

Stricken language would be deleted from and underlined language would be added to present law.
Act 320 of the Regular Session

State of Arkansas
89th General Assembly
Regular Session, 2013

As Engrossed: H2/19/13
A Bill

HOUSE BILL 1326

By: Representative Wright

For An Act To Be Entitled

AN ACT CONCERNING THE CARRYING OF A CONCEALED HANDGUN
BY A MEMBER OF THE PAROLE BOARD, AN INVESTIGATOR
EMPLOYED BY THE PAROLE BOARD, OR A PAROLE REVOCATION
JUDGE; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE CARRYING OF A CONCEALED
HANDGUN BY A MEMBER OF THE PAROLE BOARD,
AN INVESTIGATOR EMPLOYED BY THE PAROLE
BOARD, OR A PAROLE REVOCATION JUDGE.

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

SECTION 1. Arkansas Code § 5-53-101(4)(A), concerning the definition of "official proceeding", is amended to read as follows:

(4)(A) "Official proceeding" means a proceeding heard before any legislative, judicial, administrative, or other government agency or official authorized to hear evidence under oath, including any referee, *hearing examiner*, parole revocation judge, commissioner, notary, or other person taking testimony or depositions in any such proceeding.

SECTION 2. Arkansas Code Title 5, Chapter 73, Subchapter 3, is amended to add a new section to read as follows:

5-73-322. Parole board exemptions.

A member of the Parole Board, a board investigator, or a parole revocation judge who has been issued a license to carry a concealed handgun by the Department of Arkansas State Police under this subchapter may carry



his or her concealed handgun into a building in which or a location on which a law enforcement officer may carry a handgun if the board member, board investigator, or parole revocation judge is on official business of the board.

SECTION 3. Arkansas Code § 16-93-209 is repealed.

~~16-93-209. Concealed handguns.~~

~~Members of the Parole Board and board investigators who have been issued a concealed handgun permit by the Department of Arkansas State Police pursuant to § 5-73-301 et seq., are authorized to carry their concealed handguns in any building in or location on which law enforcement officers are authorized to carry handguns, provided that the board members and investigators are on official business of the board.~~

SECTION 4. Arkansas Code § 16-93-705(b)(2), concerning parole revocation hearings, is amended to read as follows:

(2) The hearing shall be conducted by the parole ~~hearing examiner~~ revocation judge for the board as soon as practical after arrest and reasonably near the place of the alleged violation or arrest.

SECTION 5. Arkansas Code § 16-93-705(b)(5) – (8), concerning parole revocation hearings, is amended to read as follows:

(5) If the parole ~~hearing examiner~~ revocation judge finds that there is reasonable cause to believe that the parolee has violated a condition of parole, the parole ~~hearing examiner~~ revocation judge may order the parolee returned to the custody of the Department of Correction for a revocation hearing before the board.

(6) If the parole ~~hearing examiner~~ revocation judge finds that there is reasonable cause to believe that the parolee has violated a condition of parole, the parole ~~hearing examiner~~ revocation judge may return the offender to parole supervision rather than to the custody of the Department of Correction and may impose additional supervision conditions in response to the violating conduct.

(7) If the parole ~~hearing examiner~~ revocation judge does not find reasonable cause, he or she shall order the parolee released from custody, but that action shall not bar the board from holding a hearing on

the alleged violation of parole or from ordering the parolee to appear before it.

(8) The parole ~~hearing examiner~~ revocation judge shall prepare and furnish to the board and the parolee a summary of the hearing, including the substance of the evidence and testimony considered.

SECTION 6. Arkansas Code § 16-93-705(d)(1), concerning parole revocation hearings, is amended to read as follows:

(1) The parolee shall have the right to confront and cross-examine adverse witnesses unless the ~~hearing examiner~~ parole revocation judge or the board or its designee specifically finds good cause for not allowing confrontation; and

/s/Wright

APPROVED: 03/11/2013