under this section and
 7 shall not be used for any political purpose, including without limitation
 8 political advertising, fundraising, or campaigning.

9
 10 SECTION 9. Arkansas Code § 12-27-114 is amended to read as follows:

11 12-27-114. Inmates in county jails – Reimbursement of county – Medical
 12 care.

13 (a)(1)(A)~~(i)~~ In the event ~~the Division of Correction~~ a division of the
 14 Department of Corrections cannot accept inmates from county jails due to
 15 insufficient bed space, the ~~Division of Correction~~ department shall reimburse
 16 the counties from the County Jail Reimbursement Fund at rates determined by
 17 the Chief Fiscal Officer of the State, after consultation with Arkansas
 18 Legislative Audit and the ~~Division of Correction~~ department and upon approval
 19 by the Governor, until the appropriation and funding provided for that
 20 purpose are exhausted.

21 ~~(ii)(B)~~ The reimbursement rate shall include the
 22 county's cost of transporting the inmates to the ~~Division of Correction~~
 23 division.

24 ~~(B)(i)(2)(A)~~ Reimbursement under subdivision (a)(1)~~(A)~~ of
 25 this section shall begin accruing on the date of sentencing.

26 ~~(ii)(B)~~ The ~~Division of Correction~~ department shall
 27 not reimburse the county until the ~~Division of Correction~~ department receives
 28 a complete and accurate sentencing order.

29 ~~(2)(A)~~ ~~In the event the Division of Community Correction cannot~~
 30 ~~accept inmates from county jails due to insufficient bed space or shall have~~
 31 ~~an inmate confined in a county jail under any prerelease program or sanction~~
 32 ~~imposed in response to a violation of supervision conditions, the Division of~~
 33 ~~Community Correction shall reimburse the counties from the fund at rates~~
 34 ~~determined by the Chief Fiscal Officer of the State, after consultation with~~
 35 ~~Arkansas Legislative Audit and the Division of Correction, and upon approval~~
 36 ~~by the Governor, until the appropriation and funding provided for that~~

1 ~~purpose are exhausted.~~

2 ~~(B)(i) Reimbursement under subdivision (a)(2)(A) of this~~
3 ~~section shall begin accruing on either the date of sentencing or the date of~~
4 ~~placement on probation accompanied with incarceration in the Division of~~
5 ~~Community Correction.~~

6 ~~(ii) The Division of Community Correction shall not~~
7 ~~reimburse the county until the Division of Community Correction receives a~~
8 ~~complete and accurate sentencing order or an order or waiver for a sanction~~
9 ~~to a community correction center.~~

10 (b)(1)(A) ~~The Division of Correction and the Division of Community~~
11 ~~Correction~~ department shall prepare an invoice during the first week of each
12 month that lists each state inmate that is on the county jail backup list
13 during the previous month.

14 (B) The invoice shall reflect the number of days a state
15 inmate was in the county jail in an awaiting-bed-space status.

16 (2)(A) ~~The Division of Correction and the Division of Community~~
17 ~~Correction~~ department shall verify and forward the invoices to the applicable
18 county sheriff to certify the actual number of days the state inmates were
19 physically housed in the county jail.

20 (B)(i) Upon written request of a county judge, county
21 treasurer, or county sheriff, the ~~Division of Correction and the Division of~~
22 ~~Community Correction~~ department shall provide to the county official making
23 the request a written report summarizing the year-to-date county jail
24 reimbursement invoices prepared and forwarded for verification by the
25 ~~Division of Correction and the Division of Community Correction~~ department
26 and payment from the fund.

27 (ii) In addition, the written report shall include a
28 summary of invoices returned by each county for payment for previous months
29 within the fiscal year, the amounts paid, and any balances owed.

30 (3)(A) The certified invoices shall then be returned to the
31 ~~Division of Correction and the Division of Community Correction~~ department
32 for payment from the fund.

33 (B) Payment from the fund shall be made within five (5)
34 business days of receipt of signed and certified invoices returned by each
35 county, subject to funding made available for payment of the certified
36 notices.

1 (4) The county sheriff shall maintain documentation for three
2 (3) calendar years to confirm the number of days each state inmate was
3 physically housed in the county jail.

4 (5) The documentation maintained by the county sheriff is
5 subject to review by Arkansas Legislative Audit.

6 (6) Invoices under this subsection may be mailed or sent
7 electronically.

8 (c)(1) The Board of Corrections shall adopt rules by which the
9 ~~Division of Correction or the Division of Community Correction~~ department
10 shall reimburse any county that is required to retain an inmate awaiting
11 delivery to the custody of either the Division of Correction or the Division
12 of Community Correction, upon receipt of a complete and accurate sentencing
13 order or an order or waiver for a sanction to a community correction center,
14 for the actual costs paid for any emergency medical care for physical injury
15 or illness of the inmate retained under this section if the physical injury
16 or illness is directly related to the incarceration and the county is
17 required by law to provide the care for inmates in the jail.

18 (2) The ~~Director of the Division of Correction or his or her~~
19 ~~designee or the Director of the Division of Community Correction or his or~~
20 ~~her designee~~ department may accept custody of any inmate as soon as possible
21 upon request of the county upon determining that the inmate is required to
22 have extended medical care.

23 (3)(A) Reimbursements for medical expenses under this subsection
24 shall require prior approval of the ~~Division of Correction or the Division of~~
25 ~~Community Correction~~ department before the rendering of health care.

26 (B)(i) In a true emergency situation, health care may be
27 rendered without prior approval.

28 (ii) The ~~Division of Correction or the Division of~~
29 ~~Community Correction~~ department shall be notified of a true emergency
30 situation immediately after the true emergency situation.

31 (C)(i) Reimbursements under this subsection begin accruing
32 on the date of sentencing.

33 (ii) The ~~Division of Correction or Division of~~
34 ~~Community Correction~~ department shall not reimburse the county under this
35 subsection until the ~~Division of Correction or Division of Community~~
36 ~~Correction~~ department receives a complete and accurate sentencing order or an

1 order or waiver for a sanction to a community correction center.

2 (d)(1)(A) ~~The Division of Correction and Division of Community~~
 3 ~~Correction~~ department shall prepare a monthly report of county jail
 4 reimbursement invoices under this section for payment from the ~~County Jail~~
 5 ~~Reimbursement Fund~~ fund.

6 (B) The monthly report under subdivision (d)(1)(A) of this
 7 section shall:

8 (i) Be posted on the website of the ~~Division of~~
 9 ~~Correction and the website of the Division of Community Correction~~ department
 10 for at least three (3) years; and

11 (ii) Include a summary of invoices returned by each
 12 county for payment for previous months within the fiscal year, the amounts
 13 paid, and any balances owed.

14 (2) The monthly reports under subdivision (d)(1)(A) of this
 15 section shall be combined into one (1) annual report at the end of each
 16 fiscal year.

17
 18 SECTION 10. Arkansas Code § 12-27-115 is amended to read as follows:
 19 12-27-115. Claims of counties for expenses – Verification.

20 (a) When any county in which ~~an institution of the Department of~~
 21 ~~Correction~~ a secured facility operated or contracted by a division of the
 22 Department of Corrections is located shall incur expenses in connection with
 23 any legal proceedings involved or occasioned by any inmate of ~~a penal~~
 24 ~~institution~~ the secured facility, the county shall be entitled to
 25 reimbursement for such expenses ~~from the Department of Correction Fund~~ by the
 26 department.

27 (b) All claims by counties against the fund pursuant to this section
 28 shall be itemized, and the claims shall be verified by the county judge and
 29 presented to the ~~Director of the Department of Correction~~ department within
 30 ninety (90) days after the expense is incurred.

31 (c) Upon receipt of the verified claims, the ~~director~~ department shall
 32 pay the claim ~~from funds appropriated for the maintenance and operation of~~
 33 ~~the department~~.

34
 35 SECTION 11. Arkansas Code § 12-27-125 is amended to read as follows:
 36 12-27-125. Division of Community Correction – Creation – Powers and

1 duties.

2 (a) There is established, under the supervision, control, and
3 direction of the Board of Corrections, a Division of Community Correction.

4 (b) The Division of Community Correction shall have the following
5 functions, powers, and duties, administered in accordance with the policies
6 and rules promulgated by the Board of Corrections:

7 (1) It shall assume management and control over all properties,
8 both real and personal, facilities, books, records, equipment, supplies,
9 materials, contracts, funds, moneys, equities, and all other properties
10 belonging to the Arkansas Adult Probation Commission [abolished], and all
11 such properties transferred from the Department of Correction, as the
12 Division of Correction was known as prior to July 1, 2019, by the Board of
13 Corrections;

14 (2)~~(A)~~ It shall have management and control over ~~all~~ community
15 correction services ~~except management of secured community correction~~
16 ~~centers;~~

17 ~~(B) It shall have management and control over all~~
18 ~~community correction facilities within the purview of the Board of~~
19 ~~Corrections existing on or created after July 1, 1993;~~

20 (3) It shall employ such officers, employees, and agents and
21 shall secure such offices and quarters as deemed necessary to discharge the
22 functions of the Division of Community Correction, and which are
23 appropriately funded;

24 (4) It may establish and operate regional community correction
25 facilities if funds for the regional community correction facilities have
26 been authorized and appropriated by the General Assembly;

27 (5)(A) It may exercise all legally sanctioned supervision and
28 appropriate care over all offenders referred with proper documentation from
29 the circuit courts and all offenders transferred with proper documentation
30 from the Division of Correction pursuant to policies established by the Board
31 of Corrections and conditions set by the Post-Prison Transfer Board.

32 (B) Legal custody remains with the referring court or the
33 Division of Correction;

34 (6) It shall administer the provision of probation services for
35 offenders processed through circuit courts;

36 (7) It shall administer the provision of parole and post-release

1 supervision services in coordination with the Post-Prison Transfer Board and
2 in cooperation with the Division of Correction;

3 (8) It shall provide support services to the Post-Prison
4 Transfer Board or its designated representatives as determined by the Post-
5 Prison Transfer Board;

6 (9) It shall assist the Board of Corrections in the furtherance
7 of its goals by staffing the specific charges articulated for it through
8 legislation and by the Board of Corrections;

9 (10) It shall conduct statewide public education and training to
10 foster the provision of correctional supervision and service in community
11 settings;

12 (11) It shall provide technical assistance when necessary to any
13 entity, program, division, or agency receiving assistance or clients through
14 the Division of Community Correction;

15 (12) It shall facilitate the development of a comprehensive
16 community correction plan through the provision of funding, criteria review,
17 and ongoing evaluation to ensure the maintenance of quality in supervision
18 and programming;

19 (13) It may accept gifts, grants, and funds from both public and
20 private sources with prior approval of the Board of Corrections;

21 (14) It shall establish minimum standards for case loads,
22 programs, facilities, and equipment and other aspects of the operation of
23 community correction programs and facilities necessary for the provision of
24 adequate and effective supervision and service;

25 (15) It shall establish minimum standards for the employment of
26 community correction employees;

27 ~~(16) It shall establish programs of research, evaluation,~~
28 ~~statistics, audit, and planning, including studies and evaluation of the~~
29 ~~performance of various functions and activities of the Department of~~
30 ~~Corrections and studies affecting the treatment of offenders and information~~
31 ~~about other programs;~~

32 ~~(17)~~(16)(A) It may receive and disburse moneys ordered to be
33 paid by offenders pursuant to statutory economic sanctions.

34 (B) It may receive fees to be levied by the courts or
35 authorized by the Board of Corrections for participation in specified
36 programs and to be paid by offenders on community correction.

1 (C) The payment of such sanctions and fees may be a
2 condition of probation, parole, post-release supervision, or post-prison
3 transfer or attached to admission and participation in a community correction
4 program.

5 (D) The moneys collected shall be deposited into an
6 earmarked account at the state level to be used solely for the continuation
7 and expansion of community correction in this state.

8 (E) Economic sanction officers are to be authorized by the
9 Division of Community Correction to perform these duties pursuant to policies
10 and procedures adopted by the Board of Corrections and in accord with any
11 state statutory accounting requirements;

12 ~~(18)~~(17) It may cooperate and contract with the federal
13 government, with governmental agencies of Arkansas and other states, with
14 political subdivisions of Arkansas, and with private contractors to provide
15 and improve community correction options;

16 ~~(19)~~(18) It may inspect and evaluate any community correction
17 site and conduct audits of financial and service records at any reasonable
18 time to determine compliance with the Board of Corrections' rules and
19 standards;

20 ~~(20)~~(19)(A) It shall maintain a full and complete record of each
21 offender under its supervision.

22 (B)(i) To protect the integrity of a record described in
23 subdivision ~~(b)(20)(A)~~ (b)(19)(A) of this section and to ensure its proper
24 use, it is unlawful to permit inspection of or disclose information contained
25 in a record described in subdivision ~~(b)(20)(A)~~ (b)(19)(A) of this section or
26 to copy or issue a copy of any part of the record except:

27 (a) As authorized by administrative rule;

28 (b) By order of a court of competent
29 jurisdiction; or

30 (c) Records posted on the Division of
31 Community Correction's website as required by § 12-27-145.

32 (ii) The rules under subdivision ~~(b)(20)(B)(i)(a)~~
33 (b)(19)(B)(i)(a) shall provide for adequate standards of security and
34 confidentiality of a record described in subdivision ~~(b)(20)(A)~~ (b)(19)(A) of
35 this section; and

36 ~~(21)~~(20) Subject to availability of funds, it shall employ

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

6 ~~(22)(A) It may issue an arrest warrant for the arrest of~~
 7 ~~any person who, while in its custody, unlawfully escapes from the Division of~~
 8 ~~Community Correction.~~

9 ~~(B) The arrest warrant shall authorize:~~

10 ~~(i) All law enforcement officers of this state to~~
 11 ~~take into custody and return the person named in the arrest warrant to the~~
 12 ~~custody of the Division of Community Correction or the Division of~~
 13 ~~Correction; and~~

14 ~~(ii) All law enforcement officers of this state, any~~
 15 ~~other state, or the federal government to take into custody and detain the~~
 16 ~~person in a suitable detention facility while awaiting further transfer to~~
 17 ~~the Division of Community Correction or the Division of Correction.~~

18
 19 SECTION 12. Arkansas Code § 12-27-127 is amended to read as follows:

20 12-27-127. Transfer to ~~the Division of Community Correction~~ community
 21 correction center - Transfer of an inmate between divisions.

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

24 (2) However, an inmate may be judicially or administratively
 25 transferred to ~~the Division of Community Correction~~ a community correction
 26 center by the Division of Correction unless the court indicates on the
 27 sentencing order that the Division of Correction shall not administratively
 28 transfer a statutorily eligible inmate to ~~the Division of Community~~
 29 ~~Correction~~ a community correction center in accordance with the rules
 30 promulgated by the Board of Corrections.

31 (b)(1) In accordance with rules and procedures promulgated by the
 32 Board of Corrections and the orders of the committing court, the Director of
 33 the Division of ~~Community~~ Correction shall assign a newly transferred inmate
 34 to an appropriate facility, placement, program, or status within the Division
 35 of ~~Community Correction~~ community correction center.

36 (2) The director may transfer an inmate from one facility,

1 placement, program, or status to another facility, placement, program, or
 2 status consistent with the commitment, applicable law, and in accordance with
 3 treatment, training, and security needs.

4 (3)(A) An inmate may be ~~administratively transferred back to the~~
 5 ~~Division of Correction from the Division of Community Correction~~ removed from
 6 a community correction center by the Post-Prison Transfer Board following a
 7 hearing in which the inmate is found ineligible for placement in a ~~Division~~
 8 ~~of Community Correction facility~~ community correction center as he or she
 9 fails to meet the criteria or standards established by law or policy adopted
 10 by the Board of Corrections or has been found guilty of a violation of the
 11 rules of the facility.

12 (B) Time served in a community correction facility or
 13 under supervision by ~~the Division of Community Correction~~ a community
 14 correction center shall be credited against the sentence contained in the
 15 commitment to the Division of Correction.

16 (c)(1) In accordance with rules and procedures promulgated by the
 17 Board of Corrections, upon receipt of a referral from the director or his or
 18 her designee, the Post-Prison Transfer Board may release from confinement an
 19 inmate who has been:

20 (A) Sentenced and judicially or administratively
 21 transferred to ~~the Division of Community Correction~~ a community correction
 22 center;

23 (B) Incarcerated for a minimum of:
 24 (i) One hundred eighty (180) days for a sentence of
 25 four (4) years or less; or
 26 (ii) Two hundred seventy (270) days for a sentence of
 27 more than four (4) years but less than six (6) years; and

28 (C) Determined by the ~~Division of Community Correction~~
 29 Secretary of the Department of Corrections to have successfully completed ~~its~~
 30 the therapeutic program prescribed by the secretary.

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

33 (i) Aid the therapeutic rehabilitation of the
 34 inmates judicially or administratively transferred to the Division of
 35 Community Correction; and

36 (ii) More efficiently use the correctional resources

1 of the State of Arkansas.

2 (B) The power granted to the Post-Prison Transfer Board
3 under subdivision (c)(1) of this section shall be the sole authority required
4 for the accomplishment of the purposes set forth in this subdivision (c)(2),
5 and when the Post-Prison Transfer Board exercises its power under this
6 section, it shall not be necessary for the Post-Prison Transfer Board to
7 comply with general provisions of other laws dealing with the minimum time
8 constraints as applied to release eligibility.

9 (3) This subsection does not grant the Post-Prison Transfer
10 Board or the ~~Division of Community Correction~~ Department of Corrections the
11 authority either to detain an inmate beyond the sentence imposed upon him or
12 her by a transferring court or to shorten that sentence.

13 (d)(1) An inmate of the Division of Correction who is to be
14 transferred to post-release supervision may be administratively transferred
15 to the Division of Community Correction when the inmate is within eighteen
16 (18) months of his or her projected release date for the purpose of
17 participating in a reentry program of at least six (6) months in length.

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

21 (3) In accordance with rules promulgated by the Board of
22 Corrections, upon receipt of a referral from the director or his or her
23 designee, the Post-Prison Transfer Board may release from incarceration an
24 inmate who has been:

25 (A) Administratively transferred to the Division of
26 Community Correction; and

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

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

32 (A) Is denied parole or transfer to post-release
33 supervision; or

34 (B) Fails to complete or is removed from the reentry
35 program.

36

1 SECTION 13. Arkansas Code § 12-29-205(a)(1), concerning good time
 2 earned pending transfer to the Division of Correction or Division of
 3 Community Correction, is amended to read as follows:

4 (a)(1) Any person who is sentenced by a circuit court to ~~the Division~~
 5 ~~of Correction or the Division of Community Correction~~ an imposed period of
 6 incarceration at a facility operated or contracted by a division of the
 7 Department of Corrections and is awaiting transfer to ~~the Division of~~
 8 ~~Correction or Division of Community Correction~~ a facility operated or
 9 contracted by a division of the department may earn meritorious good time in
 10 accordance with law and rules as adopted by the Board of Corrections.

11
 12 SECTION 14. Arkansas Code § 16-93-306(d)(3), concerning administrative
 13 sanctions for probationers, is amended to read as follows:

14 (3) Intermediate sanctions shall include without limitation:

15 (A) Day reporting;

16 (B) Community service;

17 (C) Increased substance abuse screening, ~~and or treatment~~
 18 treatment, or both;

19 (D) Increased monitoring, including electronic monitoring
 20 and home confinement; and

21 (E)(i) Incarceration in a county jail for no more than
 22 seven (7) days or incarceration in a ~~Division of Community Correction or~~
 23 ~~Division of Correction~~ facility operated or contracted by a division of the
 24 department for no more than one hundred eighty (180) days.

25 (ii)(a) Incarceration as an intermediate sanction
 26 shall not be used more than six (6) times with an individual probationer.

27 (b) A probationer shall accumulate no more
 28 than thirty (30) days' incarceration in a county jail or no more than three
 29 hundred sixty (360) days' incarceration in a ~~Division of Community Correction~~
 30 ~~or Division of Correction~~ facility operated or contracted by a division of
 31 the Department of Corrections as an intermediate sanction before the
 32 probation officer recommends a violation of the person's probation under §
 33 16-93-307.

34 (c) A probationer is subject to a period of
 35 incarceration of:

36 (1) Up to ninety (90) days in a ~~Division~~

1 ~~of Community Correction or Division of Correction~~ facility operated or
 2 contracted by a division of the department for a technical conditions
 3 violation; and

4 (2) Exactly one hundred eighty (180)
 5 days in a ~~Division of Community Correction or Division of Correction~~ facility
 6 operated or contracted by a division of the department for a serious
 7 conditions violation.

8 (d) A probationer may not be incarcerated more
 9 than two (2) times as a probation sanction in a ~~Division of Community~~
 10 ~~Correction or Division of Correction~~ facility operated or contracted by a
 11 division of the department during a two-year period.

12
 13 SECTION 15. Arkansas Code § 16-93-306(g), concerning the period of
 14 incarceration for an administrative sanction of a probationer, is amended to
 15 read as follows:

16 (g) A period of incarceration under this section:

17 (1) May be reduced by ~~the Division of Correction or the Division~~
 18 ~~of Community Correction~~ a division of the department for good behavior and
 19 successful program completion; and

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

22
 23 SECTION 16. Arkansas Code § 16-93-308(i)(1)(B), concerning a probation
 24 revocation is amended to read as follows:

25 (B)(i) A defendant on probation is subject to having his
 26 or her probation revoked and being sentenced to ~~the Division of Correction or~~
 27 ~~the Division of Community Correction~~ a facility operated or contracted by a
 28 division of the Department of Corrections for a subsequent violation of his
 29 or her probation if the defendant has been confined six (6) times under § 16-
 30 93-306(d).

31 (ii) After a defendant on probation has been
 32 confined two (2) times under either § 16-93-306(d) or § 16-93-309(a)(4) for
 33 any combination of a technical conditions violation or serious conditions
 34 violation for any period of time, the defendant on probation is subject to
 35 having his or her probation revoked and being sentenced to ~~the Division of~~
 36 ~~Correction or the Division of Community Correction~~ a facility operated or

1 contracted by a division of the department for a subsequent violation of his
2 or her probation.

3
4 SECTION 17. Arkansas Code § 16-93-309(b)(1), concerning a period of
5 confinement imposed by a court on a person who is serving a suspended
6 imposition of sentence or on probation after a revocation hearing, is amended
7 to read as follows:

8 (b)(1) A period of confinement under subdivision (a)(4) of this
9 section may be reduced by ~~the Division of Correction or the Division of~~
10 ~~Community Correction~~ a division of the Department of Corrections for good
11 behavior and successful program completion.

12
13 SECTION 18. Arkansas Code § 16-93-310 is amended to read as follows:

14 16-93-310. Probation generally – Revocation – Community correction
15 program.

16 (a) When a person sentenced under a community correction program, § 5-
17 4-312, violates any terms or conditions of his or her sentence or term of
18 probation, revocation of the sentence or term of probation shall be
19 consistent with the procedures under this subchapter.

20 (b) Upon revocation, the court of jurisdiction shall determine whether
21 the offender shall remain under the jurisdiction of the court and be assigned
22 to a more restrictive community correction program, facility, or institution
23 for a period of time or committed to ~~the Division of Community Correction~~ a
24 community correction center.

25 (c)(1) If committed to the Division of Correction, the court shall
26 specify if the commitment is for judicial transfer of the offender to ~~the~~
27 ~~Division of Community Correction~~ or is a regular commitment a community
28 correction center.

29 (2)(A) The court shall commit the eligible offender to the
30 custody of the Division of Correction under this subchapter for judicial or
31 administrative transfer to ~~the Division of Community Correction~~ a community
32 correction center subject to the following:

33 (i) That the sentence imposed provides that the
34 offender shall serve no more than three (3) years of confinement, with credit
35 for meritorious good time or earned release credits, with initial placement
36 in a ~~Division of Community Correction facility~~ community correction center;

1 and

2 (ii) That the initial placement in ~~the Division of~~
 3 ~~Community Correction~~ a community correction center is conditioned upon the
 4 offender's continuing eligibility for ~~Division of Community Correction~~
 5 community correction center placement and the offender's compliance with all
 6 applicable rules established by the Board of Corrections for community
 7 correction programs.

8 (B) Post-prison supervision shall accompany and follow
 9 community correction programming when appropriate.

10
 11 SECTION 19. Arkansas Code § 16-93-614(c)(2), concerning parole
 12 eligibility for offenses committed after January 1, 1994, is amended to read
 13 as follows:

14 (2)(A)(i)(a) An offender convicted of a target offense under §
 15 16-93-1201 et seq. may be committed to the Division of Correction and
 16 judicially or administratively transferred to ~~the Division of Community~~
 17 ~~Correction~~ a community correction center by provision in the commitment that
 18 the trial court order or authorize such a transfer.

19 (b) No other offender is eligible for transfer
 20 to a ~~Division of Community Correction facility~~ a community correction center.

21 (ii) A copy of the commitment shall be forwarded
 22 immediately to the ~~Division of Correction and to the Division of Community~~
 23 ~~Correction~~ Department of Corrections.

24 (iii) In the event that an offender is sentenced to
 25 the Division of Correction without judicial or administrative transfer on one
 26 (1) sentence and concurrently sentenced to the Division of Correction with
 27 judicial or administrative transfer on another sentence, the offender shall
 28 remain in the Division of Correction, and the sentence with judicial or
 29 administrative transfer may be discharged in the same manner as that of an
 30 offender transferred back to the Division of Correction.

31 ~~(B) The Division of Community Correction shall take over~~
 32 ~~supervision of the offender in accordance with the order of the court.~~

33 ~~(C) The Division of Community Correction shall provide for~~
 34 ~~the appropriate disposition of the offender as expeditiously as practicable~~
 35 ~~under rules developed by the Board of Corrections.~~

36 ~~(D) The offender shall not be transported to the Division~~

1 ~~of Correction on the initial placement in a Division of Community Correction~~
 2 ~~facility pursuant to a judicial or administrative transfer.~~

3 ~~(E)(B)~~ An offender who is ~~transferred back to the Division~~
 4 ~~of Correction removed from a community correction center~~ for disciplinary
 5 reasons may be considered for transfer to Division of Community Correction
 6 supervision after earning good-time credit equal to one-half ($\frac{1}{2}$) of the
 7 remainder of his or her sentence.

8 ~~(F)(C)~~ An offender who is sentenced after July 31, 2007,
 9 and who ~~is transferred back to the Division of Correction removed from a~~
 10 ~~community correction center~~ for administrative reasons is eligible for
 11 transfer to Division of Community Correction supervision in the same manner
 12 as an offender who is sentenced to the Division of Correction without a
 13 judicial or administrative transfer to ~~the Division of Community Correction a~~
 14 ~~community correction center~~; and

15
 16 SECTION 20. Arkansas Code § 16-93-617 is amended to read as follows:

17 16-93-617. Parole eligibility procedures – Offenses committed after
 18 January 1, 1994 – Revocation of transfer.

19 (a) In the event an offender transferred under this section, §§ 16-93-
 20 614 – 16-93-616, or § 16-93-618 violates the terms or conditions of his or
 21 her transfer, a hearing shall follow all applicable legal requirements and
 22 shall be subject to any additional policies and rules set by the Post-Prison
 23 Transfer Board.

24 (b)(1) In the event an offender transferred under this section and §§
 25 16-93-614 – 16-93-616, or § 16-93-618 is found to be or becomes ineligible
 26 for transfer into a ~~Division of Community Correction facility~~ community
 27 correction center, he or she shall be transported to ~~the~~ a Division of
 28 Correction facility to serve the remainder of his or her sentence.

29 (2) Notice of the ineligibility and the reasons therefor shall
 30 be provided to the offender, and a hearing may be requested before the board
 31 if the offender contests the factual basis of the ineligibility. Otherwise,
 32 the board may administratively approve the ~~transfer to the Division of~~
 33 ~~Correction removal from a community correction center.~~

34 (c) An offender who is judicially transferred to a ~~Division of~~
 35 ~~Community Correction facility and subsequently transferred back to the~~
 36 ~~Division of Correction a community correction center and subsequently removed~~

1 by the board for disciplinary or administrative reasons may not become
2 eligible for any further transfer under § 16-93-614(c)(2)~~(E)~~ and ~~(F)~~(B) and
3 (C).
4

5 SECTION 21. Arkansas Code § 16-93-1202(2)(G)(i), concerning the things
6 included in the definition of "community correction" with respect to
7 community correction programs, is amended to read as follows:

8 (G)(i) Community correction ~~facilities~~ centers,
9 multipurpose facilities encompassing security, correction, and services such
10 that offenders can be housed therein when necessary but can also be assigned
11 to or access correction programs and services which are housed there.
12

13 SECTION 22. Arkansas Code § 16-93-1202(4)-(6), concerning definitions
14 with respect to community correction, is amended to read as follows:

15 (4) "Division of Community Correction" means the administrative
16 structure in place to oversee the development and operation of community
17 correction ~~facilities~~, programs, and services, including probation, parole,
18 and post-release supervision;

19 (5) "Division of Correction" means the administrative structure
20 in place to oversee the daily operation of secure prison facilities and the
21 security functions of community correction centers;

22 (6) "Eligibility" or "eligible offender" means any person
23 convicted of a felony who is by law eligible for such sentence or who is
24 otherwise under the supervision of the Division of Community Correction and
25 who falls within the population targeted by the General Assembly for
26 inclusion in community correction ~~facilities~~ centers and who has not been
27 subject to a disciplinary violation for a violent act or for sexual
28 misconduct while in the custody of a jail or correctional facility and does
29 not have a current or previous conviction for a violent or sexual offense
30 listed under subdivision (10)(A)(ii) of this section;
31

32 SECTION 23. Arkansas Code § 16-93-1202(8), concerning the definition
33 of "supervision" with respect to community correction, is amended to read as
34 follows:

35 (8) "Supervision" means direct supervision at varying levels of
36 intensity by community supervision officers in the case of sentences to

1 probation with a condition of community correction or offenders eligible for
2 release on parole or post-release supervision or offenders transferred to
3 community correction or community supervision from the Division of
4 Correction;

5
6 SECTION 24. Arkansas Code § 16-93-1202(10)(C), concerning the
7 definition of "target group" with respect to community correction, is amended
8 to read as follows:

9 (C) Final determination of eligibility for placement in any
10 community correction center or program is the responsibility of the Division
11 of ~~Community~~ Correction;

12

13 SECTION 25. Arkansas Code § 16-93-1205 is amended to read as follows:
14 16-93-1205. Operation and supervision of community correction programs.

15 (a) The Board of Corrections shall promulgate policies and rules
16 relating to the operation of community correction facilities and programs,
17 the supervision of eligible offenders participating therein, and the
18 termination of that participation, including but not limited to:

19 (1) The terms, conditions, and qualifications of program
20 eligibility;

21 (2) The time to be spent in specific correction and treatment
22 programs designated as community correction;

23 (3) Receipt of compensation in the form of fees or other
24 available sources from the eligible offender while participating in a
25 community correction program;

26 (4) Allocation of compensation received by an eligible offender
27 while participating in a community correction program, including designation
28 to the ~~Division of Community Correction~~ Department of Corrections of a
29 percentage of any compensation received for the purpose of defraying the
30 costs to the ~~division~~ department of establishing and operating community
31 correction programs and the costs of the offender's custody and care;

32 (5) Receipt of compensation from public entities who benefit
33 from the labor of offenders involved in community correction work programs;
34 and

35 (6) Collection of economic sanctions imposed by the court,
36 including, but not limited to, restitution, fines, fees, or other monetary

1 penalties attached to an offender's sentence.

2 (b) The ~~division~~ department shall supervise all eligible offenders
3 participating in any community correction program with the goal of promoting
4 the safety and welfare of the people of the state.

5
6 SECTION 26. Arkansas Code § 16-93-1207(a) and (b), concerning an order
7 of the court placing an offender on probation and an order sealing an
8 offender's criminal record, are amended to read as follows:

9 (a) Upon the sentencing or placing on probation of any person under
10 the provisions of this subchapter, the sentencing court shall issue an order
11 or commitment, whichever is appropriate, in writing, setting forth the
12 following:

13 (1) That the offender is being:

14 (A) Committed to the Division of Correction;

15 (B) Committed to the Division of Correction with judicial
16 transfer to ~~the Division of Community Correction~~ a community correction
17 center;

18 (C) Placed on suspended imposition of sentence;

19 (D) Placed on probation under the provisions of this
20 subchapter; or

21 (E) Committed to a county jail for a misdemeanor offense
22 committed after January 1, 2007;

23 (2) That the offender has knowledge and understanding of the
24 consequences of the sentence or placement on probation and violations
25 thereof;

26 (3) A designation of sentence or supervision length along with
27 community correction program distinctions of that sentence or supervision
28 length;

29 (4) Any applicable terms and conditions of the sentence or
30 probation term; and

31 (5) Presentence investigation or sentencing information,
32 including, but not limited to, criminal history elements and other
33 appropriate or necessary information for correctional use.

34 (b)(1) Upon the successful completion of probation or a commitment to
35 the Division of Correction with judicial transfer to ~~the Division of~~
36 ~~Community Correction~~ a community correction center or a commitment to a

1 county jail for one (1) of the offenses targeted by the General Assembly for
 2 community correction placement, the court may direct that the record of the
 3 offender be sealed with regards to the offense of which the offender was
 4 either convicted or placed on probation under the condition that the offender
 5 has no more than one (1) previous felony conviction and that the previous
 6 felony was other than a conviction for:

- 7 (A) A capital offense;
- 8 (B) Murder in the first degree, § 5-10-102;
- 9 (C) Murder in the second degree, § 5-10-103;
- 10 (D) Rape, § 5-14-103;
- 11 (E) Kidnapping, § 5-11-102;
- 12 (F) Aggravated robbery, § 5-12-103; or
- 13 (G) Delivering controlled substances to a minor as

14 prohibited in the former § 5-64-410.

15 (2) The fact that a prior felony conviction has been previously
 16 sealed shall not prevent its counting as a prior conviction for the purposes
 17 of this subsection.

18 (3) The procedure, effect, and definition of “sealed” for the
 19 purposes of this subsection shall be in accordance with that established in
 20 the Comprehensive Criminal Record Sealing Act of 2013, § 16-90-1401 et seq.
 21

22 SECTION 27. Arkansas Code § 16-93-1804(1), concerning release
 23 eligibility for felonies committed on or after January 1, 2025, is amended to
 24 read as follows:

25 (1) A person who commits an offense meeting the definition of
 26 target group as defined under § 16-93-1202 and who is judicially or
 27 administratively transferred to a community correction center is eligible for
 28 transfer to post-release supervision as follows:

29 (A) If the person is ~~transferred back to the Division of~~
 30 ~~Correction removed from the community correction center~~ for disciplinary
 31 reasons, he or she is ineligible to accrue earned release credits against the
 32 sentence for which he or she is ~~transferred to the Division of Correction~~
 33 ~~removed from the community correction center~~ for disciplinary reasons;

34 (B) If the person is ~~transferred back to the Division of~~
 35 ~~Correction removed from the community correction center~~ for administrative
 36 reasons, he or she may be considered for transfer to post-release supervision

1 as otherwise authorized in § 16-93-1803 and this section;

2 (C) If the person is not ~~transferred back to the Division~~
3 ~~of Correction~~ removed from the community correction center for administrative
4 or disciplinary reasons, he or she is eligible for release under § 12-27-
5 127(c); and

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

13
14 SECTION 28. DO NOT CODIFY. Temporary language.

15 The Residential Services Section of the Division of Community
16 Correction's statutory powers, duties, and functions, including the functions
17 of budgeting or purchasing, records, contracts, personnel, property, and
18 unexpended balances of appropriations, allocations, and other funds in the
19 Resident Services – Cash Fund that are utilized for the operation of
20 community correction centers are transferred to the Division of Correction
21 within the Department of Corrections.

22
23 SECTION 29. DO NOT CODIFY. Temporary language.

24 The Sex Offender Community Notification Section of the Division of
25 Correction's statutory powers, duties, and functions, including the functions
26 of budgeting or purchasing, records, contracts, personnel, property, and
27 unexpended balances of appropriations, allocations, and other funds found in
28 the ADC Sex & Child Offenders Registration Fund are transferred to the
29 Department of Corrections.

30
31 SECTION 30. EMERGENCY CLAUSE. It is found and determined by the
32 General Assembly of the State of Arkansas that repeat criminal activity
33 threatens the safety of the state; that the transfer of certain powers and
34 duties of the Department of Corrections to the appropriate divisions will
35 improve the ability of the department to address repeat criminal activity;
36 and that this act is immediately necessary to ensure the timely transfer of

1 certain powers and duties of the department to the appropriate division to
2 reduce the rate of recidivism. Therefore, an emergency is declared to exist,
3 and this act being immediately necessary for the preservation of the public
4 peace, health, and safety shall become effective on:

5 (1) The date of its approval by the Governor;

6 (2) If the bill is neither approved nor vetoed by the Governor,
7 the expiration of the period of time during which the Governor may veto the
8 bill; or

9 (3) If the bill is vetoed by the Governor and the veto is
10 overridden, the date the last house overrides the veto.

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