

Stricken language would be deleted from and underlined language would be added to present law.
Act 1288 of the Regular Session

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: S3/24/15
A Bill

SENATE BILL 1042

By: Senator J. Woods

For An Act To Be Entitled

AN ACT CONCERNING PRISON OVERCROWDING; CONCERNING
PAROLE AND PAROLE ELIGIBILITY AND PROCEDURES;
CONCERNING PROBATION AND PROBATION ELIGIBILITY AND
PROCEDURES; CONCERNING CRIMINAL JUSTICE AND PUBLIC
SAFETY; TO DECLARE AN EMERGENCY; AND FOR OTHER
PURPOSES.

Subtitle

*CONCERNING PRISON OVERCROWDING;
CONCERNING PAROLE AND PAROLE ELIGIBILITY
AND PROCEDURES; CONCERNING CRIMINAL
JUSTICE AND PUBLIC SAFETY; AND TO DECLARE
AN EMERGENCY.*

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

SECTION 1. Arkansas Code § 16-93-201, as amended by SB472 of 2015, is amended to read as follows:

16-93-201. Creation – Members – Qualifications and training.

(a)(1) There is created the Parole Board, to be composed of seven (7) members to be appointed from the state at large by the Governor and confirmed by the Senate.

(2)(A)(i) A member of the board shall be a full-time official of this state and shall not have any other employment for the duration of his or her appointment to the board.

(ii)(a) A member of the board who is currently serving as of the effective date of this act shall terminate any other



employment that has not been approved as required by subdivision (a)(2)(A)(ii)(b) of this section.

(b) A member may engage in employment that has a limited time commitment with approval from the Chair of the Parole Board.

(B)(i) The Governor shall appoint one (1) member as the chair who shall be the chief executive, administrative, budgetary, and fiscal officer of the board and the chair shall serve at the will of the Governor.

(ii) The chair shall have general supervisory duties over the members and staff of the board but may not remove a member of the board except as provided under subsection (e) of this section.

(iii) The board may review and approve budget and personnel requests prior to submission for executive and legislative approval.

(C) The board shall elect from its membership a vice chair and a secretary who shall assume, in that order and with the consent of the Governor, the duties of the chair in the case of extended absence, vacancy, or other similar disability of the chair until the Governor designates a new chair of the board.

(3) Each member shall serve a seven-year term, except that the terms shall be staggered by the Governor so that the term of one (1) member expires each year.

(4)(A) A member shall have at least a bachelor's degree from an accredited college or university, and the member should have no less than five (5) years' professional experience in one (1) or more of the following fields:

- (i) Parole supervision;*
- (ii) Probation supervision;*
- (iii) Corrections;*
- (iv) Criminal justice;*
- (v) Law;*
- (vi) Law enforcement;*
- (vii) Psychology;*
- (viii) Psychiatry;*
- (ix) Sociology;*
- (x) Social work; or*
- (xi) Other related field.*

(B) If the member does not have at least a bachelor's degree from an accredited college or university, he or she shall have no less than seven (7) years' experience in a field listed in subdivision (a)(4)(A) of this section.

(5)(A) A member appointed after July 1, 2011, whether or not he or she has served on the board previously, shall complete a comprehensive training course developed in compliance with guidelines from the National Institute of Corrections, the Association of Paroling Authorities International, Inc., or the American Probation and Parole Association.

(B) All members shall complete annual training developed in compliance with guidelines from the National Institute of Corrections, the Association of Paroling Authorities International, Inc., or the American Probation and Parole Association.

(C) Training components under this subdivision (a)(5) shall include an emphasis on the following subjects:

(i) Data-driven decision making;

(ii)(a) Evidence-based practice.

(b) As used in this section, "evidence-based practice" means practices proven through research to reduce recidivism;

(iii) Stakeholder collaboration; and

(iv) Recidivism reduction.

(b) If any vacancy occurs on the board prior to the expiration of a term, the Governor shall fill the vacancy for the remainder of the unexpired term, subject to confirmation by the Senate at its next regular session.

(c) The members of the board may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.

(d)(1) Four (4) members of the board shall constitute a quorum for the purpose of holding an official meeting.

(2) However, the affirmative vote of at least five (5) of the members of the board is required for any action by the board.

(e)(1) A member of the board may be removed by the Governor after the Governor has received notification from the chair that the member:

(A) Has been derelict in his or her duties as a member of the board; or

(B) No longer meets the eligibility requirements to serve as a member of the board.

(2) *The member of the board who has been reported to the Governor under subdivision (e)(1) of this section shall receive written notice of the notification by the chair to the Governor and the member of the board shall be allowed an opportunity to respond within seven (7) days.*

SECTION 2. DO NOT CODIFY. Contingent effectiveness – Retroactiveness. Section 1 of this act is not effective unless SB472 of 2015 becomes an act. If SB472 of 2015 becomes an act, Section 1 of this act is effective retroactively to the effective date of the act which SB472 becomes.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that SB472 of 2015 contains a number of changes to the criminal justice system, including changes to the Parole Board; that an error in the bill inadvertently deletes some of the requirements for a member of the board; and that this act is immediately necessary because it replaces the inadvertently deleted language. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

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

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

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

/s/J. Woods

APPROVED: 04/08/2015