

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1115

5 By: Representative A. Davis
6 By: Senator Hester
7

For An Act To Be Entitled

9 AN ACT TO CREATE THE TRANSFORMATION AND EFFICIENCIES
10 ACT OF 2019; TO ESTABLISH CABINET-LEVEL DEPARTMENTS;
11 TO ESTABLISH THE CABINET-LEVEL DEPARTMENT OF
12 CORRECTIONS; TO TRANSFER STATE ENTITIES; TO DECLARE
13 AN EMERGENCY; AND FOR OTHER PURPOSES.
14
15

Subtitle

16 TO CREATE THE TRANSFORMATION AND
17 EFFICIENCIES ACT OF 2019; TO ESTABLISH
18 THE CABINET-LEVEL DEPARTMENT OF
19 CORRECTIONS; TO TRANSFER STATE ENTITIES;
20 AND TO DECLARE AN EMERGENCY.
21
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code Title 25, Chapter 43, is amended to add an
27 additional subchapter to read as follows:

Subchapter 4 – Department of Corrections

25-43-401. Department of Corrections.

31 (a) There is created the Department of Corrections as a cabinet-level
32 department.

(b)(1) The Board of Corrections:

34 (A) Is consolidated with the department;

35 (B) Shall be the governing authority of the department;

36 and



1 (C) Shall perform all functions with respect to the
2 management and control of the department as contemplated by Arkansas
3 Constitution, Amendment 33.

4 (2) No provision of this act shall abridge, diminish, or
5 curtail, in any respect, the authority vested in the board to govern and
6 supervise the administration of its responsibilities prior to the effective
7 date of this act, including without limitation governing and supervising the
8 administration of the state penal institutions.

9 (c) The department shall:

10 (1) Maintain and administer real property on behalf of each
11 state entity transferred under this chapter if the real property is not under
12 the supervision and control of the board;

13 (2) Maintain and administer all personal property on behalf of
14 each state entity transferred under this chapter;

15 (d) The department shall:

16 (1) Assist the board with developing a biennial budget and
17 annual, quarterly, and monthly fiscal plans for the operation of the board
18 and assist the board in complying with the budget and fiscal policies
19 promulgated by the secretary;

20 (2) Assist the board with complying with the general guidelines,
21 polices, and rules of the cabinet-level department with respect to personnel
22 and personnel policies, records, purchasing, bookkeeping, and other
23 administrative procedures prescribed by the department.

24 (3) Consult with the board regarding personnel decisions and
25 staffing;

26 (4) Coordinate the policies promulgated by the board for the
27 administration of personnel and personnel records to assure that all employee
28 records and personnel records of the board conform to the personnel policies
29 and practices of the cabinet-level department; and

30
31 25-43-402. State entities transferred to the Department of
32 Corrections.

33 (a) The administrative functions of the following state entities are
34 transferred to the Department of Corrections pursuant to a cabinet-level
35 department transfer:

36 (1) The Arkansas Sentencing Commission, created under 16-90-802;

- 1 (2) The Corrections School System, created under § 12-29-301;
- 2 (3) The Criminal Detention Facility Review Committee, created
- 3 under § 12-26-101.
- 4 (4) The Division of Community Correction, created under 12-27-
- 5 124;
- 6 (5) The Division of Correction, created under § 12-27-101;
- 7 (6) The Office of Criminal Detention Facilities, created under §
- 8 12-26-103;
- 9 (7) The Parole Board, created under 16-93-201; and
- 10 (8) The State Council for Interstate Commission for Adult
- 11 Offender Supervision, created under 12-51-103.

12 (b) Each entity transferred shall retain its specified statutory

13 duties.

14

15 25-43-403. Secretary of the Department of Corrections.

16 (a) The executive head of the Department of Corrections shall be the

17 Secretary of the Department of Corrections.

18 (b) The secretary shall be employed by the Board of Corrections in

19 consultation with the Governor and shall serve at the pleasure of the Board

20 of Corrections.

21 (c) The secretary may perform all duties to administer the Department

22 of Corrections, subject to Arkansas Constitution, Amendment 33, including

23 without limitation:

24 (1) Delegate to the employees of the Department of Corrections

25 any of the powers or duties of the department required to administer the:

26 (A) Statutory duties; or

27 (B) Rules, orders, or directives promulgated or issued by

28 the state entities transferred to or established within the department.

29 (2) Hire department personnel; and

30 (3) Perform or assign duties assigned to the department.

31

32 SECTION 2. Arkansas Code § 5-2-330 is amended to read as follows:

33 5-2-330. Examination by ~~Department~~ Division of Correction prohibited.

34 A defendant committed to and under the supervision of the ~~Department~~

35 Division of Correction who is charged in circuit court shall not undergo an

36 examination or observation conducted under this subchapter by a psychiatrist

1 or other mental health employee of the division to determine the mental
2 condition of the defendant.

3
4 SECTION 3. Arkansas Code § 5-2-613(a), concerning the use of physical
5 force to prevent escape from a correctional facility or custody of a
6 correctional officer, is amended to read as follows:

7 (a) Unless the correctional officer knows or reasonably should know
8 that a prisoner is charged with or has been convicted of only a misdemeanor,
9 a correctional officer employed by the ~~Department~~ Division of Correction or
10 by a private contractor in a correctional facility housing inmates for the
11 division or a city or county correctional officer employed in a correctional
12 facility or jail is justified in using deadly physical force when and to the
13 extent that the correctional officer reasonably believes the use of deadly
14 physical force is necessary to prevent the escape of a prisoner from:

15
16 SECTION 4. Arkansas Code § 5-4-102(e), concerning presentence
17 investigations, is amended to read as follows:

18 (e) If the defendant is sentenced to imprisonment, a copy of the
19 report of any presentence investigation or psychiatric examination or
20 evaluation shall be transmitted immediately to the ~~Department~~ Division of
21 Correction or, when the defendant is committed to the custody of a specific
22 institution, to that specific institution.

23
24 SECTION 5. Arkansas Code § 5-4-104(f), concerning authorized
25 sentences, is amended to read as follows:

26 (f)(1) If the court determines that an offender under eighteen (18)
27 years of age would be more amenable to a rehabilitation program of the
28 Division of Youth Services of the Department of Human Services and that he or
29 she previously has not been committed to the division on more than one (1)
30 occasion, the court may sentence the offender under eighteen (18) years of
31 age to the ~~Department~~ Division of Correction for a term of years, suspend the
32 sentence, and commit him or her to the custody of the ~~division~~ Division of
33 Youth Services of the Department of Human Services.

34 (2) In a case under subdivision (f)(1) of this section, if the
35 offender under eighteen (18) years of age completes the program of the
36 division satisfactorily, the ~~division~~ Division of Youth Services of the

1 Department of Human Services shall return him or her to the sentencing court
2 and provide the sentencing court with a written report of his or her progress
3 and a recommendation that the offender under eighteen (18) years of age be
4 placed on probation.

5 (3)(A) In the event that the offender under eighteen (18) years
6 of age violates a rule of the ~~division's~~ Division of Youth Services of the
7 Department of Human Services' program or facility or is otherwise not
8 amenable to the ~~division's~~ Division of Youth Services of the Department of
9 Human Services' rehabilitative effort, the ~~division~~ Division of Youth
10 Services of the Department of Human Services may return him or her to the
11 sentencing court with a written report of his or her conduct and a
12 recommendation that the offender under eighteen (18) years of age be
13 transferred to the ~~Department~~ Division of Correction.

14 (B) If the court finds that the offender under eighteen
15 (18) years of age has violated a rule of the ~~division's~~ Division of Youth
16 Services of the Department of Human Services' program or facility or is
17 otherwise not amenable to the ~~division's~~ Division of Youth Services of the
18 Department of Human Services' rehabilitative effort, the court shall then
19 revoke the suspension of the sentence originally imposed and commit the
20 offender under eighteen (18) years of age to the ~~Department~~ Division of
21 Correction.

22
23 SECTION 6. Arkansas Code § 5-4-107(a)(1) and (2), concerning extended
24 supervision and monitoring for certain sex offenders, are amended to read as
25 follows:

26 (a)(1) The ~~Department~~ Division of Correction within one hundred twenty
27 (120) days before the release on parole of a person who is required to
28 register as a sex offender under the Sex Offender Registration Act of 1997, §
29 12-12-901 et seq., shall notify in writing the prosecuting attorney in the
30 judicial district in which the person was sentenced of the person's impending
31 release on parole.

32 (2) The ~~Department~~ Division of Community Correction within one
33 hundred twenty (120) days before the release from probation of a person who
34 is required to register as a sex offender under the Sex Offender Registration
35 Act of 1997, § 12-12-901 et seq., shall notify in writing the prosecuting
36 attorney in the judicial district in which the person was sentenced of the

1 person's impending release from probation.

2
3 SECTION 7. Arkansas Code § 5-4-107(b)(3), concerning extended
4 supervision and monitoring for certain sex offenders, is amended to read as
5 follows:

6 (3) If a hearing is requested, it shall be held at the earliest
7 practicable time and at a time and on a date that would accommodate the
8 transport of the person from a ~~Department~~ Division of Correction facility,
9 ~~Department~~ Division of Community Correction facility, or the Arkansas State
10 Hospital to the appropriate circuit court.

11
12 SECTION 8. Arkansas Code § 5-4-107(h), concerning extended supervision
13 and monitoring for certain sex offenders, is amended to read as follows:

14 (h) The ~~Department~~ Division of Community Correction shall administer
15 any extended supervision and monitoring under this section and may adopt
16 rules to implement this section.

17
18 SECTION 9. Arkansas Code § 5-4-304(c)(1)(B), concerning confinement as
19 a condition of suspension or probation, is amended to read as follows:

20 (B) In the case of confinement to a facility in the
21 ~~Department~~ Division of Community Correction, the period actually spent in
22 confinement under this section shall not exceed three hundred sixty-five
23 (365) days.

24
25 SECTION 10. Arkansas Code § 5-4-312(b)(1)(D)(ii) and (iii), concerning
26 presentence investigations and placement in community correction programs,
27 are amended to read as follows:

28 (ii) Upon revocation as described in subdivision
29 (b)(1)(D)(i) of this section, the court shall determine whether the defendant
30 shall remain under the jurisdiction of the court and be assigned to a more
31 restrictive community correction program, facility, or institution for a
32 period of time or committed to the ~~Department~~ Division of Correction.

33 (iii) If the defendant is committed to the
34 ~~Department~~ Division of Correction under subdivision (b)(1)(D)(ii) of this
35 section, the court shall specify if the commitment is for judicial transfer
36 of the defendant to the ~~Department~~ Division of Community Correction or is a

1 commitment to the ~~Department~~ Division of Correction;

2
3 SECTION 11. Arkansas Code § 5-4-312(b)(2) and (3), concerning
4 presentence investigations and placement in community correction programs,
5 are amended to read as follows:

6 (2)(A) Commit the defendant to the custody of the ~~Department~~
7 Division of Correction for judicial transfer to the ~~Department~~ Division of
8 Community Correction 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, with initial placement in a ~~Department~~
12 Division of Community Correction facility; and

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

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

22 (3)(A) Sentence the defendant to the ~~Department~~ Division of
23 Correction, granting the ~~Department~~ Division of Correction the ability to
24 administratively transfer the defendant to the ~~Department~~ Division of
25 Community Correction if the ~~Department~~ Division of Correction determines that
26 the sentence imposed meets the eligibility requirements for placement in a
27 community correction program under this subchapter and § 16-93-1201 et seq.

28 (B) Administrative transfer to the ~~Department~~ Division of
29 Community Correction under subdivision (b)(3)(A) of this section is
30 conditioned upon bed space availability and upon the ~~Department~~ Division of
31 Community Correction's final determination of the defendant's initial and
32 continuing eligibility for ~~Department~~ Division of Community Correction
33 placement.

34 (C) A determination of ineligibility under subdivision
35 (b)(3)(A) of this section by the ~~Department~~ Division of Community Correction
36 shall result in the immediate return of the defendant to the ~~Department~~

1 Division of Correction.

2 (D) A decision to release a defendant administratively
3 transferred to the ~~Department~~ Division of Community Correction from the
4 ~~Department~~ Division of Correction under subdivision (b)(3)(A) of this section
5 is vested solely with the Parole Board.

6
7 SECTION 12. Arkansas Code § 5-4-312(d), concerning presentence
8 investigations and placement in community correction programs, is amended to
9 read as follows:

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

16 (2) After receipt of the notice required under subdivision
17 (d)(1) of this section, the prosecuting attorney shall notify the court of
18 the defendant's ineligibility for placement in a community correction center,
19 and the court shall resentence the defendant accordingly.

20
21 SECTION 13. Arkansas Code § 5-4-320(a), concerning certain convicted
22 felons to observe operations of correctional facilities, is amended to read
23 as follows:

24 (a) Any person who pleads guilty or nolo contendere or is found guilty
25 in any circuit court of this state of a felony and whose sentence of
26 imprisonment is placed on suspension or who is placed on probation may be
27 ordered by the circuit court to report to an appropriate ~~Department~~ Division
28 of Correction facility on a date certain to be scheduled by the division for
29 the duration of that work day to observe the operation of the division's
30 facility.

31
32 SECTION 14. Arkansas Code § 5-4-402 is amended to read as follows:

33 5-4-402. Place of imprisonment.

34 (a) Except as provided in §§ 5-4-304 and 16-93-708, a defendant
35 convicted of a felony and sentenced to imprisonment shall be committed to the
36 custody of the ~~Department~~ Division of Correction for the term of his or her

1 sentence or until released in accordance with law.

2 (b) Except as provided in § 16-93-708, a defendant convicted of a
3 misdemeanor and sentenced to imprisonment shall be committed to the county
4 jail or other authorized institution designated by the court for the term of
5 his or her sentence or until released in accordance with law.

6 (c) Except as provided in § 5-4-304 or § 16-93-708, a defendant
7 convicted of a felony violation of §§ 5-64-419 – 5-64-442 and sentenced to
8 imprisonment shall be committed to the custody of the ~~Department~~ Division of
9 Correction for the term of his or her sentence or until released in
10 accordance with law.

11 (d)(1)(A) A juvenile sentenced in circuit court who is less than
12 sixteen (16) years of age when sentenced shall be committed to the custody of
13 the Division of Youth Services of the Department of Human Services until his
14 or her sixteenth birthday, at which time he or she shall be transferred to
15 the ~~Department~~ Division of Correction, except as provided by court order or
16 parole decision made by the Parole Board.

17 (B) Any record from the ~~division~~ Division of Youth
18 Services of the Department of Human Services shall be transferred to the
19 ~~Department~~ Division of Correction at the time the juvenile is transferred.

20 (2) A juvenile less than sixteen (16) years of age who is
21 awaiting transfer to the ~~Department~~ Division of Correction shall be
22 segregated from the general delinquency population housed at the ~~division~~
23 Division of Youth Services of the Department of Human Services.

24 (e)(1) With the consent and approval of the ~~division~~ Division of Youth
25 Services of the Department of Human Services, the ~~Department~~ Division of
26 Correction may transfer from the ~~Department~~ Division of Correction to the
27 ~~division~~ Division of Youth Services of the Department of Human Services any
28 inmate less than eighteen (18) years of age who, in the opinion of the
29 ~~Department~~ Division of Correction and the ~~division~~ Division of Youth Services
30 of the Department of Human Services, is more suited and adaptable by age,
31 physical size, and temperament to a program of the Department of Human
32 Services.

33 (2)(A) An inmate transferred to the ~~division~~ Division of Youth
34 Services of the Department of Human Services shall be segregated from the
35 general delinquency population housed at the ~~division~~ Division of Youth
36 Services of the Department of Human Services.

1 (B) If an inmate violates a rule of the ~~division's~~
2 Division of Youth Services of the Department of Human Services' program or
3 facility or is otherwise not amenable to the ~~division's~~ Division of Youth
4 Services of the Department of Human Services' rehabilitative effort, the
5 division may return the inmate to the ~~Department~~ Division of Correction.

6 (3) Any inmate transferred to the ~~division~~ Division of Youth
7 Services of the Department of Human Services under this subsection shall be
8 returned to the ~~Department~~ Division of Correction on the inmate's eighteenth
9 birthday.

10
11 SECTION 15. Arkansas Code § 5-4-404 is amended to read as follows:
12 5-4-404. Credit for time spent in custody.

13 If a defendant is held in custody for conduct that results in a
14 sentence to imprisonment or confinement as a condition of suspension or
15 probation, the court, the ~~Department~~ Division of Correction, or the
16 ~~Department~~ Division of Community Correction shall credit the time spent in
17 custody against the sentence, including time spent in a local jail facility
18 awaiting transfer to the ~~Department~~ Division of Correction or the ~~Department~~
19 Division of Community Correction.

20
21 SECTION 16. Arkansas Code § 5-4-501(f), concerning habitual offenders
22 and sentencing for felony, is amended to read as follows:

23 (f) For the purposes of determining whether a defendant has previously
24 been convicted of a serious felony involving violence or a felony involving
25 violence under subsections (c) and (d) of this section, the entry of a plea
26 of guilty or nolo contendere or a finding of guilt by a court to a felony
27 enumerated in subsections (c) and (d) of this section, respectively, as a
28 result of which a court places the defendant on a suspended imposition of
29 sentence, a suspended sentence, or probation, or sentences the defendant to
30 the ~~Department~~ Division of Correction, is considered a previous felony
31 conviction.

32
33 SECTION 17. Arkansas Code § 5-4-606(1), concerning life imprisonment
34 without parole, is amended to read as follows:

35 (1) Be remanded to the custody of the ~~Department~~ Division of
36 Correction for imprisonment for the remainder of his or her life; and

1
2 SECTION 18. Arkansas Code § 5-4-803(b)(2)(A), concerning the procedure
3 for determining the sentence for an eligible offender, is amended to read as
4 follows:

5 (A) ~~Department~~ Division of Correction for an eligible
6 offender committed to the division; or

7
8 SECTION 19. Arkansas Code § 5-4-803(c)(2)(A), concerning the procedure
9 for determining the sentence for an eligible offender, is amended to read as
10 follows:

11 (A) ~~Department~~ Division of Correction for a felony
12 offense; or

13
14 SECTION 20. Arkansas Code § 5-4-803(d)(4)(A), concerning the procedure
15 for determining the sentence for an eligible offender, is amended to read as
16 follows:

17 (A) ~~Department~~ Division of Correction for a felony
18 offense; or

19
20 SECTION 21. Arkansas Code § 5-4-804 is amended to read as follows:

21 5-4-804. Medical treatment and costs.

22 The state is responsible for the cost of medical treatment approved by
23 the ~~Department~~ Division of Correction of an eligible offender sentenced to a
24 felony under this subchapter if the medical treatment is for:

25 (1) The result of an injury sustained on the work site of the
26 community work project or during transportation to and from the work site by
27 a government entity; or

28 (2)(A) The result of illness or an injury sustained by an
29 eligible offender committed to the county jail or regional jail and who is
30 assigned to a community work project.

31 (B) The ~~Department~~ Division of Correction may transfer an
32 eligible offender committed to a county jail or regional jail under this
33 subchapter to a medical facility or treatment facility, including a facility
34 of the ~~Department~~ Division of Correction, it deems appropriate for the
35 medical treatment.

36 (3) Nothing in this section precludes the ~~Department~~ Division of

1 Correction from seeking reimbursement or damages from a person or entity that
2 contributes to or causes the injury or illness referred to in this section.

3
4 SECTION 22. Arkansas Code § 5-4-901 is amended to read as follows:

5 5-4-901. Legislative intent.

6 The intent of this act is to provide the judiciary with an additional
7 alternative to the disposition of criminal offenders that would assist the
8 offender in atoning for his or her criminal transgression and promote the
9 enforcement of the state's criminal statutes while easing the inmate burden
10 on the county jails and the ~~Department~~ Division of Correction.

11
12 SECTION 23. Arkansas Code § 5-10-101(a)(6), concerning capital murder,
13 is amended to read as follows:

14 (6) While incarcerated in the ~~Department~~ Division of Correction
15 or the ~~Department~~ Division of Community Correction, the person purposely
16 causes the death of another person after premeditation and deliberation;

17
18 SECTION 24. Arkansas Code § 5-13-202(a)(4)(A)(ii)(b), concerning
19 battery in the second degree, is amended to read as follows:

20 (b) "Employee of a correctional facility"
21 includes a person working under a professional services contract with the
22 ~~Department~~ Division of Correction, the ~~Department~~ Division of Community
23 Correction, or the Division of Youth Services of the Department of Human
24 Services;

25
26 SECTION 25. Arkansas Code § 5-14-110(a)(3)(A), concerning sexual
27 indecency with a child, is amended to read as follows:

28 (A) Employed with the ~~Department~~ Division of Correction,
29 ~~Department~~ Division of Community Correction, any city or county jail, or any
30 juvenile detention facility, and the minor is in custody at a facility
31 operated by the agency or contractor employing the actor;

32
33 SECTION 26. Arkansas Code § 5-14-110(a)(4)(A) and (B), concerning
34 sexual indecency with a child, are amended to read as follows:

35 (A) Employed with the ~~Department~~ Division of Correction,
36 the ~~Department~~ Division of Community Correction, any city or county jail, or

1 any juvenile detention facility, and the minor is in custody at a facility
2 operated by the agency or contractor employing the actor;

3 (B) Employed by or contracted with the ~~Department~~ Division
4 of Community Correction, a local law enforcement agency, a court, or a local
5 government and the actor is supervising the minor while the minor is on
6 probation or parole or for any other court-ordered reason;

7
8 SECTION 27. Arkansas Code § 5-14-124(a)(1)(A) and (B), concerning
9 sexual assault in the first degree, are amended to read as follows:

10 (A) Employed with the ~~Department~~ Division of Correction,
11 the ~~Department~~ Division of Community Correction, the Department of Human
12 Services, or any city or county jail or a juvenile detention facility, and
13 the victim is in the custody of the ~~Department~~ Division of Correction, the
14 ~~Department~~ Division of Community Correction, the Department of Human
15 Services, any city or county jail or juvenile detention facility, or their
16 contractors or agents;

17 (B) Employed by or contracted with the ~~Department~~ Division
18 of Community Correction, a local law enforcement agency, a court, or a local
19 government and the actor is supervising the minor while the minor is on
20 probation or parole or for any other court-ordered reason;

21
22 SECTION 28. Arkansas Code § 5-14-125(a)(4)(A)(i) and (ii), concerning
23 sexual assault in the second degree, are amended to read as follows:

24 (i) Employed with the ~~Department~~ Division of
25 Correction, the ~~Department~~ Division of Community Correction, any city or
26 county jail, or any juvenile detention facility, and the minor is in custody
27 at a facility operated by the agency or contractor employing the actor;

28 (ii) Employed by or contracted with the ~~Department~~
29 Division of Community Correction, a local law enforcement agency, a court, or
30 a local government and the actor is supervising the minor while the minor is
31 on probation or parole or for any other court-ordered reason;

32
33 SECTION 29. Arkansas Code § 5-14-126(a)(1)(A)-(C), concerning sexual
34 assault in the third degree, are amended to read as follows:

35 (A) Employed with the ~~Department~~ Division of Correction,
36 ~~Department~~ Division of Community Correction, Department of Human Services, or

1 any city or county jail, the victim is in the custody of the ~~Department~~
 2 Division of Correction, ~~Department~~ Division of Community Correction,
 3 Department of Human Services, or any city or county jail, and the actor is in
 4 a position of trust or authority over the victim and uses the position of
 5 trust or authority to engage in sexual intercourse or deviate sexual
 6 activity;

7 (B) Employed by or contracted with the ~~Department~~ Division
 8 of Community Correction, a local law enforcement agency, a court, or a local
 9 government and the actor is supervising the person while the person is on
 10 probation or parole or for any other court-ordered reason;

11 (C) Employed or contracted with or otherwise providing
 12 services, supplies, or supervision to an agency maintaining custody of
 13 inmates, detainees, or juveniles, the victim is in the custody of the
 14 ~~Department~~ Division of Correction, ~~Department~~ Division of Community
 15 Correction, Department of Human Services, or any city or county jail, and the
 16 actor is in a position of trust or authority over the victim and uses the
 17 position of trust or authority to engage in sexual intercourse or deviate
 18 sexual activity; or

19
 20 SECTION 30. Arkansas Code § 5-14-127(a)(2), concerning sexual assault
 21 in the fourth degree, is amended to read as follows:

22 (2) Engages in sexual contact with another person who is not the
 23 actor's spouse, and the actor is employed with the ~~Department~~ Division of
 24 Correction, ~~Department~~ Division of Community Correction, Department of Human
 25 Services, or any city or county jail, and the victim is in the custody of the
 26 ~~Department~~ Division of Correction, ~~Department~~ Division of Community
 27 Correction, Department of Human Services, or a city or county jail.

28
 29 SECTION 31. Arkansas Code § 5-37-226(b)(2)(D) and (E), concerning
 30 filing instruments affecting title or interest in real property, are amended
 31 to read as follows:

32 (D) An employee of the ~~Department~~ Division of Correction;

33 (E) An employee of the ~~Department~~ Division of Community
 34 Correction;

35
 36 SECTION 32. Arkansas Code § 5-54-101(11)(A), concerning the definition

1 of "prohibited article" under the laws governing obstructing governmental
2 operations, is amended to read as follows:

3 (A) An intoxicating beverage other than sacramental wine
4 labeled as sacramental wine and supplied by a religious official who supplies
5 the sacramental wine to an inmate in the ~~Department~~ Division of Correction or
6 ~~Department~~ Division of Community Correction for the sole purpose of an
7 approved religious service, pursuant to rules and regulations promulgated by
8 the Board of Corrections;

9
10 SECTION 33. Arkansas Code § 5-54-110(b)(1)(A) and (B), concerning the
11 offense of first degree escape, are amended to read as follows:

12 (A) The ~~Department~~ Division of Correction;

13 (B) The ~~Department~~ Division of Community Correction; or
14

15 SECTION 34. Arkansas Code § 5-54-111(b)(1)(A) and (B), concerning the
16 offense of second degree escape, are amended to read as follows:

17 (A) The ~~Department~~ Division of Correction;

18 (B) The ~~Department~~ Division of Community Correction; or
19

20 SECTION 35. Arkansas Code § 5-54-112(c)(1)(A) and (B), concerning the
21 offense of second degree escape, are amended to read as follows:

22 (A) The ~~Department~~ Division of Correction;

23 (B) The ~~Department~~ Division of Community Correction; or
24

25 SECTION 36. Arkansas Code § 5-73-119(e)(12)(B)(ii), concerning the
26 possession of a handgun by a minor or possession school property, is amended
27 to read as follows:

28 (ii) "Parking lot" does not include a parking lot
29 owned, maintained, or otherwise controlled by the ~~Department~~ Division of
30 Correction or ~~Department~~ Division of Community Correction.
31

32 SECTION 37. Arkansas Code § 5-73-122(a)(3)(C)(ii)(b), concerning
33 carrying a firearm in publicly owned buildings or facilities, is amended to
34 read as follows:

35 (b) "Parking lot" does not include a parking
36 lot owned, maintained, or otherwise controlled by the ~~Department~~ Division of

1 Correction or the ~~Department~~ Division of Community Correction;

2
3 SECTION 38. Arkansas Code § 5-73-122(a)(3)(D)(iii), concerning
4 carrying a firearm in publicly owned buildings or facilities, is amended to
5 read as follows:

6 (iii) A facility operated by the ~~Department~~ Division
7 of Correction or the ~~Department~~ Division of Community Correction; or

8
9 SECTION 39. Arkansas Code § 5-73-131(a), concerning the possession or
10 use of a weapon by an incarcerated person, is amended to read as follows:

11 (a) A person commits the offense of possession or use of weapons by
12 incarcerated persons if, without approval of custodial authority he or she
13 uses, possesses, makes, repairs, sells, or otherwise deals in any weapon,
14 including, but not limited to, any bomb, firearm, knife, or other implement
15 for the infliction of serious physical injury or death and that serves no
16 common lawful purpose, while incarcerated in the ~~Department~~ Division of
17 Correction, the ~~Department~~ Division of Community Correction, or a county or
18 municipal jail or detention facility.

19
20 SECTION 40. Arkansas Code § 5-73-306(4), concerning places a licensed
21 concealed handgun is prohibited, is amended to read as follows:

22 (4) Any part of a detention facility, prison, or jail, including
23 without limitation a parking lot owned, maintained, or otherwise controlled
24 by the ~~Department~~ Division of Correction or ~~Department~~ Division of Community
25 Correction;

26
27 SECTION 41. Arkansas Code § 6-18-203(c), concerning attendance in a
28 district other than the district of residence, is amended to read as follows:

29 (c) When any employee of the ~~Department~~ Division of Correction lives
30 on ~~department~~ division property or will live on ~~department~~ division property
31 as the result of a transfer from a unit of the division to another unit, the
32 children or wards of the employee may complete their education in the school
33 district in which they are enrolled at the time the parent or guardian is
34 transferred.

35
36 SECTION 42. Arkansas Code § 6-82-501(2), concerning the definition of

1 "Department of Community Correction employee" under the laws governing the
2 children of law enforcement officers, is amended to read as follows:

3 (2) "~~Department~~ Division of Community Correction employee" means
4 any employee of the ~~Department~~ Division of Community Correction who suffers
5 fatal injuries or wounds or becomes permanently and totally disabled as a
6 result of injuries or wounds that occurred through contact with parolees,
7 probationers, or center residents;

8
9 SECTION 43. Arkansas Code § 6-82-501(6), concerning the definition of
10 "state correction employee" under the laws governing the children of law
11 enforcement officers, is amended to read as follows:

12 (6) "State correction employee" means any employee of the
13 ~~Department~~ Division of Correction or the Corrections School System who
14 becomes subject to injury through contact with inmates or parolees of the
15 ~~Department~~ Division of Correction;

16
17 SECTION 44. Arkansas Code § 8-6-307(d), concerning exemptions for the
18 transfer of funds, is amended to read as follows:

19 (d) The ~~Department~~ Division of Corrections exempt from the provisions
20 of this section.

21
22 SECTION 45. Arkansas Code § 9-2-102 is amended to read as follows:

23 9-2-102. Name change – Use of new name.

24 Any person whose name may be so changed by judgment or decree of any of
25 the circuit courts shall afterward be known and designated, sue and be sued,
26 plead and be impleaded, by the name thus conferred, except that records of
27 persons under the jurisdiction and supervision of the ~~Department~~ Division of
28 Correction shall continue to reflect the name as committed to the division's
29 jurisdiction and supervision by the various circuit courts of the State of
30 Arkansas.

31
32 SECTION 46. Arkansas Code § 9-27-303(48)(A)(v)(b)(2) and (3),
33 concerning the definition of "reasonable efforts" under the Arkansas Juvenile
34 Code of 1989, are amended to read as follows:

35 (2) Monitor compliance with services
36 offered by the ~~Department~~ Division of Correction to the extent permitted by

1 federal law; and

2 (3) Offer visitation in accordance with
 3 the policies of the ~~Department~~ Division of Correction if visitation is
 4 appropriate and in the best interest of the child.

5
 6 SECTION 47. Arkansas Code § 9-27-510 is amended to read as follows:

7 9-27-510. ~~Department~~ Division of Correction- Placement.

8 (a)(1) A juvenile who has received an adult sentence to the ~~Department~~
 9 Division of Correction shall not be transported to the ~~Department~~ Division of
 10 Correction until the juvenile is sixteen (16) years of age.

11 (2) If a juvenile receives a sentence to the ~~Department~~ Division
 12 of Correction ~~prior to~~ before the juvenile's sixteenth birthday, the juvenile
 13 shall be housed by the Division of Youth Services of the Department of Human
 14 Services until that date, except as provided by court order or parole
 15 decision made by the Parole Board.

16 (b) A juvenile sentenced in the criminal division of circuit court who
 17 is less than sixteen (16) years of age when sentenced shall be committed to
 18 the custody of the Division of Youth Services until his or her sixteenth
 19 birthday, at which time he or she shall be transferred to the ~~Department~~
 20 Division of Correction.

21 (c)(1)(A) Juveniles sentenced to the ~~Department~~ Division of Correction
 22 pursuant to extended juvenile jurisdiction are subject to parole as any other
 23 inmate within the ~~Department~~ Division of Correction.

24 (B) Juveniles adjudicated for capital murder, § 5-10-101,
 25 or murder in the first degree, § 5-10-102, are subject to parole.

26 (2) Juveniles will be given credit for time served in a juvenile
 27 detention or juvenile facility against any adult sentence.

28
 29 SECTION 48. Arkansas Code § 9-28-214(a), concerning the penalty for
 30 escape, is amended to read as follows:

31 (a) If charged and found guilty as an adult for first degree escape, §
 32 5-54-110, or second degree escape, § 5-54-111, a juvenile shall be given a
 33 mandatory sentence of not less than nine (9) months in an appropriate
 34 facility of the ~~Department~~ Division of Correction.

35
 36 SECTION 49. Arkansas Code § 9-28-402(12)(C), concerning the definition

1 of "exempt child welfare agency" under the Child Welfare Agency Licensing
2 Act, is amended to read as follows:

3 (C) A facility or program owned or operated by or under
4 contract with the ~~Department~~ Division of Correction;

5
6 SECTION 50. The introductory language of Arkansas Code § 12-26-103,
7 concerning the creation and duties of the Office of Criminal Detention
8 Facilities Review Coordinator, is amended to read as follows:

9 (a) There is established the Office of Criminal Detention Facilities
10 Review Coordinator within the Department of Corrections which shall consist
11 of:

12
13 SECTION 51. Arkansas Code § 11-3-401(a)(2), concerning the prevention
14 of lawful employment prohibited, is amended to read as follows:

15 (2) Any person guilty of violating this subsection shall be
16 deemed guilty of a felony and upon conviction shall be punished by
17 confinement in the Department of ~~Correction~~ Corrections for not less than one
18 (1) year nor more than two (2) years.

19
20 SECTION 52. Arkansas Code § 11-3-401(b)(3), concerning the prevention
21 of lawful employment prohibited, is amended to read as follows:

22 (3) Any person guilty of violating this subsection shall be
23 deemed guilty of a felony and upon conviction thereof shall be punished by
24 confinement in the Department of ~~Correction~~ Corrections for not less than one
25 (1) year nor more than two (2) years.

26
27 SECTION 53. Arkansas Code § 11-9-110(a), concerning compensation
28 nonassignable and payable to dependents, is amended to read as follows:

29 (a) The right to compensation shall not be assignable and shall not be
30 subject to garnishment, attachment, levy, execution, or any other legal
31 process, except for child support obligations and moneys retained by the
32 ~~Department~~ Division of Correction under § 12-30-406(a)(1).

33
34 SECTION 54. Arkansas Code § 11-9-812(a)(1), concerning the
35 incarceration of an injured employee, is amended to read as follows:

36 (a)(1) When any person who receives workers' compensation benefits is

1 incarcerated in an institution under the control of the ~~Department~~ Division
 2 of Correction, the inmate's spouse or, if no spouse, the inmate's minor
 3 dependent children, may petition the Workers' Compensation Commission to
 4 award to the spouse or minor dependent children the inmate's workers'
 5 compensation weekly disability benefits for the period of the claimant's
 6 incarceration.

7
 8 SECTION 55. Arkansas Code § 11-14-106(a)(3)(A)(v), concerning required
 9 drug or alcohol tests, is amended to read as follows:

10 (v) Work in direct contact with inmates in the
 11 custody of the ~~Department~~ Division of Correction; or

12
 13 SECTION 56. Arkansas Code § 12-1-102 is amended to read as follows:

14 12-1-102. Records to be posted on a public website.

15 (a) Relevant research studies and reports concerning the following
 16 topics that are generated by the research divisions of the ~~Department~~
 17 Division of Correction, the ~~Department~~ Division of Community Correction, and
 18 the Parole Board or by third-party contractors on behalf of the ~~Department~~
 19 Division of Correction, the ~~Department~~ Division of Community Correction, and
 20 the board, when applicable, shall be posted on the ~~Department~~ Division of
 21 Correction's, the ~~Department~~ Division of Community Correction's, or board's
 22 website:

- 23 (1) Population projections;
- 24 (2) Recidivism; and
- 25 (3) Evaluation of the cost-benefit of evidence-based practices

26 of:

- 27 (A) Adult prisons;
- 28 (B) Community corrections facilities;
- 29 (C) Probation; and
- 30 (D) Parole.

31 (b) Data posted on the board's, ~~Department~~ Division of Correction's,
 32 or the ~~Department~~ Division of Community Correction's websites under this
 33 section may be removed from the board's, ~~Department~~ Division of Correction's,
 34 or the ~~Department~~ Division of Community Correction's websites after five (5)
 35 years.

1 SECTION 57. Arkansas Code § 12-12-315(a)(1)(E), concerning the
2 notification of certain deaths, is amended to read as follows:

3 (E) The death occurs while the person is in a state mental
4 institution or hospital and there is no previous medical history to explain
5 the death, or while the person is in police custody or jail other than a jail
6 operated by the ~~Department~~ Division of Correction;

7
8 SECTION 58. Arkansas Code § 12-12-904(a)(1)(B)(ii), concerning the
9 failure to comply with registration and reporting requirements and refusal to
10 cooperate with the assessment process, is amended to read as follows:

11 (ii) If a sex offender fails or refuses to provide
12 any information necessary to update his or her registration file as required
13 by § 12-12-906(b)(2), as soon as administratively feasible the ~~Department~~
14 Division of Correction, the ~~Department~~ Division of Community Correction, the
15 Arkansas State Hospital, or the Department of Human Services shall contact
16 the local law enforcement agency having jurisdiction to report the violation
17 of subdivision (a)(1)(B)(i) of this section.

18
19 SECTION 59. Arkansas Code § 12-12-906(a)(1)(B) and (C), concerning the
20 duty to register or verify registration and review of requirements with
21 offenders, is amended to read as follows:

22 (B)(i) The ~~Department~~ Division of Correction shall ensure
23 that a sex offender received for incarceration has completed the sex offender
24 registration form.

25 (ii) If the ~~Department~~ Division of Correction cannot
26 confirm that the sex offender has completed the sex offender registration
27 form, the ~~Department~~ Division of Correction shall require the sex offender to
28 complete the sex offender registration form upon intake, release, or
29 discharge.

30 (C)(i) The ~~Department~~ Division of Community Correction
31 shall ensure that a sex offender placed on probation or another form of
32 community supervision has completed the sex offender registration form.

33 (ii) If the ~~Department~~ Division of Community
34 Correction cannot confirm that the sex offender has completed the sex
35 offender registration form, the ~~Department~~ Division of Community Correction
36 shall require the sex offender to complete the sex offender registration form

1 upon intake, release, or discharge.

2
3 SECTION 60. Arkansas Code § 12-12-906(b)(2), concerning the duty to
4 register or verify registration and review of requirements with offenders, is
5 amended to read as follows:

6 (2) Immediately prior to the release or discharge of a sex
7 offender or immediately following a sex offender's escape or his or her
8 absconding from supervision, the ~~Department~~ Division of Correction, the
9 ~~Department~~ Division of Community Correction, the Arkansas State Hospital, or
10 the Department of Human Services shall update the registration file of the
11 sex offender who is to be released or discharged or who has escaped or has
12 absconded from supervision.

13
14 SECTION 61. Arkansas Code § 12-12-906(c)(1)(A), concerning the duty to
15 register or verify registration and review of requirements with offenders, is
16 amended to read as follows:

17 (c)(1)(A) When registering a sex offender as provided in subsection
18 (a) of this section, the sentencing court, the ~~Department~~ Division of
19 Correction, the ~~Department~~ Division of Community Correction, the Arkansas
20 State Hospital, the Department of Human Services, or the local law
21 enforcement agency having jurisdiction shall:

22 (i) Inform the sex offender of the duty to submit to
23 assessment and to register and obtain the information required for
24 registration as described in § 12-12-908;

25 (ii) Inform the sex offender that if the sex
26 offender changes residency within the state, the sex offender shall give the
27 new address and place of employment, education, higher education, or training
28 to the center in writing no later than ten (10) days before the sex offender
29 establishes residency or is temporarily domiciled at the new address;

30 (iii)(a) Inform the sex offender that if the sex
31 offender changes residency to another state or enters another state to work
32 or attend school, the sex offender must also register in that state
33 regardless of permanent residency.

34 (b) The sex offender shall register the new
35 address and place of employment, education, higher education, or training
36 with the center and with a designated law enforcement agency in the new state

1 in person not later than three (3) business days after the sex offender
2 establishes residence or is temporarily domiciled in the new state;

3 (iv) Obtain fingerprints, palm prints, and a
4 photograph of the sex offender if these have not already been obtained in
5 connection with the offense that triggered registration;

6 (v) Obtain a deoxyribonucleic acid (DNA) sample if
7 one has not already been provided;

8 (vi) Require the sex offender to complete the entire
9 registration process, including, but not limited to, requiring the sex
10 offender to read and sign a form stating that the duty of the sex offender to
11 register under this subchapter has been explained;

12 (vii) Inform the sex offender that if the sex
13 offender's address changes within the state or to another state due to an
14 eviction, natural disaster, or any other unforeseen circumstance, the sex
15 offender shall give the new address to the local law enforcement agency
16 having jurisdiction in person no later than three (3) business days after the
17 sex offender establishes residency;

18 (viii) Inform a sex offender who has been granted
19 probation that failure to comply with the provisions of this subchapter may
20 be grounds for revocation of the sex offender's probation; and

21 (ix) Inform a sex offender subject to lifetime
22 registration under § 12-12-919 of the duty to:

23 (a) Verify registration and obtain the
24 information required for registration verification as described in
25 subsections (g) and (h) of this section; and

26 (b) Ensure that the information required for
27 reregistration verification under subsections (g) and (h) of this section is
28 provided to the local law enforcement agency having jurisdiction.

29
30 SECTION 62. Arkansas Code § 12-12-906(c)(2), concerning the duty to
31 register or verify registration and review of requirements with offenders, is
32 amended to read as follows:

33 (2) When updating the registration file of a sex offender, the
34 ~~Department~~ Division of Correction, the ~~Department~~ Division of Community
35 Correction, the Arkansas State Hospital, or the Department of Human Services
36 shall:

1 (A) Review with the sex offender the duty to register and
2 obtain current information required for registration as described in § 12-12-
3 908;

4 (B) Review with the sex offender the requirement that if
5 the sex offender changes address within the state, the sex offender shall
6 give the new address to the local law enforcement agency having jurisdiction
7 in person no later than ten (10) days before the sex offender establishes
8 residency or is temporarily domiciled at the new address;

9 (C) Review with the sex offender the requirement that if
10 the sex offender changes address to another state, the sex offender shall
11 register the new address with the local law enforcement agency having
12 jurisdiction in person and with a designated law enforcement agency in the
13 new state in person not later than three (3) business days after the sex
14 offender establishes residence or is temporarily domiciled in the new state
15 if the new state has a registration requirement;

16 (D) Require the sex offender to read and sign a form
17 stating that the duty of the sex offender to register under this subchapter
18 has been reviewed;

19 (E) Inform the sex offender that if the sex offender's
20 address changes within the state or to another state due to an eviction,
21 natural disaster, or any other unforeseen circumstance, the sex offender
22 shall give the new address to the local law enforcement agency having
23 jurisdiction in person no later than three (3) business days after the sex
24 offender establishes residency;

25 (F) Review with the sex offender the consequences of
26 failure to provide any information required by subdivision (b)(2) of this
27 section;

28 (G) Inform a sex offender subject to lifetime registration
29 under § 12-12-919 of the duty to:

30 (i) Verify registration and report the information
31 required for registration verification as described in subsections (g) and
32 (h) of this section; and

33 (ii) Ensure that the information required for
34 registration verification under subsections (g) and (h) of this section is
35 provided in person to the local law enforcement agency having jurisdiction;
36 and

1 (H) Review with a sex offender subject to lifetime
2 registration under § 12-12-919 the consequences of failure to verify
3 registration under § 12-12-904.
4

5 SECTION 63. Arkansas Code § 12-12-906(d), concerning the duty to
6 register or verify registration and review of requirements with offenders, is
7 amended to read as follows:

8 (d) When registering or updating the registration file of a sexually
9 dangerous person, in addition to the requirements of subdivision (c)(1) or
10 subdivision (c)(2) of this section, the sentencing court, the ~~Department~~
11 Division of Correction, the ~~Department~~ Division of Community Correction, the
12 Arkansas State Hospital, the Department of Human Services, or the local law
13 enforcement agency having jurisdiction shall obtain documentation of any
14 treatment received for the mental abnormality or personality disorder of the
15 sexually dangerous person.
16

17 SECTION 64. Arkansas Code § 12-12-907(a)(1), concerning reports to the
18 Arkansas Crime Information Center and law enforcement agencies, is amended to
19 read as follows:

20 (a)(1) Within three (3) days after registering or updating the
21 registration file of a sex offender, the ~~Department~~ Division of Correction,
22 the ~~Department~~ Division of Community Correction, the Department of Human
23 Services, the sentencing court, or the local law enforcement agency having
24 jurisdiction shall report, by written or electronic means, all information
25 obtained from the sex offender and regarding the sex offender to the Arkansas
26 Crime Information Center.
27

28 SECTION 65. Arkansas Code § 12-12-907(b)(4), concerning reports to the
29 Arkansas Crime Information Center and law enforcement agency, is amended to
30 read as follows:

31 (4) The center shall have access to the offender tracking
32 systems of the ~~Department~~ Division of Correction and the ~~Department~~ Division
33 of Community Correction to confirm the location of registrants.
34

35 SECTION 66. Arkansas Code § 12-12-908(a), concerning registration
36 format requirements is amended to read as follows:

1 (a) The Director of the Arkansas Crime Information Center shall
2 prepare the format for registration as required in subsection (b) of this
3 section and shall provide instructions for registration to each organized
4 full-time municipal police division, county sheriff's office, the ~~Department~~
5 Division of Correction, the ~~Department~~ Division of Community Correction, the
6 Department of Human Services, and the Administrative Office of the Courts.

7
8 SECTION 67. Arkansas Code § 12-12-911(b)(1), concerning the sex and
9 child offenders registration fund, is amended to read as follows:

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

14
15 SECTION 68. Arkansas Code § 12-12-913(d)(3), concerning the disclosure
16 of registration records, is amended to read as follows:

17 (3) In conjunction with the notice provided under § 12-12-914,
18 the ~~Department~~ Division of Correction and the Department of Human Services
19 shall make available to a local law enforcement agency having jurisdiction
20 all information that the ~~Department~~ Division of Correction and the Department
21 of Human Services have concerning the sex offender, including information on
22 risk factors in the sex offender's history.

23
24 SECTION 69. Arkansas Code § 12-12-914(a)(1), concerning the notice of
25 release to the Arkansas Crime Information Center, is amended to read as
26 follows:

27 (a)(1) The ~~Department~~ Division of Correction shall provide notice by
28 written or electronic means to the Arkansas Crime Information Center of the
29 anticipated release from incarceration in a county or state penal institution
30 of a person serving a sentence for a sex offense.

31
32 SECTION 70. Arkansas Code § 12-12-914(d)(2), concerning the notice of
33 release to the Arkansas Crime Information Center, is amended to read as
34 follows:

35 (2) If notification cannot be made throughout the system
36 established under § 12-12-1201 et seq., the ~~Department~~ Division of Correction

1 shall provide the notification to the victim.

2
3 SECTION 71. Arkansas Code § 12-12-915 is amended to read as follows:
4 12-12-915. Authority – Rules.

5 (a) The ~~Department~~ Division of Correction, the ~~Department~~ Division of
6 Community Correction, the Department of Human Services, the Administrative
7 Office of the Courts, and the Arkansas Crime Information Center shall
8 promulgate rules to establish procedures for:

9 (1) Notifying the sex offender of the obligation to register
10 pursuant to this subchapter; and

11 (2) Registering the sex offender.

12 (b)(1) The ~~Department~~ Division of Community Correction shall monitor
13 an adult sex offender under its supervisory authority who is subject to
14 electronic monitoring under § 12-12-923.

15 (2) The Department of Human Services shall monitor an adult or
16 juvenile sex offender under its supervisory authority who is subject to
17 electronic monitoring under § 12-12-923.

18 (c)(1) The ~~Department~~ Division of Community Correction shall
19 promulgate rules to establish procedures for monitoring an adult sex offender
20 under its supervisory authority who is subject to electronic monitoring under
21 § 12-12-923.

22 (2) The Department of Human Services shall promulgate rules to
23 establish procedures for monitoring an adult or juvenile sex offender under
24 its supervisory authority who is subject to electronic monitoring under § 12-
25 12-923.

26
27 SECTION 72. Arkansas Code § 12-12-917(b)(2)(A)(ii)(a), concerning the
28 evaluation protocol for sexually dangerous persons and juveniles adjudicated
29 delinquent, is amended to read as follows:

30 (ii)(a) Subject to subdivision (c)(1) of this
31 section, the prosecuting attorney and any law enforcement agency shall
32 furnish the file relating to the offender to Community Notification
33 Assessment at the ~~Department~~ Division of Correction within thirty (30) days
34 of an offender's adjudication of guilt.

35
36 SECTION 73. Arkansas Code § 12-12-917(f)(2) and (3), concerning the

1 evaluation protocol for sexually dangerous persons and juveniles adjudicated
2 delinquent, are amended to read as follows:

3 (2) The committee shall provide the Parole Board with copies of
4 the offender fact sheet on inmates of the ~~Department~~ Division of Correction.

5 (3) The committee shall provide the ~~Department~~ Division of
6 Community Correction with copies of the offender fact sheet on any sex
7 offender under the ~~Department~~ Division of Community Correction's supervision.
8

9 SECTION 74. Arkansas Code § 12-12-917(g)(1), concerning the evaluation
10 protocol for sexually dangerous persons and juveniles adjudicated delinquent,
11 is amended to read as follows:

12 (g)(1) In cooperation with the committee, the ~~Department~~ Division of
13 Correction shall promulgate rules and regulations to establish the review
14 process for assessment determinations.
15

16 SECTION 75. Arkansas Code § 12-12-917(h)(2), concerning the evaluation
17 protocol for sexually dangerous persons and juveniles adjudicated delinquent,
18 is amended to read as follows:

19 (2)(A) A local law enforcement agency having jurisdiction, the
20 ~~Department~~ Division of Community Correction, or the Parole Board may request
21 the committee to reassess a sex offender's assigned risk level at any time.

22 (B) In the request for reassessment, the local law
23 enforcement agency having jurisdiction, the ~~Department~~ Division of Community
24 Correction, or the Parole Board shall list the facts and circumstances that
25 prompted the requested reassessment.
26

27 SECTION 76. Arkansas Code § 12-12-918(b)(1)(A), concerning
28 classification as a sexually dangerous person, is amended to read as follows:

29 (A) The defendant may be sent for evaluation to a facility
30 designated by the ~~Department~~ Division of Correction; or
31

32 SECTION 77. Arkansas Code § 12-12-918(b)(2), concerning classification
33 as a sexually dangerous person, is amended to read as follows:

34 (2) The cost of the evaluation shall be paid by the ~~Department~~
35 Division of Correction.
36

1 SECTION 78. Arkansas Code § 12-12-1109(c), concerning a DNA sample
2 required upon adjudication of guilt, is amended to read as follows:

3 (c) All DNA samples taken pursuant to this section shall be taken in
4 accordance with regulations promulgated by the State Crime Laboratory in
5 consultation with the ~~Department~~ Division of Correction, the ~~Department~~
6 Division of Community Correction, the Department of Human Services, and the
7 Administrative Office of the Courts.

8
9 SECTION 79. Arkansas Code § 12-12-1110(e)(1), concerning procedures of
10 withdrawal, collection, and transmission of DNA samples, is amended to read
11 as follows:

12 (e)(1) Any person who refuses to provide a DNA sample required by this
13 subchapter will receive no further sentence reduction for meritorious good
14 time until such time as a sample is provided, and the ~~Department~~ Division of
15 Correction shall notify the Parole Board regarding the refusal.

16
17 SECTION 80. Arkansas Code § 14-22-106(16), concerning purchases exempt
18 from soliciting bids, is amended to read as follows:

19 (16) All goods and services that are regularly provided to state
20 agencies and county government by the ~~Department~~ Division of Correction's
21 various penal industries;

22
23 SECTION 81. Arkansas Code § 12-27-101 is amended to read as follows:
24 12-27-101. Purposes and construction of the ~~Department~~ Division of
25 Correction.

26 (a)(1) The purpose of this act is to establish a ~~Department~~ Division
27 of Correction that shall assume the custody, control, and management of the
28 state penitentiary, execute the orders of criminal courts of the State of
29 Arkansas, and provide for the custody, treatment, rehabilitation, and
30 restoration of adult offenders as useful law-abiding citizens within the
31 community.

32 (2) The ~~department~~ division shall be under the supervision and
33 control of the Board of Corrections.

34 (3) To accomplish the objectives and purposes of this act in an
35 effective, coordinated, and uniform manner, the ~~department~~ division shall be
36 responsible for the maintenance, supervision, and administration of adult

1 detention and correctional services of the state as determined by the board.

2 (4) Institutions and services shall be diversified in program,
3 construction, and staff to provide effectually and efficiently for the
4 maximum custody, care, supervision, and treatment of those persons committed
5 to the ~~department~~ division.

6 (b) This act shall be liberally construed so as to effectuate its
7 purposes.

8
9 SECTION 82. Arkansas Code § 12-27-102 is amended to read as follows:

10 12-27-102. Enforcement of penalties – Report of crimes.

11 (a) All laws of this state prescribing penalties for violations
12 concerned with or affecting the state penitentiary or inmates thereof shall
13 be equally applicable to the ~~Department~~ Division of Correction and shall be
14 enforced accordingly.

15 (b) In the event any crime shall be committed in any institution of
16 the ~~department~~ division, it shall be the duty of the Director of the
17 ~~Department~~ Division of Correction, or his or her designated employee, to
18 report the crime to the county sheriff and prosecuting attorney of the county
19 in which the institution is located in which the crime, or alleged crime,
20 took place.

21
22 SECTION 83. Arkansas Code § 12-27-103 is amended to read as follows:

23 12-27-103. ~~Department~~ Division of Correction – Creation – Powers and
24 duties.

25 (a) There is established, under the supervision, control, and
26 direction of the Board of Corrections, a ~~Department~~ Division of Correction.

27 (b) The ~~Department~~ Division of Correction shall have the following
28 functions, powers, and duties, administered in accordance with the policies,
29 rules, and regulations promulgated by the Board of Corrections:

30 (1) The ~~Department~~ Division of Correction shall have exclusive
31 jurisdiction over the care, charge, custody, control, management,
32 administration, and supervision of all persons and offenders committed to, or
33 in the custody of, the state penitentiary;

34 (2) The ~~Department~~ Division of Correction shall ~~assume~~ maintain
35 management and control over all properties, both real and personal,
36 facilities, books, records, equipment, supplies, materials, contracts, funds,

1 moneys, equities, and all other properties belonging to the state
2 penitentiary, except those deemed by the Board of Corrections to be ~~more~~
3 ~~appropriate for placement~~ placed in the ~~Department~~ Division of Community
4 Correction. The ~~Department~~ Division of Correction shall administer said
5 properties in accordance with the provisions of this act and other laws
6 applicable to the administration of the state correctional system;

7 (3) The Department of Correction, as the Division of Correction
8 was known as prior to July 1, 2019, ~~shall assume~~ assumed all obligations,
9 contracts, indebtedness, liabilities, and other obligations of the state
10 penitentiary system existing on March 1, 1968;

11 (4)(A) The Department of Correction, as the Division of
12 Correction was known as prior to July 1, 2019, ~~shall have~~ has custody,
13 management, and control over all institutions and facilities, and the inmates
14 therein, ~~now~~ belonging to the state penitentiary or hereafter established by
15 the Department of Correction, as the Division of Correction was known as
16 prior to July 1, 2019, and known as the Division of Correction for the
17 custodial correction and rehabilitation of persons committed to the
18 ~~Department~~ Division of Correction for its care, except for those institutions
19 established by or transferred to the ~~Department~~ Division of Community
20 Correction.

21 (B) Legal custody of inmates transferred to the ~~Department~~
22 Division of Community Correction shall remain with the ~~Department~~ Division of
23 Correction unless altered by court order;

24 (5) The ~~Department~~ Division of Correction shall establish and
25 operate classification committees, diagnosis and treatment programs, and such
26 other programs as may be desirable to fulfill the purposes of this act;

27 (6) The ~~Department~~ Division of Correction shall employ such
28 officers, employees, and agents and shall secure such offices and quarters as
29 are deemed necessary to discharge the functions of the ~~Department~~ Division of
30 Correction;

31 (7) The ~~Department~~ Division of Correction shall receive all
32 offenders committed to the ~~Department~~ Division of Correction for conviction
33 of felonies or other offenses, the punishment of which is commitment to the
34 penitentiary under the laws of this state, and shall be responsible for the
35 care, custody, and correction of such persons pursuant to policies
36 established by the Board of Corrections;

1 (8) The ~~Department~~ Division of Correction shall operate all
2 farming, livestock, industries, and other income-producing facilities of the
3 ~~Department~~ Division of Correction and shall sell the products of its
4 industries and farms in the manner provided by law;

5 (9) The ~~Department~~ Division of Correction may establish and
6 operate regional adult detention facilities, provided funds therefor have
7 been authorized and appropriated by the General Assembly;

8 (10) The ~~Department~~ Division of Correction shall cooperate with
9 municipalities and counties in this state in providing consulting services
10 when requested with respect to detention and correctional facilities operated
11 by the municipalities or counties;

12 (11) The ~~Department~~ Division of Correction shall cooperate with
13 law enforcement agencies of this state, the United States, institutions of
14 this state for the detention, custody, and care of delinquent and dependent
15 juveniles, and with all agencies and departments of this state offering
16 services or programs of welfare, rehabilitation, and other services for the
17 benefit of persons committed to the ~~Department~~ Division of Correction;

18 (12) The ~~Department~~ Division of Correction may accept gifts,
19 grants, and funds from public and private sources with prior approval of the
20 Board of Corrections and administer the same in furtherance of the purposes
21 of this act;

22 (13)(A) The ~~Department~~ Division of Correction shall have the
23 authority to issue warrants for the retaking of any person who, committed to
24 its custody, unlawfully escapes therefrom.

25 (B) The warrant shall:

26 (i) Authorize all law enforcement officials of this
27 state to take custody and return the person named therein to the custody of
28 the ~~Department~~ Division of Correction; and

29 (ii) Authorize all law enforcement officials of this
30 state, any other state, and the federal government to take custody and detain
31 the person in any suitable detention facility while awaiting further transfer
32 to the ~~Department~~ Division of Correction;

33 (14)(A)(i) Subject to the approval of the Governor, the
34 ~~Department~~ Division of Correction may cooperate with and contract with the
35 federal government, governmental agencies of Arkansas and other states,
36 political subdivisions of Arkansas, political subdivisions of other states,

1 counties, regional correctional facilities, and private contractors to
2 provide and improve correctional operations and to keep custody of inmates
3 transferred from the ~~Department~~ Division of Correction.

4 (ii) A facility owned or leased under this
5 subdivision (b)(14) shall comply with all constitutional standards of the
6 United States and the State of Arkansas.

7 (B) A county may contract for construction or operation or
8 both with another entity to house a ~~Department~~ Division of Correction inmate
9 under this subdivision (b)(14) for a period not to exceed twenty (20) years;

10 (15) The ~~Department~~ Division of Correction shall cooperate with
11 the ~~Department~~ Division of Community Correction, the Parole Board, the
12 Arkansas Sentencing Commission, judicial districts, municipalities, and
13 counties in this state in providing guidance and services required to ensure
14 a full range of correctional options for the state as a whole;

15 (16) The ~~Department~~ Division of Correction shall provide support
16 to the ~~Department~~ Division of Community Correction as determined by the Board
17 of Corrections;

18 (17) The ~~Department~~ Division of Correction shall assist the
19 Board of Corrections in the furtherance of its goals by staffing the specific
20 charges articulated for it through legislation and by the Board of
21 Corrections; and

22 (18) The Department of ~~Correction~~ Corrections shall establish
23 programs of research, evaluation, statistics, audit, and planning, including
24 studies and evaluation of the performance of various functions and activities
25 of the department and studies affecting the treatment of offenders and
26 information about other programs.

27
28 SECTION 84. Arkansas Code § 12-27-104(d)(1)(B), concerning the
29 members, records, and staff of the Board of Corrections, is amended to read
30 as follows:

31 (B) However, a member shall receive a per diem stipend and
32 reimbursement for expenses for both official meetings and related activities
33 associated with attending to the business of the Board of Corrections, the
34 ~~Department~~ Division of Correction, the ~~Department~~ Division of Community
35 Correction, and the Corrections School System for up to an annual average of
36 seven (7) days per month.

1
2 SECTION 85. Arkansas Code § 12-27-104(d)(2), concerning the members,
3 records, and staff of the Board of Corrections, is amended to read as
4 follows:

5 (2) All expenses that may be reimbursed to members of the Board
6 of Corrections and stipends as provided in § 25-16-901 et seq. shall be
7 payable from the maintenance funds appropriated for the ~~Department~~ Division
8 of Correction and the ~~Department~~ Division of Community Correction.

9
10 SECTION 86. Arkansas Code § 12-27-104(e), concerning the members,
11 records, and staff of the Board of Corrections, is amended to read as
12 follows:

13 (e) The Governor shall appoint an advisory judicial group to
14 facilitate coordination among the judicial system, the ~~Department~~ Division of
15 Correction, and the ~~Department~~ Division of Community Correction to promote
16 the effective and efficient use of correctional resources in furtherance of
17 sentencing policy adopted by the General Assembly.

18
19 SECTION 87. Arkansas Code § 12-27-104(j), concerning the members,
20 records, and staff of the Board of Corrections, is amended to read as
21 follows:

22 (j)(1) The Board of Corrections shall employ necessary staff to assist
23 with the range and diversity of ~~its~~ the charge of the Board of Corrections.

24 (2) In addition to Board of Corrections staff, the Board of
25 Corrections may reassign staff from the ~~departments~~ divisions it governs for
26 either short-term or long-term service to the Board of Corrections.

27
28 SECTION 88. Arkansas Code § 12-27-105(b)(1)(A), concerning the powers
29 and duties of the Board of Corrections, is amended to read as follows:

30 (1)(A) General supervisory power and control over the ~~Department~~
31 Division of Correction and the ~~Department~~ Division of Community Correction
32 and shall perform all functions with respect to the management and control of
33 the adult correctional institutions and community correction options of this
34 state contemplated by Arkansas Constitution, Amendment 33.

35
36 SECTION 89. Arkansas Code § 12-27-105(b)(3) and (4), concerning the

1 powers and duties of the Board of Corrections, are amended to read as
2 follows:

3 (3) To review and approve budgets submitted by the ~~Department~~
4 Division of Correction and the ~~Department~~ Division of Community Correction
5 prior to submission for executive and legislative approval;

6 (4) To develop and approve policy and management decisions for
7 the ~~Department~~ Division of Correction and the ~~Department~~ Division of
8 Community Correction, evaluating their impact on corrections as a whole;

9
10 SECTION 90. Arkansas Code § 12-27-105(b)(15), concerning the powers
11 and duties of the Board of Corrections, is amended to read as follows:

12 (15) To prescribe the duties of all personnel of the ~~Department~~
13 Division of Correction and the ~~Department~~ Division of Community Correction
14 and the regulations governing the transfer of employees within each division
15 and between ~~departments~~ divisions;

16
17 SECTION 91. Arkansas Code § 12-27-105(b)(17)(E), concerning the powers
18 and duties of the Board of Corrections, is amended to read as follows:

19 (E) Economic sanction officers are to be authorized by the
20 ~~Department~~ Division of Community Correction to perform these duties pursuant
21 to policies and procedures adopted by the Board of Corrections and in accord
22 with any state statutory accounting requirements; and

23
24 SECTION 92. Arkansas Code § 12-27-107 is amended to read as follows:

25 12-27-107. Director of the ~~Department~~ Division of Correction.

26 (a) The Director of the ~~Department~~ Division of Correction, who shall
27 be the executive, administrative, budgetary, and fiscal officer of the
28 ~~Department~~ Division of Correction, shall be appointed by the Board of
29 Corrections at a salary fixed by the Board of Corrections which shall not
30 exceed the maximum salary for the position established by law.

31 (b) The director shall be qualified for the position by character,
32 ability, education, training, and successful administrative experience in
33 correctional or related fields.

34 (c) The director shall serve at the pleasure of the Board of
35 Corrections.

36 (d) Subject to the rules, regulations, policies, and procedures

1 prescribed by the Board of Corrections, the director shall:

2 (1) Administer the ~~Department~~ Division of Correction and
3 supervise the administration of all institutions, facilities, and services
4 under the jurisdiction of the ~~Department~~ Division of Correction;

5 (2) Employ such personnel as are required in the administration
6 of the provisions of this act, provided that the employment of personnel
7 shall be in accordance with the applicable laws and personnel regulations of
8 the state;

9 (3) Institute programs for the training and development of
10 personnel within the ~~Department~~ Division of Correction and have authority to
11 suspend, discharge, or otherwise discipline personnel in accordance with
12 policies prescribed by the Board of Corrections;

13 (4) Make an annual report to the Board of Corrections, which
14 will be forwarded to the Governor and the General Assembly, on the work of
15 the ~~Department~~ Division of Correction, including statistics and other data,
16 income derived by the ~~Department~~ Division of Correction from agriculture,
17 livestock, and other farming activities and from prison inmates' activities,
18 a summary of expenditures of the ~~Department~~ Division of Correction, and
19 progress reports regarding internal issues such as inmate discipline,
20 utilization of programming, facilities and bed space utilization, upkeep
21 issues, and construction needs;

22 (5) Cooperate with the ~~Department~~ Division of Community
23 Correction, the Parole Board, the Arkansas Sentencing Commission, judicial
24 districts, counties, and municipalities to provide the guidance and services
25 required to ensure a full range of correctional options for the state as a
26 whole; and

27 (6)(A) Designate those employees of the ~~Department~~ Division of
28 Correction who shall have the powers of peace officers in the enforcement of
29 criminal laws to the extent they apply to employees, inmates, and persons on
30 ~~Department~~ Division of Correction property, while participating in the search
31 and capture of an inmate who has escaped custody, or while assisting law
32 enforcement officers in the search and capture of any fugitive or escapee
33 from another jurisdiction.

34 (B) The employees so designated have the authority to use
35 blue rotating or flashing emergency lights on ~~Department~~ Division of
36 Correction vehicles and exercise other law enforcement powers exercised by

1 police and other law enforcement personnel.

2
3 SECTION 93. Arkansas Code § 12-27-108 is amended to read as follows:
4 12-27-108. Authentication of records.

5 (a) For authentication of the records, process, and proceedings of the
6 ~~Department~~ Division of Correction, the Director of the ~~Department~~ Division of
7 Correction may adopt and keep an official seal for the use of his or her
8 office, and the seal shall receive judicial notice in all of the courts of
9 the state.

10 (b) All acts, orders, regulations, reports, and other records of the
11 ~~department~~ division or copies thereof which are entitled to judicial notice
12 shall be certified to by the director with the seal affixed thereto.

13
14 SECTION 94. Arkansas Code § 12-27-109 is amended to read as follows:
15 12-27-109. Oaths of director and superintendents.

16 The Director of the ~~Department~~ Division of Correction and each of the
17 superintendents of the institutions within the ~~Department~~ Division of
18 Correction shall, before entering upon their respective duties, take and
19 subscribe to and file in the office of the Secretary of State, an oath that
20 he or she will support the United States Constitution and the Arkansas
21 Constitution and faithfully perform the duties upon which he or she is about
22 to enter.

23
24 SECTION 95. Arkansas Code § 12-27-124 is amended to read as follows:
25 12-27-124. Purposes and construction of the ~~Department~~ Division of
26 Community Correction.

27 (a)(1) The purpose of this act is to establish a ~~Department~~ Division
28 of Community Correction that shall assume the management of all community
29 correction facilities and services, execute the orders of the criminal courts
30 of the State of Arkansas, and provide for the supervision, treatment,
31 rehabilitation, and restoration of adult offenders as useful law-abiding
32 citizens within the community.

33 (2) The ~~department~~ division shall be under the supervision and
34 control of the Board of Corrections.

35 (3) To accomplish the objectives and purposes of this act in an
36 effective, coordinated, and uniform manner, the ~~department~~ division shall be

1 responsible for the administration of all community correction facilities,
2 services, and means of supervision, including probation and parole or any
3 type of post prison release or transfer.

4 (4) Facilities and services shall be diversified in program,
5 construction, and staff to provide effectually and efficiently for the
6 maximum care, supervision, and treatment of those persons accessing the
7 ~~department~~ division.

8 (b) This act shall be liberally construed so as to effectuate its
9 purposes.

10
11 SECTION 96. Arkansas Code § 12-27-125 is amended to read as follows:

12 12-27-125. ~~Department~~ Division of Community Correction – Creation –
13 Powers and duties.

14 (a) There is established, under the supervision, control, and
15 direction of the Board of Corrections, a ~~Department~~ Division of Community
16 Correction.

17 (b) The ~~Department~~ Division of Community Correction shall have the
18 following functions, powers, and duties, administered in accordance with the
19 policies, rules, and regulations promulgated by the Board of Corrections:

20 (1) It shall assume management and control over all properties,
21 both real and personal, facilities, books, records, equipment, supplies,
22 materials, contracts, funds, moneys, equities, and all other properties
23 belonging to the Arkansas Adult Probation Commission [abolished], and all
24 such properties ~~deemed appropriate for transfer~~ transferred from the
25 Department of Correction, as the Division of Correction was known as prior to
26 July 1, 2019, now known as the Division of Correction by the Board of
27 Corrections;

28 (2)(A) It shall have management and control over all community
29 correction services.

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

33 (3) It shall employ such officers, employees, and agents and
34 shall secure such offices and quarters as deemed necessary to discharge the
35 functions of the ~~Department~~ Division of Community Correction, and which are
36 appropriately funded;

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

4 (5)(A) It may exercise all legally sanctioned supervision and
5 appropriate care over all offenders referred with proper documentation from
6 the circuit courts and all offenders transferred with proper documentation
7 from the ~~Department~~ Division of Correction pursuant to policies established
8 by the Board of Corrections and conditions set by the Parole Board.

9 (B) Legal custody remains with the referring court or the
10 ~~Department~~ Division of Correction;

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

13 (7) It shall administer the provision of parole services in
14 coordination with the Parole Board and in cooperation with the ~~Department~~
15 Division of Correction;

16 (8) It shall provide support services to the Parole Board or its
17 designated representatives as determined by the Parole Board;

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

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

24 (11) It shall provide technical assistance when necessary to any
25 entity, program, division, or agency receiving assistance or clients through
26 the ~~Department~~ Division of Community Correction;

27 (12) It shall facilitate the development of a comprehensive
28 community correction plan through the provision of funding, criteria review,
29 and ongoing evaluation to ensure the maintenance of quality in supervision
30 and programming;

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

33 (14) It shall establish minimum standards for case loads,
34 programs, facilities, and equipment and other aspects of the operation of
35 community correction programs and facilities necessary for the provision of
36 adequate and effective supervision and service;

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

3 (16) It shall establish programs of research, evaluation,
4 statistics, audit, and planning, including studies and evaluation of the
5 performance of various functions and activities of the ~~Department of~~
6 ~~Community Correction~~ Department of Corrections and studies affecting the
7 treatment of offenders and information about other programs;

8 (17)(A) It may receive and disburse moneys ordered to be paid by
9 offenders pursuant to statutory economic sanctions.

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

13 (C) The payment of such sanctions and fees may be a
14 condition of probation, parole, or post prison transfer or attached to
15 admission and participation in a community correction program.

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

19 (E) Economic sanction officers are to be authorized by the
20 ~~Department~~ Division of Community Correction to perform these duties pursuant
21 to policies and procedures adopted by the Board of Corrections and in accord
22 with any state statutory accounting requirements;

23 (18) It may cooperate and contract with the federal government,
24 with governmental agencies of Arkansas and other states, with political
25 subdivisions of Arkansas, and with private contractors to provide and improve
26 community correction options;

27 (19) It may inspect and evaluate any community correction site
28 and conduct audits of financial and service records at any reasonable time to
29 determine compliance with the Board of Corrections' rules, regulations, and
30 standards;

31 (20)(A) It shall maintain a full and complete record of each
32 offender under its supervision.

33 (B)(i) To protect the integrity of a record described in
34 subdivision (b)(20)(A) of this section and to ensure its proper use, it is
35 unlawful to permit inspection of or disclose information contained in a
36 record described in subdivision (b)(20)(A) of this section or to copy or

1 issue a copy of any part of the record except:

2 (a) As authorized by administrative rule;

3 (b) By order of a court of competent

4 jurisdiction; or

5 (c) Records posted on the ~~Department~~ Division
6 of Community Correction's website as required by § 12-27-145.

7 (ii) The rules under subdivision (b)(20)(B)(i)(a)
8 shall provide for adequate standards of security and confidentiality of a
9 record described in subdivision (b)(20)(A) of this section;

10 (21) Subject to availability of funds, it shall employ officers,
11 employees, and agents and secure sufficient offices for monitoring each sex
12 offender on parole or probation who is required to register under the Sex
13 Offender Registration Act of 1997, § 12-12-901 et seq., and who has been
14 assessed as a risk Level 3 or Level 4 offender; and

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

18 (B) The arrest warrant shall authorize:

19 (i) All law enforcement officers of this state to
20 take into custody and return the person named in the arrest warrant to the
21 custody of the ~~Department~~ Division of Community Correction or the ~~Department~~
22 Division of Correction; and

23 (ii) All law enforcement officers of this state, any
24 other state, or the federal government to take into custody and detain the
25 person in a suitable detention facility while awaiting further transfer to
26 the ~~Department~~ Division of Community Correction or the Department of
27 Correction.

28
29 SECTION 97. Arkansas Code § 12-27-126(a), concerning the Director of
30 the Department of Community Correction, is amended to read as follows:

31 (a) The Director of the ~~Department~~ Division of Community Correction
32 shall be appointed by the Board of Corrections at a salary fixed by the Board
33 of Corrections, which shall not exceed the maximum salary for the position
34 established by law.

35
36 SECTION 98. Arkansas Code § 12-27-126(d)(1), concerning the Director

1 of the Department of Community Correction, is amended to read as follows:

2 (1) Administer the ~~Department~~ Division of Community Correction
3 and supervise the administration of all facilities, programs, and services
4 under the ~~Department~~ Division of Community Correction's jurisdiction;

5
6 SECTION 99. Arkansas Code § 12-27-126(d)(3)-(5), concerning the
7 Director of the Department of Community Correction, is amended to read as
8 follows:

9 (3) Institute programs for the training and development of
10 personnel within the ~~Department~~ Division of Community Correction and have
11 authority to suspend, discharge, or otherwise discipline personnel in
12 accordance with policies prescribed by the Board of Corrections;

13 (4) Make an annual report to the Board of Corrections, which
14 will be forwarded to the Governor and the General Assembly, on the work of
15 the ~~Department~~ Division of Community Correction, including statistics and
16 other data, income derived from fee collection, a summary of expenditures of
17 the ~~Department~~ Division of Community Correction, and progress reports
18 regarding internal issues such as offender success, programming development,
19 bed space utilization, and future needs; and

20 (5) Cooperate with the ~~Department~~ Division of Correction, the
21 Parole Board, the Arkansas Sentencing Commission, judicial districts,
22 counties, and municipalities to provide the guidance and services required to
23 ensure a full range of correctional and community correction options for the
24 state as a whole.

25
26 SECTION 100. Arkansas Code § 12-27-127(a) and (b), concerning
27 transfers to the Department of Community Correction, are amended to read as
28 follows:

29 (a) A commitment shall be treated as a commitment to the ~~Department~~
30 Division of Correction and subject to regular transfer eligibility unless:

31 (1) The commitment specifies that the inmate is to be judicially
32 transferred to the ~~Department~~ Division of Community Correction; or

33 (2) If the court indicates on the commitment that the ~~Department~~
34 Division of Correction shall administratively determine the transfer of an
35 inmate, the ~~Department~~ Division of Correction may administratively transfer a
36 statutorily eligible inmate to the ~~Department~~ Division of Community

1 Correction in accordance with rules promulgated by the Board of Corrections.

2 (b)(1) In accordance with rules and procedures promulgated by the
3 Board of Corrections and the orders of the committing court, the Director of
4 the ~~Department~~ Division of Community Correction shall assign a newly
5 transferred inmate to an appropriate facility, placement, program, or status
6 within the ~~Department~~ Division of Community Correction.

7 (2) The director may transfer an inmate from one facility,
8 placement, program, or status to another facility, placement, program, or
9 status consistent with the commitment, applicable law, and in accordance with
10 treatment, training, and security needs.

11 (3)(A) An inmate may be administratively transferred back to the
12 ~~Department~~ Division of Correction from the ~~Department~~ Division of Community
13 Correction by the Parole Board following a hearing in which the inmate is
14 found ineligible for placement in a ~~Department~~ Division of Community
15 Correction facility as he or she fails to meet the criteria or standards
16 established by law or policy adopted by the Board of Corrections or has been
17 found guilty of a violation of the rules of the facility.

18 (B) Time served in a community correction facility or
19 under supervision by the ~~Department~~ Division of Community Correction shall be
20 credited against the sentence contained in the commitment to the ~~Department~~
21 Division of Correction.

22
23 SECTION 101. Arkansas Code § 12-27-127(c)(1)(C), concerning transfers
24 to the Department of Community Correction, is amended to read as follows:

25 (C) Determined by the ~~Department~~ Division of Community
26 Correction to have successfully completed its therapeutic program.

27
28 SECTION 102. Arkansas Code § 12-27-127(c)(2)(A)(i), concerning
29 transfers to the Department of Community Correction, is amended to read as
30 follows:

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

35 SECTION 103. Arkansas Code § 12-27-127(c)(3) and (4), concerning
36 transfers to the Department of Community Correction, are amended to read as

1 follows:

2 (3) This subsection does not grant the Parole Board or the
3 ~~Department~~ Division of Community Correction the authority either to detain an
4 inmate beyond the sentence imposed upon him or her by a transferring court or
5 to shorten that sentence.

6 (4) An inmate may not be released from confinement under this
7 section if the inmate was sentenced and judicially or administratively
8 transferred to the ~~Department~~ Division of Community Correction at a time
9 earlier than that which would otherwise be possible if the inmate was
10 sentenced to the ~~Department~~ Division of Correction, regardless of any program
11 completed by the inmate.

12

13 SECTION 104. Arkansas Code § 12-27-127(d)(1), concerning transfers to
14 the Department of Community Correction, is amended to read as follows:

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

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

23 (3) In accordance with rules promulgated by the Board of
24 Corrections, upon receipt of a referral from the director or his or her
25 designee, the Parole Board may release from incarceration an inmate who has
26 been:

27 (A) Administratively transferred to the ~~Department~~
28 Division of Community Correction; and

29 (B) Determined by the ~~Department~~ Division of Community
30 Correction to have successfully completed its reentry program.

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

34 (A) Is denied parole; or

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

1
2 SECTION 105. Arkansas Code § 12-27-128 is amended to read as follows:
3 12-27-128. ~~Department~~ Division of Correction Nontax Revenue Receipts
4 Fund.

5 (a) There is created in accordance with §§ 19-4-801 – 19-4-803, 19-4-
6 804 [repealed], 19-4-805, 19-4-806, and the Revenue Classification Law, § 19-
7 6-101 et seq. a cash fund entitled the ~~Department~~ Division of Correction
8 Nontax Revenue Receipts Fund to consist of receipts for telephone calls from
9 coinless telephones located on ~~Department~~ Division of Correction grounds, and
10 from other nontax receipts not previously identified to a fund of deposit.

11 (b) Funds held in the ~~Department~~ Division of Correction Nontax Revenue
12 Receipts Fund are to be administered and expended by the Director of the
13 ~~Department~~ Division of Correction within guidelines established by the Board
14 of Corrections for periodic transfers to other ~~department~~ division funds or
15 for disbursements in support of ~~department~~ division operations or debt
16 service.

17 (c) The ~~department~~ division will request cash fund appropriations in
18 accordance with established law and procedures after a determination by the
19 board of the usage of the ~~Department~~ Division of Correction Nontax Revenue
20 Receipts Fund.

21
22 SECTION 106. Arkansas Code § 12-27-129 is amended to read as follows:
23 12-27-129. Report on rehabilitation.

24 (a) The ~~Department~~ Division of Correction may report to the House
25 Committee on State Agencies and Governmental Affairs and the Senate Committee
26 on State Agencies and Governmental Affairs no later than December 1 of each
27 year regarding its efforts in rehabilitating the inmate population.

28 (b)(1) The report may include the ~~department's~~ division's
29 rehabilitative efforts regarding inmate education, specific job training,
30 behavior modification, psychological treatment and assistance, and substance
31 abuse programs.

32 (2) Further, the report is to include the amount of meritorious
33 good time awarded inmates by the ~~department~~ division for the successful
34 completion of the various rehabilitative programs.

35
36 SECTION 107. Arkansas Code § 12-27-130 is amended to read as follows:

1 12-27-130. Reimbursement of county.

2 Notwithstanding any other provision of law or ~~Department~~ Division of
3 Correction's commitment which may exist to the contrary, the Board of
4 Corrections shall not increase any reimbursement rate for payments made to
5 any county for the purpose of reimbursing the expenses of the care and
6 custody of state inmates without first seeking and receiving the approval of
7 the Governor and the Chief Fiscal Officer of the State.

8
9 SECTION 108. Arkansas Code § 12-27-131(a), concerning receipts for
10 reimbursement for daily care of city or county prisoners, is amended to read
11 as follows:

12 (a) Receipts from cities or counties reimbursed to the ~~Department~~
13 Division of Correction for daily care of city or county prisoners shall be
14 accounted for separately.

15
16 SECTION 109. Arkansas Code § 12-27-132 is amended to read as follows:
17 12-27-132. Award of pistol upon retirement or death.

18 When a ~~Department~~ Division of Community Correction parole or probation
19 officer retires from service or dies while still employed with the ~~department~~
20 division, in recognition of and appreciation for the service of the retiring
21 or deceased parole or probation officer, the ~~department~~ division may award
22 the pistol carried by the officer at the time of his or her death or
23 retirement from service to:

- 24 (1) The parole or probation officer; or
25 (2) The parole or probation officer's spouse if the spouse is
26 eligible under applicable state and federal laws to possess a firearm.

27
28 SECTION 110. Arkansas Code § 12-27-134 is amended to read as follows:
29 12-27-134. Probation services.

30 (a) The ~~Department~~ Division of Community Correction shall administer,
31 in cooperation with the circuit courts, the provision of probation services
32 as prescribed by the circuit courts.

33 (b) The ~~department~~ division shall establish an acceptable procedure
34 that ensures the selection of qualified applicants to meet the needs of the
35 circuit courts and includes subject matter experts from the circuit courts.

36

1 SECTION 111. Arkansas Code § 12-27-136 is amended to read as follows:
2 12-27-136. Services and equipment.

3 The ~~Department~~ Division of Correction and the ~~Department~~ Division of
4 Community Correction may provide services, furnishings, equipment, and office
5 space to assist the Parole Board in fulfilling the purposes for which the
6 board was created by law.

7
8 SECTION 112. Arkansas Code § 12-27-137, concerning confidentiality of
9 emergency preparedness documents, is amended to read as follows:

10 12-27-137. Confidentiality of emergency preparedness documents.

11 (a) The following sections of the ~~Department~~ Division of Correction's
12 official Emergency Preparedness Manual are confidential and shall not be
13 subject to disclosure under the Freedom of Information Act of 1967, § 25-19-
14 101 et seq.:

- 15 (1) Command Post Checklist;
- 16 (2) Command Notifications;
- 17 (3) Internal Notifications;
- 18 (4) External Notifications;
- 19 (5) Recall Notifications;
- 20 (6) Family Notifications;
- 21 (7) Tactical Systems;
- 22 (8) Command Structure;
- 23 (9) Emergency Locations;
- 24 (10) Emergency Equipment;
- 25 (11) Emergency Deactivation;
- 26 (12) Emergency Plans;
- 27 (13) Work Stoppage Directive;
- 28 (14) Evacuation Diagrams; and
- 29 (15) Facility Maps, Utility Locations.

30 (b) Any document described in subsection (a) of this section shall
31 become available for public viewing if it becomes part of a criminal
32 investigation, at the time that investigation is concluded and it is not
33 otherwise exempt by law.

34 (c) Any amendments or additions to the sections of the manual
35 described in subsection (a) of this section shall be reviewed annually by the
36 Charitable, Penal and Correctional Institutions Subcommittee of the

1 Legislative Council.

2

3 SECTION 113. Arkansas Code § 12-27-140(a)(1), concerning the
4 Department of Community Correction Annual Report, is amended to read as
5 follows:

6 (a)(1) On July 31 of each year, the ~~Department~~ Division of Community
7 Correction shall submit an annual report to the Legislative Council showing
8 the number of persons sentenced or transferred to the ~~department~~ division
9 during the fiscal year for each criminal offense classification.

10

11 SECTION 114. Arkansas Code § 12-27-140(c), concerning the Department
12 of Community Correction Annual Report, is amended to read as follows:

13 (c) The ~~department~~ division shall cooperate with and upon request make
14 presentations and provide various reports, to the extent the ~~department~~
15 division's budget will allow, to the Legislative Council concerning
16 ~~department~~ division policy and criteria on discretionary offender programs
17 and services.

18

19 SECTION 115. Arkansas Code § 12-27-142(a), concerning the Department
20 of Correction and the Department of Community Correction medical services
21 contract, is amended to read as follows:

22 (a) The ~~Department~~ Division Correction and the ~~Department~~ Division of
23 Community Correction may enter into professional services contracts for
24 medical services for a contract period not to exceed ten (10) years.

25

26 SECTION 116. Arkansas Code § 12-27-143 is amended to read as follows:

27 12-27-143. Award of service weapon upon retirement or death.

28 When a ~~Department~~ Division of Correction employee retires from service
29 with at least twenty (20) years of service or dies while still employed with
30 the ~~department~~ division, in recognition of and appreciation for the service
31 of the retiring or deceased employee, the ~~department~~ division may award the
32 service weapon carried by the employee at the time of his or her retirement
33 from service or death to:

34 (1) The employee; or

35 (2) The employee's spouse if the spouse is eligible under
36 applicable state and federal laws to possess a firearm.

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SECTION 117. Arkansas Code § 12-27-144 is amended to read as follows:

12-27-144. ~~Department~~ Division of Community Correction – Receipt of grant money for certain purposes.

(a) The ~~Department~~ Division of Community Correction may receive money from any source to be deposited into the Accountability Court Fund to be used for adult and juvenile specialty court programs as defined under § 16-10-139, based upon a formula to be developed by the Arkansas Judicial Council, reviewed by the Specialty Court Program Advisory Committee, and approved by the Legislative Council.

(b) The ~~department~~ division may promulgate rules to implement this section.

SECTION 118. Arkansas Code § 12-27-145 is amended to read as follows:

12-27-145. Records to be posted on a public website – Definition.

(a) To the extent permitted by federal law, the ~~Department~~ Division of Correction shall post on the ~~Department~~ Division of Correction's website the following information concerning an inmate:

(1) The offense and sentence for any conviction for which the inmate is incarcerated, including:

(A) Whether the inmate is subject to a suspended sentence, if known; and

(B) The terms of the suspended sentence, if applicable;

(2)(A)(i) Beginning July 1, 2015, the disciplinary record for each inmate.

(ii) As used in this subsection, "disciplinary record" means a list of each major disciplinary violation after July 1, 2015, for which the inmate has been found guilty.

(B) Additionally, the list and the date of major disciplinary violations for which the inmate was found guilty shall be displayed during the period the inmate is being considered for transfer to parole;

(3)(A) Risk assessment scores completed after April 1, 2015.

(B) Risk assessment scores under this subdivision (a)(3) shall include the name of the state agency that completed the risk assessment, the date the risk assessment was conducted, and the level of

1 assessment.

2 (C) Information by the ~~Department~~ Division of Correction
 3 regarding how risk assessments are scored shall also be posted;

4 (4) Custody status and level;

5 (5) Any known aliases;

6 (6) A current photograph of the inmate;

7 (7) A complete felony conviction summary to the extent that
 8 information is available to the ~~Department~~ Division of Correction;

9 (8) To the extent the information is available to the ~~Department~~
 10 Division of Correction, if an order of protection, no contact order, or other
 11 order from an in-state or out-of-state court that prohibits contact or
 12 communication with another person is in place;

13 (9) Any programs completed by the inmate while in custody; and

14 (10) An inmate's parole eligibility date or date he or she is to
 15 be released from incarceration as well as a general explanation of how an
 16 inmate's parole eligibility date is calculated, including good time credits.

17 (b)(1) To the extent permitted by federal law, the ~~Department~~ Division
 18 of Community Correction shall post on the ~~Department~~ Division of Community
 19 Correction's website the following information concerning a probationer,
 20 parolee, or other person under the supervision of the ~~Department~~ Division of
 21 Community Correction who has absconded or has had a warrant issued for his or
 22 her arrest for evading supervision:

23 (A) Any offense and sentence for which the probationer,
 24 parolee, or other person under the supervision of the ~~Department~~ Division of
 25 Community Correction is being supervised, including:

26 (i) Whether the probationer, parolee, or other
 27 person under the supervision of the ~~Department~~ Division of Community
 28 Correction is subject to a suspended sentence, if known; and

29 (ii) The terms of the suspended sentence, if
 30 applicable;

31 (B) A complete felony conviction summary to the extent
 32 that information is available to the ~~Department~~ Division of Community
 33 Correction;

34 (C)(i) Risk assessment scores completed after April 1,
 35 2015.

36 (ii) Risk assessment scores under this subdivision

1 (b)(1)(C) shall include the name of the state agency that completed the risk
2 assessment, the date the risk assessment was conducted, and the level of
3 assessment.

4 (iii) Information by the ~~Department~~ Division of
5 Community Correction regarding how risk assessments are scored shall also be
6 posted;

7 (D) Any known aliases;

8 (E) A most recent photograph of the probationer, parolee,
9 or other person under the supervision of the ~~Department~~ Division of Community
10 Correction;

11 (F) To the extent the information is available to the
12 ~~Department~~ Division of Community Correction, if an order of protection, no-
13 contact order, or other order from an in-state or out-of-state court that
14 prohibits contact or communication with another person is in place;

15 (G) All major disciplinary violations while the
16 probationer, parolee, or other person under the supervision of the ~~Department~~
17 Division of Community Correction was incarcerated and the date of the major
18 disciplinary violation disposition;

19 (H) Any programs completed by the probationer, parolee, or
20 other person under the supervision of the ~~Department~~ Division of Community
21 Correction while on supervision and the date of completion; and

22 (I) A list of previous revocation offenses while on
23 probation or parole and date of revocation.

24 (2) The ~~Department~~ Division of Community Correction shall
25 develop a plan to establish a method for a victim of a crime committed by a
26 probationer, parolee, or other person under the supervision of the ~~Department~~
27 Division of Community Correction to directly and easily access the
28 information listed under this subsection.

29 (c)(1) When possible, court-generated records listed under this
30 section shall be electronic copies of the actual court documents.

31 (2) All victim information included in the court-generated
32 records under this subsection shall be redacted.

33
34 SECTION 119. Arkansas Code § 12-27-146 is amended to read as follows:
35 12-27-146. Tracking an inmate or person being supervised who is
36 serving a suspended sentence.

1 (a) The ~~Department~~ Division of Community Correction shall track a
 2 person under its supervision who is serving a suspended sentence and notify
 3 the prosecuting attorney with jurisdiction over the person's suspended
 4 sentence if the ~~department~~ division knows that the person has not complied
 5 with the terms and conditions of the suspended sentence.

6 (b) A circuit court shall notify the ~~department~~ division of all
 7 suspended sentences to which the circuit court sentences a defendant,
 8 including the defendant's name, the terms and conditions of the suspended
 9 sentence, and the length of the suspended sentence.

10
 11 SECTION 120. Arkansas Code § 12-27-147 is amended to read as follows:

12 12-27-147. Rulemaking and administrative directive reporting
 13 requirement.

14 (a) A rule implemented by the Board of Corrections, ~~Department~~
 15 Division of Correction, ~~Department~~ Division of Community Correction, or the
 16 Parole Board pertaining to this act shall be approved by the appropriate
 17 legislative committee before becoming effective.

18 (b) Any administrative directive or board policy pertaining to this
 19 act implemented by the Board of Corrections, ~~Department~~ Division of
 20 Correction, ~~Department~~ Division of Community Correction, or the Parole Board
 21 shall be reported to the Legislative Council.

22
 23 SECTION 121. Arkansas Code § 12-27-148(a), concerning the Department
 24 of Community Correction confidentiality of emergency preparedness document,
 25 is amended to read as follows:

26 12-27-148. Confidentiality of emergency preparedness document of the
 27 ~~Department~~ Division of Community Correction.

28 (a) The following sections of the ~~Department~~ Division of Community
 29 Correction's official Emergency Preparedness Manual are confidential and
 30 shall not be subject to disclosure under the Freedom of Information Act of
 31 1967, § 25-19-101 et seq.:

- 32 (1) Command Post Checklist;
- 33 (2) Command Notifications;
- 34 (3) Internal Notifications;
- 35 (4) External Notifications;
- 36 (5) Recall Notifications;

- 1 (6) Family Notifications;
- 2 (7) Tactical Systems;
- 3 (8) Command Structure;
- 4 (9) Emergency Locations;
- 5 (10) Emergency Equipment;
- 6 (11) Emergency Deactivation;
- 7 (12) Emergency Plans;
- 8 (13) Work Stoppage Directive;
- 9 (14) Evacuation Diagrams; and
- 10 (15) Facility Maps, Utility Locations.

11

12 SECTION 122. Arkansas Code § 12-27-149 is amended to read as follows:

13 12-27-149. ~~Department~~ Division of Community Correction – Sufficient
 14 staffing guidelines.

15 For the purposes of maintaining a sufficiently trained and specialized
 16 staff of probation and parole officers, the ~~Department~~ Division of Community
 17 Correction shall establish staffing guidelines using evidence-based practices
 18 to develop ratios between the number of high-risk, medium-risk, and low-risk
 19 probationers and parolees and the probation officers and parole officers
 20 assigned to the high-risk, medium-risk, and low-risk probationers and
 21 parolees in order to maximize the effectiveness of the monitoring ability of
 22 the probation officers and parole officers.

23

24 SECTION 123. Arkansas Code § 12-27-202(a)(4), concerning the
 25 legislative findings and intent under the Pay-for-Success Act, is amended to
 26 read as follows:

27 (4) It is in the best interests of Arkansas residents to
 28 encourage and enable the ~~Department~~ Division of Community Correction to
 29 obtain financing for certain intervention services to reduce the recidivism
 30 rate in Arkansas correctional facilities.

31

32 SECTION 124. Arkansas Code § 12-27-202(b), concerning the legislative
 33 findings and intent under the Pay-for-Success Act, is amended to read as
 34 follows:

35 (b) The General Assembly intends for this subchapter to enable the
 36 ~~department~~ division to obtain private financing for intervention services on

1 a pay-for-success basis to reduce the reincarceration rate in Arkansas
2 correctional facilities.

3
4 SECTION 125. Arkansas Code § 12-27-203(2), concerning the definition
5 of "pay-for-success program" under the Pay-for-Success Act, is amended to
6 read as follows:

7 (2) "Pay-for-success program" means a program in which the
8 ~~Department~~ Division of Community Correction pays for intervention services
9 only if certain performance targets are met, including without limitation a
10 reduction in the reincarceration rate in Arkansas correctional facilities
11 through intervention measures that focus on improving personal responsibility
12 and decision making.

13
14 SECTION 126. Arkansas Code § 12-27-204(a) and (b), concerning the
15 Department of Community Correction pay-for-success programs, is amended to
16 read as follows:

17 (a) The ~~Department~~ Division of Community Correction may enter into an
18 agreement with entities, including without limitation licensed or accredited,
19 as applicable, community-based providers specializing in behavioral health,
20 case management, and job placement services, and two-year or four-year public
21 universities to create a pay-for-success program for incarcerated individuals
22 or individuals on parole or probation that requires the ~~department~~ division
23 to pay for the intervention services only if the performance targets stated
24 in the agreement are achieved.

25 (b) Before entering into an agreement under subsection (a) of this
26 section, the ~~department~~ division shall:

27 (1) Calculate the amount and timing of the payments that would
28 be earned by the entity providing the intervention services during each year
29 of the agreement if the performance targets are achieved; and

30 (2) Make a written determination that the agreement will result
31 in specific performance improvements and budgetary savings if the performance
32 targets are achieved.

33
34 SECTION 127. Arkansas Code § 12-28-101 is amended to read as follows:
35 12-28-101. Facilities.

36 (a)(1) The ~~Department~~ Division of Correction, with the approval of the

1 Board of Corrections, shall provide appropriate incarceration facilities for
2 women, youthful offenders, and other adult offenders committed to the
3 ~~department~~ division by the courts of this state.

4 (2) The ~~department~~ division shall also provide education and
5 other rehabilitation and treatment programs designed to prepare inmates
6 committed to the ~~department~~ division for productive and law-abiding lives
7 upon release from the ~~department~~ division.

8 (3) The ~~department~~ division may contract with state or private
9 entities such as accredited colleges or universities to provide additional
10 educational opportunities for inmates under the direction and authority of
11 the board and the Corrections School System.

12 (b) Any facility built or occupied by the ~~department~~ division for use
13 as a correctional facility shall be given a designated name of "unit" or
14 "center" depending on its size, location, and purpose of usage.

15
16 SECTION 128. Arkansas Code § 12-28-104 is amended to read as follows:
17 12-28-104. Paroling authority.

18 (a) The Parole Board shall be the paroling authority for the units of
19 the Department of ~~Correction~~ Corrections and shall make recommendations to
20 the Governor in cases from the criminal courts that, in the board's opinion,
21 the defendant in the case should be pardoned.

22 (b) The board shall consider the work skills, education,
23 rehabilitation, and treatment programs recommended to the inmate upon intake
24 and determine whether the inmate took advantage of those opportunities while
25 incarcerated in the department in making decisions regarding parole.

26
27 SECTION 129. Arkansas Code § 12-28-105 is amended to read as follows:
28 12-28-105. Continuity of care for persons released.

29 (a)(1) Any person incarcerated by the ~~Department~~ Division of
30 Correction may be permitted to remain within a treatment facility operated by
31 the ~~department~~ division, if serious physical or mental disorders or
32 disabilities exist, until release to a similar treatment setting outside of
33 the ~~department~~ division can be accomplished.

34 (2) In no case should the continuation of housing extend beyond
35 a seventy-two-hour period.

36 (b) The ~~department~~ division will adopt rules to govern the housing

1 situations.

2

3 SECTION 130. Arkansas Code § 12-28-106 is amended to read as follows:
4 12-28-106. Electric fencing.

5 (a)(1) The ~~Department~~ Division of Correction may design and install
6 high-voltage electrified security fence systems at all existing and proposed
7 medium and maximum security prisons.

8 (2) However, at the time of installation there shall be posted
9 universal danger signs on all sides of the system clearly visible to inmates
10 and the public displaying in English and Spanish the warning “deadly
11 voltage”.

12 (b) The installation of these fence systems shall be double, twelve-
13 feet-high, security perimeter fences, with the exception of those locations
14 where a building or wall constitutes a part of the security perimeter.

15 (c) At institutions where these fences have been installed, the
16 ~~department~~ division shall provide perimeter patrol for the safety of the
17 local community.

18

19 SECTION 131. Arkansas Code § 12-27-107(a), concerning training for
20 inmates, is amended to read as follows:

21 (a) As provided for in § 12-28-101, the ~~Department~~ Division of
22 Correction shall provide education as well as training for inmates who want
23 to acquire skills for employment upon release.

24

25 SECTION 132. Arkansas Code § 12-27-107(b)(1), concerning training for
26 inmates, is amended to read as follows:

27 (b)(1) The ~~department~~ division shall identify high-demand vocations
28 and careers and shall accordingly create training and skills programs to
29 prepare inmates for gainful employment upon release.

30

31 SECTION 133. Arkansas Code § 12-28-602 is amended to read as follows:
32 12-28-602. Definitions.

33 As used in this subchapter:

34 (1) “Board” means the Board of Corrections;

35 (2) “County backlog” means those inmates sentenced to the
36 ~~Department~~ Division of Correction who are being housed in the county jails

1 until space is available in a prison;

2 (3) "Prison" means a correctional facility operated by the
3 ~~department~~ division under the supervision and direction of the board;

4 (4) "Prison system" means the prison facilities of the
5 ~~department~~ division; and

6 (5) "Rated capacity" means the actual available bed space in the
7 prison system as certified by the board, subject to applicable federal and
8 state laws and the rules and regulations adopted pursuant to those laws.

9
10 SECTION 134. Arkansas Code § 12-28-604(a)(1), concerning list of
11 inmates eligible for early parole or discharge, is amended to read as
12 follows:

13 (a)(1) When the Board of Corrections declares a prison overcrowding
14 state of emergency due to exceeding ninety-eight percent (98%) of the rated
15 capacity and notifies the Director of the ~~Department~~ Division of Correction
16 of the emergency as authorized, the director shall certify to the board a
17 list of those inmates who are Class I and Class II, and the director shall
18 indicate which inmates he or she recommends for parole, transfer, or
19 discharge.

20
21 SECTION 135. Arkansas Code § 12-28-604(b)(1), concerning list of
22 inmates eligible for early parole or discharge, is amended to read as
23 follows:

24 (b)(1) When the board declares a prison overcrowding state of
25 emergency due to the county jail backlog exceeding five hundred (500) inmates
26 and notifies the director of the emergency as authorized, the director shall
27 certify to the board a list of those inmates who are in Class I or Class II
28 status who have been incarcerated in a ~~department~~ division facility for a
29 minimum of six (6) months and are serving a sentence for a nonviolent offense
30 as established by the board, and the director shall indicate which inmates he
31 or she recommends for parole, transfer, or discharge.

32
33 SECTION 136. Arkansas Code § 12-28-702(3), concerning legislative
34 findings and determinations under the Arkansas Boot Camp Act, is amended to
35 read as follows:

36 (3) The ~~Department~~ Division of Correction should be given the

1 authority to establish boot camps which will provide a more affordable means
 2 of punishing certain inmates who are designated as eligible for this
 3 alternative punishment by the ~~department~~ division.

4
 5 SECTION 137. Arkansas Code § 12-29-102 is amended to read as follows:

6 12-29-102. Inmates denied participation in furlough programs.

7 A person who is convicted of any of the following offenses shall be
 8 ineligible to participate in any meritorious furlough program conducted by or
 9 for the ~~Department~~ Division of Correction:

10 (1) Capital murder, § 5-10-101;

11 (2) Murder in the first degree, § 5-10-102;

12 (3) Kidnapping, § 5-11-102;

13 (4) Rape, § 5-14-103;

14 (5) Any other offense concerning sexual offenses under § 5-14-
 15 101 et seq.;

16 (6) An offense concerning sexual exploitation of children under
 17 the Arkansas Protection of Children Against Exploitation Act of 1979, § 5-27-
 18 301 et seq.;

19 (7) An offense concerning use of children in sexual performances
 20 under § 5-27-401 et seq.; or

21 (8) Stalking, § 5-71-229.

22
 23 SECTION 138. Arkansas Code § 12-29-104 is amended to read as follows:

24 12-29-104. Contacts with persons outside the institution.

25 Under rules prescribed by the ~~Department~~ Division of Correction, heads
 26 of the institutions of the ~~department~~ division may authorize:

27 (1) Visits and correspondence, under reasonable conditions,
 28 between inmates and approved friends, relatives, and others;

29 (2) Temporary release of an inmate for such occasions as the
 30 serious illness or death of a member of the inmate's family; or

31 (3) An interview of the inmate by a prospective employer.

32
 33 SECTION 139. Arkansas Code § 12-29-106(a)(1), concerning mail to and
 34 from inmates, is amended to read as follows:

35 (a)(1) A person without the consent of the Director of the ~~Department~~
 36 Division of Correction shall not bring into or carry out of a prison any

1 letter or writing to or from any inmate.

2
3 SECTION 140. Arkansas Code § 12-29-110 is amended to read as follows:

4 12-29-110. Selling or trading position, working condition, or
5 promotion – Penalty.

6 (a) It is unlawful for any inmate or employee of the ~~Department~~
7 Division of Correction or any other person to sell, barter, or trade, or to
8 promise or offer to sell, barter, or trade any favored job or position,
9 working condition, or any promotion or demotion in any job or position at the
10 ~~department~~ division and to:

11 (1) Accept or receive any money, consideration, or thing of
12 value therefor;

13 (2) Make or accept any loan or money as inducement thereof; or

14 (3) Accept or receive any favored condition or job or position
15 at the ~~department~~ division either directly or indirectly as a result thereof.

16 (b)(1) A violation of this section is an unclassified felony
17 punishable by imprisonment for not less than one (1) year nor more than five
18 (5) years.

19 (2) If the person convicted under this section is an inmate in
20 the ~~department~~ division, the sentence shall commence to run from the
21 expiration of the sentence under which the person is serving at the time of
22 the violation of this section.

23
24 SECTION 141. Arkansas Code § 12-29-111 is amended to read as follows:

25 12-29-111. Transport of inmate required for legal proceeding.

26 (a) If an inmate in the care and custody of the ~~Department~~ Division of
27 Correction or the ~~Department~~ Division of Community Correction is required to
28 be present during a criminal proceeding or a civil proceeding that arises
29 from a criminal charge or conviction of any court in this state, the county
30 sheriff of the county in which the criminal proceeding or civil proceeding
31 takes place shall take custody of the inmate at the institution where the
32 inmate is confined, transport the inmate to the appropriate county, and make
33 him or her available to the court.

34 (b) At the conclusion of the criminal proceeding or civil proceeding,
35 the county sheriff shall transport the inmate back to the unit of the
36 ~~Department~~ Division of Correction or ~~Department~~ Division of Community

1 Correction from which the inmate was received and shall return custody of the
2 inmate to the ~~Department~~ Division of Correction or ~~Department~~ Division of
3 Community Correction officials.

4 (c)(1) The county sheriff's office is responsible for the custody,
5 sustenance, and safety of the inmate from the time the inmate is placed into
6 its custody until the time custody of the inmate is returned to the
7 ~~Department~~ Division of Correction or the ~~Department~~ Division of Community
8 Correction.

9 (2) The county in which the legal proceeding is held is
10 responsible for all expenses relating to the transportation and care of the
11 inmate.

12 (d) While transporting an inmate under this section, a county sheriff
13 has the full authority of his or her office in any county of this state in
14 matters relating to the transportation.

15 (e) This section does not apply to the transportation and care costs
16 for court appearances arising from charges brought by the ~~Department~~ Division
17 of Correction against the inmate for offenses committed while the inmate is
18 under the custody and care of the ~~Department~~ Division of Correction.

19 (f)(1) When an inmate in the care and custody of the ~~Department~~
20 Division of Correction or the ~~Department~~ Division of Community Correction is
21 required to be present for appearances in a civil proceeding that does not
22 arise from a criminal charge or conviction, the court requiring the inmate's
23 presence may assess costs against one (1) or more of the parties to the
24 proceeding to be paid to the ~~Department~~ Division of Correction or the
25 ~~Department~~ Division Community Correction to compensate the actual cost of
26 transporting the inmate and to compensate other costs assessed by the court.

27 (2) Costs under this subsection shall not be assessed against
28 the Department of Human Services if the Department of Human Services is a
29 party to the proceeding.

30
31 SECTION 142. Arkansas Code § 12-29-112(a), concerning the discharge or
32 release of prisoner, is amended to read as follows:

33 (a) At least one hundred twenty (120) days before an inmate's
34 anticipated release date, the ~~Department~~ Division of Correction, in
35 collaboration with the inmate and the ~~Department~~ Division of Community
36 Correction and the Parole Board, shall complete a prerelease assessment and

1 reentry plan, which may include a travel subsidy and transportation to the
2 closest commercial transportation pick-up point.

3
4 SECTION 143. Arkansas Code § 12-29-114 is amended to read as follows:

5 12-29-114. Notice of escape to victim or victim's next of kin.

6 (a)(1) Whenever an inmate serving a sentence for the commission of a
7 crime escapes from the custody of the ~~Department~~ Division of Correction, it
8 shall be the responsibility of the ~~department~~ division to immediately notify
9 the victim of the crime or the victim's next of kin of the inmate's escape.

10 (2) However, the victim of the crime or the victim's next of kin
11 will not be notified by the ~~department~~ division unless a request for the
12 notification has previously been delivered in writing to the ~~department~~
13 division.

14 (b)(1) When notice of an escape is given by the ~~department~~ division,
15 it shall be conveyed by telephone whenever possible and otherwise in writing
16 to the last known address of the victim or the victim's next of kin.

17 (2) It shall be the responsibility of the victim or the victim's
18 next of kin to notify the ~~department~~ division in writing of any future
19 changes in the victim's or victim's next of kin address and telephone number.

20 (c) It shall be the responsibility of the prosecuting attorney of the
21 county from which the inmate was committed to notify the victim or the
22 victim's next of kin that an address and telephone number may be provided to
23 the ~~department~~ division, and the procedure by which to supply information,
24 for the purpose of notification should the inmate escape.

25
26 SECTION 144. Arkansas Code § 12-29-115 is amended to read as follows:

27 12-29-115. Combination to escape – Authority of guards.

28 (a) The officers and guards of the ~~Department~~ Division of Correction
29 shall use all lawful and suitable means to defend themselves, secure the
30 persons of offenders, and prevent attempted violence and escape whenever two
31 (2) or more inmates shall combine for the following purposes or whenever one
32 (1) or more inmates shall:

33 (1) Offer violence to any officer, guard, or inmate;

34 (2) Do or attempt to do any injury to any building, workshop, or
35 appurtenance thereto;

36 (3) Attempt to escape; or

1 (4) Resist any lawful demand.

2 (b) If any of the officers or guards employed in the ~~department~~
 3 division shall, in the attempt to prevent the escape of any inmate, any
 4 attempt to retake any inmate who may have escaped, or in the attempt to
 5 suppress any riot, revolt, or insurrection, take the life of any inmate, the
 6 officer or guard shall not be held responsible therefor unless it is done
 7 unnecessarily or wantonly.

8

9 SECTION 145. Arkansas Code § 12-29-201(a)-(f), concerning good time
 10 for inmates, are amended to read as follows:

11 12-29-201. Meritorious good time.

12 (a) An inmate may be entitled to meritorious good time reducing his or
 13 her transfer eligibility date up to thirty (30) days for each month
 14 incarcerated after imposition of sentence in one (1) of the units,
 15 facilities, and centers maintained by the ~~Department~~ Division of Correction
 16 or the ~~Department~~ Division of Community Correction.

17 (b) An inmate transferred or paroled to the supervision of the
 18 ~~Department~~ Division of Community Correction under § 16-93-615 may receive
 19 meritorious good time reducing his or her time of transfer or parole
 20 supervision up to thirty (30) days for each month he or she is under the
 21 supervision of the ~~Department~~ Division of Community Correction.

22 (c) Meritorious good time shall be allocated under rules and
 23 regulations promulgated by the Board of Corrections and administered by the
 24 respective ~~Department~~ Division of Correction or ~~Department~~ Division of
 25 Community Correction staff subject to the provisions of this subchapter for
 26 good discipline, behavior, work practices, job responsibilities, and
 27 involvement in rehabilitative activities while in the custody or under the
 28 supervision of the ~~Department~~ Division of Correction or the ~~Department~~
 29 Division of Community Correction.

30 (d) Meritorious good time will not be applied to reduce the length of
 31 a sentence.

32 (e)(1) Meritorious good time shall apply to an inmate's transfer
 33 eligibility date from the ~~Department~~ Division of Correction or a community
 34 correction facility.

35 (2) Meritorious good time shall under no circumstances reduce an
 36 inmate's time served in prison by more than one-half (½) of the percentage

1 required by law for transfer eligibility.

2 (3) Meritorious good time shall under no circumstances reduce an
3 inmate's confinement in a community correction facility by more than one-half
4 ($\frac{1}{2}$).

5 (f)(1) The ~~Department~~ Division of Correction or the ~~Department~~
6 Division of Community Correction shall determine a date on which the inmate
7 who has acquired the maximum amount of meritorious good time necessary is to
8 be administratively transferred to a less restrictive placement or
9 supervision level within the ~~Department~~ Division of Community Correction.

10 (2) This date will be determined in accordance with the policies
11 developed by the Arkansas Sentencing Commission within the parameters allowed
12 by law.

13
14 SECTION 146. Arkansas Code § 12-29-204 is amended to read as follows:

15 12-29-204. Statutory good time – Maximum reduction.

16 No inmate sentenced to the ~~Department~~ Division of Correction shall ever
17 receive a reduction under this subchapter, or this subchapter and another
18 subchapter jointly, of more than thirty (30) days for each month served
19 except for the additional days of meritorious good time awards authorized in
20 § 12-29-202(d).

21
22 SECTION 147. Arkansas Code § 12-29-205(a)(1), concerning good time
23 earned by prisoners pending transfer, is amended to read as follows:

24 (a)(1) Any person who is sentenced by a circuit court to the
25 ~~Department~~ Division of Correction or the ~~Department~~ Division of Community
26 Correction and is awaiting transfer to the ~~Department~~ Division of Correction
27 or ~~Department~~ Division of Community Correction may earn meritorious good time
28 in accordance with law and regulations as adopted by the Board of
29 Corrections.

30
31 SECTION 148. Arkansas Code § 12-29-205(a)(3), concerning good time
32 earned by prisoners pending transfer, is amended to read as follows:

33 (3) Meritorious good time will be calculated upon reception
34 within the respective ~~department~~ division.

35
36 SECTION 149. Arkansas Code § 12-29-301(a) and (b), concerning the

1 creation of the Corrections School System, are amended to read as follows:

2 (a) Properties owned by the State of Arkansas and occupied by the
3 various units of the ~~Department~~ Division of Correction and the ~~Department~~
4 Division of Community Correction are by this subchapter designated as a
5 qualified school district to be known as the "Corrections School System".

6 (b) The system is created for the purpose of providing elementary,
7 secondary, and vocational and technical education to qualified persons
8 incarcerated in facilities of the ~~Department~~ Division of Correction and the
9 ~~Department~~ Division of Community Correction or to qualified persons
10 supervised by the ~~Department~~ Division of Community Correction, including
11 those on probation and parole or any type of post prison release or transfer
12 who are not high school graduates, irrespective of age.

13
14 SECTION 150. Arkansas Code § 12-29-303 is amended to read as follows:

15 12-29-303. Privileges of students – Limitations.

16 A school established under this subchapter and a person incarcerated
17 who attends the school shall be entitled to certain educational privileges
18 provided generally to common public schools and adult education programs
19 administered by the State Board of Education to students who attend the
20 common public schools and adult education programs under the laws of the
21 State of Arkansas, provided the privileges do not conflict with the rules and
22 policies of the State Board of Education, the ~~Department~~ Division of
23 Correction, and the ~~Department~~ Division of Community Correction or the laws
24 of the state respecting the establishment and operation of the ~~Department~~
25 Division of Correction and the ~~Department~~ Division of Community Correction.

26
27 SECTION 151. Arkansas Code § 12-29-304 is amended to read as follows:

28 12-29-304. Costs and funding.

29 (a) The cost of implementing and operating the Corrections School
30 System shall be borne by the state and shall be paid from funds appropriated
31 by the General Assembly from the general revenues of the state to the
32 ~~Department~~ Division of Correction, the ~~Department~~ Division of Community
33 Correction, and the Department of Education, together with any federal funds
34 that may be available for that purpose and from any funds generated from the
35 operations of the ~~Department~~ Division of Correction and the ~~Department~~
36 Division of Community Correction, in the following manner:

1 (1) The cost of facilities, equipment, and current operation in
2 excess of the amount of grants and aids received from the ~~Department~~ Division
3 of Education shall be borne by the ~~Department~~ Division of Correction and the
4 ~~Department~~ Division of Community Correction as approved by the Board of
5 Corrections;

6 (2)(A) The system, as other school districts in the state, shall
7 share in the distribution of grants and aids from the ~~Department~~ Division of
8 Education.

9 (B) However, in no case shall the moneys from the Public
10 School Fund to the system be in excess of the line item appropriation
11 provided to the system in the fund.

12 (b)(1) Recognizing that the primary roles, duties, and
13 responsibilities of the ~~Department~~ Division of Correction and the ~~Department~~
14 Division of Community Correction are to serve as penal and correctional
15 institutions, the system shall be exempt from and shall not be penalized in
16 any manner for not complying with:

17 (A) All of the following:

18 (i) The Quality Education Act of 2003, § 6-15-201 et
19 seq.;

20 (ii) The Arkansas Comprehensive Testing, Assessment,
21 and Accountability Program Act, § 6-15-401 et seq.;

22 (iii) Sections 6-15-901, 6-15-902, 6-15-2001 – 6-15-
23 2008, 6-15-2101 – 6-15-2107, 6-15-2201, 6-15-2301, and 6-16-1201 – 6-16-1206;

24 (iv) The Arkansas Fiscal Assessment and
25 Accountability Program, § 6-20-1901 et seq.; and

26 (v) The Arkansas Educational Financial Accounting
27 and Reporting Act of 2004, § 6-20-2201 et seq.;

28 (B) Any state laws or rules adopted to comply with the
29 federal Elementary and Secondary Education Act as reauthorized under the No
30 Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq., as in existence on
31 January 1, 2005; and

32 (C) Any rule of the State Board of Education related to
33 the provisions listed in this subdivision (b)(1).

34 (2) The system's exemption from or noncompliance with the
35 provisions under this subsection shall not affect the system's, the
36 ~~Department~~ Division of Correction's, or the ~~Department~~ Division of Community

1 Correction's eligibility to apply for or receive state grants or aids for
2 public school districts as authorized in this subchapter and related rules.

3
4 SECTION 152. Arkansas Code § 12-29-306, concerning Riverside
5 Vocational and Technical School, is amended to read as follows:

6 12-29-306. Riverside Vocational and Technical School – Legislative
7 intent.

8 (a) This section and §§ 12-29-307 – 12-29-310 are intended to create
9 an additional state vocational and technical school to provide vocational and
10 technical education and training opportunities to qualified persons
11 incarcerated in facilities of the ~~Department~~ Division of Correction and the
12 ~~Department~~ Division of Community Correction or to qualified persons
13 supervised by the ~~Department~~ Division of Community Correction, including
14 those on probation and parole or any type of post prison release or transfer.

15 (b) This section and §§ 12-29-307 – 12-29-310 are not intended to
16 modify or repeal any of the laws of this state pertaining to vocational and
17 technical schools or vocational and technical education.

18
19 SECTION 153. Arkansas Code § 12-29-307 is amended to read as follows:

20 12-29-307. Riverside Vocational and Technical School – Establishment.

21 There is established a state vocational and technical school, to be
22 known as the "Riverside Vocational and Technical School", to be operated by
23 the Career Education and Workforce Development Board within the ~~Department~~
24 Division of Correction and the ~~Department~~ Division of Community Correction at
25 such facilities of the ~~Department~~ Division of Correction and the ~~Department~~
26 Division of Community Correction as may be designated by the Department of
27 Career Education in cooperation and agreement with the Board of Corrections.

28
29 SECTION 154. Arkansas Code § 12-29-402(a), concerning prisoner
30 physical examination and assignment to labor, is amended to read as follows:

31 (a) All prisoners committed to the ~~Department~~ Division of Correction
32 shall be given a physical examination initially upon arrival and then as
33 often as determined by medical staff of the ~~department~~ division.

34
35 SECTION 155. Arkansas Code § 12-29-403 is amended to read as follows:

36 12-29-403. Inmates with a disability – Duty of physician.

1 (a)(1) Each new inmate committed to the ~~Department~~ Division of
2 Correction shall be given a medical examination during the intake process.

3 (2)(A) During the medical examination required under subdivision
4 (a)(1) of this section, the medical provider shall determine what
5 restrictions if any shall be placed upon the inmate's work assignments.

6 (B) Restrictions placed upon an inmate's work assignments
7 under subdivision (a)(2)(A) of this section shall be updated as medically
8 necessary.

9 (b) The ~~department~~ division shall not assign an inmate to a work
10 assignment that conflicts with a restriction determined by the medical
11 provider for the ~~department~~ division under subdivision (a)(2) of this
12 section.

13 (c) Whenever the medical provider updates the restrictions under
14 subdivision (a)(2) of this section, the ~~department~~ division shall adjust the
15 inmate's work assignments as necessary to comply with the updated
16 restrictions.

17
18 SECTION 156. Arkansas Code § 12-29-404(b), concerning medical parole
19 for terminal illness or permanent incapacitation, is amended to read as
20 follows:

21 (b) The Director of the ~~Department~~ Division of Correction or the
22 Director of the ~~Department~~ Division of Community Correction shall communicate
23 to the Parole Board when, in the independent opinions of either a ~~Department~~
24 Division of Correction physician or ~~Department~~ Division of Community
25 Correction physician, and a consultant physician in Arkansas, an inmate is
26 either terminally ill or permanently incapacitated and should be considered
27 for transfer to parole supervision.

28
29 SECTION 157. Arkansas Code § 12-29-405(a), concerning inmates with
30 mental illness, is amended to read as follows:

31 12-29-405. Inmates with mental illness.

32 (a) The ~~Department~~ Division of Corrections authorized to develop in-
33 house due process procedures as approved by the Board of Corrections in
34 accordance with United States Supreme Court guidelines for the voluntary or
35 involuntary treatment of inmates with mental illness at the facilities and
36 programs of the Mental Health Services Section ~~of the Division of Health~~

1 ~~Treatment Services~~ of the ~~Department~~ Division of Correction.

2
3 SECTION 158. Arkansas Code § 12-29-405(b)(2), concerning inmates with
4 mental illness, is amended to read as follows:

5 (2) If an inmate's sentence expires while in treatment, the
6 ~~department~~ division shall release the inmate or pursue involuntary admission
7 under the appropriate procedures prescribed by existing laws governing the
8 involuntary treatment of individuals with mental illness.

9
10 SECTION 159. Arkansas Code § 12-29-406 is amended to read as follows:
11 12-29-406. Treatment for deviant sexual behavior.

12 (a) The purpose of this section is to enable the ~~Department~~ Division
13 of Correction to establish a core program that will utilize services of
14 medical and mental health providers in the community to provide intensive
15 treatment of inmates with paraphilia, commonly known as sexual deviations,
16 during their incarceration to increase their chance of returning to society
17 successfully upon their release.

18 (b)(1) The Mental Health Services Section ~~of the Division of Health~~
19 ~~Treatment Services~~ of the ~~Department~~ Division of ~~Corrections~~ Correction
20 authorized to establish and maintain a program for intensive treatment for
21 control of deviant sexual behavior of inmates in a specialized treatment
22 setting and to cooperate with the medical services provider in screening for
23 sexually transmitted diseases as part of this program.

24 (2) The ~~department~~ division may develop the program in such a
25 manner as to utilize outside professionals from the medical and mental health
26 fields to provide both teaching and training opportunities.

27 (c) The section shall adopt, promulgate, and enforce such rules,
28 regulations, policies, and standards as may be necessary to carry out the
29 intent and purposes of this section.

30
31 SECTION 160. Arkansas Code § 12-29-407(a), concerning suspension of
32 inmate Medicaid, is amended to read as follows:

33 (a) When an individual who is enrolled in a Medicaid program or the
34 Health Care Independence Program is incarcerated to the custody of the
35 ~~Department~~ Division of Correction, the ~~Department~~ Division of Community
36 Correction, or detained in a county jail, city jail, juvenile detention

1 facility, or other Division of Youth Services commitment, the Department of
2 Human Services shall suspend, to the degree feasible, the individual's
3 coverage during the period of incarceration for up to twelve (12) months from
4 the initial approval or renewal, unless prohibited by law.

5
6 SECTION 161. Arkansas Code § 12-29-506(b), concerning duties of
7 Attorney General, is amended to read as follows:

8 (b) However, the Attorney General may refer to the prosecuting
9 attorney of the county from which the inmate in the ~~Department~~ Division of
10 Correction or the person residing in a ~~Department~~ Division of Community
11 Correction facility was sentenced, or to the prosecuting attorney of the
12 county in which any property or estate of the inmate or person is located, to
13 investigate or assist in legal proceedings to obtain the reimbursements for
14 the cost of care of the inmate or person, as authorized in this subchapter.

15
16 SECTION 162. Arkansas Code § 12-29-507(a), concerning the deposit of
17 recovered moneys by the Department of Correction, is amended to read as
18 follows:

19 (a)(1) All moneys recovered for the cost of care of prisoners in a
20 facility of the ~~Department~~ Division of Correction or the ~~Department~~ Division
21 of Community Correction under this subchapter shall be deposited into the
22 State Treasury.

23 (2) The Treasurer of State shall credit the moneys to the
24 appropriate fund established by law from which appropriations to the
25 ~~Department~~ Division of Correction or the ~~Department~~ Division of Community
26 Correction are made for inmate care and custody at the ~~Department~~ Division of
27 Correction or the ~~Department~~ Division of Community Correction.

28
29 SECTION 163. Arkansas Code § 12-30-101(g), concerning bartering
30 products of institutions, is amended to read as follows:

31 (g) The board may make reasonable rules and regulations governing the
32 ~~Department~~ Division of Correction in the administration of contracts,
33 compacts, or agreements made under the provisions of this section.

34
35 SECTION 164. Arkansas Code § 12-30-102(e), concerning the buying and
36 selling products of institutions, is amended to read as follows:

1 (e) The board may make reasonable rules and regulations governing the
2 ~~Department~~ Division of Correction in the administration of contracts,
3 compacts, or agreements made under the provisions of this section.
4

5 SECTION 165. Arkansas Code § 12-30-103(a), concerning the workcraft
6 program, is amended to read as follows:

7 12-30-103. Workcraft program.

8 (a) The ~~Department~~ Division of Correction and the ~~Department~~ Division
9 of Community Correction are authorized to operate a workcraft program that
10 offers instruction and training for their inmates, thereby helping prepare
11 them for employment after incarceration.
12

13 SECTION 166. Arkansas Code § 12-30-104(a)(1), concerning sale of
14 workcraft items, is amended to read as follows:

15 (a)(1) The sale of items produced in the ~~Department~~ Division of
16 Correction or the ~~Department~~ Division of Correction workcraft programs may be
17 through one (1) or more retail outlets operated by the ~~Department~~ Division of
18 Correction or the ~~Department~~ Division of Community Correction.
19

20 SECTION 167. Arkansas Code § 12-30-105(a), concerning the marketing
21 contracts of the Department of Correction, is amended to read as follows:

22 (a)(1) The ~~Department~~ Division of Correction may enter into marketing
23 contracts with dealers, retailers, distributors, and manufacturer
24 representatives permitting them to market and sell all products and services
25 produced by the ~~department~~ division industry program in accordance with
26 existing laws and state purchasing regulations.

27 (2) The Industry Division of the ~~department~~ division will be
28 responsible for all billing of purchased products and services to ensure that
29 only customers authorized by law are making said purchases.
30

31 SECTION 168. Arkansas Code § 12-30-203 is amended to read as follows:
32 12-30-203. Establishment of prison industries.

33 The Board of Corrections may purchase, in the manner provided by law,
34 equipment, raw materials, and supplies and engage supervisory personnel
35 necessary to establish and maintain for this state, at the ~~Department~~
36 Division of Correction or institution under control of the board, industries

1 for the utilization of services of prisoners in the manufacture or production
 2 of articles or products as may be needed for the construction, operation,
 3 maintenance, or use of any office, ~~department~~ division, institution, or
 4 agency supported, in whole or in part, by this state and the political
 5 subdivisions of this state.

6
 7 SECTION 169. Arkansas Code § 12-30-204 is amended to read as follows:
 8 12-30-204. Purchase of goods by state and local agencies.

9 (a)(1) All offices, departments, divisions, institutions, and agencies
 10 of this state which are supported in whole or in part by this state, and all
 11 political subdivisions of this state, may purchase, at the discretion of the
 12 office, department, division, institution, or agency, from the Board of
 13 Corrections any products required by the offices, departments, divisions,
 14 institutions, agencies, or political subdivisions of this state produced or
 15 manufactured by the ~~Department~~ Division of Correction utilizing prison labor
 16 as provided for by this subchapter.

17 (2)(A)(i) The Revenue Division of the Department of Finance and
 18 Administration may request that the board propose the purchase of license
 19 plates which are necessary as evidence of registration of motor vehicles and
 20 trailers to be issued by the ~~division's~~ Revenue Division of the Department of
 21 Finance and Administration's revenue offices.

22 (ii) The license plates would be produced or
 23 manufactured by the ~~Department~~ Division of Correction utilizing prison labor.

24 (B) The provisions of this subdivision (a)(2) shall be
 25 applicable beginning with the contracts for purchase or any purchases of
 26 license plates which are required after the expiration of any contracts for
 27 the purchase or manufacture of license plates that are in effect.

28 (b) Such offices, departments, divisions, institutions, and agencies
 29 shall not be required to submit an invitation for bid to the board for all
 30 products known to be produced or manufactured by the ~~Department~~ Division of
 31 Correction utilizing prison labor as provided for by this subchapter.

32 (c)(1) The ~~Department~~ Division of Correction may enter into an
 33 agreement with the Old State House Commission to utilize inmate labor in the
 34 production or manufacture of items for resale by the Old State House Museum.

35 (2) Except as provided in subdivision (c)(3) of this section,
 36 the proceeds from the sales of the items produced or manufactured under

1 subdivision (c)(1) of this section shall be used by the Old State House
2 Museum to:

3 (A) Develop exhibits and programs about the history of the
4 ~~Department~~ Division of Correction; or

5 (B) Maintain the Old State House Museum's collection of
6 the ~~Department~~ Division of Correction artifacts.

7 (3) The ~~Department~~ Division of Correction and the commission may
8 by rule modify the use of the proceeds from the sale of items produced or
9 manufactured under subdivision (c)(1) of this section.

10 (d) All purchases made pursuant to this section shall be made through
11 the ~~Department~~ Division of Correction's purchasing ~~department~~ division, upon
12 requisition by the proper authority of the office, department, division,
13 institution, agency, or political subdivision of this state requiring the
14 articles or products.

15
16 SECTION 170. Arkansas Code § 12-30-305 is amended to read as follows:

17 12-30-205. Purchase of goods by nonprofit organizations and other
18 individuals.

19 (a) A nonprofit organization may purchase goods produced by the
20 ~~Department~~ Division of Correction's Industry Division as provided for by this
21 subchapter upon the condition that the goods may not be resold for profit.

22 (b)(1) Goods produced by the division as provided for by this
23 subchapter, excluding furniture and seating, may also be purchased by:

24 (A) Current employees and retirees of the ~~Department~~
25 Division of Correction;

26 (B)(i) All employees of the public offices, department, divisions,
27 institutions, school districts, and agencies of this state.

28 (ii) Subdivision (b)(1)(B)(i) of this section shall
29 not include members of the General Assembly; and

30 (C) Current and former members of the Board of
31 Corrections.

32 (2) Goods purchased by an individual under subdivision (b)(1) of
33 this section shall be for personal use only and not for resale.

34 (c) Goods or products that are produced, assembled, or packaged in
35 whole or in part by the ~~Department~~ Division of Correction utilizing prison
36 labor may be sold to inmates of the ~~Department~~ Division of Correction,

1 ~~Department~~ Division of Community Correction, or a local correctional
2 facility.

3
4 SECTION 171. Arkansas Code § 12-30-206(b), prices for items furnished
5 to inmates, is amended to read as follows:

6 (b) The prices shall be uniform and nondiscriminating to all and shall
7 not exceed the wholesale market prices with the exception of goods or items
8 produced, assembled, or packaged in whole or in part specifically for sale or
9 resale to inmates of the ~~Department~~ Division of Correction, ~~Department~~
10 Division of Community Correction, or a local correctional facility.

11
12 SECTION 172. Arkansas Code § 12-30-210(a), concerning the annual
13 statement of the Director of the Department of Correction, is amended to read
14 as follows:

15 (a) The Director of the ~~Department~~ Division of Correction and the
16 manager or authorities, by whatever name known, having charge of the penal
17 institutions of this state, shall annually make a full detailed statement of:

18 (1) All materials, machinery, or other property procured, and
19 the cost thereof, and the expenditures made during the last preceding year
20 for manufacturing purposes, together with a statement of all materials then
21 on hand to be manufactured, or in process of manufacture, or manufactured;

22 (2) All machinery, fixtures, or other appurtenances for the
23 purpose of carrying on the labor of the prisoners; and

24 (3) The earnings realized during the last preceding year as the
25 proceeds of the labor of the prisoners at the ~~Department~~ Division of
26 Correction or penal institutions of this state.

27
28 SECTION 173. Arkansas Code § 12-30-215 is amended to read as follows:

29 12-30-215. Purchase for construction or operation of prison.

30 Any contractor or subcontractor who has entered into a contract with or
31 for the benefit of a state board, state agency, or state-supported
32 institution of higher education for constructing, equipping, or operating, in
33 whole or in part, any facility of the board, agency, or institution may
34 purchase goods produced by the ~~Department~~ Division of Correction and the
35 ~~Department~~ Division of Community Correction for use in the performance of the
36 contract.

1
2 SECTION 174. Arkansas Code § 12-30-301 is amended to read as follows:

3 12-30-301. Farming and livestock activities.

4 (a) The ~~Department~~ Division of Correction shall make maximum
5 utilization of the farm lands of the various institutions of the ~~department~~
6 division through the use of modern agricultural machinery, equipment, and
7 technology in producing crops and livestock for use in feeding prisoners and
8 for sale on the market to produce income for the maintenance and operation of
9 the institutions of the ~~department~~ division.

10 (b) The Director of the ~~Department~~ Division of Correction, with the
11 approval of the Board of Corrections, shall promulgate necessary rules and
12 regulations for the operation of the farming and livestock activities of the
13 various institutions of the ~~department~~ division, the employment of personnel,
14 the assignment of inmate labor, and other activities as may be reasonably
15 necessary to accomplish the purposes as provided in this section.

16
17 SECTION 175. Arkansas Code § 12-30-303 is amended to read as follows:

18 12-30-303. Cooperation of Cooperative Extension Service.

19 It shall be the duty of the University of Arkansas Cooperative
20 Extension Service to cooperate with the Director of the ~~Department~~ Division
21 of Correction to the end that proper crops may be planted to the best
22 advantage and proper methods of soil treatment may be utilized and proper
23 methods of canning and preserving may be used to the best advantage.

24
25 SECTION 176. Arkansas Code § 12-30-305(a), concerning sales by the
26 Director of the Department of Correction, is amended to read as follows:

27 12-30-305. Sales by director.

28 (a) The Director of the ~~Department~~ Division of Correction, by and with
29 the consent and approval of the Board of Corrections, shall make all sales of
30 commodities and articles produced and offered for sale by the various penal
31 institutions under his or her supervision.

32
33 SECTION 177. Arkansas Code § 12-30-306 is amended to read as follows:

34 12-30-306. Purchases, expenditures, and sales – Compliance with laws.

35 (a) All purchases for or in behalf of the ~~Department~~ Division of
36 Correction and its various institutions shall be in strict compliance with

1 the state purchasing laws and applicable rules and regulations promulgated
2 thereunder.

3 (b) All expenditures of funds appropriated for the ~~department~~ division
4 shall be in accordance with the General Accounting and Budgetary Procedures
5 Law, § 19-4-101 et seq., and other applicable fiscal laws of this state
6 governing expenditure of state funds.

7 (c) All sales of farm products, livestock, or other products produced
8 in connection with the agriculture and livestock activities at the respective
9 institutions of the ~~department~~ division shall be in accordance with the
10 applicable laws of this state governing the advertising for bids and awarding
11 of contracts for the sales.

12
13 SECTION 178. Arkansas Code § 12-30-307(a) and (b), concerning the
14 payment for food used by the Department of Correction, are amended to read as
15 follows:

16 (a) The ~~Department~~ Division of Correction may make payment from the
17 ~~Department~~ Division of Correction Inmate Care and Custody Fund Account to the
18 ~~Department~~ Division of Correction Farm Fund in an amount not to exceed fifty
19 cents (50¢) on each dollar's worth of food produced on the ~~department~~
20 division farm for consumption in the Inmate Care and Custody Program.

21 (b) The ~~department~~ division shall keep appropriate records reflecting
22 farm production and the value of farm-produced products utilized in the
23 Inmate Care and Custody Program and shall keep records of current market
24 values in support of any such payments.

25
26 SECTION 179. Arkansas Code § 12-30-401 is amended to read as follows:

27 12-30-401. Work and rehabilitative programs – Work-release programs.

28 (a) All inmates committed to the ~~Department~~ Division of Correction for
29 institutional care shall be required to participate in the various work
30 programs to which assigned and may be afforded vocational training and
31 rehabilitative opportunities in accordance with rules, regulations, and
32 procedures therefor as promulgated by the Director of the ~~Department~~ Division
33 of Correction with the approval of the Board of Corrections.

34 (b) The ~~department~~ division may institute "work-release" programs
35 under which the inmates selected to participate in the programs may be
36 gainfully employed or attend school outside of the units maintained by the

1 ~~department~~ division, under rules and regulations promulgated by the director
2 with the approval of the board.

3
4 SECTION 180. Arkansas Code § 12-30-402(a), concerning the
5 establishment of new work-release centers, is amended to read as follows:

6 (a) The Community Correction Revolving Fund may borrow from the Budget
7 Stabilization Trust Fund for the establishment of new work-release centers
8 for the ~~Department~~ Division of Correction.

9
10 SECTION 181. Arkansas Code § 12-30-404(a), concerning inmates excepted
11 from the work-release program, is amended to read as follows:

12 (a) No person shall be allowed to participate in any work-release
13 program conducted by or for the ~~Department~~ Division of Correction if
14 convicted of:

- 15 (1) A capital offense;
- 16 (2) Murder in the first degree, § 5-10-102;
- 17 (3) Rape, § 5-14-103;
- 18 (4) Kidnapping, § 5-11-102; or
- 19 (5) Aggravated robbery a second or subsequent time, § 5-12-103.

20
21 SECTION 182. Arkansas Code § 12-30-405 is amended to read as follows:
22 12-30-405. Contracts for inmate labor.

23 The ~~Department~~ Division of Correction may make contractual arrangements
24 for use of inmate labor by the following prioritized list:

- 25 (1) Other state departments, divisions, and agencies;
- 26 (2) Counties, cities, and school districts; and
- 27 (3) Civic organizations, other nonprofit organizations, and
28 private citizens, including, but not limited to, those responsible for the
29 preservation of natural resources or other public works.

30
31 SECTION 183. Arkansas Code § 12-30-407(a)(1)(A), concerning the
32 housing of inmates in the work-release program, is amended to read as
33 follows:

34 (a)(1)(A) The Board of Corrections may promulgate rules to allow the
35 proper classification of inmates to be released to the county sheriffs of
36 approved jail facilities or chiefs of police or other authorized law

1 enforcement officers of city-operated approved jail facilities or community
2 correction centers outside the ~~Department~~ Division of Correction.

3
4 SECTION 184. Arkansas Code § 12-30-407(a)(2)(A)(ii), concerning the
5 housing of inmates in the work-release program, is amended to read as
6 follows:

7 (ii) The ~~Department~~ Division of Correction shall
8 review the requests and shall submit a list of inmates with appropriate
9 skills or backgrounds for the particular job needs of the approved jail
10 facility, political subdivision, or nonprofit organization with a chapter,
11 committee, or other governing body that is based in the county that is being
12 provided assistance by a political subdivision, in accordance with the
13 ~~Department~~ Division of Correction's classification of inmates' skills and
14 backgrounds.

15 (iii) County sheriffs, chiefs of police, or other
16 authorized law

17
18 SECTION 185. Arkansas Code § 12-30-407(a)(3)(B), concerning the
19 housing of inmates in the work-release program, is amended to read as
20 follows:

21 (B) Notification of the victim or victim's family shall be
22 done by mail to the last known address supplied to the ~~Department~~ Division of
23 Correction in accordance with ~~Department~~ Division of Correction policies.

24
25 SECTION 186. Arkansas Code § 12-30-407(a)(4)(A), concerning the
26 housing of inmates in the work-release program, is amended to read as
27 follows:

28 (4)(A) Inmates released under this section shall be entitled to
29 credit on their sentences under the meritorious classification system of the
30 ~~Department~~ Division of Correction.

31
32 SECTION 187. Arkansas Code § 12-30-502(a), concerning transportation
33 and sale of goods produced by inmates, is amended to read as follows:

34 (a) Goods produced in whole or in part by inmates of the ~~Department~~
35 Division of Correction or the ~~Department~~ Division of Community Correction
36 participating in private sector prison industry enhancement programs may be

1 transported and sold in the same manner as goods produced by free persons,
2 provided that the inmates participating in the private sector prison industry
3 enhancement programs are paid at least the minimum wage prescribed by state
4 law.

5
6 SECTION 188. Arkansas Code § 12-41-105(c), concerning commissions from
7 prisoner telephone service profits and prisoner commissary services, is
8 amended to read as follows:

9 (c) This section does not apply to funds derived from prisoner
10 telephone services or prisoner commissary services provided in ~~Department~~
11 Division of Correction facilities or ~~Department~~ Division of Community
12 Correction facilities or in municipally owned detention facilities or in
13 county detention facilities in counties with a population of one hundred
14 seventy-five thousand (175,000) or more according to the latest federal
15 decennial census.

16
17 SECTION 189. Arkansas Code § 12-41-107(a)(2), concerning the
18 definition of "local correctional facility" and the medical services billing
19 to a local correctional facility, is amended to read as follows:

20 (2) "Local correctional facility" means a county jail, a city
21 jail, regional jail, criminal justice center, or county house of correction
22 that is not operated by the ~~Department~~ Division of Correction, the ~~Department~~
23 Division of Community Correction, or a federal correctional agency; and
24

25 SECTION 190. Arkansas Code § 12-41-716 is amended to read as follows:
26 12-41-716. Use of board jail fund for supervision and transportation
27 of inmates.

28 In addition to any other purposes for which funds in a county jail
29 board jail fund, municipal jail board jail fund, or public instrumentality
30 jail board jail fund may be used, the funds may be used for the
31 transportation and supervision of inmates assigned to outside work projects
32 or for transporting inmates to a ~~Department~~ Division of Correction facility,
33 as determined by the board.

34
35 SECTION 191. Arkansas Code § 12-50-105(a), concerning regional
36 correctional commissions, is amended to read as follows:

1 (a) Political subdivisions may individually, or in combination with
2 each other, contract with the state through the ~~Department~~ Division of
3 Correction or with prison contractors for the financing, acquisition,
4 construction, and operation of facilities for the housing of inmates.

5
6 SECTION 192. Arkansas Code § 12-50-106(a) and (b), concerning
7 contracts for correctional facilities, are amended to read as follows:

8 (a) The ~~Department~~ Division of Correction, any regional corrections
9 commission, and any political subdivision are authorized to enter into
10 contracts with each other and with prison contractors for the financing,
11 acquiring, constructing, and operating of facilities.

12 (b) Any contract for the financing, acquiring, constructing, or
13 operating of facilities between the ~~department~~ division and a prison
14 contractor shall be approved by the Board of Corrections, subject to the
15 advice and consent of the Legislative Council.

16
17 SECTION 193. Arkansas Code § 12-50-109(a)(1)(A), concerning contracts
18 with the Arkansas Development Authority, is amended to read as follows:

19 (A) All revenues derived from payments to be made by the
20 ~~Department~~ Division of Correction for the housing of prisoners;

21
22 SECTION 194. Arkansas Code § 12-50-111(a)(1), concerning private
23 correctional facilities, is amended to read as follows:

24 (a)(1) No private correctional facility in which inmates committed to
25 the ~~Department~~ Division of Correction, out-of-state inmates, or federal
26 inmates are to be housed shall be constructed nor shall any facility be
27 renovated for the purpose of creating a private correctional facility in
28 which inmates committed to the ~~Department~~ Division of Correction, out-of-
29 state inmates, or federal inmates are to be housed within the state without
30 review and approval by the Board of Corrections and review and approval by
31 the Legislative Council.

32
33 SECTION 195. Arkansas Code § 12-51-104(a)(1), concerning the Arkansas
34 State Council for the Interstate Commission for Adult Offender Supervision,
35 is amended to read as follows:

36 (1) One (1) nonelected person, chosen from a list of five (5)

1 names submitted by the Director of the ~~Department~~ Division of Community
2 Correction, who will act as the representative of the legislative branch of
3 government, to be appointed by the President Pro Tempore of the Senate;
4

5 SECTION 196. Arkansas Code § 12-51-104(a)(5), concerning the Arkansas
6 State Council for the Interstate Commission for Adult Offender Supervision,
7 is amended to read as follows:

8 (5) The Director of the ~~Department~~ Division of Community
9 Correction or his or her designee who, in addition to serving as a member of
10 the council, shall be appointed by the Governor as the compact administrator
11 for the state.
12

13 SECTION 197. Arkansas Code § 14-282-304(7), concerning the power and
14 duties of the Rural Fire Protection Service of the Arkansas Forestry
15 Commission, is amended to read as follows:

16 (7) To contract with public and private sources, including the
17 ~~Department~~ Division of Correction, for providing mechanical, painting, body
18 work, or other repair services relative to the conversion, painting, and
19 adaptation of vehicles being converted into fire protection vehicles, and to
20 reimburse for the cost of the services;
21

22 SECTION 198. Arkansas Code § 15-5-213(b), concerning the Correction
23 Facilities Construction Fund, is amended to read as follows:

24 (b) The fund shall receive moneys payable from the Treasurer of State
25 in accordance with § 15-5-422. All moneys deposited into the fund and all
26 income, interest, and earnings therefrom are declared to be cash funds
27 restricted in their use and dedicated and are to be used solely for
28 acquisition and construction of regional correction facilities for use by the
29 ~~Department~~ Division of Correction, specifically including a regional
30 correction facility in Chicot County, which facility will be leased to and
31 utilized by the ~~department~~ division.
32

33 SECTION 199. Arkansas Code § 15-5-213(e)(1)(A), concerning the
34 Correction Facilities Construction Fund, is amended to read as follows:

35 (A) Moneys payable from funds in the ~~department~~ division
36 as established in § 12-27-128;

1
2 SECTION 200. Arkansas Code § 15-5-213(e)(1)(C), concerning the
3 Correction Facilities Construction Fund, is amended to read as follows:

4 (C) Such cash funds of the ~~department~~ division as are
5 deemed necessary by the Chief Fiscal Officer of the State for the purposes
6 established herein.

7
8 SECTION 201. Arkansas Code § 15-5-213(e)(2), concerning the Correction
9 Facilities Construction Fund, is amended to read as follows:

10 (2) All moneys deposited into the Correction Facilities
11 Privatization Account and all income, interest, and earnings therefrom are
12 declared to be cash funds restricted in their use and dedicated to be used
13 solely for acquisition, construction, and rehabilitation of correction
14 facilities for the use and benefit of the ~~department~~ division or for payments
15 to private contractors for the use of correction facilities by the ~~department~~
16 division.

17
18 SECTION 202. Arkansas Code § 16-13-1903(a)(2)(B) and (C), concerning
19 the Eleventh Judicial District, are amended to read as follows:

20 (B) Presiding over all matters involving acts committed by
21 inmates of the ~~Department~~ Division of Correction over which the Eleventh
22 Judicial District-West has jurisdiction; and

23 (C) Hearing all civil actions filed by inmates of the
24 ~~Department~~ Division of Correction over which the Eleventh Judicial District-
25 West has jurisdiction.

26
27 SECTION 203. Arkansas Code § 16-21-106(a)(1)(L), concerning assistance
28 to victims and witnesses of crimes, is amended to read as follows:

29 (L) Notice of the right to receive information from the
30 Department of ~~Correction~~ Corrections, Arkansas State Hospital, and any other
31 facility to which the defendant is committed by the court.

32
33 SECTION 204. Arkansas Code § 16-43-214 is amended to read as follows:

34 16-43-214. Prisoner from ~~Department~~ Division of Correction as witness.

35 (a) Upon presentation by the prosecuting attorney or interested
36 defense counsel of a petition duly verified and for good cause, any circuit

1 court having jurisdiction of any criminal offense involving a felony pending
2 for trial in that court may have jurisdiction and authority to provide by
3 proper order for the presence in court, and for the trial and as a witness,
4 of any person incarcerated in the ~~Department~~ Division of Correction whose
5 testimony would be material either for the State of Arkansas or for the
6 defendant in the action.

7 (b) Upon the granting of a petition by the circuit court pursuant to
8 subsection (a) of this section and upon presentation to the authorized
9 officials of the ~~Department~~ Division of Correction of a signed order or
10 certified copy thereof by the circuit clerk of such court, the officials
11 having custody of the prisoner are authorized and directed to transport or
12 cause to be transported the prisoner by such means and methods as they deem
13 proper, at the time and place as directed by the order of the circuit court.

14 (c) The custody of a prisoner sought to be used as a witness shall at
15 all times remain in the authorized officials of the ~~Department~~ Division of
16 Correction, subject to the order and direction of the circuit court.

17 Immediately upon the completion of the testimony by the prisoner in court or
18 upon the completion of the trial requiring his presence, the prisoner shall
19 be immediately returned to the ~~Department~~ Division of Correction by the
20 official having his custody.

21
22 SECTION 205. Arkansas Code § 16-46-106(d), concerning access to
23 medical records, is amended to read as follows:

24 (d) This section does not apply to the ~~Department~~ Division of
25 Correction.

26
27 SECTION 206. Arkansas Code § 16-68-601 is amended to read as follows:
28 16-68-601. Amount of fees and costs.

29 (a) If an incarcerated person, defined for purposes of this subchapter
30 as a person who has been convicted of a crime and is imprisoned for that
31 crime or is being held in custody for trial or sentencing, files a civil
32 action, the court shall order the incarcerated person to pay, as a partial
33 payment of any court filing fees and court costs required by law, a first-
34 time payment of twenty percent (20%) of the preceding six (6) months' income
35 from the incarcerated person's inmate account as administered by the
36 ~~Department~~ Division of Correction or the ~~Department~~ Division of Community

1 Correction.

2 (b) The ~~Department~~ Division of Correction or the ~~Department~~ Division
3 of Community Correction shall withdraw these moneys maintained in the account
4 for payment of the filing fees and court costs and shall forward these moneys
5 collected at such times as the moneys exceed ten dollars (\$10.00) to the
6 appropriate court clerk or clerks until the actual court fees are paid in
7 full.

8

9 SECTION 207. Arkansas Code § 16-80-104(a), concerning a comprehensive
10 mental health evaluation for a minor convicted of capital murder or murder in
11 the first degree, is amended to read as follows:

12 (a) If a comprehensive mental health evaluation is not performed at
13 the request of the minor convicted of capital murder, § 5-10-101, or murder
14 in the first degree, § 5-10-102, before his or her trial or before he or she
15 is sentenced, the circuit court shall ensure that a comprehensive mental
16 health evaluation is conducted on the minor by an adolescent mental health
17 professional licensed in the state before the minor's entry into the
18 ~~Department~~ Division Correction for a sentence of life imprisonment.

19

20 SECTION 208. Arkansas Code § 16-80-104(c)(2), concerning a
21 comprehensive mental health evaluation for a minor convicted of capital
22 murder or murder in the first degree, is amended to read as follows:

23 (2) Shall be included in any documentation or inmate file kept
24 by the ~~Department~~ Division of Correction or, if the minor is eventually
25 supervised on parole, the ~~Department~~ Division of Community Correction.

26

27 SECTION 209. Arkansas Code § 16-90-104 is amended to read as follows:
28 16-90-104. Commitment of women for felony.

29 Women who are convicted of or who plead guilty to the commission of
30 felonies may be committed to the Department of ~~Correction~~ Corrections by any
31 court of criminal jurisdiction.

32

33 SECTION 210. Arkansas Code § 16-90-118 is amended to read as follows:
34 16-90-118. Duty of court to report ~~Department~~ Division of Correction.

35 (a) Whenever any person is sentenced to the ~~Department~~ Division of
36 Correction, it shall be the duty of the court before which he or she has been

1 convicted to cause to be made and transmitted to the agent of the ~~department~~
2 division a short report of the circumstances attending the offense,
3 particularly those which tended to aggravate or extenuate the offense.

4 (b) The agent shall file and preserve the report.
5

6 SECTION 211. Arkansas Code § 16-90-120(a), concerning a felony
7 committed with a firearm, is amended to read as follows:

8 (a) Any person convicted of any offense that is classified by the laws
9 of this state as a felony who employed any firearm of any character as a
10 means of committing or escaping from the felony, in the discretion of the
11 sentencing court, may be subjected to an additional period of confinement in
12 the ~~Department~~ Division of Correction for a period not to exceed fifteen (15)
13 years.
14

15 SECTION 212. Arkansas Code § 16-90-121 is amended to read as follows:

16 16-90-121. Second or subsequent felony with firearm.

17 Any person who is found guilty of or pleads guilty or nolo contendere
18 to a second or subsequent felony involving the use of a firearm shall be
19 sentenced to a minimum term of imprisonment of ten (10) years in the
20 ~~Department~~ Division of Correction without eligibility of parole or community
21 correction transfer but subject to reduction by meritorious good-time credit.
22

23 SECTION 213. Arkansas Code § 16-90-122(a)(2), concerning the post-
24 conviction release of nonviolent offenders, is amended to read as follows:

25 (2) Been sentenced to a term of imprisonment and committed to
26 the ~~Department~~ Division of Correction or the ~~Department~~ Division of Community
27 Correction and is awaiting transfer to the ~~Department~~ Division of Correction
28 or the ~~Department~~ Division of Community Correction.
29

30 SECTION 214. Arkansas Code § 16-90-122(c)(1), concerning the post-
31 conviction release of nonviolent offenders, is amended to read as follows:

32 (c)(1) The circuit judge may authorize the release under the terms and
33 conditions that he or she determines are necessary to protect the public and
34 to ensure the offender's return to custody upon notice that bed space is
35 available at the ~~Department~~ Division of Correction or the ~~Department~~ Division
36 of Community Correction.

1
2 SECTION 215. Arkansas Code § 16-90-802(d)(9)(B)(ii)(a), concerning the
3 Arkansas Sentencing Commission, is amended to read as follows:

4 (a) Sentences to the ~~Department~~ Division of
5 Correction and ~~Department~~ Division of Community Correction;

6
7 SECTION 216. Arkansas Code § 16-90-802(e) and (f), concerning the
8 Arkansas Sentencing Commission, are amended to read as follows:

9 (f)(1) The commission shall ~~employ an executive~~ recommend to the
10 Secretary of the Department of Corrections a director from candidates
11 presented to it by the Chair of the Arkansas Sentencing Commission.

12 (2) The ~~Executive~~ Director of the Arkansas Sentencing Commission
13 shall have appropriate training and experience to assist the commission in
14 the performance of its duties.

15 (3) The ~~executive~~ director shall be responsible for compiling
16 the work of the commission and drafting suggested legislation incorporating
17 the commission's findings for submission to the General Assembly.

18 (g)(1) ~~Subject to the approval of the Chair of the Arkansas Sentencing~~
19 ~~Commission, the executive director~~ The secretary shall employ such other
20 staff and shall contract for services as are necessary to assist the
21 commission in the performance of its duties, and as funds permit.

22 (2) The ~~executive director~~ secretary shall ensure that
23 appropriate budgetary measures are taken to employ enough staff or contract
24 for expert services and to purchase the technology needed to compile and
25 process sentencing data from all judicial districts in a timely manner.

26
27 SECTION 217. Arkansas Code § 16-90-1109(a)(1), concerning information
28 related to confinement or commitment, is amended to read as follows:

29 (a)(1) Upon request of the victim, the ~~Department~~ Division of
30 Correction, the Arkansas State Hospital, a local or regional hospital, local
31 or regional mental health facility, or any other facility to which the
32 defendant is committed by the court shall:

33 (A) Promptly inform the victim, through the use of the
34 victim notification system under § 12-12-1201 et seq. or other method of
35 personal communication, of the estimated date of the defendant's release from
36 confinement from a court-ordered commitment under § 5-2-301 et seq., if

1 reasonably ascertainable;

2 (B) Inform the victim at least thirty (30) days before
3 release of the defendant on furlough or to a work release, halfway house, or
4 other community program, if applicable;

5 (C) Inform the victim as soon as possible but preferably
6 at least thirty (30) days before release of the defendant from a local or
7 regional hospital or local or regional mental health facility, if applicable;
8 and

9 (D) Promptly inform the victim of the occurrence of any of
10 the following events concerning the defendant:

11 (i) An escape from a correctional or mental health
12 facility or community program;

13 (ii) A recapture;

14 (iii) A decision of the Governor to commute the
15 sentence or to pardon;

16 (iv) A release from confinement and any conditions
17 attached to the release;

18 (v) A discharge or conditional release or
19 modification of a previously ordered conditional release from a court-ordered
20 commitment under § 5-2-315; or

21 (vi) The defendant's death.

22 (2) The requirement to inform a victim by a local or regional
23 hospital or a local or regional mental health facility under this subsection
24 may be accomplished by notifying by telephone or other electronic means the
25 Arkansas State Hospital of the change of status of the defendant, and the
26 Arkansas State Hospital shall then notify the victim through the victim
27 notification system under § 12-12-1201 et seq. or other method of personal
28 communication.

29

30 SECTION 218. Arkansas Code § 16-90-1404(1)(B), concerning the
31 definition of "completion of a person's sentence" under the Comprehensive
32 Criminal Record Sealing act of 2013, is amended to read as follows:

33 (B) Served any time in county or regional jail, a
34 ~~Department~~ Division of Community Correction facility, or a ~~Department~~
35 Division of Correction facility in full; and

36

1 SECTION 219. Arkansas Code § 16-90-1408(a)(6), concerning felony
2 convictions ineligible for sealing, is amended to read as follows:

3 (6) A felony for which a person served any portion of his or her
4 sentence as an inmate in the ~~Department~~ Division of Correction.

5
6 SECTION 220. Arkansas Code § 16-90-201 is amended to read as follows:

7 16-90-201. Punishment for second or subsequent convictions generally.

8 Any person convicted of an offense which is punishable by imprisonment
9 in the ~~Department~~ Division of Correction who shall subsequently be convicted
10 for another offense shall be punished as follows:

11 (1) If the second offense is such that, upon a first conviction,
12 the offender could be punished by imprisonment for a term less than his or
13 her natural life, then the sentence to imprisonment shall be for a
14 determinate term not less than one (1) year more than the minimum sentence
15 provided by law for a first conviction of the offense for which the defendant
16 is being tried, and not more than the maximum sentence provided by law for
17 this offense, unless the maximum sentence is less than the minimum sentence
18 plus one (1) year, in which case the longer term shall govern;

19 (2) If the third offense is such that, upon a first conviction,
20 the offender could be punished by imprisonment for a term less than his or
21 her natural life, then the person shall be sentenced to imprisonment for a
22 determinate term not less than three (3) years more than the minimum sentence
23 provided by law for a first conviction of the offense for which the defendant
24 is being tried, and not more than the maximum sentence provided by law for
25 the offense, unless the maximum sentence is less than the minimum sentence
26 plus three (3) years, in which case the longer term shall govern; and

27 (3)(A) If the fourth or subsequent offense is such that, upon a
28 first conviction, the offender could be punished by imprisonment for a term
29 less than his or her natural life, then the person shall be sentenced to
30 imprisonment for the fourth or subsequent offense for a determinate term not
31 less than the maximum sentence provided by law for a first conviction of the
32 offense for which the defendant is being tried, and not more than one and
33 one-half ($1\frac{1}{2}$) times the maximum sentence provided by law for a first
34 conviction.

35 (B) However, any person convicted of a fourth or
36 subsequent offense shall be sentenced to imprisonment for no less than five

1 (5) years.

2
3 SECTION 221. Arkansas Code § 16-90-202(a), concerning punishment for a
4 third conviction for certain offenses, is amended to read as follows:

5 (a) When any person shall be convicted of murder, rape, carnal abuse,
6 or kidnapping and it shall be shown that the person has been twice previously
7 convicted of any of the above-mentioned crimes in this state or any other
8 state, upon the third conviction the person shall be deemed an habitual
9 criminal and shall be sentenced to life imprisonment in the ~~Department~~
10 Division of Correction.

11
12 SECTION 222. Arkansas Code § 16-90-401 is amended to read as follows:

13 16-90-401. Delivery of copy of judgment to county sheriff.

14 Where a judgment of confinement, either in the ~~Department~~ Division
15 Correction or county jail, is pronounced, a certified copy of the judgment
16 must be furnished forthwith to the county sheriff, who shall thereupon
17 execute it, and no other warrant or authority is necessary to its execution.

18
19 SECTION 223. Arkansas Code § 16-90-402 is amended to read as follows:

20 16-90-402. Delivery of defendant and copy of judgment to proper
21 officials.

22 (a)(1) In executing a judgment of confinement, the county sheriff
23 shall deliver the defendant with a certified standardized copy of the
24 sentencing order to the ~~Department~~ Division of Correction, ~~Department~~
25 Division of Community Correction, or to another detention facility, as
26 indicated in the sentencing order.

27 (2) If electronic filing of court records has been implemented
28 by the circuit clerk in the county where the defendant's conviction occurred,
29 the standardized copy of the sentencing order may be electronically
30 transmitted by the circuit clerk to the ~~Department~~ Division of Correction,
31 the ~~Department~~ Division of Community Correction, or to another detention
32 facility, as indicated in the sentencing order.

33 (b) The standardized copy of the sentencing order shall be developed
34 by representatives from the ~~Department~~ Division of Correction, the
35 Administrative Office of the Courts, the Arkansas Sentencing Commission, and
36 the Prosecutor Coordinator's office.

1
2 SECTION 224. Arkansas Code § 16-90-403 is amended to read as follows:

3 16-90-403. Power of county sheriff to prevent escape, etc.

4 In conveying the defendant to the ~~Department~~ Division of Correction,
5 the county sheriff shall have all the powers of preventing an escape, of
6 resisting an effort to rescue the defendant, of recapturing the defendant,
7 and of summoning persons to his or her aid that the county sheriff would have
8 in executing a warrant of arrest in his or her county.

9
10 SECTION 225. Arkansas Code § 16-90-503 is amended to read as follows:

11 16-90-503. Certification of execution.

12 (a) The Director of the ~~Department~~ Division of Correction shall
13 certify the fact of the execution of the condemned felon to the clerk of the
14 court by which the sentence was pronounced, who shall file the certificate
15 with the papers of the case and enter it upon the records of the case.

16 (b) If the office of director is abolished, the duties devolving on
17 him or her shall be performed by any other person selected by any board or
18 commission having charge of the ~~Department~~ Division of Correction.

19
20 SECTION 226. Arkansas Code § 16-90-801(c)(2), concerning statement of
21 sentencing policy, is amended to read as follows:

22 (2) Commitment to the ~~Department~~ Division of Correction is the
23 most severe sanction and due to the finite capacity of the ~~department~~
24 division's facilities, it should be reserved for those convicted of the most
25 serious offenses, those who have longer criminal histories, and those who
26 have repeatedly failed to comply with conditions imposed under less
27 restrictive sanctions.

28
29 SECTION 227. Arkansas Code § 16-91-111 is amended to read as follows:

30 16-91-111. Appeal after confinement.

31 (a) If a judgment of confinement in the ~~Department~~ Division of
32 Correction has been executed before the certificate of appeal was delivered
33 to the county sheriff whose duty it was to execute the judgment, the
34 defendant shall remain in the ~~department~~ division during the pendency of the
35 appeal unless discharged by the expiration of his or her term of confinement
36 or by pardon.

1 (b) Upon a reversal, if a new trial is ordered, the defendant shall be
2 removed from the ~~department~~ division to the county jail from which he or she
3 was brought by the county sheriff of the county.
4

5 SECTION 228. Arkansas Code § 16-92-109(a)(1), concerning reimbursement
6 to counties of fees and costs, is amended to read as follows:

7 (a)(1) As used in this section, "costs incurred by the county" means
8 all costs incurred by the county in bringing to trial or trials any person or
9 persons charged with a felony offense, with a crime committed in furtherance
10 of, or in connection with, an escape from the ~~Department~~ Division of
11 Correction, or with escape from the ~~Department~~ Division of Correction.
12

13 SECTION 229. Arkansas Code § 16-92-109(b), concerning reimbursement to
14 counties of fees and costs, is amended to read as follows:

15 (b) Whenever a trial is held in which a crime committed in furtherance
16 of, or in connection with, an escape from the ~~Department~~ Division of
17 Correction is charged or whenever a trial is held for escape from the custody
18 of the ~~Department~~ Division of Correction, the county or counties responsible
19 for the trial or trials of the person or persons charged may apply to the
20 Director of the Department of Finance and Administration for reimbursement of
21 the total costs incurred by the county or counties in each case.
22

23 SECTION 230. Arkansas Code § 16-92-109(c)(1), concerning reimbursement
24 to counties of fees and costs, is amended to read as follows:

25 (c)(1) The county responsible for the costs of the felony proceedings
26 or trial on charges of escape or in connection with escape from the
27 ~~Department~~ Division of Correction, shall prepare a statement of all costs
28 incurred in connection with the proceedings, which shall be certified by the
29 presiding judge of the circuit court or courts.
30

31 SECTION 231. Arkansas Code § 16-92-112(a), concerning the liability of
32 the state for costs and fees, is amended to read as follows:

33 (a) The costs in all state prosecutions for any offenses which may be
34 committed in or in respect of the ~~Department~~ Division of Correction shall be
35 paid out of the State Treasury.
36

1 SECTION 232. Arkansas Code § 16-93-101(3)(D)(i) and (ii), concerning
2 the definition of "detriment to the community" under the laws governing
3 probation and parole, are amended to read as follows:

4 (i) Demonstrated a documented lack of respect for
5 authority towards law enforcement or prison officials while in the custody of
6 the ~~Department~~ Division of Correction, the ~~Department~~ Division of Community
7 Correction, or a law enforcement agency; or

8 (ii) Accrued multiple disciplinary violations while
9 in the custody of the ~~Department~~ Division of Correction, the ~~Department~~
10 Division of Community Correction, or a law enforcement agency, including at
11 least one (1) disciplinary violation involving violence or sexual assault
12 while in the custody of the ~~Department~~ Division of Correction, the ~~Department~~
13 Division of Community Correction, or a law enforcement agency;

14
15 SECTION 233. Arkansas Code § 16-93-101(6), concerning the definition
16 of "jacket review" under the laws governing probation and parole, is amended
17 to read as follows:

18 (6) "Jacket review" means the review of the file of a transfer-
19 eligible inmate located at any correctional facility in the state by an
20 individual staff member or team of staff members of the ~~Department~~ Division
21 of Community Correction for purposes of preparing the inmate's application
22 for parole consideration by the Parole Board;

23
24 SECTION 234. Arkansas Code § 16-93-101(7), concerning the definition
25 of "parole" under the laws governing probation and parole, is amended to read
26 as follows:

27 (7) "Parole" means the release of the prisoner into the
28 community by the board prior to the expiration of his or her term, subject to
29 conditions imposed by the board and to the supervision of the ~~Department~~
30 Division of Community Correction. When a court or other authority has filed a
31 warrant against the prisoner, the board may release him or her on parole to
32 answer the warrant of the court or authority;

33
34 SECTION 235. Arkansas Code § 16-93-101(8), concerning the definition
35 of "probation" under the laws governing probation and parole, is amended to
36 read as follows:

1 (8) "Probation" means a procedure under which a defendant, found
2 guilty upon verdict or plea, is released by the court without imprisonment,
3 subject to conditions imposed by the court and subject to the supervision of
4 the ~~Department~~ Division of Community Correction, but only if the supervision
5 is requested in writing by the court;

6
7 SECTION 236. Arkansas Code § 16-93-101(9), concerning the definition
8 of "recidivism" under the laws governing probation and parole, is amended to
9 read as follows:

10 (9) "Recidivism" means the return to incarceration in a
11 ~~Department~~ Division of Correction or ~~Department~~ Division of Community
12 Correction community correctional facility other than a technical violator
13 program within a three-year period;

14
15 SECTION 237. Arkansas Code § 16-93-101(11)(A), concerning the
16 definition of "serious conditions violation" under the laws governing
17 probation and parole, is amended to read as follows:

18 (A) An act involving a violent misdemeanor that provides
19 the prosecuting attorney with the option to revoke the probationer's
20 probation or parolee's parole, or allow the ~~Department~~ Division of Community
21 Correction to utilize the sanctions provided under this chapter;

22
23 SECTION 238. Arkansas Code § 16-93-107(a) and (b), concerning the
24 Medicaid eligibility of a parolee or a probationer, are amended to read as
25 follows:

26 (a) The ~~Department~~ Division of Correction shall screen inmates nearing
27 release from incarceration and the ~~Department~~ Division of Community
28 Correction shall screen parolees and probationers under supervision for
29 Medicaid eligibility.

30 (b) If an inmate nearing release from incarceration, parolee, or
31 probationer receives medical services, including substance abuse and mental
32 health treatment, that meet criteria for Medicaid coverage, the parole
33 officer, probation officer, or ~~Department~~ Division of Correction official or
34 ~~Department~~ Division of Community Correction official may apply for Medicaid
35 coverage for the inmate nearing release from incarceration, parolee, or
36 probationer under this section.

1
2 SECTION 239. Arkansas Code § 16-93-107(c)(2), concerning the Medicaid
3 eligibility of a parolee or a probationer, is amended to read as follows:

4 (2) However, the parole officer, probation officer, or
5 ~~Department~~ Division of Correction official or ~~Department~~ Division of
6 Community Correction official shall be the authorized representative for
7 purposes of establishing and maintaining Medicaid eligibility under this
8 subsection if:

9 (A) The inmate nearing release from incarceration,
10 parolee, or probationer does not designate an authorized representative
11 within three (3) business days after request; or

12 (B) The authorized representative designated under
13 subdivision (c)(1) of this section does not file a Medicaid application
14 within three (3) business days after appointment and request.

15
16 SECTION 240. Arkansas Code § 16-93-107(e)(1), concerning the Medicaid
17 eligibility of a parolee or a probationer, is amended to read as follows:

18 (e)(1) The parole officer, probation officer, or ~~Department~~ Division
19 of Correction official or ~~Department~~ Division of Community Correction
20 official or the designee of the parole officer, probation officer, or
21 ~~Department~~ Division of Correction official or ~~Department~~ Division of
22 Community Correction official may access information necessary to determine
23 if a Medicaid application has been filed on behalf of the inmate nearing
24 release from incarceration, parolee, or probationer.

25
26 SECTION 241. Arkansas Code § 16-93-109 is amended to read as follows:

27 16-93-109. Medicaid reimbursement for essential healthcare services.

28 Unless otherwise prohibited by law, the Department of Human Services
29 shall cooperate with the ~~Department~~ Division of Correction and the ~~Department~~
30 Division of Community Correction to establish protocols for utilizing
31 Medicaid to reimburse the ~~Department~~ Division of Correction, ~~Department~~
32 Division of Community Correction, Division of Aging, Adult, and Behavioral
33 Health Services of the Department of Human Services, Division of Youth
34 Services of the Department of Human Services, a healthcare provider, or a
35 third party for essential healthcare services, including mental health and
36 substance abuse treatment.

1
 2 SECTION 242. Arkansas Code § 16-93-207(a)(1)(B), concerning the
 3 applications for pardon, commutation of sentence, and remission of fines and
 4 forfeitures, is amended to read as follows:

5 (B) The Governor shall also direct the ~~Department~~ Division
 6 of Correction to send notice of his or her intention to the judge, the
 7 prosecuting attorney, and the county sheriff of the county in which the
 8 applicant was convicted and, if applicable, to the victim or the victim's
 9 next of kin.

10
 11 SECTION 243. Arkansas Code § 16-93-208 is amended to read as follows:
 12 16-93-208. Services and equipment.

13 The ~~Department~~ Division of Correction and the ~~Department~~ Division of
 14 Community Correction may provide services, furnishings, equipment, and office
 15 space to assist the Parole Board in fulfilling the purposes for which the
 16 board was created by law.

17
 18 SECTION 244. Arkansas Code § 16-93-211(a)(1)(A), concerning early
 19 release to transitional housing facilities, is amended to read as follows:

20 (A) Transferred or paroled from the ~~Department~~ Division of
 21 Correction by the Parole Board;

22
 23 SECTION 245. Arkansas Code § 16-93-211(a)(1)(C), concerning early
 24 release to transitional housing facilities, is amended to read as follows:

25 (C) Administratively transferred from the ~~Department~~
 26 Division of Correction to the ~~Department~~ Division of Community Correction for
 27 participation in a reentry program.

28
 29 SECTION 246. Arkansas Code § 16-93-211(e), concerning early release to
 30 transitional housing facilities, is amended to read as follows:

31 (e) An offender placed in transitional housing by the board will be
 32 supervised by officers of the ~~Department~~ Division of Community Correction.

33
 34 SECTION 247. Arkansas Code § 16-93-213(a)(2), concerning Parole Board
 35 records posted to a website, is amended to read as follows:

36 (2) The ~~Department~~ Division of Correction identification number

1 of the inmate;

2

3 SECTION 248. Arkansas Code § 16-93-213(a)(6), concerning Parole Board
4 records posted to a website, is amended to read as follows:

5 (6) A link to information required to be posted about the inmate
6 by the ~~Department~~ Division of Correction under § 12-27-145.

7

8 SECTION 249. Arkansas Code § 16-93-308(b)(2), concerning the
9 revocation of probation, is amended to read as follows:

10 (2) If a defendant on probation is arrested by a probation
11 officer employed by the ~~Department~~ Division of Community Correction for a
12 violation of the defendant's probation and taken to a county jail for a
13 reason listed under subdivision (b)(1)(B) of this section, the state shall
14 reimburse the county for the costs of incarceration at the prevailing rate of
15 reimbursement.

16

17 SECTION 250. Arkansas Code § 16-93-308(c)(1), concerning the
18 revocation of probation, is amended to read as follows:

19 (c)(1) A defendant arrested for violation of suspension of sentence or
20 probation shall be taken immediately before the court that suspended
21 imposition of sentence or, if the defendant was placed on probation, before
22 the court supervising the probation, or, if the defendant is subject to
23 administrative probation sanction under § 16-93-306(d), to the appropriate
24 authority in the ~~Department~~ Division of Community Correction if practicable
25 or, if transport to an appropriate authority of the ~~Department~~ Division of
26 Community Correction is not practicable, then to the county jail.

27

28 SECTION 251. Arkansas Code § 16-93-308(i)(1)(B), concerning the
29 revocation of probation, is amended to read as follows:

30 (B)(i) A defendant on probation is subject to having his
31 or her probation revoked and being sentenced to the ~~Department~~ Division of
32 Correction or the ~~Department~~ Division of Community Correction for a
33 subsequent violation of his or her probation if the defendant has been
34 confined six (6) times under § 16-93-306(d).

35

36 (ii) After a defendant on probation has been
confined two (2) times under either § 16-93-306(d) or § 16-93-309(a)(4) for

1 any combination of a technical conditions violation or serious conditions
2 violation for any period of time, the defendant on probation is subject to
3 having his or her probation revoked and being sentenced to the ~~Department~~
4 Division of Correction or the ~~Department~~ Division of Community Correction for
5 a subsequent violation of his or her probation.

6
7 SECTION 252. Arkansas Code § 16-93-308(i)(2)(A), concerning the
8 revocation of probation, is amended to read as follows:

9 (2)(A) A defendant is subject to having his or her probation
10 revoked under this section for a technical conditions violation or a serious
11 conditions violation without having been sanctioned for a period of
12 confinement set out under § 16-93-306(d) or § 16-93-309(a)(4) if upon the
13 filing of a petition in the court with jurisdiction the ~~Department~~ Division
14 of Community Correction or the prosecuting attorney proves by a preponderance
15 of the evidence that the defendant is engaging in or has engaged in behavior
16 that poses a threat to the community.

17
18 SECTION 253. Arkansas Code § 16-93-309(b)(1), concerning probation,
19 revocation hearings, sentence alternatives, and sanctions, is amended to read
20 as follows:

21 (b)(1) A period of confinement under subdivision (a)(4) of this
22 section may be reduced by the ~~Department~~ Division of Correction or the
23 ~~Department~~ Division of Community Correction for good behavior and successful
24 program completion.

25
26 SECTION 254. Arkansas Code § 16-93-309(d)(2), concerning probation,
27 revocation hearings, sentence alternatives, and sanctions, is amended to read
28 as follows:

29 (2) Sentence the defendant to incarceration in the ~~Department~~
30 Division of Correction.

31
32 SECTION 255. Arkansas Code § 16-93-310(b), concerning probation,
33 revocation and community correction programs, is amended to read as follows:

34 (b) Upon revocation, the court of jurisdiction shall determine whether
35 the offender shall remain under the jurisdiction of the court and be assigned
36 to a more restrictive community correction program, facility, or institution

1 for a period of time or committed to the ~~Department~~ Division of Community
2 Correction.

3
4 SECTION 256. Arkansas Code § 16-93-310(c), concerning probation,
5 revocation and community correction programs, is amended to read as follows:

6 (c)(1) If committed to the ~~Department~~ Division of Correction, the
7 court shall specify if the commitment is for judicial transfer of the
8 offender to the ~~Department~~ Division of Community Correction or is a regular
9 commitment.

10 (2)(A) The court shall commit the eligible offender to the
11 custody of the ~~Department~~ Division of Correction under this subchapter for
12 judicial transfer to the ~~Department~~ Division of Community Correction subject
13 to the following:

14 (i) That the sentence imposed provides that the
15 offender shall serve no more than three (3) years of confinement, with credit
16 for meritorious good time, with initial placement in a ~~Department~~ Division of
17 Community Correction facility; and

18 (ii) That the initial placement in the ~~Department~~
19 Division of Community Correction is conditioned upon the offender's
20 continuing eligibility for ~~Department~~ Division of Community Correction
21 placement and the offender's compliance with all applicable rules established
22 by the Board of Corrections for community correction programs.

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

25
26 SECTION 257. Arkansas Code § 16-93-601(c), concerning felonies
27 committed prior to April 1, 1977, is amended to read as follows:

28 (c) Sentence of Years. An individual sentenced to a term of years in
29 the Department of Correction, as the Division of Correction was known as
30 prior to July 1, 2019, now known as the Division of Correction, after
31 February 11, 1976, and before April 1, 1977, is eligible for release on
32 parole after he or she serves the following terms:

33 (1) An individual sentenced to a term of years for other than a
34 Class Y felony who is confined in the ~~department~~ Division of Correction for
35 the second time is eligible for release on parole after he or she serves one-
36 third (1/3) of the time for which sentenced, with credit for good-time

1 allowances, or one-third (1/3) of the time to which sentence is commuted by
2 executive clemency, with credit for good-time allowances. However, a judge
3 may require one-half ($\frac{1}{2}$) of the sentence as imposed, or one-half ($\frac{1}{2}$) of the
4 sentence as commuted by executive clemency, to be served, with credit for
5 good-time allowances; and

6 (2) An individual sentenced to a term of years who is confined
7 in the ~~department~~ division and who pleads guilty to or is convicted of a
8 Class Y felony or who has previously been confined in the ~~department~~ division
9 two (2) or more times is eligible for release on parole after he or she
10 serves one-half ($\frac{1}{2}$) of the time to which the sentence is commuted by
11 executive clemency, with credit for good-time allowances.

12
13 SECTION 258. Arkansas Code § 16-93-607(d), concerning parole
14 eligibility and felonies committed on or after April 1, 1983, but before
15 January 1, 1994, is amended to read as follows:

16 (d) Any person under twenty-one (21) years of age who is first
17 convicted of a felony and committed to the first offender penal institution
18 or to the Department of Correction, as the Division of Correction was known
19 as prior to July 1, 2019, now known as the Division of Correction, for a term
20 of years is eligible for parole at any time unless a minimum time to be
21 served is imposed consisting of not more than one-third (1/3) of the total
22 time sentenced. In the event the individual is sentenced to a minimum time to
23 be served, he or she is eligible for release on parole after serving the
24 minimum time prescribed, with credit for good-time allowances, and for
25 commutation by the exercise of executive clemency.

26
27 SECTION 259. Arkansas Code § 16-93-607(e), concerning parole
28 eligibility and felonies committed on or after April 1, 1983, but before
29 January 1, 1994, is amended to read as follows:

30 (e)(1) When any convicted felon, while on parole, is convicted of
31 another felony, the felon is to be committed to the ~~department~~ Division of
32 Correction to serve the remainder of his or her original sentence, including
33 any portion suspended, with credit for good-time allowances. Upon conviction
34 for the subsequent felony, the court shall require the sentence for the
35 subsequent felony to be served consecutively with the sentence for the
36 previous felony.

1 (2) Any person found guilty of a felony and placed on probation
2 or suspended sentence therefor who is subsequently found guilty of another
3 felony committed while on probation or suspended sentence is to be committed
4 to the ~~department~~ division to serve the remainder of his or her suspended
5 sentence plus the sentence imposed for the subsequent felony. The sentence
6 imposed for the subsequent felony is to be served consecutively with the
7 remainder of the suspended sentence.

8
9 SECTION 260. Arkansas Code § 16-93-610(a), concerning the computation
10 of sentence, is amended to read as follows:

11 (a) Time served is deemed to begin on the day sentence is imposed, not
12 on the day a prisoner is received by the Department of ~~Correction~~
13 Corrections. It shall continue only during the time in which a prisoner is
14 actually confined in a county jail or other local place of lawful confinement
15 or while under the custody and supervision of the department.

16
17 SECTION 261. Arkansas Code § 16-93-612(a), concerning parole
18 eligibility and the date of offense, is amended to read as follows:

19 (a) A person's parole eligibility shall be determined by the laws in
20 effect at the time of the offense for which he or she is sentenced to the
21 ~~Department~~ Division of Correction.

22
23 SECTION 262. Arkansas Code § 16-93-612(e)(4), concerning parole
24 eligibility and the date of offense, is amended to read as follows:

25 (4) If the felony was committed by a person who was a minor at
26 the time of the offense, he or she was committed to the Department of
27 Correction, as the Division of Correction was known as prior to July 1, 2019,
28 now known as the Division of Correction, and the offense occurred before, on,
29 or after March 20, 2017, § 16-93-621 governs that person's parole
30 eligibility.

31
32 SECTION 263. Arkansas Code § 16-93-614(c)(2)(A)(i)(a), concerning
33 parole eligibility for offenses committed after January 1, 1994, is amended
34 to read as follows:

35 (2)(A)(i)(a) An offender convicted of a target offense under the
36 Community Correction Act, § 16-93-1201 et seq., may be committed to the

1 ~~Department~~ Division of Correction and judicially transferred to the
2 ~~Department~~ Division of Community Correction by specific provision in the
3 commitment that the trial court order such a transfer.

4 (b) No other offender is eligible for transfer
5 to a ~~Department~~ Division of Community Correction facility.

6 (ii) A copy of the commitment shall be forwarded
7 immediately to the ~~Department~~ Division of Correction and to the ~~Department~~
8 Division of Community Correction.

9 (iii) In the event that an offender is sentenced to
10 the ~~Department~~ Division of Correction without judicial transfer on one (1)
11 sentence and concurrently sentenced to the ~~Department~~ Division of Correction
12 with judicial transfer on another sentence, the offender shall remain in the
13 ~~Department~~ Division of Correction, and the sentence with judicial transfer
14 may be discharged in the same manner as that of an offender transferred back
15 to the ~~Department~~ Division of Correction.

16 (B) The ~~Department~~ Division of Community Correction shall
17 take over supervision of the offender in accordance with the order of the
18 court.

19 (C) The ~~Department~~ Division of Community Correction shall
20 provide for the appropriate disposition of the offender as expeditiously as
21 practicable under rules and regulations developed by the Board of
22 Corrections.

23 (D) The offender shall not be transported to the
24 ~~Department~~ Division of Correction on the initial placement in a ~~Department~~
25 Division of Community Correction facility pursuant to a judicial transfer.

26 (E) An offender who is transferred back to the ~~Department~~
27 Division of Correction for disciplinary reasons may be considered for
28 transfer to ~~Department~~ Division of Community Correction supervision after
29 earning good-time credit equal to one-half ($\frac{1}{2}$) of the remainder of his or her
30 sentence.

31 (F) An offender who is sentenced after July 31, 2007, and
32 who is transferred back to the ~~Department~~ Division of Correction for
33 administrative reasons is eligible for transfer to ~~Department~~ Division of
34 Community Correction supervision in the same manner as an offender who is
35 sentenced to the ~~Department~~ Division of Correction without a judicial
36 transfer to the ~~Department~~ Division of Community Correction; and

1
2 SECTION 264. Arkansas Code § 16-93-616(a), concerning parole
3 eligibility procedures for offenses committed after January 1, 1994 and the
4 computation of a sentence, is amended to read as follows:

5 (a)(1) Time served for a sentence shall be deemed to begin on the day
6 sentence is imposed, not on the day a prisoner is received by the ~~Department~~
7 Division of Correction.

8 (2) Time served shall continue only during the time in which an
9 individual is actually confined in a county jail or other local place of
10 lawful confinement or while under the custody and supervision of the
11 ~~department~~ division.

12 (3) Once sentenced to the ~~department~~ division, the ~~department~~
13 division shall retain legal custody of the inmate for the duration of the
14 original sentence.

15
16 SECTION 265. Arkansas Code § 16-93-617(b) and (c), concerning parole
17 eligibility procedures for offenses committed after January 1, 1994 and
18 revocation of transfer, is amended to read as follows:

19 (b)(1) In the event an offender transferred under this section and §§
20 16-93-614 – 16-93-616, or § 16-93-618 is found to be or becomes ineligible
21 for transfer into a ~~Department~~ Division Community Correction facility, he or
22 she shall be transported to ~~Department~~ Division of Correction to serve the
23 remainder of his or her sentence.

24 (2) Notice of the ineligibility and the reasons therefor shall
25 be provided to the offender, and a hearing may be requested before the board
26 if the offender contests the factual basis of the ineligibility. Otherwise,
27 the board may administratively approve the transfer to the ~~Department~~
28 Division of Correction.

29 (c) An offender who is judicially transferred to a ~~Department~~ Division
30 of Community Correction facility and subsequently transferred back to the
31 ~~Department~~ Division of Correction by the board for disciplinary or
32 administrative reasons may not become eligible for any further transfer under
33 § 16-93-614(c)(2)(E) and (F).

34
35 SECTION 266. Arkansas Code § 16-93-621(a)(1) and (2)(A), concerning
36 parole eligibility for a person who was a minor at the time of committing

1 offense, is amended to read as follows:

2 16-93-621. Parole eligibility – A person who was a minor at the time
3 of committing an offense that was committed before, on, or after March 20,
4 2017.

5 (a)(1) A minor who was convicted and sentenced to the ~~Department~~
6 Division of Correction for an offense committed before he or she was eighteen
7 (18) years of age and in which the death of another person did not occur is
8 eligible for release on parole no later than after twenty (20) years of
9 incarceration, including any applicable sentencing enhancements, and
10 including an instance in which multiple sentences are to be served
11 consecutively or concurrently, unless by law the minor is eligible for
12 earlier parole eligibility.

13 (2)(A) A minor who was convicted and sentenced to the ~~department~~
14 Department of Correction, as the Division of Correction was known as prior to
15 July 1, 2019, now known as the Division of Correction, for an offense
16 committed before he or she was eighteen (18) years of age, in which the death
17 of another person occurred, and that was committed before, on, or after March
18 20, 2017, is eligible for release on parole no later than after twenty-five
19 (25) years of incarceration if he or she was convicted of murder in the first
20 degree, § 5-10-102, or no later than after thirty (30) years of incarceration
21 if he or she was convicted of capital murder, § 5-10-101, including any
22 applicable sentencing enhancements, unless by law the minor is eligible for
23 earlier parole eligibility.

24

25 SECTION 267. Arkansas Code § 16-93-701(a)(1), concerning Parole Board
26 authority to grant parole, is amended to read as follows:

27 (a)(1) The Parole Board may release on parole any eligible inmate who
28 is confined in any correctional institution administered by the ~~Department~~
29 Division of Correction or the ~~Department~~ Division of Community Correction,
30 when in the board's opinion there is a reasonable probability that the inmate
31 can be released without detriment to the community or himself or herself and
32 is able and willing to fulfill the obligations of a law-abiding citizen.

33

34 SECTION 269. Arkansas Code § 16-93-703(a), concerning Parole Board
35 place of hearing and procedures, is amended to read as follows:

36 (a) The Parole Board shall not schedule parole hearings at which

1 victims or relatives of victims of crime are invited to appear at a facility
2 wherein inmates are housed other than the Central Administration Building of
3 the ~~Department~~ Division of Correction at Pine Bluff.

4
5 SECTION 270. Arkansas Code § 16-93-705(a)(1)(A)(ii), concerning
6 revocation of parole, is amended to read as follows:

7 (ii) The ~~Department~~ Division of Community Correction
8 shall provide the information necessary for the board to issue a warrant
9 under subdivision (a)(1)(A)(i) of this section.

10
11 SECTION 271. Arkansas Code § 16-93-705(a)(1)(B)(ii), concerning
12 revocation of parole, is amended to read as follows:

13 (ii) The ~~Department~~ Division of Community Correction
14 shall provide the information necessary for the board to issue a warrant
15 under subdivision (a)(1)(B)(i) of this section.

16
17 SECTION 272. Arkansas Code § 16-93-705(b)(5) and (6), concerning
18 revocation of parole, are amended to read as follows:

19 (5) If the parole revocation judge finds that there is
20 reasonable cause to believe that the parolee has violated a condition of
21 parole, the parole revocation judge may order the parolee returned to the
22 nearest facility of the ~~Department~~ Division of Correction or ~~Department~~
23 Division of Community Correction where the parolee shall be placed in custody
24 for a parole revocation hearing before the board.

25 (6) If the parole revocation judge finds that there is
26 reasonable cause to believe that the parolee has violated a condition of
27 parole, the parole revocation judge may return the parolee to parole
28 supervision rather than to the custody of the ~~Department~~ Division of
29 Correction and may impose additional supervision conditions in response to
30 the violating conduct.

31
32 SECTION 273. Arkansas Code § 16-93-705(f), concerning revocation of
33 parole, are amended to read as follows:

34 (f) A preliminary hearing under subsection (b) of this section and a
35 parole revocation hearing under subsection (c) of this section shall not be
36 necessary if the parole revocation is based on the parolee's conviction,

1 guilty plea, or plea of nolo contendere to a felony offense for which he or
2 she is sentenced to the ~~Department~~ Division of Correction or to any other
3 state or federal correctional institution.

4
5 SECTION 274. Arkansas Code § 16-93-706(b), concerning the revocation
6 of parole and the subpoena of witnesses and documents, is amended to read as
7 follows:

8 (b) The fees and mileage expenses as prescribed by law for witnesses
9 in civil cases shall be paid by the ~~Department~~ Division of Correction.

10
11 SECTION 275. Arkansas Code § 16-93-709 is amended to read as follows:
12 16-93-709. Sex offender may not reside with minors.

13 (a) Whenever an inmate in a facility of the ~~Department~~ Division of
14 Correction who has been found guilty of or has pleaded guilty or nolo
15 contendere to any sexual offense defined in § 5-14-101 et seq., or incest as
16 defined by § 5-26-202, and the sexual offense or incest was perpetrated
17 against a minor, becomes eligible for parole and makes application for
18 release on parole, the Parole Board shall prohibit, as a condition of
19 granting the parole, the parolee from residing upon parole in a residence
20 with any minor, unless the board makes a specific finding that the inmate
21 poses no danger to the minors residing in the residence.

22 (b) If the board, upon a hearing under § 16-93-705, finds, by a
23 preponderance of the evidence, that the parolee has failed to comply with
24 this condition of parole, the parole may be revoked and the parolee returned
25 to the custody of the ~~department~~ division.

26
27 SECTION 276. Arkansas Code § 16-93-710(a), concerning parole for
28 inmates who have served their term of imprisonment in a county jail prior to
29 being processed into the Department of Correction, is amended to read as
30 follows:

31 (a)(1) Subject to conditions set by the Parole Board, an offender
32 convicted of a felony and sentenced to a term of imprisonment of two (2)
33 years or less in the ~~Department~~ Division of Correction, and who has served
34 his or her term of imprisonment in a county jail prior to being processed
35 into the ~~Department~~ Division of Correction, may be paroled from the
36 ~~Department~~ Division of Correction county jail backup facility directly to the

1 ~~Department~~ Division of Community Correction under parole supervision, and
2 upon eligibility determination, processed for release by the board.

3 (2) Transfer release proceedings or a preliminary review under
4 this subchapter shall begin no later than six (6) months prior to a person's
5 transfer eligibility date, and the board shall authorize jacket review
6 procedures at all institutions holding parole-eligible inmates to prepare
7 parole applications to comply with this time frame.

8 (3) The jacket review will be conducted by staff either from the
9 ~~Department~~ Division of Community Correction or by ~~Department~~ Division of
10 Correction.

11
12 SECTION 277. Arkansas Code § 16-93-712(b)(1), concerning Parole Board
13 supervision of parolee, is amended to read as follows:

14 (1) Investigate each case referred to him or her by the Chair of
15 the Parole Board, the ~~Department~~ Division of Community Correction, or the
16 prosecuting attorney;

17
18 SECTION 278. Arkansas Code § 16-93-712(c), concerning Parole Board
19 supervision of parolee, is amended to read as follows:

20 (c)(1) The ~~Department~~ Division of Community Correction shall allocate
21 resources, including the assignment of parole officers, to focus on moderate-
22 risk and high-risk offenders as determined by the validated risk-needs
23 assessment provided in subdivision (b)(6) of this section.

24 (2) The ~~Department~~ Division of Community Correction shall
25 require each public and private treatment and service provider that receives
26 state funds for the treatment of or service for parolees to use evidence-
27 based programs and practices.

28
29 SECTION 279. Arkansas Code § 16-93-712(d)(1) and (2), concerning
30 Parole Board supervision of parolee, are amended to read as follows:

31 (d)(1) The ~~Department~~ Division of Community Correction shall have the
32 authority to sanction a parolee administratively without engaging the
33 revocation process under § 16-93-705.

34 (2)(A)(i) The ~~Department~~ Division of Community Correction shall
35 develop an intermediate sanctions procedure and grid to guide a parole
36 officer in determining the appropriate response to a violation of conditions

1 of supervision.

2 (ii) The intermediate sanctions procedure shall
3 include a requirement that the parole officer consider multiple factors when
4 determining the sanction to be imposed, including previous violations and
5 sanctions and the severity of the current and prior violation.

6 (B) Intermediate sanctions administered by the ~~Department~~
7 Division of Community Correction are required to conform to the sanctioning
8 grid.

9
10 SECTION 280. Arkansas Code § 16-93-712(d)(3)(E)(i), concerning Parole
11 Board supervision of parolee, is amended to read as follows:

12 (E)(i) Incarceration in a county jail for no more than
13 seven (7) days or incarceration in a ~~Department~~ Division of Community
14 Correction facility or ~~Department~~ Division of Correction facility for no more
15 than one hundred eighty (180) days.

16
17 SECTION 281. Arkansas Code § 16-93-712(d)(3)(E)(ii)(b)-(d), concerning
18 Parole Board supervision of parolee, are amended to read as follows:

19 (b) A parolee shall accumulate no more than
20 twenty-one (21) days' incarceration in a county jail or no more than three
21 hundred sixty (360) days' incarceration in a ~~Department~~ Division of Community
22 Correction facility or ~~Department~~ Division of Correction facility as an
23 intermediate sanction before the parole officer recommends a violation of the
24 person's parole under § 16-93-706.

25 (c) A parolee is subject to a period of
26 incarceration of:

27 (1) Up to ninety (90) days in a
28 ~~Department~~ Division of Community Correction facility or ~~Department~~ Division
29 of Correction facility for a technical conditions violation; and

30 (2) Exactly one hundred eighty (180)
31 days in a ~~Department~~ Division of Community Correction or ~~Department~~ Division
32 of Correction facility for a serious conditions violation.

33 (d) A parolee may not be incarcerated more
34 than two (2) times as a parole sanction in a ~~Department~~ Division of Community
35 Correction facility or ~~Department~~ Division of Correction facility.

36

1 SECTION 282. Arkansas Code § 16-93-712(f)(1), concerning Parole Board
2 supervision of parolee, is amended to read as follows:

3 (1) May be reduced by the ~~Department~~ Division of Correction or
4 the ~~Department~~ Division of Community Correction for good behavior and
5 successful program completion; and
6

7 SECTION 283. Arkansas Code § 16-93-715(a)(2)(A), concerning parole
8 violations, technical conditions, violations, and serious conditions is
9 amended to read as follows:

10 (2)(A) A period of confinement under subdivision (a)(1) of this
11 section may be reduced by the ~~Department~~ Division of Correction or the
12 ~~Department~~ Division of Community Correction for good behavior and successful
13 program completion.
14

15 SECTION 284. Arkansas Code § 16-93-715(b)(2), concerning parole
16 violations, technical conditions, violations, and serious conditions is
17 amended to read as follows:

18 (2)(A) A parolee is subject to having his or her parole revoked
19 and being returned to the ~~Department~~ Division of Correction or the ~~Department~~
20 Division of Community Correction for the next violation of his or her parole
21 if the parolee has been confined six (6) times under § 16-93-712(d).

22 (B) After a parolee has been confined two (2) times under
23 subdivision (a)(1) of this section for any combination of a technical
24 conditions violation or serious conditions violation for any period of time,
25 the parolee is subject to having his or her parole revoked and being returned
26 to the ~~Department~~ Division of Correction or the ~~Department~~ Division of
27 Community Correction for the next violation of his or her parole.

28 (C) A parolee is subject to having his or her parole
29 revoked and being returned to the ~~Department~~ Division of Correction or the
30 ~~Department~~ Division of Community Correction under this section without having
31 been sanctioned for a period of confinement set out under § 16-93-712(d) or
32 subdivision (a)(1) of this section if the Parole Board determines by a
33 preponderance of the evidence that the parolee is engaging in or has engaged
34 in behavior that poses a threat to the community.
35

36 SECTION 285. Arkansas Code § 16-93-715(e), concerning parole

1 violations, technical conditions, violations, and serious conditions is
2 amended to read as follows:

3 (e) Noncompliance with ~~Department~~ Division of Correction or ~~Department~~
4 Division of Community Correction program requirements or violent or sexual
5 behavior while confined for a technical conditions violation or serious
6 conditions violation under this section may result in revocation of the
7 parolee's parole for a period of time exceeding the limitations of
8 subdivision (a)(1) of this section, up to and including the time remaining on
9 the person's original sentence.

10
11 SECTION 286. Arkansas Code § 16-93-1202(4)-(8), concerning definitions
12 under the laws concerning community corrections, are amended to read as
13 follows:

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

18 (5) "~~Department~~ Division of Correction" means the administrative
19 structure in place to oversee the daily operation of secure prison
20 facilities;

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

30 (7) "Incarceration" means commitment to the ~~Department~~ Division
31 of Correction;

32 (8) "Supervision" means direct supervision at varying levels of
33 intensity by either probation officers, in the case of sentences to probation
34 with a condition of community correction, or parole and post prison
35 supervision officers, in the case of offenders eligible for release on parole
36 or offenders transferred to community correction or community supervision

1 from the ~~Department~~ Division of Correction;

2
3 SECTION 287. Arkansas Code § 16-93-1202(10)(C), concerning definition
4 of "target group" under the laws concerning community corrections, is amended
5 to read as follows:

6 (C) Final determination of eligibility for placement in
7 any community correction center or program is the responsibility of the
8 ~~Department~~ Division of Community Correction;

9
10 SECTION 288. Arkansas Code § 16-93-1202(12), concerning definition of
11 "transfer date" under the laws concerning community corrections, is amended
12 to read as follows:

13 (12)(A) "Transfer date" means the earliest date on which an
14 offender is eligible for transfer from the ~~Department~~ Division of Correction
15 to the ~~Department~~ Division of Community Correction.

16 (B) The date may be extended based on disciplinary
17 behavior while under the custody of the ~~Department~~ Division of Correction;
18 and

19
20 SECTION 289. Arkansas Code § 16-93-1202(13), concerning definition of
21 "trial court" under the laws concerning community corrections, is amended to
22 read as follows:

23 (13) "Trial court" means any court of this state having
24 jurisdiction of an eligible offender and the power to sentence the eligible
25 offender to the included options, subject to eligibility determination by the
26 ~~Department~~ Division of Community Correction.

27
28 SECTION 290. Arkansas Code § 16-93-1203(1), concerning power and
29 duties of the Board of Corrections, is amended to read as follows:

30 (1) Establish community correction programs to which eligible
31 offenders may be assigned as a condition of probation, sentenced to by the
32 trial court pursuant to this subchapter, paroled to upon release from
33 incarceration, or transferred to after incarceration in the ~~Department~~
34 Division of Correction;

35
36 SECTION 291. Arkansas Code § 16-93-1203(6), concerning power and

1 duties of the Board of Corrections, is amended to read as follows:

2 (6) Direct the departments, divisions, and other entities
3 involved in the implementation of community correction options in a manner
4 that will promote the safety and welfare of the people of this state;

5
6 SECTION 292. Arkansas Code § 16-93-1207(a)(1)(A) and (B), concerning
7 order of commitment by the court, are amended to read as follows:

8 (A) Committed to the ~~Department~~ Division of Correction;

9 (B) Committed to the ~~Department~~ Division of Correction
10 with judicial transfer to the ~~Department~~ Division of Community Correction;

11
12 SECTION 293. Arkansas Code § 16-93-1207(b)(1), concerning order of
13 commitment by the court, are amended to read as follows:

14 (b)(1) Upon the successful completion of probation or a commitment to
15 the ~~Department~~ Division of Correction with judicial transfer to the
16 ~~Department~~ Division of Community Correction or a commitment to a county jail
17 for one (1) of the offenses targeted by the General Assembly for community
18 correction placement, the court may direct that the record of the offender be
19 sealed with regards to the offense of which the offender was either convicted
20 or placed on probation under the condition that the offender has no more than
21 one (1) previous felony conviction and that the previous felony was other
22 than a conviction for:

23
24 SECTION 294. Arkansas Code § 16-93-1208 is amended to read as follows:
25 16-93-1208. Post commitment transfer.

26 (a)(1)(A) Upon commitment of an eligible offender to the ~~Department~~
27 Division of Correction, the ~~Department~~ Division of Correction will transfer
28 the eligible offender to a community correction program, when he or she
29 reaches his or her transfer date, in accordance with the rules and
30 regulations promulgated by the Board of Corrections and conditions set by the
31 Parole Board.

32 (B) Legal custody of inmates transferred to the ~~Department~~
33 Division of Community Correction shall remain with the ~~Department~~ Division of
34 Correction unless altered by court order.

35 (2) A person eligible for release from incarceration on parole
36 may be placed in community correction programming while under parole

1 supervision upon the recommendation of the condition by the releasing
2 authority.

3 (b)(1) The Board of Corrections and the ~~Department~~ Division of
4 Correction are authorized to release medical and psychological data in their
5 possession to a community correction service provider concerning an eligible
6 offender transferred to that community correction program.

7 (2) The community correction service provider shall use any
8 medical or psychological data received from the ~~Department~~ Division of
9 Correction and the Board of Corrections in compliance with rules concerning
10 the use of that data as adopted by the Board of Corrections.

11
12 SECTION 295. Arkansas Code § 16-93-1209 is amended to read as follows:
13 16-93-1209. Liability.

14 The ~~Department~~ Division of Correction, the Board of Corrections, the
15 ~~Department~~ Division of Community Correction, the Parole Board, and all
16 governmental agencies and units utilizing eligible offenders in community
17 correction programs as defined in this subchapter are immune from liability
18 and suit for damages, and no tort action shall lie against the ~~Department~~
19 Division of Correction, the Board of Corrections, the ~~Department~~ Division of
20 Community Correction, the Parole Board, and any governmental agency or unit
21 or any of their employees because of any acts of eligible offenders utilized
22 under the provisions of this subchapter.

23
24 SECTION 296. Arkansas Code § 16-93-1602(3)(A), concerning the
25 definition of "transitional housing" under the laws concerning traditional
26 housing facilities, is amended to read as follows:

27 (3)(A) "Transitional housing" means a program that provides
28 housing for one (1) or more offenders who either have been transferred or
29 paroled from the ~~Department~~ Division of Correction by the Parole Board or
30 placed on probation by a circuit court or district court.

31
32 SECTION 297. Arkansas Code § 16-95-105 is amended to read as follows:
33 16-95-105. Escape – Penalty.

34 Any prisoner who shall escape from custody while in another state or
35 jurisdiction pursuant to the Agreement on Detainers shall be guilty of a
36 felony and upon conviction shall be sentenced to a term of not less than

1 three (3) years nor more than five (5) years in the ~~Department~~ Division of
2 Correction.

3
4 SECTION 298. Arkansas Code § 16-98-303(a)(5), concerning authorization
5 of drug court programs, is amended to read as follows:

6 (5) As determined by the ~~Department~~ Division of Community
7 Correction, an adult drug court program established under this section shall
8 target high-risk offenders and medium-risk offenders.

9
10 SECTION 399. Arkansas Code § 16-98-303(b)(1) and (2), concerning
11 authorization of drug court programs, are amended to read as follows:

12 (b)(1) A drug court program shall incorporate services from the
13 ~~Department~~ Division of Community Correction, the Department of Human
14 Services, and the Administrative Office of the Courts.

15 (2) Subject to an appropriation, funding, and position
16 authorization, both programmatic and administrative, and subject to the
17 requirements of eligibility as defined in § 16-93-1202, the ~~Department~~
18 Division of Community Correction:

19 (A) Shall:

20 (i) Establish standards regarding the classification
21 of a drug court program participant as a high-risk offender or medium-risk
22 offender;

23 (ii) Provide positions for persons to serve as
24 probation officers, drug counselors, and administrative assistants;

25 (iii) Provide for drug testing for drug court
26 program participants;

27 (iv) Provide for intensive outpatient treatment for
28 drug court program participants;

29 (v) Provide for intensive short-term and long-term
30 residential treatment for drug court program participants; and

31 (vi) Develop clinical assessment capacity, including
32 drug testing, to identify a drug court program participant with a substance
33 addiction and develop a treatment protocol that improves the drug court
34 program participant's likelihood of success; and

35 (B) May:

36 (i) Provide for continuous alcohol monitoring for

1 drug court program participants, including a minimum period of one hundred
2 twenty (120) days; and

3 (ii) Develop clinical assessment capacity, including
4 continuous alcohol monitoring, to identify a drug court program participant
5 with a substance addiction and develop a treatment protocol that improves the
6 drug court program participant's likelihood of success.

7
8 SECTION 300. Arkansas Code § 16-98-303(b)(4)(E)(iii), concerning
9 authorization of drug court programs, are amended to read as follows:

10 (iii) Existing drug treatment programs currently in
11 place and operating through the courts, the county jail, or the ~~Department~~
12 Division of Correction; and

13
14 SECTION 301. Arkansas Code § 16-98-303(e)(4), concerning authorization
15 of drug court programs, are amended to read as follows:

16 (4) ~~Department~~ Division of Community Correction; and

17
18 SECTION 302. Arkansas Code § 16-98-303(f)(2), concerning authorization
19 of drug court programs, are amended to read as follows:

20 (2) Serve as a coordinator between drug court judges, the
21 ~~Department~~ Division of Community Correction, the Division of Aging, Adult,
22 and Behavioral Health Services of the Department of Human Services, private
23 treatment provider representatives, and public health advocates;

24
25 SECTION 303. Arkansas Code § 16-99-101 is amended to read as follows:

26 16-99-101. Purpose and intent.

27 (a) Both state and local agencies that implement criminal justice
28 practices resulting in outcomes that reduce commitments to the ~~Department~~
29 Division of Correction should be rewarded.

30 (b) If a state agency, county, or judicial district has implemented
31 proven risk-reduction strategies that reduce the number of offenders
32 returning to the ~~Department~~ Division of Correction with no resultant increase
33 in the crime rate; then, in order to reward the state agency, county, or
34 judicial district and as an incentive to encourage similar practices
35 elsewhere, the state agency, county, or judicial district should receive a
36 monetary reward to continue those practices.

1 (c) The award would represent a portion of the monetary savings from
2 the costs that would have been incurred had the state agency, county, or
3 judicial district not reduced its impact on the ~~Department~~ Division of
4 Correction.

5 (d) The goal of this subchapter is to align state and local fiscal
6 incentives by rewarding the ~~Department~~ Division of Community Correction,
7 county governments, and judicial districts for each entity's role in reducing
8 its impact on the ~~Department~~ Division of Correction.

9
10 SECTION 304. Arkansas Code § 16-99-102 is amended to read as follows:

11 16-99-102. Program authorized – Administration.

12 (a) Costs averted due to a reduction in commitments to the ~~Department~~
13 Division of Correction or a reduction in the period of time served in the
14 ~~Department~~ Division of Correction, to the extent possible, shall be
15 reinvested into those state agencies, counties, or judicial districts as an
16 incentive to further the crime and recidivism reduction strategies being
17 employed.

18 (b) The ~~Department~~ Division of Community Correction shall be the
19 recipient of incentive funds upon meeting the requirements set out in this
20 subchapter.

21 (c)(1) Counties, multicounty partnerships, and judicial districts
22 shall be eligible to apply for participation in the performance incentive
23 funding program set out in this subchapter on the reduction in the ~~Department~~
24 Division of Correction's population.

25 (2) Participation in the program will be determined through a
26 competitive grant process.

27 (d) The Board of Corrections shall have the authority to manage the
28 program and administer the grant funds to appropriate applicants and the
29 ~~Department~~ Division of Community Correction.

30 (e)(1) Subject to the available funding, the ~~Department~~ Division of
31 Community Correction shall manage and administer grant funds to itself and
32 counties, multicounty partnerships, and judicial districts in order to
33 implement the policies and programs authorized by this program.

34 (2) These shall be one-time-only grants not contingent on
35 measured performance.

36 (3) All future funding under this section shall be tied to

1 measured performance.

2
3 SECTION 305. Arkansas Code § 16-99-103(a)(1), concerning an
4 application for parole revocation, is amended to read as follows:

5 (a)(1) The ~~Department~~ Division of Community Correction shall receive
6 additional funding for committing to a reduction in the number of probation
7 revocations that result from a technical violation or a new crime.

8
9 SECTION 306. Arkansas Code § 16-99-103(a)(4) and (5), concerning an
10 application for parole revocation, are amended to read as follows:

11 (4) Each year the ~~Department~~ Division of Community Correction
12 shall receive additional funds for reducing the net impact of revocations on
13 the ~~Department~~ Division of Correction.

14 (5) The ~~Department~~ Division of Community Correction shall
15 promulgate rules and regulations for the distribution and use of incentive
16 funds that it receives, requiring that:

17 (A) No less than one-third (1/3) of the funds received
18 each year are distributed to the individual probation or parole areas
19 responsible for the revocation reductions while maintaining or improving
20 public safety; and

21 (B) All of the funds received by the ~~Department~~ Division
22 of Community Correction are invested in programs and practices designed to
23 reduce recidivism.

24
25 SECTION 307. Arkansas Code § 16-99-103(b)(1), concerning an
26 application for parole revocation, is amended to read as follows:

27 (b)(1) A competitive grant process will distribute grants to five (5)
28 individual counties, multicounty partnerships, or judicial districts that
29 meet criteria established to improve public safety and reduce their net
30 impact on the ~~Department~~ Division of Correction.

31
32 SECTION 308. Arkansas Code § 16-99-103(b)(4)-(6), concerning an
33 application for parole revocation, are amended to read as follows:

34 (4) Four (4) of the five (5) grants shall be awarded to the
35 counties, multicounty partnerships, or judicial districts with the largest
36 number of annual ~~Department~~ Division of Correction commitments that meet the

1 program criteria and submit acceptable applications.

2 (5) One (1) grant shall be awarded to a county, multicounty
3 partnership, or judicial district representing a rural region of the state,
4 notwithstanding the number of ~~Department~~ Division of Correction commitments
5 from the applicant so long as the program criteria are met and the
6 application is acceptable.

7 (6) Each year, the grant recipient shall receive additional
8 funds equal to one-half ($\frac{1}{2}$) of the averted costs for reducing the net impact
9 of its sentences on the ~~Department~~ Division of Correction.

10
11 SECTION 309. Arkansas Code § 16-99-104(2), concerning the
12 implementation of rules by the Board of Corrections, is amended to read as
13 follows:

14 (2) Calculate and determine the baseline for the ~~Department~~
15 Division of Community Correction's revocation rate and for the ~~Department~~
16 Division of Correction's commitments' length of stay for evaluation purposes;
17 and

18
19 SECTION 310. Arkansas Code § 16-99-105(a)(1), concerning reporting and
20 data collection by the Department of Community Correction, is amended to read
21 as follows:

22 (a)(1) The ~~Department~~ Division of Community Correction shall provide
23 data and information as requested by the Board of Corrections.

24
25 SECTION 311. Arkansas Code § 16-99-105(a)(2)(A), concerning reporting
26 and data collection by the Department of Community Correction, is amended to
27 read as follows:

28 (A) The total number of probationers from each of
29 ~~Department~~ Division of Community Correction's individual probation or parole
30 areas for the current year and previous years, as available;

31
32 SECTION 312. Arkansas Code § 16-99-105(a)(2)(C), concerning reporting
33 and data collection by the Department of Community Correction, is amended to
34 read as follows:

35 (C) The total number of new felony convictions and the
36 rate of new felony convictions from each of the ~~Department~~ Division of

1 Community Correction's individual probation or parole areas for the current
2 year and previous years, as available;

3
4 SECTION 313. Arkansas Code § 16-99-105(a)(2)(E), concerning reporting
5 and data collection by the Department of Community Correction, is amended to
6 read as follows:

7 (E) The evidence-based programs established or enhanced by
8 the ~~Department~~ Division of Community Correction as part of its effort to
9 reduce revocations and improve public safety and any subsequent evidence-
10 based programs that contribute to the outcomes of the performance incentive
11 funding program under this subchapter.

12
13 SECTION 314. Arkansas Code § 16-99-105(d)(2) and (3), concerning
14 reporting and data collection by the Department of Community Correction, are
15 amended to read as follows:

16 (2) This analysis shall include without limitation the effect,
17 compared to baseline, on net ~~Department~~ Division of Correction bed usage by
18 the ~~Department~~ Division of Community Correction and by all county grantees,
19 as well as ~~Department~~ Division of Correction admissions and lengths-of-stay,
20 moneys paid out, revocation rates and new crime conviction rates for the
21 ~~Department~~ Division of Community Correction, and guidelines compliance for
22 participating counties.

23 (3) The board shall provide analyses on an area-by-area basis
24 for the ~~Department~~ Division of Community Correction performance incentive
25 funding program and on a county-by-county, multicounty-partnership, or
26 judicial-district basis for the local performance-incentive funding program.

27
28 SECTION 315. Arkansas Code § 16-106-201(2), concerning the definition
29 of "inmate" under the rules governing actions against the state, is amended
30 to read as follows:

31 (2) "Inmate" or "inmate in a penal institution" includes, but is
32 not limited to, a person in the custody or under the supervision of the
33 ~~Department~~ Division of Correction, the ~~Department~~ Division of Community
34 Correction, or the United States Bureau of Prisons; and

35
36 SECTION 316. Arkansas Code § 16-106-202(a), concerning premature,

1 frivolous, or malicious lawsuits, is amended to read as follows:

2 (a) A civil action or claim initiated against the state, the Board of
3 Corrections, the ~~Department~~ Division of Correction, the ~~Department~~ Division
4 of Community Correction, another state agency, or a political subdivision, or
5 an original action in an appellate court, or an appeal of an action, whether
6 or not the plaintiff was represented in court, by an inmate in a penal
7 institution or an incarcerated person appearing pro se may be:

8 (1) Dismissed without prejudice by the court on its own motion
9 or on a motion of the defendant, if all administrative remedies available to
10 the inmate have not been exhausted; or

11 (2) Dismissed with prejudice by the court on a motion of the
12 defendant if the court is satisfied that the action is frivolous or
13 malicious.

14
15 SECTION 317. Arkansas Code § 16-106-203(1), concerning sanctions for
16 causes of actions that are frivolous or malicious, is amended to read as
17 follows:

18 (1) Award attorney's fees and actual costs incurred by the
19 state, the ~~Department~~ Division of Correction, or the ~~Department~~ Division of
20 Community Correction, another state agency, a political subdivision, the
21 Attorney General's office, or the defendant, not to exceed two thousand five
22 hundred dollars (\$2,500) per frivolous cause of action;

23
24 SECTION 318. Arkansas Code § 16-106-203(3) and (4), concerning
25 sanctions for causes of actions that are frivolous or malicious, are amended
26 to read as follows:

27 (3) Order the ~~Department~~ Division of Correction to revoke up to
28 thirty (30) days' earned good-time credits accrued, under § 12-29-201 et
29 seq.;

30 (4) Order the ~~Department~~ Division of Correction to revoke
31 permission to have nonessential personal property of the inmate, including,
32 but not limited to, televisions, radios, stereos, or tape recorders. If
33 permission is revoked, the ~~Department~~ Division of Correction shall take
34 appropriate precautions to protect the property during the period of the
35 revocation; or

36

1 SECTION 319. Arkansas Code § 16-106-204(a), concerning fees and costs
2 as a judgment against the inmate, is amended to read as follows:

3 (a) Any award of attorney's fees or costs, or the imposition of a
4 sanction shall serve as a judgment against the inmate, and the ~~Department~~
5 Division of Correction is authorized to take up to fifty percent (50%) of the
6 inmate's account per month until paid.

7
8 SECTION 320. Arkansas Code § 16-123-407 is amended to read as follows:
9 16-123-407. Exemptions.

10 The ~~Department~~ Division of Correction, the ~~Department~~ Division of
11 Community Correction, a county jail, and a detention facility are exempt from
12 this subchapter.

13
14 SECTION 321. Arkansas Code § 17-82-104(d)(1), concerning unlawful
15 practice of dentistry is amended to read as follows:

16 (d)(1) A registered licensed dental hygienist working at a ~~Department~~
17 Division of Correction or ~~Department~~ Division of Community Correction
18 facility may work under the general supervision of a licensed dentist.

19
20 SECTION 322. Arkansas Code § 17-82-301(c), concerning penalty for
21 practice of unlawful dentistry, is amended to read as follows:

22 (c) Any person who violates any provision of subsection (a) of this
23 section shall be guilty of a Class D felony and shall be subject to
24 imprisonment not to exceed six (6) years in the ~~Department~~ Division of
25 Correction or a fine of up to ten thousand dollars (\$10,000), or both. Each
26 unauthorized act constitutes a separate offense.

27
28 SECTION 323. Arkansas Code § 17-101-308(a)(4)(A), concerning the
29 denial, suspension or revocation of a certificate for veterinary technicians,
30 is amended to read as follows:

31 (4)(A) Any offense punishable by incarceration in the ~~Department~~
32 Division of Correction or federal prison.

33
34 SECTION 324. Arkansas Code § 19-4-803(b), concerning exemptions, is
35 amended to read as follows:

36 (b) The ~~Department~~ Division of Correction Plasma Center is exempt from

1 provisions of this subchapter.

2
3 SECTION 325. Arkansas Code § 19-4-1602(a)(20), concerning payroll
4 deductions, is amended to read as follows:

5 (20) ~~Department~~ Division Correction Bus Pool dues, when
6 requested in writing by those employees;

7
8 SECTION 326. Arkansas Code § 19-5-302(1), concerning State General
9 Government Fund, is amended to read as follows:

10 (1) ~~Department~~ Division of Correction Inmate Care and Custody Fund
11 Account.

12 (A) The ~~Department~~ Division of Correction Inmate Care and
13 Custody Fund Account shall be used for the maintenance, operation, and
14 improvement of the ~~Department~~ Division of Correction required in carrying out
15 those powers, functions, and duties relating to nonfarm or crop-producing
16 programs as established by law.

17 (B) The ~~Department~~ Division of Correction Inmate Care and
18 Custody Fund Account shall consist of:

19 (i) Those general revenues as may be provided by
20 law;

21 (ii) Nonrevenue income derived from services
22 provided by the inmate care and custody program;

23 (iii) Excess farm profits as may be provided by law;
24 and

25 (iv) Any other funds provided by law, including
26 federal reimbursements received for eligible expenditures by the various
27 programs of the ~~Department~~ Division of Correction from appropriations made
28 payable from the ~~Department~~ Division of Correction Inmate Care and Custody
29 Fund Account;

30
31 SECTION 327. Arkansas Code § 19-5-302(12), concerning State General
32 Government Fund, is amended to read as follows:

33 (12) ~~Department~~ Division of Community Correction Fund Account.

34 (A) The ~~Department~~ Division of Community Correction Fund
35 Account shall be used for the maintenance, operation, and improvement of the
36 ~~Department~~ Division of Community Correction required in carrying out those

1 powers, functions, and duties as established by law.

2 (B) The ~~Department~~ Division of Community Correction Fund
3 Account shall consist of:

4 (i) Those general revenues as may be provided by
5 law;

6 (ii) Nonrevenue income derived from services
7 provided by the probation, parole, and community correction program; and

8 (iii) Any other funds provided by law, including
9 federal reimbursements received for eligible expenditures by the various
10 programs of the ~~Department~~ Division of Correction from appropriations made
11 payable from the ~~Department~~ Division of Community Correction Fund Account;
12

13 SECTION 328. Arkansas Code § 19-5-503 is amended to read as follows:

14 19-5-503. Work release centers.

15 The Community Correction Revolving Fund is authorized to borrow from
16 the Budget Stabilization Trust Fund for the establishment of new work release
17 centers for the ~~Department~~ Division of Correction. These loans shall be
18 repaid by the end of the fiscal year in which the loans are made.
19

20 SECTION 329. Arkansas Code § 19-5-905(a)(11)(A), concerning the
21 Securities Reserve Fund, is amended to read as follows:

22 (A) The ~~Department~~ Division of Correction Farm Fund under
23 § 19-5-501(b)(1);
24

25 SECTION 330. Arkansas Code § 19-5-1045(b) and (c), concerning the
26 County Jail Reimbursement Fund, are amended to read as follows:

27 (b) The fund shall be used by the ~~Department~~ Division of Correction
28 for reimbursing counties housing prisoners sentenced to the ~~Department~~
29 Division of Correction.

30 (c) The fund shall be used by the ~~Department~~ Division of Community
31 Correction for reimbursing counties that are housing prisoners:

32 (1) Sentenced to the ~~Department~~ Division of Community
33 Correction;

34 (2) Placed on probation if the probation is accompanied by
35 incarceration in the ~~Department~~ Division of Community Correction; or

36 (3) Confined in a county jail under any prerelease program or

1 sanction imposed in response to a violation of a supervised condition.

2
3 SECTION 331. Arkansas Code § 19-6-301(31), concerning special revenues
4 enumerated, is amended to read as follows:

5 (31) Fees recovered from ex-offenders on probation or parole
6 from a facility of the ~~Department~~ Division of Community Correction, as
7 enacted by Acts 1981, No. 70, and all laws amendatory thereto, § 16-93-104;

8
9 SECTION 332. Arkansas Code § 19-6-301(42) and (43), concerning special
10 revenues enumerated, are amended to read as follows:

11 (42) That portion not declared to be “pledged revenues” for debt
12 service on any certificates of indebtedness issued under Acts 1983, No. 458,
13 §§ 22-3-1201 – 22-3-1214, 22-3-1215 [repealed], and 22-3-1216 – 22-3-1219,
14 and that portion not declared cash funds paid to the Arkansas Development
15 Finance Authority for deposit into the Correction Facilities Privatization
16 Account of the Correction Facilities Construction Fund, § 22-3-1210(c)(1)(A),
17 of the ~~Department~~ Division of Correction’s income from its farm operations,
18 including sale of farm products and livestock, rental of farm properties, and
19 payments from agencies of the state or federal government in connection with
20 the farm operations, as enacted by Acts 1968 (1st Ex. Sess.), No. 50, and all
21 laws amendatory thereto, §§ 12-27-101 – 12-27-105, 12-27-107 – 12-27-109, 12-
22 27-112, 12-27-113, 12-27-115, 12-27-118, 12-27-120, 12-28-102, 12-29-101,
23 former 12-29-102, 12-29-103, 12-29-104, 12-29-107, 12-29-112, 12-29-401, 12-
24 30-301, 12-30-306, 12-30-401, 12-30-403, 12-30-405 – 12-30-407, 12-30-408
25 [repealed], 16-93-101, 16-93-102, former 16-93-201, 16-93-202 – 16-93-204,
26 16-93-601, 16-93-610, 16-93-701, 16-93-705, and 25-8-106;

27 (43) That portion not declared to be “pledged revenues” for debt
28 service on any certificates of indebtedness issued under Acts 1983, No. 458,
29 §§ 22-3-1201 – 22-3-1214, 22-3-1215 [repealed], 22-3-1216 – 22-3-1219, of the
30 ~~Department~~ Division of Correction’s sales, or dispositions of articles and
31 products manufactured or produced by prison labor, as enacted by Acts 1967,
32 No. 473, known as the “Prison-Made Goods Act of 1967”, § 12-30-201 et seq.;

33
34 SECTION 333. Arkansas Code § 19-6-403 is amended to read as follows:

35 19-6-403. ~~Department~~ Division of Correction Farm Fund.

36 The ~~Department~~ Division of Correction Farm Fund shall consist of those

1 revenues as specified in § 19-6-301(42), there to be used for the
2 maintenance, operation, and improvement of the ~~Department~~ Division
3 Correction's farming operations. Any surplus accruing in the fund shall, upon
4 determination of that surplus, be transferred to the ~~Department~~ Division of
5 Correction Inmate Care and Custody Fund Account.

6
7 SECTION 334. Arkansas Code § 19-6-423 is amended to read as follows:

8 19-6-423. ~~Department~~ Division of Correction Prison Industry Fund.

9 The ~~Department~~ Division of Correction Prison Industry Fund shall
10 consist of those special revenues as specified in § 19-6-301(43), there to be
11 used for the maintenance, operation, and improvement of the ~~Department~~
12 Division of Correction's prison industries activities.

13
14 SECTION 335. Arkansas Code § 19-7-406 is amended to read as follows:

15 19-7-406. Loans on agricultural products.

16 It shall be lawful for the ~~Department~~ Division of Correction and other
17 state institutions and the counties of the state which produce cotton or
18 other agricultural products to participate in government loans made available
19 upon these agricultural products. The superintendent of any such state
20 institution and the county judge of any such county are authorized to enter
21 into the necessary papers to secure the benefits of these government loans.

22
23 SECTION 336. Arkansas Code § 19-10-204(b)(1)(A)(iii)(b) and (c),
24 concerning jurisdiction of the Arkansas State Claims Commission, are amended
25 to read as follows:

26 (b) Claims against the ~~Department~~ Division of
27 Community Correction for acts committed by a person while that person is
28 subject to conditions of parole or probation under Arkansas law;

29 (c) Claims against the ~~Department~~ Division of
30 Correction for acts committed by inmates while on authorized release from the
31 ~~Department~~ Division of Correction; or

32
33 SECTION 337. Arkansas Code § 19-10-216(c), concerning decisions of the
34 Arkansas State Claims Commission, is amended to read as follows:

35 (c) A claim filed by a person who at the time of filing is an inmate
36 of the ~~Department~~ Division of Correction is exempted from the requirements of

1 this section.

2

3 SECTION 338. Arkansas Code § 20-9-310(2), concerning liability for
4 furnishing medical records pursuant to subpoena, is amended to read as
5 follows:

6 (2) Providing access to or producing a copy of the health or
7 medical records requested by a clerk of a court, the ~~Department~~ Division of
8 Correction, the ~~Department~~ Division of Community Correction, the Arkansas
9 State Hospital, the Department of Health, the Department of Human Services,
10 or a local law enforcement agency under the Sex Offender Registration Act of
11 1997, § 12-12-901 et seq.; or

12

13 SECTION 339. Arkansas Code § 20-9-602(12), concerning consent to
14 medical treatment, is amended to read as follows:

15 (12) Any minor incarcerated in the ~~Department~~ Division of
16 Correction or the ~~Department~~ Division of Community Correction, for himself or
17 herself; and

18

19 SECTION 340. Arkansas Code § 20-9-604(e)(1), concerning consent for
20 medical procedure given by court in an emergency, is amended to read as
21 follows:

22 (e)(1) Consent may be given by a court when an emergency exists and
23 there is no one immediately available who is authorized, empowered to, or
24 capable of consent for a person of unsound mind or there has been a
25 subsequent material and morbid change in the condition of the affected person
26 who is in the custody of the ~~Department~~ Division of Correction or the
27 ~~Department~~ Division of Community Correction.

28

29 SECTION 341. Arkansas Code § 21-5-701(3), concerning the definition of
30 "covered public employee" under the laws addressing death benefits, is
31 amended to read as follows:

32 (3) "Covered public employee" means a police officer,
33 firefighter, state highway employee, state correction employee, ~~Department~~
34 Division of Community Correction employee, jailer, qualified emergency
35 services worker, wildlife enforcement officer, emergency medical technician,
36 Arkansas Forestry Commission employee, commissioned law enforcement

1 personnel, or emergency response personnel of the State Parks Division of the
2 Department of Parks and Tourism;

3
4 SECTION 342. Arkansas Code § 21-5-701(4), concerning the definition of
5 "Department of Community Correction employee" under the laws addressing death
6 benefits, is amended to read as follows:

7 (4) "~~Department~~ Division of Community Correction employee" means
8 any employee of the ~~Department~~ Division of Community Correction who is
9 subject to injury through contact with parolees, probationers, or center
10 residents;

11
12 SECTION 343. Arkansas Code § 21-5-701(10), concerning the definition
13 of "state correction employee" under the laws addressing death benefits, is
14 amended to read as follows:

15 (10) "State correction employee" means an employee of the
16 ~~Department~~ Division Correction or the Corrections School System who is
17 subject to injury through contact with inmates or parolees of the ~~Department~~
18 Division of Correction;

19
20 SECTION 344. Arkansas Code § 21-5-704(b)(2)(A), concerning payment of
21 claim to covered public employees, their designated beneficiaries, or their
22 survivors, is amended to read as follows:

23 (2)(A) Except as provided in subdivision (b)(2)(B) of this
24 section, the funds shall not be reimbursed by transfer or charging the funds
25 against any state funds allocated for turnback to cities or counties or
26 distributed to the State Highway and Transportation Department Fund or
27 distributed to any ~~Department~~ Division of Correction fund account or any
28 other state ~~department~~ division agency fund account other than the Arkansas
29 State Claims Commission fund accounts and the Miscellaneous Revolving Fund or
30 state funds levied for firefighters, police officers, employees of the
31 Arkansas Department of Transportation, and employees of the ~~Department~~
32 Division of Correction for pension purposes.

33
34 SECTION 345. Arkansas Code § 21-5-704(c), concerning payment of claim
35 to covered public employees, their designated beneficiaries, or their
36 survivors, is amended to read as follows:

1 (c) It is the intent of this subchapter that twenty-five thousand
2 dollars (\$25,000) of the total obligation of providing the benefits provided
3 by this subchapter, even though the funds are to be administered by the
4 Arkansas State Claims Commission, are to be defrayed from state funds and are
5 not to be charged against, or recovered against, any turnback moneys due the
6 cities or counties of this state or allocated to the state highway system of
7 this state or to the ~~Department~~ Division of Correction or any other state
8 department agency fund account other than the Arkansas State Claims
9 Commission fund accounts and the Miscellaneous Revolving Fund.

10
11 SECTION 346. Arkansas Code § 21-5-705(a)(1), concerning payment of
12 claim to designated beneficiaries or survivors of certain specified public
13 employees killed in the line of duty, is amended to read as follows:

14 (1) Police officer, wildlife enforcement officer, commissioned
15 law enforcement officer or emergency response employee of the State Parks
16 Division of the Department of Parks and Tourism, ~~Department~~ Division of
17 Community Correction employee, employee of the ~~Department~~ Division of
18 Correction, jailer, or coroner whose death occurred:

19
20 SECTION 347. The introductory language of Arkansas Code § 21-5-705(b),
21 concerning payment of claim to designated beneficiaries or survivors of
22 certain specified public employees killed in the line of duty, is amended to
23 read as follows:

24 (b) In addition to the benefits provided for in subsection (a) of this
25 section, the state shall pay the additional sum of twenty-five thousand
26 dollars (\$25,000) to the designated beneficiary, surviving spouse, or
27 surviving children under twenty-two (22) years of age of any police officer,
28 wildlife enforcement officer of the Arkansas State Game and Fish Commission,
29 commissioned law enforcement officer of the State Parks Division of the
30 Department of Parks and Tourism, ~~Department~~ Division of Community Correction
31 employee, or employee of the ~~Department~~ Division of Correction:

32
33 SECTION 348. Arkansas Code § 22-3-1202 is amended to read as follows:
34 22-3-1202. Purpose.

35 It has been found by the General Assembly that adequate construction,
36 equipping, maintenance, and operation of facilities for the ~~Department~~

1 Division of Correction and the state-supported institutions of higher
2 education are essential to the well-being of this state and that the pledging
3 of the motor vehicles safety inspection fee, the fees derived from the
4 agriculture and livestock activities and rentals of farm properties, the fees
5 collected from the sale or disposition of articles and products manufactured
6 through the operations of the prison industries program, and the rental fees
7 collected by state-supported institutions of higher education from tenants
8 other than state agencies is essential to the fulfillment of the purposes of
9 this subchapter.

10
11 SECTION 349. Arkansas Code § 22-3-1203(2), concerning the definition
12 of "building", is amended to read as follows:

13 (2)(A) "Building" or "buildings" means any and all buildings and
14 related facilities constructed or acquired and equipped for the housing of
15 inmates committed to, or in the custody of, the ~~Department~~ Division of
16 Correction; any and all buildings and related facilities constructed,
17 acquired, or equipped for the purpose of expanding the prison agriculture and
18 industry programs within the ~~Department~~ Division of Correction; and any and
19 all buildings constructed, acquired, or equipped for any state-supported
20 institution of higher education, the construction, acquisition, or equipping
21 of which are authorized by this subchapter.

22 (B) The term "building" or "buildings" means a single
23 building or complex of buildings or an expansion of an existing building or
24 complex of buildings as may be determined best to serve the needs of the
25 ~~Department~~ Division of Correction or state-supported institutions of higher
26 education and shall refer to and include such related structures, fixtures,
27 and facilities as may be determined to be appropriate;

28
29 SECTION 350. Arkansas Code § 22-3-1203(5), concerning the definition
30 of "department", is amended to read as follows:

31 (5) "Department" means the ~~Department~~ Division of Correction
32 created by § 12-27-103 and any successor agency;

33
34 SECTION 351. Arkansas Code § 22-3-1205(a)(1) and (2), concerning
35 powers of Building Authority Division of the Department of Finance and
36 Administration, are amended to read as follows:

1 (1) Acquire, construct, repair, renovate, alter, maintain, and
2 equip existing or new buildings and capital improvements and the sites upon
3 which they are situated for use by the ~~Department~~ Division of Correction for
4 the housing, treatment, care, and rehabilitation of inmates committed to or
5 in the custody of the ~~Department~~ Division of Correction;

6 (2) Acquire, construct, repair, renovate, alter, maintain, and
7 equip existing or new buildings and capital improvements and the sites upon
8 which they are situated for use by the ~~Department~~ Division of Correction for
9 the prison agriculture and industry programs;

10
11 SECTION 352. Arkansas Code § 22-3-1210(a)(2) and (3), concerning
12 certificates of indebtedness and the Public Facilities Debt Service Fund, are
13 amended to read as follows:

14 (2) All moneys from the sale of or disposition of farm products,
15 livestock, or other products produced in connection with the agriculture and
16 livestock activities at any institution under the control of the Board of
17 Corrections or any successor entity, excluding those moneys that may be
18 accountable from, or the value of, products consumed within the ~~Department~~
19 Division of Correction and from rental of farm properties under the control
20 of the board or any successor entity;

21 (3) All moneys from the sale or disposition of articles and
22 products manufactured or produced by prison labor through the operations of
23 the prison industry program, excluding those moneys that may be accountable
24 from, or the value of, articles and products used or consumed within the
25 ~~Department~~ Division of Correction; and

26
27 SECTION 353. Arkansas Code § 22-3-1210(c), concerning certificates of
28 indebtedness and the Public Facilities Debt Service Fund, is amended to read
29 as follows:

30 (c)(1)(A) Moneys described in subdivision (a)(2) of this section are
31 declared to be cash funds restricted in their use and dedicated and are to be
32 used solely as authorized in § 15-5-213. The cash funds when received by the
33 ~~Department~~ Division of Correction shall not be deposited into or deemed to be
34 a part of the State Treasury for purposes of Arkansas Constitution, Article
35 5, § 29, Arkansas Constitution, Article 16, § 12, Arkansas Constitution,
36 Amendment 20, or any other constitutional or statutory provision related

1 thereto. The ~~Department~~ Division of Correction shall pay such cash funds to
 2 the Arkansas Development Finance Authority for deposit into the Correction
 3 Facilities Privatization Account of the Correction Facilities Construction
 4 Fund for the purposes authorized by § 15-5-213. The cash funds described in
 5 this subsection shall not be subject to appropriation to the extent required
 6 for debt service.

7 (B) Commencing on the first day of the month next
 8 succeeding the issuance of certificates of indebtedness under this
 9 subchapter, but not before July 1, 1983, and so long as any certificates are
 10 outstanding under this subchapter, the pledged revenues, except as provided
 11 herein, shall be deposited into the State Treasury as and when received by
 12 the ~~Department~~ Division of Correction, by the Building Authority Division of
 13 the Department of Finance and Administration, by state-supported institutions
 14 of higher education, or by any other state agency, as the case may be, to the
 15 credit of a fund to be designated the "Public Facilities Debt Service Fund".

16 (2) So long as any certificates of indebtedness are outstanding
 17 under this subchapter, all moneys in the Public Facilities Debt Service Fund
 18 shall be used solely for payment and redemption of the outstanding 1977 Bonds
 19 and the 1979 Bonds, as authorized in this subchapter, for the payment of the
 20 principal of and interest on the certificates of indebtedness as authorized
 21 in this subchapter, for transfer of such amounts designated in subsection (a)
 22 of this section from time to time, as deemed necessary by the Chief Fiscal
 23 Officer of the State, to the Correction Facilities Privatization Account of
 24 the Correction Facilities Construction Fund established in § 15-5-213, and
 25 for the transfer of surplus moneys as defined in the authorizing resolution
 26 in the State Treasury for credit to the designated ~~Department~~ Division of
 27 Correction funds, in accordance with the provisions of this subchapter.

28
 29 SECTION 354. Arkansas Code § 22-3-1210(f), concerning certificates of
 30 indebtedness and the Public Facilities Debt Service Fund, is amended to read
 31 as follows:

32 (f) Nothing in this section is intended to prohibit the Building
 33 Authority Division from investing moneys received under this section, as
 34 provided in this subchapter.

35
 36 SECTION 355. Arkansas Code § 22-3-2117 is amended to read as follows:

1 22-3-1217. Disposition of revenues from agricultural and livestock
2 activities of correctional facility.

3 (a)(1) Prior to the issuance of certificates of indebtedness as
4 authorized by this subchapter, all moneys collected by the ~~Department~~
5 Division of Correction from the sale or disposition of farm products,
6 livestock, or other products produced in connection with agricultural and
7 livestock activities at institutions under the control of the Board of
8 Corrections, from the rental of farm properties under the control of the
9 board, and from payments from agencies of the state or federal government in
10 connection with the farm operations of the ~~department~~ division shall be
11 deposited into the State Treasury as special revenues for credit to the
12 ~~Department~~ Division of Correction Farm Fund, as authorized by law, to be used
13 for the maintenance, operation, and improvement of the agriculture and farm
14 programs of the ~~department~~ division.

15 (2) Moneys which the ~~department~~ division shall determine not to
16 be necessary in defraying expenses of operating the agriculture programs of
17 the ~~department~~ division and which are profit or surplus from the operation of
18 the agriculture programs shall, upon certification by the board to the Chief
19 Fiscal Officer of the State, be transferred by the Chief Fiscal Officer of
20 the State from the ~~Department~~ Division of Correction Farm Fund to the
21 ~~Department~~ Division of Correction Inmate Care and Custody Fund Account within
22 the State General Government Fund, to be used to supplement general revenues
23 provided for the maintenance, operation, and improvement of the ~~department~~
24 division, as provided by law.

25 (b)(1) Commencing the first day of the month next succeeding the
26 issuance of any certificates of indebtedness as authorized by this
27 subchapter, the moneys described in this section shall be pledged revenues,
28 as stated in § 22-3-1210, and shall be deposited into the Public Facilities
29 Debt Service Fund as established in § 22-3-1210.

30 (2) Any surplus prison farm moneys in the Public Facilities Debt
31 Service Fund, as defined in the authorizing resolution, shall be transferred
32 to the ~~Department~~ Division of Correction Farm Fund, upon certification by the
33 Building Authority Division of the Department of Finance and Administration
34 to the Chief Fiscal Officer of the State, to the Treasurer of State, and to
35 the Auditor of State, to be used for the maintenance, operation, and
36 improvement of the agriculture and farm programs of the ~~Department~~ Division

1 of Correction, as provided by law.

2 (3) Such moneys deposited into the ~~Department~~ Division of
 3 Correction Farm Fund which the ~~department~~ division shall determine not to be
 4 necessary in defraying expenses of operating the agriculture and farm
 5 programs of the ~~department~~ division shall be, upon certification thereof by
 6 the board to the Chief Fiscal Officer of the State, transferred by the Chief
 7 Fiscal Officer of the State from the ~~Department~~ Division of Correction Farm
 8 Fund to the ~~Department~~ Division of Correction Inmate Care and Custody Fund
 9 Account within the State General Government Fund to be used to supplement
 10 general revenues provided for the maintenance, operation, and improvement of
 11 the ~~department~~ division, as provided by law.

12
 13 SECTION 356. Arkansas Code § 22-3-1218 is amended to read as follows:

14 22-3-1218. Disposition of revenues from prison labor.

15 (a)(1) Prior to the issuance of certificates of indebtedness as
 16 authorized by this subchapter, all moneys collected by the Board of
 17 Corrections from the sale or disposition of articles and products
 18 manufactured or produced by prison labor shall be forthwith deposited with
 19 the Treasurer of State, to be there kept and maintained as a special
 20 revolving account designated as the "~~Department~~ Division of Correction Prison
 21 Industries Fund" as authorized by law. The moneys so collected and deposited
 22 shall be used solely for the purchase of manufacturing supplies, equipment,
 23 machinery, and buildings used to carry out the purposes of the industries
 24 program within the ~~Department~~ Division of Correction as well as for the
 25 payment of the necessary personnel in charge thereof and to otherwise defray
 26 the necessary expenses incident thereto, all of which shall be under the
 27 direction and subject to the approval of the board.

28 (2) The ~~Department~~ Division of Correction Prison Industries Fund
 29 shall never be maintained in excess of the amount necessary to efficiently
 30 and properly carry out the intentions of this subchapter.

31 (3) When, in the opinion of the board, the ~~Department~~ Division
 32 of Correction Prison Industries Fund has reached a sum in excess of the
 33 requirements of this subchapter, the excess shall be transferred, upon
 34 certification to the Chief Fiscal Officer of the State by the board, to the
 35 ~~Department~~ Division of Correction Inmate Care and Custody Fund Account.

36 (b)(1) Commencing on the first day of the month next succeeding the

1 issuance of any certificates of indebtedness as authorized by this
 2 subchapter, the moneys described in this section shall be pledged revenues,
 3 as stated in § 22-3-1210, and shall be deposited into the Public Facilities
 4 Debt Service Fund as established in § 22-3-1210.

5 (2) Any surplus prison industries moneys in the Public
 6 Facilities Debt Service Fund, as defined in the authorizing resolution, shall
 7 be transferred into the ~~Department~~ Division of Correction Prison Industries
 8 Fund upon certification by the Building Authority Division of the Department
 9 of Finance and Administration to the Chief Fiscal Officer of the State, to
 10 the Treasurer of State, and to the Auditor of State. The moneys are to be
 11 used for the maintenance, operation, and improvement of the prison industries
 12 programs of the ~~Department~~ Division of Correction, as provided by law.

13 (3) Such moneys deposited into the ~~Department~~ Division of
 14 Correction Prison Industries Fund as the ~~Department~~ Division of Correction
 15 shall determine not to be necessary in defraying the expenses of operating
 16 the industries programs of the ~~department~~ Division of Correction, upon
 17 certification thereof by the board to the Chief Fiscal Officer of the State,
 18 shall be transferred by the Chief Fiscal Officer of the State from the
 19 ~~Department~~ Division of Correction Prison Industries Fund to the ~~Department~~
 20 Division of Correction Inmate Care and Custody Fund Account within the State
 21 General Government Fund to be used to supplement general revenues provided
 22 for the maintenance, operation, and improvement of the ~~Department~~ Division of
 23 Correction, as provided by law.

24
 25 SECTION 357. Arkansas Code § 22-3-1225(c)(1) and (2), concerning the
 26 Prison Construction Fund, are amended to read as follows:

27 (1) Correction or prison facilities to be used by the ~~Department~~
 28 Division of Correction;

29 (2) Regional jail facilities operated by the ~~Department~~ Division
 30 of Correction; or

31
 32 SECTION 358. Arkansas Code § 22-3-1225(e), concerning the Prison
 33 Construction Fund, is amended to read as follows:

34 (e) The Arkansas Development Finance Authority shall not fund or
 35 provide for the funding of any facility described in subsection (c) of this
 36 section to be operated or utilized by the ~~Department~~ Division of Correction

1 unless the project, the plans therefor, and the construction thereof have
2 been reviewed and approved by the Building Authority Division of the
3 Department of Finance and Administration. The Arkansas Development Finance
4 Authority shall not fund or provide for the funding of any other regional
5 jail facility not utilized by the ~~Department~~ Division of Correction unless
6 the project is in compliance with the minimum standards for jail facilities
7 adopted by the state.

8
9 SECTION 359. Arkansas Code § 23-61-903(9)(A)(viii), concerning the
10 definition of "submitting entity", is amended to read as follows:

11 (viii) An entity that contracts with institutions of
12 the ~~Department~~ Division of Correction or the ~~Department~~ Division of Community
13 Correction to provide medical, dental, or pharmaceutical care to inmates.
14

15 SECTION 360. Arkansas Code § 23-115-402(f)(1) and (2), concerning the
16 restriction on the sale of lottery tickets, are amended to read as follows:

- 17 (1) The ~~Department~~ Division of Correction;
18 (2) The ~~Department~~ Division of Community Correction; or
19

20 SECTION 361. Arkansas Code § 24-4-726(b), concerning state
21 penitentiary employees retirement, is amended to read as follows:

22 (b) Upon certification from the Executive Director of the Arkansas
23 Public Employees' Retirement System, the Treasurer of State shall transfer
24 from the ~~Department~~ Division of Correction Inmate Care and Custody Fund
25 Account of the State General Government Fund to the Arkansas Public
26 Employees' Retirement System Fund an amount equal to the contributions made
27 by the state penitentiary employees. That amount shall be credited to the
28 Employer Contribution Fund of the system.
29

30 SECTION 362. Arkansas Code § 24-4-726(f), concerning state
31 penitentiary employees retirement, is amended to read as follows:

32 (f) On January 1 of each year, the Executive Director of the Arkansas
33 Public Employees' Retirement System shall determine the amount necessary for
34 the purpose of providing funds to assure the payment of such benefits. The
35 Treasurer of State shall transfer from the ~~Department~~ Division of Correction
36 Inmate Care and Custody Fund Account of the State General Government Fund to

1 the Arkansas Public Employees' Retirement System Fund that amount, as
2 certified by the executive director.

3
4 SECTION 363. Arkansas Code § 25-4-127(b)(3)(D) and (E), concerning the
5 creation of the Data and Transparency Panel, are amended to read as follows:

6 (D) The ~~Department~~ Division of Community Correction;

7 (E) The ~~Department~~ Division of Correction;

8
9 SECTION 364. Arkansas Code § 25-5-101 is repealed.

10 ~~25-5-101. Continuation Organization.~~

11 ~~(a) The Department of Correction, established by § 12-27-101 et seq.,~~
12 ~~is continued.~~

13 ~~(b) The department shall consist of those divisions which existed on~~
14 ~~July 1, 1971, and any other divisions which may be created by law and placed~~
15 ~~under the department.~~

16
17 SECTION 365. Arkansas Code § 25-15-202(1)(B), concerning the
18 definition of "adjudication", is amended to read as follows:

19 (B) "Adjudication" does not include inmate disciplinary
20 proceedings conducted by the ~~Department~~ Division of Correction and the
21 ~~Department~~ Division of Community Correction;

22
23 SECTION 366. Arkansas Code § 25-15-211(d), concerning licenses for
24 administrative adjudication, is amended to read as follows:

25 (d)(1) A complaint filed by an offender with a state licensing board
26 or state licensing agency against a licensee of the board or agency shall not
27 be heard by the board or agency unless the complaint is accompanied by
28 appropriately verified documentation showing that the offender has exhausted
29 all administrative remedies under the ~~Department~~ Division of Correction
30 grievance procedure.

31 (2) For purposes of this section, "offender" means any person
32 sentenced to the ~~Department~~ Division of Correction or sentenced to the
33 ~~Department~~ Division of Correction for judicial transfer to the ~~Department~~
34 Division of Community Correction or any person confined in a community
35 correction center as a condition of probation, suspended imposition of
36 sentence, or post prison transfer.

1
2 SECTION 367. Arkansas Code § 25-15-212(a), concerning judicial review
3 of administrative adjudication, is amended to read as follows:

4 (a) In cases of adjudication, any person, except an inmate under
5 sentence to the custody of the ~~Department~~ Division of Correction, who
6 considers himself or herself injured in his or her person, business, or
7 property by final agency action shall be entitled to judicial review of the
8 action under this subchapter. Nothing in this section shall be construed to
9 limit other means of review provided by law.

10
11 SECTION 368. Arkansas Code § 25-16-614(d), concerning examination of
12 office, is amended to read as follows:

13 (d) On the refusal of the Treasurer of State to comply with the
14 provisions of this section, his or her office shall be declared vacant and
15 the offense deemed a felony, and on conviction thereof he or she shall be
16 sentenced to the ~~Department~~ Division of Correction for a term not exceeding
17 five (5) years.

18
19 SECTION 369. Arkansas Code § 25-35-104(a)(2) and (3), concerning
20 participation in the Arkansas Multi-Agency Insurance Trust Fund, are amended
21 to read as follows:

22 (2) The ~~Department~~ Division of Correction;

23 (3) The ~~Department~~ Division of Community Correction; and
24

25 SECTION 370. Arkansas Code § 27-14-2212(b), concerning the mutilation
26 of serial numbers, is amended to read as follows:

27 (b) Any person convicted of violating subsection (a) of this section
28 shall be deemed guilty of a felony and punished by imprisonment in the
29 ~~Department~~ Division of Correction for not less than one (1) year nor more
30 than five (5) years.

31
32 SECTION 371. Arkansas Code § 27-65-132(c), concerning contracts
33 between the State Highway Commission and employees, is amended to read as
34 follows:

35 (c) Willful violation of this section shall be deemed a felony
36 punishable by imprisonment in the ~~Department~~ Division of Correction for not

1 less than one (1) year.

2
3 SECTION 372. Arkansas Code § 27-66-601(a) and (b), concerning state
4 inmates working on roads, are amended to read as follows:

5 (a) The State Highway Commission shall employ and work as many of the
6 state inmates on the public roads as may not be otherwise employed by the
7 ~~Department~~ Division of Correction.

8 (b) State inmates working on roads shall be under the care and custody
9 of wardens or other officers named by the ~~Department~~ Division of Correction,
10 with the approval of the Governor.

11
12 SECTION 373. Arkansas Code § 27-66-601(e), concerning state inmates
13 working on roads, is amended to read as follows:

14 (e) The ~~Department~~ Division of Correction is to receive no profits for
15 working the inmates on state roads.

16
17 SECTION 374. EMERGENCY CLAUSE. It is found and determined by the
18 General Assembly of the State of Arkansas that this act revises the duties of
19 certain state entities; that this act establishes new departments of the
20 state; that these revisions impact the expenses and operations of state
21 government; and that the provisions of this act should become effective at
22 the beginning of the fiscal year to allow for implementation of the new
23 provisions at the beginning of the fiscal year. Therefore, an emergency is
24 declared to exist, and this act being necessary for the preservation of the
25 public peace, health, and safety shall become effective on July 1, 2019.