

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

SENATE BILL 262

By: Senator J. Woods
By: Representative Bennett

For An Act To Be Entitled

AN ACT PERTAINING TO PLACEMENT IN A COMMUNITY
CORRECTION CENTER; AND FOR OTHER PURPOSES.

Subtitle

PERTAINING TO PLACEMENT IN A COMMUNITY
CORRECTION CENTER.

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

SECTION 1. Arkansas Code § 5-4-312, concerning presentence investigation and placement in a community correction program, is amended to add a new subsection to read as follows:

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

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

SECTION 2. Arkansas § 16-93-1202(6), concerning the definition of "eligibility" as it relates to community punishment, is amended to read as follows:



(6) "Eligibility" or "eligible offender" means any person convicted of a felony who is by law eligible for such sentence and who falls within the population targeted by the General Assembly for inclusion in community correction facilities or who is otherwise under the supervision of the Department of Community Correction and who has not been subject to a disciplinary violation for a violent act or for sexual misconduct while in the custody of a jail or correctional facility;

APPROVED: 03/18/2015