

Stricken language would be deleted from and underlined language would be added to present law.
Act 895 of the Regular Session

State of Arkansas
90th General Assembly
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As Engrossed: S2/26/15 H3/20/15

A Bill

SENATE BILL 472

By: Senators J. Hutchinson, Bledsoe, E. Cheatham, A. Clark, Collins-Smith, J. Cooper, J. Dismang, Files, Flippo, Hester, B. Johnson, U. Lindsey, Maloch, B. Pierce, Rapert, Rice, G. Stubblefield, J. Woods, Elliott

By: Representatives Shepherd, Gillam, Tucker, Baine, Bragg, Davis, Lemons, Lowery, Lundstrum, Richmond, Scott, B. Smith, Tosh, Vines, Bennett, G. McGill, Leding, V. Flowers, M.J. Gray, Nicks, Sabin, M. Hodges, D. Whitaker, Johnson

For An Act To Be Entitled

AN ACT TO BE KNOWN AS THE CRIMINAL JUSTICE REFORM ACT OF 2015; TO IMPLEMENT MEASURES DESIGNED TO ENHANCE PUBLIC SAFETY AND REDUCE THE PRISON *POPULATION*; TO *DECLARE AN EMERGENCY*; AND FOR OTHER PURPOSES.

Subtitle

TO BE KNOWN AS THE CRIMINAL JUSTICE REFORM ACT OF 2015; TO IMPLEMENT MEASURES DESIGNED TO ENHANCE PUBLIC SAFETY AND REDUCE THE PRISON POPULATION; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. DO NOT CODIFY. Legislative intent.

It is the intent of the General Assembly to implement wide-ranging reforms to the criminal justice system in order to address prison overcrowding, promote seamless reentry into society, reduce medical costs incurred by the state and local governments, aid law enforcement agencies in fighting crime and keeping the peace, and to enhance public safety.

SECTION 2. DO NOT CODIFY. Temporary legislation.



(a) The Department of Correction shall coordinate and, if advantageous, contract with counties, the federal government, governmental agencies of Arkansas and other states, counties, regional correctional facilities, political subdivisions of Arkansas, political subdivisions of other states, and private contractors to address the matter of this state's current prison overcrowding problem, as permitted by § 12-27-103(b)(14), in order to provide and improve correctional operations.

(b) The department shall submit a report to the Governor, Legislative Council, the Senate Judiciary Committee, and the House Committee on Judiciary by December 1, 2015, on its efforts under and successful contracting with an entity under subsection (a) of this section.

(c) This section expires on December 1, 2015.

SECTION 3. Arkansas Code § 5-4-501(d)(2), concerning what is considered a "felony involving violence" for the purposes of the habitual offender statute, is amended to read as follows:

(2) As used in this subsection, "felony involving violence" means:

(A) Any of the following felonies:

- (i) Murder in the first degree, § 5-10-102;
- (ii) Murder in the second degree, § 5-10-103;
- (iii) Kidnapping, § 5-11-102;
- (iv) Aggravated robbery, § 5-12-103;
- (v) Rape, § 5-14-103;
- (vi) Battery in the first degree, § 5-13-201;
- (vii) Terroristic act, § 5-13-310;
- (viii) Sexual assault in the first degree, § 5-14-124;
- (ix) Sexual assault in the second degree, § 5-14-125;
- (x) Domestic battering in the first degree, § 5-26-303;
- (xi) Residential burglary, § 5-39-201(a);
- ~~(xi)~~(xii) Aggravated residential burglary, § 5-39-204;
- ~~(xii)~~(xiii) Unlawful discharge of a firearm from a

vehicle, § 5-74-107;

~~(xiii)~~(xiv) Criminal use of prohibited weapons, § 5-73-104, involving an activity making it a Class B felony; or

~~(xiv)~~(xv) A felony attempt, solicitation, or conspiracy to commit:

- (a) Capital murder, § 5-10-101;
- (b) Murder in the first degree, § 5-10-102;
- (c) Murder in the second degree, § 5-10-103;
- (d) Kidnapping, § 5-11-102;
- (e) Aggravated robbery, § 5-12-103;
- (f) Rape, § 5-14-103;
- (g) Battery in the first degree, § 5-13-201;
- (h) Domestic battering in the first degree, §

5-26-303; ~~or~~

(i) Residential burglary, § 5-39-201(a); or

~~(i)~~(j) Aggravated residential burglary, § 5-39-204; or

(B) A conviction of a comparable felony involving violence from another jurisdiction.

SECTION 4. Arkansas Code Title 10, Chapter 3, is amended to add an additional subchapter to read as follows:

Subchapter 28 – Legislative Criminal Justice Oversight Task Force

10-3-2801. Legislative Criminal Justice Oversight Task Force.

(a)(1) There is created the Legislative Criminal Justice Oversight Task Force responsible for studying the performance and outcome measures related to this act.

(2) The Bureau of Legislative Research shall provide staff support for the task force.

(b) The task force shall be composed of no more than *nineteen (19)* members, as follows:

(1) No more than *eleven (11)* members may be appointed by the Governor from the following persons:

(A) *One (1) or two (2) members who are circuit court*

judges and who operate a specialty court program as defined under § 16-10-139(a);

(B) No more than one (1) county sheriff;

(C) No more than one (1) member from the Arkansas Public Defender Commission;

(D) No more than (1) member who is a prosecuting attorney;

(E) No more than (1) member who is a member of the executive board of the Arkansas Association of Chiefs of Police;

(F) No more than (2) members who are Medicaid providers;

and

(G) No more than three (3) at-large members in order to reflect the racial, ethnic, gender, and geographical diversity of the state;

(2) One (1) member of the General Assembly to be appointed by the President Pro Tempore of the Senate;

(3) One (1) member of the General Assembly to be appointed by the Speaker of the House of Representatives;

(4) One (1) member who is the Chair of the Senate Judiciary Committee;

(5) One (1) member who is the Chair of the House Committee on Judiciary;

(6) The Chair of the Board of Corrections, or his or her designee;

(7) The Chair of the Parole Board, or his or her designee;

(8) The Director of the Department of Correction, or his or her designee; and

(9) The Director of the Department of Community Correction, or his or her designee.

(c)(1) The task force shall meet on or before the thirtieth day after the effective date of this act, at the call of the Chair of the Senate Judiciary Committee, and organize itself by electing one (1) of its members as chair and such other officers as the task force may consider necessary.

(2) Thereafter, the task force shall meet at least quarterly and at the call of the chair or by a majority of the members.

(3) A quorum of the task force consists of seven (7) members.

(d) The task force has the following powers and duties:

(1) To track the implementation of and evaluate compliance with

this act;

(2) To review performance and outcome measure reports submitted semiannually by the Department of Correction, Department of Community Correction, Parole Board, Arkansas Sentencing Commission, and Specialty Court Program Advisory Committee under this act and evaluate the impact; and

(3)(A) To prepare and submit an annual report of the performance and outcome measures that are part of this act to the Legislative Council, the Governor, and the Chief Justice of the Supreme Court.

(B) The annual report shall include recommendations for improvements and a summary of savings generated from and the impact on public safety as the result of this act.

SECTION 5. Arkansas Code Title 10, Chapter 3, is amended to add an additional subchapter to read as follows:

Subchapter 29 – Specialty Court Program Advisory Committee

10-3-2901. Specialty Court Program Advisory Committee.

(a) There is created a Specialty Court Program Advisory Committee.

(b) The Specialty Court Program Advisory Committee shall consist of the following members:

(1) The Chief Justice of the Supreme Court or the Chief Justice's designee who shall serve as chair;

(2) The Director of the Administrative Office of the Courts or the director's designee;

(3) Three (3) circuit court judges who preside over a specialty court program as defined under § 16-10-139(a) to be appointed by the Arkansas Judicial Council;

(4) One (1) district court judge who presides over a specialty court program as defined under § 16-10-139(a) to be appointed by the Arkansas District Judges Council;

(5) One (1) circuit court judge who presides over a juvenile drug court program to be appointed by the Arkansas Judicial Council;

(6) The Director of the Department of Community Correction or the director's designee;

(7) The Director of the Department of Human Services or the

director's designee;

(8) The Director of the Division of Behavioral Health Services or the director's designee;

(9) A prosecutor appointed by the Prosecutor Coordinator;

(10) A public defender appointed by the Executive Director of the Arkansas Public Defender Commission;

(11) A member of the Senate appointed by the President Pro Tempore of the Senate;

(12) A member of the House of Representatives appointed by the Speaker of the House of Representatives; and

(13) The Arkansas Drug Director or the director's designee.

(c) The chair or the chair's designee shall promptly call the first meeting within thirty (30) days after the effective date of this act.

(d)(1) The Specialty Court Program Advisory Committee shall conduct its meetings at the State Capitol Building or at any place designated by the chair or the chair's designee.

(2) Meetings shall be held at least one (1) time every three (3) months but may occur more often at the call of the chair.

(e) If any vacancy occurs on the Specialty Court Program Advisory Committee, the vacancy shall be filled by the same process as the original appointment.

(f) The Specialty Court Program Advisory Committee shall establish rules and procedures for conducting its business.

(g) Members of the Specialty Court Program Advisory Committee shall serve without compensation.

(h) A majority of the members of the Specialty Court Program Advisory Committee shall constitute a quorum for transacting any business of the Specialty Court Program Advisory Committee.

(i) The Specialty Court Program Advisory Committee is established to:

(1) Promote collaboration and provide recommendations on issues involving adult and juvenile specialty courts; and

(2) Design and complete the comprehensive evaluation of adult and juvenile specialty court programs as required by § 16-10-139.

SECTION 6. Arkansas Code Title 10, Chapter 3, is amended to add an additional subchapter to read as follows:

Subchapter 30 – Behavioral Health Treatment Access Legislative Task Force

10-3-3001. Behavioral Health Treatment Access Legislative Task Force

(a)(1) There is created a Behavioral Health Treatment Access Legislative Task Force responsible for ensuring that persons in the criminal justice system who have a demonstrated need for behavioral health treatment have access to treatment.

(2) The Bureau of Legislative Research shall provide staff support for the task force.

(b) The task force is composed of no more than nine (9) members, as follows:

(1) No more than four (4) members may be appointed by the Governor from the following persons:

(A) No more than one (1) member who is engaged in providing substance abuse treatment in the private sector;

(B) No more than one (1) member who is engaged in providing mental health treatment in the private sector; and

(C) No more than two (2) members of the general public who advocate for access to behavioral health services;

(2) The Director of the Department of Community Corrections or his or her designee;

(3) The Deputy Chief Counsel of the General Counsel Section for the Department of Human Services or his or her designee;

(4) The Insurance Commissioner of the State Insurance Department or his or her designee;

(5) One (1) member of the General Assembly to be appointed by the President Pro Tempore of the Senate; and

(6) One (1) member of the General Assembly to be appointed by the Speaker of the House of Representatives.

(c)(1) The task force shall meet on or before the thirtieth day after the effective date of this act, at the call of the member of the General Assembly appointed by the President Pro Tempore of the Senate, and organize itself by electing such other officers as the task force may consider necessary.

(2) Thereafter, the task force is to meet at least quarterly and

as often as necessary and at the call of the chair or a majority of the members.

(3) A quorum of the task force consists of five (5) members.

(d) The task force has the following powers and duties:

(1) To facilitate access to behavioral health treatment programs;

(2) To coordinate with other public and private entities to develop and promote access;

(3) To take steps to reduce costs and encourage evidence-based care;

(4) To assess feasibility and make recommendation for changes to state programs to improve access; and

(5) To prepare and submit an annual report by December 1 of each year to the Governor and the Legislative Council.

SECTION 7. Arkansas Code § 12-27-113(e), concerning records kept by the Department of Correction, is amended to read as follows:

(e)(1) The director shall make and preserve a full and complete record of ~~each and every person~~ inmate committed to the Department of Correction, along with a photograph of the ~~person~~ inmate and data pertaining to his or her trial conviction and past history.

(2)(A) To protect the integrity of ~~those~~ those records described in subdivision (e)(1) of this section and to ensure their proper use, it ~~shall~~ be is unlawful to permit inspection of or disclose information contained in ~~those~~ those records described in subdivision (e)(1) of this section or to copy or issue a copy of all or part of ~~any record~~ a record described in subdivision (e)(1) of this section except as authorized by ~~administrative regulation rule,~~ or by order of a court of competent jurisdiction.

(B) ~~The regulations~~ A rule under subdivision (e)(2)(A) of this section shall provide for adequate standards of security and confidentiality of ~~those~~ those records described in subdivision (e)(1) of this section.

(3) For those inmates committed to the Department of Correction and judicially transferred to the Department of Community Correction, the preparation of ~~this record~~ a record described in subdivision (e)(1) of this section may be delegated to the Department of Community Correction pursuant

to policies applicable to records transmission adopted by the Board of Corrections.

(4) ~~Administrative regulations~~ A rule under subdivision (e)(2)(A) of this section may authorize the disclosure of information contained in ~~such records~~ a record described in subdivision (e)(1) of this section for research purposes.

(5)(A)(i) Upon written request, an employee of the Bureau of Legislative Research acting on behalf of a member of the General Assembly may view all records described in subdivision (e)(1) of this section of a current or former inmate.

(ii) A request under subdivision (e)(5)(A)(i) of this section shall be made in good faith.

(B) A view of records under subdivision (e)(5) of this section by an employee may be performed only if the employee is assigned to one (1) or more of the following committees:

(i) Senate Committee on Judiciary;

(ii) House Committee on Judiciary; or

(iii) Charitable, Penal and Correctional

Institutions Subcommittee of the Legislative Council.

(C) The Department of Correction shall ensure that the employee authorized under subdivision (e)(5)(B) of this section to view records is provided access to the records.

(D) A record requested to be viewed under subdivision (e)(5) of this section is privileged and confidential and shall not be shown to any person not authorized to have access to the record under this section and shall not be used for any political purpose, including without limitation *political advertising, fundraising, or campaigning.*

SECTION 8. Arkansas Code Title 12, Chapter 27, is amended to add a new section to read as follows:

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

(a) The Department 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 Courts Advisory Committee, and approved by the Legislative Council

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

SECTION 9. Arkansas Code Title 12, Chapter 27, is amended to add an additional subchapter to read as follows:

Subchapter 2 – Pay-for-Success Act

12-27-201. Title.

This subchapter shall be known as the “Pay-for-Success Act”.

12-27-202. Legislative findings and intent.

(a) The General Assembly finds that:

(1) Incarceration and reincarceration are costly for the government and for taxpayers;

(2) Certain intervention measures have been found to reduce reincarceration rates;

(3) Pay-for-success contracts can serve as an effective tool for addressing certain issues concerning Arkansas correctional facilities, including overcrowding, by enabling the state to finance programs aimed at reducing recidivism rates; and

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

(b) The General Assembly intends for this subchapter to enable the department to obtain private financing for intervention services on a pay-for-success basis to reduce the reincarceration rate in Arkansas correctional facilities.

12-27-203. Definitions.

As used in this subchapter:

(1) “Incarcerated” means the condition of being committed to a state correctional facility; and

(2) “Pay-for-success program” means a program in which the Department of Community Correction pays for intervention services only if

certain performance targets are met, including without limitation a reduction in the reincarceration rate in Arkansas correctional facilities through intervention measures that focus on improving personal responsibility and decision making.

12-27-204. Pay-for-success programs.

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

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

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

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

(c) An agreement entered into under subsection (a) of this section:

(1) Shall include the following:

(A) A requirement that payment be conditioned on the achievement of specific outcomes based on defined performance targets; and

(B) An agreement with an independent third party to evaluate the pay-for-success program to determine whether the performance targets have been achieved;

(2) May contain a graduated payment schedule to allow for varying payments based on different levels of performance targets; and

(3) May include without limitation an agreement with one (1) or more private entities regarding the following:

(A) One (1) or more loans to fund the pay-for-success program's delivery and operations;

(B) One (1) or more guarantees for loans obtained under

this section;

(C) Payment based on reduced rates of reincarceration or other agreed-upon measures of success; and

(D) Oversight and implementation of the pay-for-success program, including without limitation the following:

(i) Making necessary financial arrangements;

(ii) Training staff;

(iii) Selecting service providers;

(iv) Overseeing the intervention measures;

(v) Monitoring pay-for-success program

participation; and

(vi) Designation of one (1) entity to serve as a liaison among all parties to the agreement.

SECTION 10. Arkansas Code § 12-29-112 is amended to read as follows:
12-29-112. Discharge or release.

~~(a) Inmates released upon completion of their term or released on parole shall be supplied with satisfactory clothing and a travel subsidy as prescribed by the Board of Corrections.~~

~~(b) Upon release of any inmate from any unit or center of the Department of Correction, the department shall provide transportation for the inmate to the closest commercial transportation pick-up point.~~

(a) At least one hundred twenty (120) days before an inmate's anticipated release date, the Department of Correction, in collaboration with the inmate and the Department of Community Correction and the Parole Board, shall complete a prerelease assessment and reentry plan, which may include a travel subsidy and transportation to the closest commercial transportation pick-up point.

(b) A copy of the reentry plan under this section shall be provided to the inmate and the assigned parole officer, if applicable.

(c) An inmate released upon completion of his or her terms of incarceration shall be provided:

(1) Written and certified proof that he or she completed and satisfied all the terms of his or her incarceration; and

(2) Information on how to reinstate his or her voting rights upon discharge of his or her sentence.

SECTION 11. Arkansas Code § 12-29-401(e), concerning the application for Medicaid benefits on behalf of an inmate in the Department of Correction or person in the custody of the Department of Community Correction, is amended to add an additional subdivision to read as follows:

(5)(A) The Department of Human Services shall allow applications for Medicaid coverage and benefits to be submitted up to forty-five (45) days before the release of:

(i) An inmate or offender not previously qualified or previously qualified and subsequently suspended; or

(ii) An inmate or offender, eighteen (18) years of age or older, adjudicated as delinquent and not previously qualified or previously qualified and subsequently suspended.

(B) To the extent feasible, the Department of Correction and Department of Community Correction shall provide for Medicaid coverage applications to be submitted online to the Department of Human Services.

(C) A sentencing order shall satisfy the identity verification for Medicaid applications, if required for an application, and if permitted by federal law.

SECTION 12. Arkansas Code Title 12, Chapter 29, Subchapter 4, is amended to add an additional section to read as follows:

12-29-407. Medicaid suspension.

(a) When an individual who is enrolled in a Medicaid program or the Health Care Independence Program is incarcerated to the custody of the Department of Correction, the Department of Community Correction, or detained in a county jail, city jail, juvenile detention facility, or other Division of Youth Services commitment, the Department of Human Services shall suspend, to the degree feasible, the individual's coverage during the period of incarceration for up to twelve (12) months from the initial approval or renewal, unless prohibited by law.

(b) When an individual with suspended Medicaid eligibility receives eligible medical treatment or is released from custody, the Department of Human Services shall reinstate, to the degree feasible, the individual's coverage for up to twelve (12) months from the initial approval or renewal, unless prohibited by law.

(c) The Department of Human Services shall ensure that the suspension and reinstatement process is automated and that protocols are developed to maximize Medicaid reimbursement for allowable medical services and essential health benefits.

SECTION 13. Arkansas Code § 12-41-106, concerning the Medicaid eligibility of an inmate in a local correctional facility, is amended to add an additional subsection to read as follows:

(e) To the extent feasible, the Department of Human Services shall allow an online application for Medicaid coverage and benefits to be submitted up to forty-five (45) days prior to the release of an inmate or offender who is in the custody of the Department of Corrections or Department of Community Corrections and who was not previously qualified or previously qualified and subsequently suspended.

SECTION 14. Arkansas Code Title 12, Chapter 41, Subchapter 1, is amended to add a new section to read as follows:

12-41-107. Medical services billing to a local correctional facility.

(a) As used in this section:

(1) "Healthcare professional" means an individual or entity that is licensed, certified, or otherwise authorized by the laws of this state to administer health care in the ordinary course of the practice of his or her profession or as a function of an entity's administration of the practice of medicine;

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

(3) "Medicaid reimbursement rate" means the prevailing cost paid by the Arkansas Medicaid Program for a particular medical service or treatment established by the Division of Medical Services of the Department of Human Services in the Arkansas Medicaid Program fee schedules for a particular medical service, treatment, or medical code.

(b) A healthcare professional that provides medical service or treatment to a local correctional facility under this chapter for the benefit of an inmate housed in a local correctional facility for which the local

correctional facility is responsible for payment shall not charge the local correctional facility more than the Medicaid reimbursement rate for the same or similar medical service or treatment.

SECTION 15. Arkansas Code Title 16, Chapter 10, Subchapter 1, is amended to add an additional section to read as follows:

16-10-139. Specialty court program evaluation and approval.

(a) As used in this section, "specialty court program" means one of the following:

(1) A pre-adjudication program under § 5-4-901;

(2) A approved drug court program under § 16-98-301 et seq.;

(3) A Swift and Certain Accountability on Probation Pilot Program under § 16-93-1701 et seq.; and

(4) Any other specialty court program that has been approved by the Supreme Court, including without limitation specialty court programs known as:

(A) A DWI court;

(B) A mental health court;

(C) A veteran's court;

(D) A juvenile drug court;

(E) A "HOPE" court;

(F) A "smarter sentencing" court; and

(G) A mental health crisis intervention center.

(b) A specialty court program operated by a circuit court or district court must be approved by the Supreme Court in the administrative plan submitted under Supreme Court Administrative Order No. 14.

(c)(1) The Specialty Courts Advisory Committee shall evaluate and make findings with respect to all specialty court programs operated by a circuit court or district court in this state and refer the findings to the Supreme Court.

(2) An evaluation under this section shall reflect nationally recognized and peer-reviewed standards for each particular type of specialty court program.

(3) The Specialty Court Program Advisory Committee shall also:

(A) Establish, implement, and operate a uniform specialty court program evaluation process to ensure specialty court program resources

are uniformly directed to high-risk and medium-risk offenders and that specialty court programs provide effective and proven practices that reduce recidivism, as well as other factors such as substance dependency, among participants;

(B) Establish an evaluation process that ensures that any new and existing specialty court program that is a drug court meets standards for drug court operation under § 16-98-302(b); and

(C) Promulgate rules to be approved by the Supreme Court to carry out the evaluation process under this section.

(d) A specialty court program shall be evaluated under the following schedule:

(1) A specialty court program established on or after the effective date of this act shall be evaluated after its second year of funded operation;

(2) A specialty court program in existence on the effective date of this act shall be evaluated under the requirements of this section prior to expending resources budgeted for fiscal year 2017; and

(3) A specialty court program shall be reevaluated every two (2) years after the initial evaluation.

SECTION 16. Arkansas Code § 16-10-305(a)(6), concerning court costs for possessing less than four ounces (4 oz.) of a Schedule VI controlled substance, is repealed.

~~(6)(A) In circuit court or district court, three hundred dollars (\$300) for possessing less than four ounces (4 oz.) of a Schedule VI controlled substance.~~

~~(B) One hundred fifty dollars (\$150) of the court costs collected under subdivision (a)(6) of this section shall be remitted to the Treasurer of State by the court clerk for deposit into the Drug Abuse Prevention and Treatment Fund for the Division of Behavioral Health Services to be used exclusively for drug courts or other substance abuse and prevention activities; and~~

SECTION 17. Arkansas Code Title 16, Chapter 10, Subchapter 7, is amended to add an additional section to read as follows:

16-10-701. Additional fees for specialty court programs.

(a) As used in this section:

(1) "Pre-adjudication" means the period of time after:

(A) The prosecuting attorney files a criminal information or an indictment is filed in circuit court;

(B) The person named in the criminal information or indictment is arraigned on the charge in circuit court; and

(C) The person enters a specialty court program without a guilty plea or the person enters a plea of guilty but before the circuit court enters a judgment and pronounces a sentence against the person; and

(2) "Specialty court program" means:

(A) A preadjudication program under § 5-4-901;

(B) An approved drug court program under § 16-98-301 et seq.;

(C) A Swift and Certain Accountability on Probation Pilot Program under § 16-93-1701 et seq.; and

(D) Any other specialty court program that has been approved by the Supreme Court, including without limitation specialty court programs known as:

(i) A DWI court;

(ii) A mental health court;

(iii) A veteran's court;

(iv) A juvenile drug court;

(v) A "HOPE" court;

(vi) A "smarter sentencing" court; and

(vii) A mental health crisis intervention center.

(b) In addition to any other court cost or court fee provided by law:

(1) A specialty court program user fee of up to two hundred fifty dollars (\$250) shall be assessed on any participant in a specialty court program and remitted to the Administration of Justice Funds Section of the Department of Finance and Administration by the court clerk for deposit into the State Treasury as special revenues credited to the Specialty Court Program Fund; and

(2) A specialty court program public defender user fee not to exceed two hundred fifty dollars (\$250) may be assessed by the court for a defendant who participates in a specialty court program designed for preadjudication purposes and who is appointed representation by a public

defender and remitted to the Administration of Justice Funds Section of the Department of Finance and Administration by the court clerk for deposit into the State Treasury to the credit of the Public Defender User Fee Fund within the State Central Services Fund.

(c) A district court or circuit court may not assess and collect a fee under this section if the district court or circuit court is operating a specialty court program that has not been previously approved by or no longer meets the approval criteria of the Supreme Court.

SECTION 18. Arkansas Code § 16-93-101, concerning definitions, is amended to add an additional subdivision to read as follows:

(12) "Detriment to the community" means a person who has:

(A) Demonstrated a pattern of behavior that indicates disregard for the safety and welfare of others;

(B) Exhibited violence or repeated violent tendencies;

(C) Has been convicted of a felony involving violence, as defined under § 5-4-501(d)(2); or

(D) During the three (3) calendar years before the person's parole hearing:

(i) Demonstrated a documented lack of respect for authority towards law enforcement or prison officials while in the custody of the Department of Correction, the Department of Community Correction, or a law enforcement agency; or

(ii) Accrued multiple disciplinary violations while in the custody of the Department of Correction, the Department of Community Correction, or a law enforcement agency, including at least one (1) disciplinary violation involving violence or sexual assault while in the custody of the Department of Correction, the Department of Community Correction, or a law enforcement agency.

SECTION 19. Arkansas Code Title 16, Chapter 93, Subchapter 1, is amended to add an additional section to read as follows:

16-93-106. Warrantless search by any law enforcement officer for a probationer or parolee.

(a)(1) A person who is placed on supervised probation or is released on parole under this chapter is required to agree to a waiver as a condition

of his or her supervised probation or parole that allows any certified law enforcement officer or Department of Community Correction officer to conduct a warrantless search of his or her person, place of residence, or motor vehicle at any time, day or night, whenever requested by the certified law enforcement officer or Department of Community Correction officer.

(2) A warrantless search that is based on a waiver required by this section shall be conducted in a reasonable manner but does not need to be based on an articulable suspicion that the person is committing or has committed a criminal offense.

(b)(1) A person who will be placed on supervised probation or parole and is required to agree to the waiver required by this section shall acknowledge and sign the waiver.

(2) If the person fails to acknowledge and sign the waiver required by this section, he or she is ineligible to be placed on supervised probation or parole.

SECTION 20. Arkansas Code Title 16, Chapter 93, Subchapter 1, is amended to add an additional section to read as follows:

16-93-107. Medicaid eligibility of a parolee or a probationer.

(a) The Department of Correction shall screen inmates nearing release from incarceration and the Department of Community Correction shall screen parolees and probationers under supervision for Medicaid eligibility.

(b) If an inmate nearing release from incarceration, parolee, or probationer receives medical services, including substance abuse and mental health treatment, that meet criteria for Medicaid coverage, the parole officer, probation officer, or Department of Correction official or Department of Community Correction official may apply for Medicaid coverage for the inmate nearing release from incarceration, parolee, or probationer under this section.

(c)(1) The inmate nearing release from incarceration, parolee, or probationer may designate an authorized representative for the purposes of filing a Medicaid application and complying with Medicaid requirements for determining and maintaining eligibility.

(2) However, the parole officer, probation officer, or Department of Correction official or Department of Community Correction official shall be the authorized representative for purposes of establishing

and maintaining Medicaid eligibility under this subsection if:

(A) The inmate nearing release from incarceration, parolee, or probationer does not designate an authorized representative within three (3) business days after request; or

(B) The authorized representative designated under subdivision (c)(1) of this section does not file a Medicaid application within three (3) business days after appointment and request.

(d) An authorized representative under this section:

(1) Shall have access to the information necessary to comply with Medicaid requirements; and

(2) May provide and receive information in connection with establishing and maintaining Medicaid eligibility, including confidential information.

(e)(1) The parole officer, probation officer, or Department of Correction official or Department of Community Correction official or the designee of the parole officer, probation officer, or Department of Correction official or Department of Community Correction official may access information necessary to determine if a Medicaid application has been filed on behalf of the inmate nearing release from incarceration, parolee, or probationer.

(2) Access under subdivision (e)(1) of this section shall be to:

(A) Establish Medicaid eligibility;

(B) Provide healthcare services; or

(C) Pay for healthcare services.

(f) As used in this section, "Medicaid eligibility" means eligibility for any healthcare coverage offered by the Department of Human Services.

SECTION 21. Arkansas Code Title 16, Chapter 93, Subchapter 1, is amended to add additional sections to read as follows:

16-93-108. Mental health and substance abuse treatment.

A parolee or probationer who is enrolled in a Medicaid program shall be referred to mental health or substance abuse treatment, or both, when the referral is included as part of a court order, supervision plan, or treatment plan.

16-93-109. Medicaid reimbursement for essential healthcare services.

Unless otherwise prohibited by law, the Department of Human Services shall cooperate with the Department of Correction and the Department of Community Correction to establish protocols for utilizing Medicaid to reimburse the Department of Correction, Department of Community Correction, Division of Behavioral Health Services, Division of Youth Services, a healthcare provider, or a third party for essential healthcare services, including mental health and substance abuse treatment.

16-93-110. Contracting with Medicaid provider.

The Department of Correction and the Department of Community Correction each may contract with a provider in order to facilitate the enrollment of an inmate, a probationer, or a parolee in Medicaid.

SECTION 22. Arkansas Code § 16-93-201 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) ~~Seven (7) members~~ A member of the board shall be a full-time ~~officials~~ official of this state, ~~one (1) of whom shall be designated by the Governor as the chair of the board~~ 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 ~~must~~ 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

(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 23. Arkansas Code § 16-93-202, concerning records and reports of the Parole Board, is amended to add an additional subsection to read as follows:

(e)(1)(A) Upon written request, a member of the General Assembly or an employee of the House of Representatives, Senate, or the Bureau of Legislative Research acting on the member's behalf may view all classification, disciplinary, demographic, and parole hearing records of a current or former inmate or parolee who is currently or was formerly granted parole by the board.

(B) A request made on behalf of a member of the General Assembly shall be made in good faith.

(2) A view of records under subdivision (e)(1) of this section by an employee may be performed only if the employee is assigned to one (1) or more of the following committees:

(A) Senate Committee on Judiciary;

(B) House Committee on Judiciary; or

(C) Charitable, Penal and Correctional Institutions Subcommittee of the Legislative Council.

(3) The board shall ensure that the employee authorized under subdivision (e)(2) of this section to view records is provided access to the records.

(4) A record requested to be viewed under subdivision (e)(1) of this section is privileged and confidential and shall not be shown to any person not authorized to have access to the record under this section and shall not be used for any political purpose, including without limitation political advertising, fundraising, or campaigning.

SECTION 24. Arkansas Code § 16-93-612(e), concerning parole eligibility procedures for offenses that occurred after January 1, 1994, is

amended to read as follows:

(e) For an offender serving a sentence for a felony committed on or after January 1, 1994, § 16-93-614 governs that person's parole eligibility, unless otherwise noted and except:

(1) If the felony is murder in the first degree, § 5-10-102, kidnapping, if a Class Y felony, § 5-11-102(b)(1), aggravated robbery, § 5-12-103, rape, § 5-14-103, or causing a catastrophe, § 5-38-202(a), and the offense occurred after July 28, 1995, § 16-93-618 governs that person's parole eligibility; ~~or~~

(2) If the felony is manufacturing methamphetamine, § 5-64-423(a) or the former § 5-64-401, or possession of drug paraphernalia with the intent to manufacture methamphetamine, the former § 5-64-403(c)(5), and the offense occurred after April 9, 1999, § 16-93-618 governs that person's parole eligibility; or

(3) If the felony is battery in the second degree, § 5-13-202, aggravated assault, § 5-13-204, terroristic threatening, § 5-13-301, domestic battering in the second degree, § 5-26-304, or residential burglary, § 5-39-201, and the offense occurred on or after the effective date of this act, § 16-93-619 governs that person's parole eligibility.

SECTION 25. Arkansas Code § 16-93-615(a)(5), concerning inmate interviews by the Parole Board, is amended to read as follows:

(5) Inmate interviews and related deliberations may be closed to the public.

SECTION 26. Arkansas Code Title 16, Chapter 93, Subchapter 6, is amended to add a new section to read as follows:

16-93-619. Parole eligibility procedures – Certain offenses committed on or after the effective date of this act.

(a) An inmate sentenced for one (1) of the following felonies on or after the effective date of this act is eligible for discretionary transfer to the Department of Community Correction by the Parole Board after having served one-third (1/3) or one-half (1/2) of his or her sentence, with credit for meritorious good time, depending on the seriousness determination made by the Arkansas Sentencing Commission, or one-half (1/2) of the time to which his or her sentence is commuted:

- (1) Battery in the second degree, § 5-13-202;
- (2) Aggravated assault, § 5-13-204;
- (3) Terroristic threatening, § 5-13-301;
- (4) Domestic battering in the second degree, § 5-26-304; or
- (5) Residential burglary, § 5-39-201.

(b) The transfer of an inmate convicted of an offense listed in this section is not automatic.

(c) All other provisions governing the procedures regarding the granting and administration of parole for persons convicted of an offense listed under subsection (a) of this section shall be governed by §§ 16-93-615 – 16-93-617.

SECTION 27. Arkansas Code § 16-93-708 is amended to read as follows: 16-93-708. Parole alternative – Home detention.

(a) As used in this section:

(1) “Approved electronic monitoring or supervising device” means an electronic device approved by the Board of Corrections that meets the minimum Federal Communications Commission regulations and requirements, and that utilizes available technology that is able to track a person’s location and monitor his or her location;

(2) “Hospice” means an autonomous, centrally administered, medically directed, coordinated program providing a continuum of home, outpatient, and homelike inpatient care for the terminally ill patient and the patient’s family, and which employs an interdisciplinary team to assist in providing palliative and supportive care to meet the special needs arising out of the physical, emotional, spiritual, social, and economic stresses that are experienced during the final stages of illness and during dying and bereavement;

~~(2)~~(3) “Permanently incapacitated” means an inmate who, as determined by a licensed physician:

(A) Has a medical condition that is not necessarily terminal but renders him or her permanently and irreversibly incapacitated; and

(B) Requires immediate and long-term care; and

~~(3)~~(4) “Terminally ill” means an inmate who, as determined by a licensed physician:

(A) *Has an incurable condition caused by illness or disease; and*

(B) *Will likely die within two (2) years due to the illness or disease.*

(b)(1)(A) *Subject to the provisions of subdivision (b)(2) of this section, a defendant convicted of a felony or misdemeanor and sentenced to imprisonment may be incarcerated in a home detention program when the Director of the Department of Correction or the Director of the Department of Community Correction ~~shall communicate~~ communicates to the Parole Board when, in the independent opinions of either a Department of Correction physician or Department of Community Correction physician and a consultant physician in Arkansas, an inmate is either terminally ill, ~~or~~ permanently incapacitated, or would be suitable for hospice care and should be considered for transfer to parole supervision.*

(B) *The Director of the Department of Correction or the Director of the Department of Community Correction shall make the facts described in subdivision (b)(1)(A) of this section known to the Parole Board for consideration of early release to home detention.*

(2) *The Board of Corrections shall promulgate rules that will establish policy and procedures for incarceration in a home detention program.*

(c)(1) *In all instances ~~where~~ in which the Department of Correction may release any inmate to community supervision, in addition to all other conditions that may be imposed by the Department of Correction, the Department of Correction may require the criminal defendant to participate in a home detention program.*

(2)(A) *The term of the home detention shall not exceed the maximum number of years of imprisonment or supervision to which the inmate could be sentenced.*

(B) *The length of time the defendant participates in a home detention program and any good-time credit awarded shall be credited against the defendant's sentence.*

(d)(1) *The Board of Corrections shall establish policy and procedures for participation in a home detention program, including, but not limited to, program criteria, terms, and conditions of release.*

(2) An inmate who is not serving a sentence of life without

parole who is released on parole under this section because he or she is terminally ill, permanently incapacitated, or would be suitable for hospice care may be released to the care of his or her family or to a friend or a facility, subject to board approval.

(e) If the medical condition of a inmate who is released under this section because he or she is terminally ill, permanently incapacitated, or would be suitable for hospice care changes to the point that the inmate is no longer terminally ill, permanently incapacitated, or would be suitable for hospice care, the inmate shall be returned to the custody of the Department of Correction and shall be required to be reconsidered for parole.

SECTION 28. Arkansas Code § 16-93-711(b)(1)(A), concerning the requirement for electronic monitoring on parole, is amended to read as follows:

(b)(1)(A) Subject to the provisions of subdivision (b)(2) of this section, an inmate serving a sentence in the Department of Correction may be released from incarceration if the:

(i) Sentence was not the result of a jury or bench verdict;

(ii) Inmate has served one hundred twenty (120) days of his or her sentence;

(iii) Inmate has an approved parole plan;

(iv) Inmate does not have a prior felony conviction for a sex offense or for a felony offense that involved the use or threat of violence or bodily harm;

~~(iv)(v)~~ Inmate was sentenced from a cell in the sentencing guidelines ~~that does not include incarceration in the presumptive range with:~~

(a) An incarceration range of thirty-six (36) months or less; or

(b) A presumptive sentence of probation;

~~(v)(vi)~~ Conviction is for a Class C or Class D felony;

~~(vi)(vii)~~ Conviction is not for a crime of violence, regardless of felony level;

~~(vii)(viii)~~ Conviction is not a sex offense,

including failure to register as a sex offender under § 12-12-906, regardless of felony level;

~~(viii)~~(ix) Conviction is not for manufacturing methamphetamine, § 5-64-423(a) or the former § 5-64-401;

~~(ix)~~(x) Conviction is not for possession of drug paraphernalia with the purpose to manufacture methamphetamine, § 5-64-443, if the conviction is a Class C felony or higher;

~~(x)~~(xi) Conviction is not for a crime involving the use or threat of violence or bodily harm;

~~(xi)~~(xii) Conviction is not for a crime that resulted in a death; and

~~(xii)~~(xiii) Inmate has not previously failed a drug court program.

SECTION 29. Arkansas Code § 16-93-712(d)(2), concerning the authority to sanction a parolee administratively by the Department of Community Correction, is amended to read as follows:

(2)(A)(i) The department shall develop an intermediate sanctions procedure and grid to guide a parole officer in determining the appropriate response to a violation of conditions of supervision.

(ii) The intermediate sanctions procedure shall include a requirement that the parole officer consider multiple factors when determining the sanction to be imposed, including previous violations and sanctions and the severity of the current and prior violation.

(B) Intermediate sanctions administered by the department are required to conform to the sanctioning grid.

SECTION 30. Arkansas Code Title 16, Chapter 93, Subchapter 7, is amended to add an additional section to read as follows:

16-93-713. Denial of parole – Detriment to the community.

The Parole Board may deny parole to any otherwise eligible person, regardless of the sentence that he or she is serving, if five (5) members of the board determine that the person upon release would be a detriment to the community into which the person would be released.

SECTION 31. Arkansas Code § 16-98-301(b)(1), concerning the definition

of "evidence-based practices" under the Arkansas Drug Court Act, is amended to read as follows:

(1) "Evidence-based practices" means supervision, policies, procedures, and practices proven through research to reduce recidivism;

SECTION 32. Arkansas Code § 16-98-303(a), concerning the structure, method, and operation of a drug court, is amended to read as follows:

(a)(1) Each judicial district of this state is authorized to establish a drug court program under this subchapter.

(2) A drug court established under this subchapter shall be approved under § 16-10-139.

~~(2)(A) The structure, method, and operation of each drug court program may differ and should be based upon the specific needs of and resources available to the judicial district where the drug court program is located.~~

~~(B)(i)(3)(A)~~ A drug court program may be preadjudication or postadjudication for an adult *offender* or a juvenile offender.

~~(ii)(B)~~ A juvenile drug court program or services may be used in a delinquency case or a family in need of services case ~~pursuant to a diversion agreement under § 9-27-323.~~

~~(iii)(C)~~ A juvenile drug court program or services may be used in a dependency-neglect case under § 9-27-334.

~~(3)(4)~~ Notwithstanding the authorization described in subdivision (a)(1) of this section, ~~ne~~ a judge of a circuit court, drug court, or juvenile court may not order any services or treatment under subsection (b) of this section or § 16-98-305 unless:

(A) An administrative and programmatic appropriation has been made for those purposes;

(B) Administrative and programmatic funding is available for those purposes; and

(C) Administrative and programmatic positions have been authorized for those purposes.

(5)(A) As determined by the Department of Community Correction, an adult drug court program established under this section shall target high-risk offenders and medium-risk offenders.

SECTION 33. Arkansas Code § 16-98-303(b)(2), concerning the duties of the Department of Community Correction under the Arkansas Drug Court Act, is amended to read as follows:

(2) *Subject to an appropriation, funding, and position authorization, both programmatic and administrative, the Department of Community Correction:*

(A) ~~shall~~ Shall:

(i) Establish standards regarding the classification of a drug court program participant as a high-risk offender or medium-risk offender;

~~(A)(ii) Provide positions for persons to serve as probation officers, drug counselors, and administrative assistants;~~

~~(B)(iii) Provide for drug testing for drug court program participants;~~

~~(G)(iv) Provide for intensive outpatient treatment for drug court program participants;~~

~~(D)(v) Provide for intensive short-term and long-term residential treatment for drug court program participants; and~~

~~(E)(vi) Develop clinical assessment capacity, including drug testing, to identify participants a drug court program participant with a substance addiction and develop a treatment protocol that improves the person's drug court program participant's likelihood of success; and~~

(B) May:

(i) Provide for continuous alcohol monitoring for drug court program participants, including a minimum period of one hundred twenty (120) days; and

(ii) Develop clinical assessment capacity, including continuous alcohol monitoring, to identify a drug court program participant with a substance addiction and develop a treatment protocol that improves the drug court program participant's likelihood of success.

SECTION 34. Arkansas Code § 16-98-303(b)(4)(B), concerning the responsibilities of the Administrative Office of the Courts pertaining to drug courts, is amended to read as follows:

(B) Administer funds for the maintenance and operation of

local approved drug court programs;

SECTION 35. Arkansas Code § 16-98-303(f)(6), concerning the duties of the Drug Court Coordinator, is amended to read as follows:

(6) Oversee the disbursement of funds appropriated to the Administrative Office of the Courts for the maintenance and operation of local approved drug court programs based on a formula developed by the Administrative Office of the Courts and reviewed by the ~~Drug Court Advisory~~ Specialty Court Program Advisory Committee; and

SECTION 36. Arkansas Code § 16-98-304 is amended to read as follows:
16-98-304. Cost and fees.

(a) The adult or juvenile drug court judge may order the offender to pay:

- (1) Court costs as provided in § 16-10-305;
- (2) Treatment costs;
- (3) Drug testing costs;
- (4) A local program user fee;
- (5) Necessary supervision fees, including any applicable residential treatment fees; ~~and~~
- (6) Any fees determined or authorized under § 12-27-125(b)(17)(B) or § 16-93-104(a)(1) ~~which that~~ are to be paid to the Department of Community Correction;
- (7) Global Positioning System monitoring; and
- (8) Continuous alcohol monitoring fees.

(b)(1) The drug court judge shall establish a schedule for the payment of costs and fees.

(2) The cost for treatment, drug testing, continuous alcohol monitoring if ordered, and supervision shall be set by the treatment and supervision providers respectively and made part of the order of the drug court judge for payment.

(3) Program user fees shall be set by the drug court judge.

(4) Treatment, drug testing, continuous alcohol monitoring if ordered, and supervision costs or fees shall be paid to the respective providers.

(5) Fees determined or authorized under § 12-27-125(b)(17)(B) or

§ 16-93-104(a)(1) shall be paid to the Department of Community Correction.

~~*(6)(A) The MAGNUM Drug Court Fund is a special revenue fund created and established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State.*~~

~~*(B) The MAGNUM Drug Court Fund shall consist of other moneys provided by law.*~~

~~*(7)(A)*~~ *(6)(A)* *All court costs and program user fees assessed by the drug court judge shall be paid to the court clerk for remittance to the county treasury under § 14-14-1313.*

(B) All installment payments shall initially be deemed to be collection of court costs under § 16-10-305 until the court costs have been collected in full with any remaining payments representing collections of other fees and costs as authorized in this section and shall be credited to the county administration of justice fund and distributed under § 16-10-307.

(C) ~~All~~ Local program user fees shall be credited to a fund known as the drug court program fund and appropriated by the quorum court for the benefit and administration of the drug court program.

~~*(8)(7)*~~ *Court orders for costs and fees shall remain an obligation of the offender with court monitoring until fully paid.*

SECTION 37. The lead-in language to Arkansas Code § 16-98-305, concerning the required resources of a drug court program, is amended to read as follows:

Each approved drug court program established under this subchapter, subject to an appropriation, funding, and position authorization, both programmatic and administrative, shall be provided with the following resources:

SECTION 38. Arkansas Code § 16-98-305(1)(E)(iii), concerning expenditures of funds for treatment services allocated to each drug court program, is amended to read as follows:

(iii) Expenditures of funds for treatment services allocated to each approved drug court program under the formula described in subdivision (1)(E)(i) of this section shall be at the direction of a drug court judge, except as limited by the procedures adopted in the memorandum of

understanding described in subdivision (1)(E)(ii) of this section;

SECTION 39. Arkansas Code § 16-98-305(3), concerning the duties of the Administrative Office of the Courts under the Drug Court Act, is amended to read as follows:

(3) The Administrative Office of the Courts shall:

(A) Provide funding to be reviewed by the ~~Drug Court~~ Specialty Court Program Advisory Committee for additional ongoing maintenance and operation costs of a local approved drug court programs program not provided by the Department of Community Correction or the Department of Human Services, including local drug court program supplies, education, travel, and related expenses;

(B) Provide direct support to the drug court judge and drug court program;

(C) Provide coordination between the multidisciplinary team and the drug court judge;

(D) Provide case management;

(E) Monitor compliance of drug court participants with drug court program requirements; and

(F) ~~Provide drug court program evaluation and accountability~~ Provide assistance and support to the Specialty Court Advisory Committee for the evaluation of adult and juvenile specialty court programs.

SECTION 40. Arkansas Code § 16-98-306 is amended to read as follows:
16-98-306. Collection of data.

(a)(1) A An approved drug court program shall collect and provide monthly data on drug court applicants and all participants as required by the Division of Drug Court Programs within the Administrative Office of the Courts Specialty Court Program Advisory Committee in accordance with the rules promulgated under § 16-98-307 § 10-3-2901.

(2) The data shall include:

(A) The total number of applicants;

(B) The total number of participants;

(C) The total number of successful applicants;

(D) The total number of successful participants;

(E) The total number of unsuccessful participants and the

reason why each unsuccessful participant did not complete the program;

(F) Information about what happened to each unsuccessful participant;

(G) The total number of participants who were arrested for a new criminal offense while in the drug court program;

(H) The total number of participants who were convicted of a new criminal offense while in the drug court program;

(I) The total number of participants who committed a violation of one (1) or more conditions of the drug court program and the resulting sanction;

(J) The results of the initial risk-needs assessment ~~review for each participant~~ or other appropriate clinical assessment conducted on each participant; and

(K) The total amount of time each program participant was in the program; and

~~(K)(L) Any other data or information as required by the Division of Drug Court Programs within the Administrative Office of the Courts Specialty Court Program Advisory Committee in accordance with the rules promulgated under ~~§ 16-98-307~~ § 10-3-2901.~~

(b) The data collected for evaluation purposes under subsection (a) of this section shall:

(1) Include a minimum standard data set developed and specified by the ~~Division of Drug Court Programs~~ Specialty Court Program Advisory Committee; and

(2) Be maintained in the court files or be otherwise accessible by the courts and the ~~Division of Drug Court Programs~~ Specialty Court Program Advisory Committee.

(c)(1) As directed by the ~~Division of Drug Court Programs~~ Specialty Court Program Advisory Committee, after an individual is discharged either upon completion or termination of a drug court program, the drug court program shall conduct, as much as practical, follow-up contacts with and reviews of former drug court participants for key outcome indicators of drug use, recidivism, and employment.

(2)(A) The follow-up contacts with and reviews of former drug court participants shall be conducted as frequently and for a period of time as determined by the ~~Division of Drug Court Programs~~ Specialty Court Program

Advisory Committee based upon the nature of the drug court program and the nature of the participants.

(B) The follow-up contacts with and reviews of former drug court participants are not extensions of the drug court's jurisdiction over the drug court participants.

(d) For purposes of standardized measurement of success of drug court programs across the state, ~~the Division of Drug Court Programs in consultation with other state agencies and subject to the review of the Drug Specialty Court Advisory Committee~~ shall adopt an operational definition of terms such as "recidivism", "retention", "relapses", "restarts", "sanctions imposed", and "incentives given" to be used in any evaluation and report of drug court programs.

(e) Each drug court program shall provide to the ~~Division of Drug Court Programs~~ Specialty Court Program Advisory Committee all information requested by the Division of Drug Court Programs.

(f) The Division of Drug Court Programs, the Department of Community Correction, the ~~Office of Alcohol and Drug Abuse Prevention~~ Division of Behavioral Health Services, and the Arkansas Crime Information Center shall work together to share and make available data to provide a comprehensive data management system for the state's drug court programs.

(g)(1) The Administrative Office of the Courts shall+

~~(A) Develop a statewide evaluation model to be reviewed by the Drug Court Advisory Committee; and~~ collect monthly data reports submitted by approved drug courts and provide the monthly data reports to the Specialty Court Program Advisory Committee.

~~(B) Conduct ongoing evaluations of the effectiveness and efficiency of all drug court programs.~~

(h) The Specialty Court Program Advisory Committee shall:

(1) Submit a report by July 1 of each year summarizing the data collected and outcomes achieved by all approved drug courts; and

(2) Contract with a third-party evaluator every three (3) years to conduct an evaluation on the effectiveness of the drug court program in complying with the key components of § 16-98-302(b).

~~(2) A report of the evaluations of the Administrative Office of the Courts shall be submitted to the General Assembly by July 1 of each year.~~

SECTION 41. Arkansas Code § 16-98-307 is repealed.

~~16-98-307. Drug Court Advisory Committee—Creation.~~

~~(a) There is created a Drug Court Advisory Committee.~~

~~(b) The Drug Court Advisory Committee shall consist of the following members:~~

~~(1) The Chief Justice of the Supreme Court or the Chief Justice's designee who shall serve as chair;~~

~~(2) The Director of the Administrative Office of the Courts or the director's designee;~~

~~(3) A judge to be appointed by the Arkansas Judicial Council;~~

~~(4) The Director of the Department of Community Correction or the director's designee;~~

~~(5) The Director of the Department of Human Services or the director's designee;~~

~~(6) The Director of the Division of Behavioral Health Services or the director's designee;~~

~~(7) A prosecutor appointed by the Prosecutor Coordinator;~~

~~(8) A public defender appointed by the Executive Director of the Arkansas Public Defender Commission;~~

~~(9) A member of the Senate appointed by the President Pro Tempore of the Senate;~~

~~(10) A member of the House of Representatives appointed by the Speaker of the House of Representatives;~~

~~(11) The Arkansas Drug Director or the director's designee;~~

~~(12) The Chair of the Board of Corrections or the chair's designee; and~~

~~(13) The Chair of the Parole Board or the chair's designee.~~

~~(c) The chair or the chair's designee shall promptly call the first meeting after April 4, 2007.~~

~~(d)(1) The committee shall conduct its meetings at the State Capitol or at any place designated by the chair or the chair's designee.~~

~~(2) Meetings shall be held at least one (1) time every three (3) months but may occur more often at the call of the chair.~~

~~(e) If any vacancy occurs on the committee, the vacancy shall be filled by the same process as the original appointment.~~

~~(f) The committee shall establish rules and procedures for conducting~~

~~its business.~~

~~(g) Members of the committee shall serve without compensation.~~

~~(h) A majority of the members of the committee shall constitute a quorum for transacting any business of the committee.~~

~~(i)(1) The committee is established to promote collaboration and provide recommendations on issues involving drug courts.~~

~~(2) The committee may provide advice and review on at least the following:~~

~~(A) Provisions to identify data to be collected for evaluation; and~~

~~(B) Provisions to ensure uniform data collection.~~

SECTION 42. Arkansas Code Title 19, Chapter 5, Subchapter 11, is amended to add an additional section to read as follows:

19-5-1142. Social Innovation Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the "Social Innovation Fund".

(b) The fund shall consist of:

(1) Any loans, investments, or other amounts received by the Department of Community Correction under the Pay-for-Success Act, § 12-27-201 et seq.;

(2) Grants made by any person or federal government agency; and

(3) Any other funds authorized or provided by law.

(c) The fund shall be used by the department to make any payments required under the Pay-for-Success Act, § 12-27-201 et seq.

SECTION 43. Arkansas Code Title 19, Chapter 5, Subchapter 11, is amended to add an additional section to read as follows:

19-5-1143. Accountability Court Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the "Accountability Court Fund".

(b) The fund shall consist of:

(1) Grants made by any person or federal government agency; and

(2) Any other funds authorized or provided by law.

(c) The fund shall be used by the Department of Community Correction 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 Courts Advisory Committee, and approved by the Legislative Council.

SECTION 44. Arkansas Code § 19-6-301(216), concerning special revenue funds, is amended to read as follows:

(216) Drug court program user fees, §§ 16-98-304 and ~~19-6-489~~ specialty court program user fees, § 16-10-701;

SECTION 45. Arkansas Code § 19-6-489 is amended to read as follows:

19-6-489. ~~MAGNUM Drug~~ Specialty Court Program Fund.

~~(a) A drug court judge may order an offender to pay:~~

~~(1) Court costs;~~

~~(2) Treatment costs;~~

~~(3) Drug testing costs;~~

~~(4) A program user fee not to exceed twenty dollars (\$20.00) per month; and~~

~~(5) Necessary supervision fees, including any applicable residential treatment fees.~~

~~(b)(1) A drug court judge shall establish a schedule for the payment of costs and fees.~~

~~(2) The cost for treatment, drug testing, and supervision shall be set by the treatment and supervision providers respectively and made part of the order of the drug court judge for payment.~~

~~(3) User fees shall be set by the drug court judge within the maximum amount authorized by this subsection and payable directly to the court clerk for the benefit and administration of the drug court program.~~

~~(4) Treatment, drug testing, and supervision costs shall be paid to the respective providers.~~

~~(5) The court clerk or the designee of the drug court judge shall collect all other costs and fees ordered.~~

~~(6)(A) The remaining user fees shall be remitted to the Treasurer of State by the court clerk for deposit in the MAGNUM Drug Court Fund, which is a special revenue fund created and established on the books of~~

~~the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State.~~

~~(B) The MAGNUM Drug Court Fund shall consist of user fees and any other moneys provided by law.~~

~~(7) Court orders for costs and fees shall remain an obligation of the offender with court monitoring until fully paid.~~

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a special revenue fund to be known as the "Specialty Court Program Fund".

(b) The Specialty Court Program Fund shall consist of the specialty court program user fees under § 16-10-701 and any other moneys provided by law.

(c) The fund shall be used exclusively for:

(1) Treatment services provided by the Department of Community Correction as defined by and distributed under § 16-98-305(1)(E);

(2) Treatment services provided by the Department of Human Services as defined by and distributed under § 16-98-305(2)(C);

(3) The cost of the evaluation of specialty court programs by the Specialty Court Advisory Committee as required under § 16-10-139; and

(4) Drug and mental health crisis intervention centers."

SECTION 46. Arkansas Code § 27-16-801, concerning the issuance of a driver's license, is amended to add an additional subsection to read as follows:

(i)(1) As used in this subsection, "eligible inmate" means a person who is within one hundred twenty (120) days of release from custody by the Department of Correction or the Department of Community Correction.

(2)(A) The office shall issue an identification card to an eligible inmate who has previously been issued an:

(i) Arkansas identification card; or

(ii) Arkansas driver's license and the driving privileges of the eligible inmate are suspended or revoked.

(B) The office shall issue a driver's license to an eligible inmate who has previously been issued an Arkansas driver's license if the driving privileges of the eligible inmate are:

(i) Not suspended or revoked; or

(ii) Suspended or revoked solely as a result of an outstanding driver's license reinstatement fee imposed under the laws of this state.

(3) The Department of Correction and the Department of Community Correction shall identify eligible inmates to apply for a replacement or renewal driver's license or identification card.

(4) Any fees for a replacement identification card under § 27-16-805 shall be waived for an eligible inmate.

(5) If the office issues a driver's license to an eligible inmate under subdivision (i)(2)(B)(ii) of this section, the office shall waive the reinstatement fee.

SECTION 47. Arkansas Code § 27-16-1105(a)(3)(A), concerning minimum issuance standards for driver's licenses, is amended to read as follows:

(3)(A)(i) The office may establish by rule a written and defined exceptions process for a person who is unable to present all the necessary documents for a driver's license or identification card and who must rely upon alternate documents.

(ii) The office shall accept alternate documents only to establish identity or date of birth of the person.

(iii)(a) An eligible inmate as defined under § 27-16-801(i)(1)(A) may satisfy the identity document requirement under this section by submitting a sentencing order to the Office of Driver Services before his or her release from incarceration.

(b) The exception to the identity document requirement under subdivision (a)(3)(A)(iii)(a) of this section shall not be applicable to a first-time issuance of a driver's license or identification card nor may it be used to waive any documentation requirements for non-United States citizens.

SECTION 48. DO NOT CODIFY. Effective dates.

(a) Sections 11, 12, 13, and 20 of this act are effective on and after September 1, 2015.

(b) Sections 46 and 47 of this act are effective on and after January 1, 2016.

SECTION 49. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that prison overcrowding is one of the largest problems currently burdening the state both from a public safety and budgetary standpoint; that safe and effective measures are needed to immediately combat this problem; and that this act is immediately necessary because in the interests of public safety and the state budget the Department of Correction, Department of Community Correction, Department of Human Services, and the Parole Board should be allowed to immediately implement these new measures. 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. Hutchinson

APPROVED: 04/01/2015