

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: S2/26/15
A Bill

SENATE BILL 57

By: Senator J. Woods
By: Representative C. Fite

For An Act To Be Entitled

AN ACT CONCERNING THE USE OF A VICTIM IMPACT
STATEMENT DURING AN INMATE'S PAROLE DETERMINATION;
AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE USE OF A VICTIM IMPACT
STATEMENT DURING AN INMATE'S PAROLE
DETERMINATION.

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

SECTION 1. Arkansas Code § 16-90-1113 is amended to read as follows:

16-90-1113. Consideration and release of a victim impact statement ~~at~~
during an inmate's parole hearing determination.

(a)(1)(A) Before determining whether to release the ~~defendant~~ inmate
on parole, the Parole Board shall permit the victim to present a written
victim impact statement at a victim impact hearing concerning the effects of
the crime on the victim, the circumstances surrounding the crime, the manner
in which the crime was perpetrated, and the victim's opinion regarding
whether the ~~defendant~~ inmate should be released on parole.

(B) At the victim's option, the victim may present the
statement ~~orally at the parole hearing~~ verbally at a victim impact hearing
conducted by one (1) or more members of the board.

(2) Under this section, a victim impact hearing may be conducted
through video-conference technology if utilizing video-conference technology
does not inhibit the victim's statement.



~~(2)(b)(1)~~ Except in those circumstances listed under subdivision (b)(2) of this section, The the board upon request shall give the defendant inmate a copy of all written victim impact statements written by the victim.

(2)(A) An impact statement written by the victim of an offense requiring registration under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., or of an offense defined as a sex offense by § 16-90-1101, is privileged and shall not be disclosed, directly or indirectly, to any person other than a member of the board, its authorized agents, a court, or other person, not including the inmate, entitled under this section to receive the statement.

(B) However, the board or a court with jurisdiction may order the disclosure of an impact statement written by the victim and otherwise privileged under this subdivision (b)(2) to the affected inmate when the board or a court finds that the interests or welfare of the inmate outweighs the privacy and safety interests of the victim or to enhance the accuracy of the board's determination.

~~(b)(c)~~ The board, in In deciding whether to release a prisoner an inmate on parole, the board shall consider among other factors:

(1) Victim impact statements presented under subsection (a) of this section; and

(2) Victim impact statements presented to the sentencing court under § 16-90-1112.

(d) The board may establish rules not otherwise addressed by this section governing the preparation, use, and disclosure of a victim impact statement.

/s/J. Woods

APPROVED: 03/24/2015