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A Bill

HOUSE BILL 1423

By: Representative Shepherd

By: Senator Rapert

For An Act To Be Entitled

AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 12 OF
THE ARKANSAS CODE CONCERNING LAW ENFORCEMENT,
EMERGENCY MANAGEMENT, AND MILITARY AFFAIRS; AND FOR
OTHER PURPOSES.

Subtitle

TO MAKE TECHNICAL CORRECTIONS TO TITLE 12
OF THE ARKANSAS CODE CONCERNING LAW
ENFORCEMENT, EMERGENCY MANAGEMENT, AND
MILITARY AFFAIRS.

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

SECTION 1. Arkansas Code § 12-8-102(b), concerning the Arkansas State Police Commission, is amended to remove obsolete language and to read as follows:

(b)(1) The commission shall be composed of seven (7) members to be appointed by the Governor for terms of seven (7) years, by and with the advice and consent of the Senate.

(2)(A) Four (4) members shall be appointed from each of the four (4) congressional districts and three (3) shall be appointed from the state at large.

(B) However, no more than two (2) members shall be appointed from any congressional district.

~~(3) The members of the commission in office on July 30, 1999, shall continue to serve their regular terms. As terms expire and vacancies~~



~~occur, appointments to the commission shall be made in such a manner as to assure the commission members represent the different areas of the state as required by this subsection.~~

SECTION 2. Arkansas Code § 12-9-103(b)(2), concerning the Arkansas Commission on Law Enforcement Standards and Training, is amended to clarify its application and to read as follows:

(2)(A) One (1) member shall not be actively engaged in or retired from law enforcement.

(B) The member under subdivision (b)(2)(A) of this section shall be:

- (i) ~~Sixty (60)~~ At least sixty (60) years of age and shall represent the elderly;
- (ii) Appointed from the state at large subject to confirmation by the Senate; and
- (iii) A full voting member.

SECTION 3. Arkansas Code § 12-12-212 is amended to make stylistic changes and to read as follows:

12-12-212. Release or disclosure to unauthorized person – Penalty.

(a) A person is guilty of a Class A misdemeanor upon conviction if the person knowingly:

- (1) ~~Knowingly accesses~~ Accesses information or willfully obtains information collected and maintained under this subchapter for a purpose not specified by this subchapter; or
- (2) ~~Knowingly releases~~ Releases or discloses information maintained under this subchapter to another person who lacks authority to receive the information.

(b) A person is guilty of a Class D felony upon conviction if the person violates subsection (a) of this section for the purpose of:

- (1) Furthering the commission of a misdemeanor offense or felony offense by the person or another person;
- (2) Enhancing or assisting a person’s position in a legal proceeding in this state or influencing the outcome of a legal proceeding in this state for the benefit of the person or a member of the person’s family;
- (3) Causing a pecuniary or professional gain for the person or a

member of the person's family; or

(4) Political purposes for the person or a member of the person's family.

SECTION 4. Arkansas Code § 12-12-402(e), concerning procedures governing medical treatment in sexual assault cases, is amended to clarify its application, correct references, and to read as follows:

(e) The victim shall not be transferred to another medical facility unless:

(1)~~(A)~~ The victim or a parent or guardian of a victim under eighteen (18) years of age requests the transfer; or

~~(B)~~ A a physician, or other qualified medical personnel when a physician is not available, has signed a certification that the benefits to the ~~patient's~~ victim's health would outweigh the risks to the ~~patient's~~ victim's health as a result of the transfer; and

(2) The transferring medical facility or licensed ~~health-care~~ healthcare provider provides all necessary medical records and ensures that appropriate transportation is available.

SECTION 5. Arkansas Code § 12-12-1002 is amended to conform to the mental state required for a criminal offense with § 5-2-202, to make stylistic changes, and to read as follows:

12-12-1002. Penalties.

(a) Upon conviction, any criminal justice agency or official subject to fingerprinting or reporting requirements under this subchapter that knowingly fails to comply with such reporting requirements is guilty of a Class B misdemeanor.

(b) A person is guilty of a Class A misdemeanor upon conviction if the person knowingly:

(1) ~~Knowingly accesses~~ Accesses information or willfully obtains information collected and maintained under this subchapter for a purpose not specified by this subchapter; or

(2) ~~Knowingly releases~~ Releases or discloses information maintained under this subchapter to another person who lacks authority to receive the information.

(c) A person is guilty of a Class D felony upon conviction if the

person violates subsection (a) of this section for the purpose of:

(1) Furthering the commission of a misdemeanor offense or felony offense by the person or another person;

(2) Enhancing or assisting a person's position in a legal proceeding in this state or influencing the outcome of a legal proceeding in this state for the benefit of the person or a member of the person's family;

(3) Causing a pecuniary or professional gain for the person or a member of the person's family; or

(4) Political purposes for the person or a member of the person's family.

(d) A person convicted of violating subsection (c) of this section is subject to an additional fine of not more than five hundred thousand dollars (\$500,000).

SECTION 6. Arkansas Code § 12-12-1404(d), concerning training on racial profiling, is amended to remove obsolete language and to read as follows:

(d)(1) ~~By January 1, 2006, the~~ The commission shall promulgate rules that ~~will~~ set significant standards for all training required in this section.

(2) The commission may make additions, amendments, changes, or alterations to the rules in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(3) The commission may review and recommend changes to the racial profiling policy of any law enforcement agency.

(4) Upon request, the racial profiling policy of any law enforcement agency shall be made available to the commission for the purpose described in subdivision (d)(3) of this section.

(5) The commission may establish a toll-free hotline and an email address to receive complaints concerning racial profiling.

SECTION 7. Arkansas Code § 12-12-1405 is amended to remove obsolete language and to read as follows:

12-12-1405. Racial profiling hotline.

(a)(1) The Attorney General shall establish and publish procedures to receive complaints concerning racial profiling.

(2) The procedures shall include the operation of a toll-free hotline and may include procedures to receive written complaints through the mail, email, or facsimile.

(b) The Attorney General shall maintain statewide statistics on complaints received concerning racial profiling.

(c) The Attorney General annually shall report statewide statistics on complaints concerning racial profiling received under this section during a year no later than October 1 of the next year to the Legislative Council ~~and the Task Force on Racial Profiling.~~

(d) If the Attorney General suspects that a violation of law has occurred, the Attorney General shall refer the matter to the appropriate prosecuting attorney or other appropriate legal authority.

SECTION 8. Arkansas Code § 12-12-1720(b), concerning the Adult and Long-Term Care Facility Resident Maltreatment Act, is amended to clarify a criminal offense and to read as follows:

(b)(1) A person commits the offense of failure to report in the second degree if he or she:

(A) Is a mandated reporter under § 12-12-1708;

(B) Has observed or has reasonable cause to suspect that an endangered person or impaired person has been subjected to conditions or circumstances that constitute adult maltreatment or long-term care facility resident maltreatment; and

(C) ~~(i)~~ Knowingly fails to make a report or cause a report to be made in the manner and time provided in this subchapter to the adult and long-term care facility resident maltreatment hotline.

~~(ii) Knowingly fails to cause a report to be made in the manner and time provided in this subchapter to the adult and long-term care facility resident maltreatment hotline.~~

(2) Failure to report in the second degree is a Class C misdemeanor.

SECTION 9. Arkansas Code § 12-12-1803(b), concerning use of automatic license plate reader systems, is amended to correct a reference and to read as follows:

(b) An automatic license plate reader system may be used:

(1) By a state, county, or municipal law enforcement agency for the comparison of captured plate data with data held by the Office of Motor Vehicle, the Arkansas Crime Information Center, the National Crime Information Center, a database created by law enforcement for the purposes of an ongoing investigation, and the Federal Bureau of Investigation for any lawful purpose;

(2) By parking enforcement entities for regulating the use of parking facilities;

(3) For the purpose of controlling access to secured areas; or

(4)(A) By the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department for the electronic verification of registration, logs, and other compliance data to provide more efficient movement of commercial vehicles on a state highway.

(B) An automatic license plate reader system used under subdivision (b)(4)(A) of this section shall be installed at an entrance ramp at a weigh station facility for the review of a commercial motor vehicle entering the weigh station facility.

SECTION 10. Arkansas Code § 12-18-103, concerning definitions under the Child Maltreatment Act, is amended to add a definition of a term that was defined in multiple places in the chapter and to read as follows:

(27) "Died suddenly and unexpectedly" means a child death that was not caused by a known disease or illness for which the child was under a physician's care at the time of death, including without limitation a child death as a result of the following:

- (A) Sudden infant death syndrome;
- (B) Sudden unexplained infant death;
- (C) An accident;
- (D) A suicide;
- (E) A homicide; or
- (F) Other undetermined circumstance.

SECTION 11. Arkansas Code § 12-18-303(a), concerning minimum requirements for a report to be accepted under the Child Maltreatment Act, is amended to correct a reference and to read as follows:

(a) Except as otherwise provided in this section, the Child Abuse

Hotline shall accept a report if:

(1) The report is of:

(A) An allegation of child maltreatment or suspected child maltreatment, that if found to be true, would constitute child maltreatment as defined under this chapter;

(B) The death of a child ~~that:~~

~~(i) Is sudden and unexpected; and~~

~~(ii) Was not caused by a known disease or illness for which the child was under a physician's care at the time of death who died suddenly and unexpectedly; or~~

(C) The death of a child reported by a coroner or county sheriff under § 20-15-502;

(2) Sufficient identifying information is provided to identify and locate the child or the child's family; and

(3) The child or the child's family is present in Arkansas or the incident occurred in Arkansas.

SECTION 12. Arkansas Code § 12-18-402(a), concerning mandated reporters under the Child Maltreatment Act, is amended to remove language that is being codified at § 12-18-103 and to read as follows:

(a) An individual listed as a mandated reporter under subsection (b) of this section shall immediately notify the Child Abuse Hotline if he or she:

(1) Has reasonable cause to suspect that a child has:

(A) Been subjected to child maltreatment;

(B) Died as a result of child maltreatment; or

(C) ~~(i) Died suddenly and unexpectedly;~~

~~(ii) As used in subdivision (a)(1)(C)(i) of this section, "died suddenly and unexpectedly" means a child death that was not caused by a known disease or illness for which the child was under a physician's care at the time of death, including without limitation child deaths as a result of the following:~~

~~(a) Sudden infant death syndrome;~~

~~(b) Sudden unexplained infant death;~~

~~(c) An accident;~~

~~(d) A suicide;~~

~~(e) A homicide; or~~

~~(f) Other undetermined circumstance; or~~

(2) Observes a child being subjected to conditions or circumstances that would reasonably result in child maltreatment.

SECTION 13. Arkansas Code § 12-18-602(b), concerning an investigative proceeding under the Child Maltreatment Act, is amended to remove language that is being codified at § 12-18-103 and to read as follows:

(b)(1) All investigations shall begin within seventy-two (72) hours.

(2) However, the investigation shall begin within twenty-four (24) hours if:

(A) The allegation is severe maltreatment, excluding an allegation of:

(i) Sexual abuse if the most recent allegation of sexual abuse was more than one (1) year ago or the alleged victim does not currently have contact with the alleged offender;

(ii) Abandonment and the child is in a facility; or

(iii) Cuts, welts, bruises, or suffocation if the most recent allegation was more than one (1) year ago and the alleged victim is in the custody of the Department of Human Services;

(B) The allegation is that a child has been subjected to neglect as defined in § 12-18-103(14)(B); or

(C)~~(i)~~ A child has died suddenly and unexpectedly.

~~(ii) As used in subdivision (b)(1)(C)(i) of this section, "died suddenly and unexpectedly" means a child death that was not caused by a known disease or illness for which the child was under a physician's care at the time of death, including without limitation child deaths as a result of the following:~~

~~(a) Sudden infant death syndrome;~~

~~(b) Sudden unexplained infant death;~~

~~(c) An accident;~~

~~(d) A suicide;~~

~~(e) A homicide; or~~

~~(f) Other undetermined circumstance.~~

SECTION 14. Arkansas Code § 12-18-620(d), concerning the release of

information on pending investigations under the Child Maltreatment Act, is amended to correct references and to read as follows:

(d) The department may provide information, including protected health information, to a person or agency that provides services such as medical examination of, an assessment interview with, or diagnosis of, care for, treatment of, or supervision of a victim of child maltreatment, a juvenile offender, or an underaged juvenile ~~aggressor~~ offender.

SECTION 15. Arkansas Code § 12-18-623(a), concerning no-merit investigations under the Child Maltreatment Act, is amended to read as follows:

(a) A Department of Arkansas State Police investigator may close an investigation of a report of child maltreatment as unsubstantiated without complying with the requirements of this subchapter if:

(1) The child identified as the victim:

(A) Has been:

(i) Interviewed ~~separate~~ separately and apart from the alleged offender or any representative or attorney for the alleged offender when the child is of the age or ability to be interviewed; or

(ii) Observed ~~separate~~ separately and apart from the alleged offender or any representative or attorney for the alleged offender when the child is not of the age or ability to be interviewed; and

(B) Credibly denies the allegation of child maltreatment;

(2) The child identified as the victim does not have the physical injuries or physical conditions that were alleged in the report of child maltreatment;

(3) The person identified as the alleged offender has been interviewed and credibly denies the allegation of child maltreatment;

(4) The person identified as the alleged offender resides in the home or is a family member of the child identified as the victim, and the Department of Arkansas State Police investigator has ascertained the environment in which the child resides and determined there is no merit to the report of child maltreatment as it pertains to the home environment;

(5) The Department of Arkansas State Police investigator:

(A) Has ~~interviewed~~:

(i) Interviewed the person who made the report to

the Child Abuse Hotline; or

~~(B)~~ ~~Has made~~ (ii) Made a good faith effort to contact the person who made the report to the hotline but is unable to interview the person; and

~~(C)~~(B) Has not identified another maltreatment or health or safety factor regarding the ~~victim~~ child identified as the victim; and

(6) The Department of Arkansas State Police investigator interviewed a collateral witness and reviewed medical, school, and mental health records that are related to the allegations when the child identified as the victim was unable to effectively communicate.

SECTION 16. Arkansas Code § 12-18-909(e), concerning availability of true reports on the Child Maltreatment Central Registry, is amended to correct a reference and to read as follows:

(e)(1) The Department of Human Services and the Department of Arkansas State Police may provide information, including protected health information, to a person or agency that provides services such as medical examination of, an assessment interview with, or diagnosis of, care for, treatment of, or supervision of a victim of child maltreatment, a juvenile offender, or an underaged juvenile ~~aggressor~~ offender.

(2) This information may include:

(A) The investigative determination or the investigation report; and

(B) The services offered and provided.

SECTION 17. Arkansas Code § 12-26-106 is amended to correct a reference and to read as follows:

12-26-106. Powers and duties of committees.

The criminal detention facility review committees shall ~~have the authority and responsibility to:~~

(1) Provide consultation and technical assistance to county and local government officials with respect to criminal detention facilities and juvenile detention facilities;

(2) Visit and inspect the criminal detention facilities and juvenile detention facilities for compliance with the standards as established under § 12-26-103;

(3) Advise government officials and other appropriate persons of deficiencies in the criminal detention facilities and juvenile detention facilities and make recommendations for improvements;

(4) Submit written reports of the inspections to appropriate agencies and persons as provided in § 12-26-107;

(5) Review and comment on plans for the construction and major modification or renovation of the criminal detention facilities and juvenile detention facilities; and

(6) Perform such other duties as may be necessary to carry out the policy of the state regarding criminal detention facilities and juvenile detention facilities.

SECTION 18. Arkansas Code § 12-26-107 is amended to correct references and to read as follows:

12-26-107. Inspection of facility – Report.

(a) Except as otherwise provided in this chapter, each criminal detention facility review committee shall visit and inspect each criminal detention facility and each juvenile detention facility, if any, in its judicial district at least annually for the purpose of determining the conditions of confinement, the treatment of prisoners, and whether the criminal detention facilities and juvenile detention facilities comply with the minimum standards established pursuant to this chapter.

(b)(1) A written report of each inspection shall be made within thirty (30) days following such inspection to the chief circuit judge for the judicial district within which the criminal detention facility or juvenile detention facility is located and to the county judge or the governing body of the political subdivision whose criminal detention facility or juvenile detention facility is the subject of the written report.

(2) The written report shall specify those respects in which the criminal detention facility or juvenile detention facility does not comply with the required minimum standards.

SECTION 19. Arkansas Code § 12-26-108 is amended to correct references, make stylistic changes, and to read as follows:

12-26-108. Failure to meet minimum standards – Procedure.

(a)(1) If an inspection under this chapter discloses that the criminal

detention facility or juvenile detention facility does not meet the minimum standards established by the Criminal Detention Facilities Review Coordinator, the criminal detention facility review committee shall send notice, together with the inspection report, to the governing body responsible for the criminal detention facility or juvenile detention facility and to the ~~duly-constituted~~ grand jury for the county in which the criminal detention facility or juvenile detention facility is located.

(2) A copy of the notice required by this chapter shall also be sent to the chief circuit judge of the judicial district in which the criminal detention facility or juvenile detention facility is located.

(b) The appropriate governing body or the grand jury, or both, shall promptly meet to consider the inspection report, and the committee chair shall appear to advise and consult concerning appropriate corrective action.

(c) The governing body or the grand jury, or both, shall then initiate appropriate corrective action within six (6) months of the receipt of the inspection report or may voluntarily close the criminal detention facility or juvenile detention facility or the objectionable portion of the criminal detention facility or juvenile detention facility.

(d)(1) If the governing body or the grand jury fails to initiate corrective action within six (6) months after receipt of ~~such the~~ inspection report, or fails to correct the disclosed conditions, or fails to close the criminal detention facility or juvenile detention facility or the objectionable portion ~~thereof~~ of the criminal detention facility or juvenile detention facility, the committee ~~is authorized to~~ may petition a circuit court within the judicial district in which the criminal detention facility or juvenile detention facility is located to close the criminal detention facility or juvenile detention facility.

(2) The petition shall include the inspection report regarding the criminal detention facility or juvenile detention facility.

(3) The local governing body shall then have thirty (30) days to respond to the petition and shall serve a copy of the response on the committee chair by certified mail, return receipt requested.

(e) Thereafter, a hearing shall be held on the petition before the circuit court, and an order rendered by ~~such the circuit~~ court which:

- (1) Dismisses the petition of the committee;
- (2) Directs that corrective action be initiated in some form by

the local governing body or by the grand jury with respect to the criminal detention facility or juvenile detention facility in question; or

(3) Directs that the criminal detention facility or juvenile detention facility be closed.

(f) An appeal from the decision of the circuit court may be taken ~~to the Supreme Court~~ as provided in the Arkansas Rules of Appellate Procedure.

SECTION 20. Arkansas Code § 12-27-122 is amended to remove obsolete language to read as follows:

12-27-122. Debt service accounts.

(a)(1) The Department of Correction ~~is authorized to~~ may establish accounts in financial institutions other than the State Treasury for the purpose of making debt service payments on bonds issued, or leases, or both, through the Arkansas Development Finance Authority and as otherwise authorized by law.

(2) The accounts shall be entitled the "Construction Fund Deficiency Account", the "Prisoner Housing Contract Account", and the "Regional Facilities Operations Account".

(3) Receipts into the ~~accounts so established~~ Construction Fund Deficiency Account, the Prisoner Housing Contract Amount, and the Regional Facilities Operations Account shall be from transfers from the work-release cash funds, payments to the department for housing county and city prisoners in regional facilities, and such other sources as required.

(b) Payments made by the department from the work-release cash funds, Construction Fund Deficiency Account, Prisoner Housing Contract Account, and the Regional Facilities Operations Account which are made for bonded indebtedness or leases of regional correction facilities, or both, are specifically exempt from ~~the provisions of §§ 19-4-801 – 19-4-803, 19-4-804 [repealed], 19-4-805, and 19-4-806.~~

SECTION 21. Arkansas Code § 12-27-142 is amended to remove obsolete language and to read as follows:

12-27-142. Medical services contract.

(a) The Department of Correction and the Department of Community Correction may enter into professional services contracts for medical services for a contract period not to exceed ten (10) years.

(b) Except as provided in subsection (a) of this section, the professional services contracts for medical services shall comply with all other provisions of the Arkansas Procurement Law, § 19-11-201 et seq., and ~~regulations~~ rules promulgated under the Arkansas Procurement Law, § 19-11-201 et seq.

~~(c) A medical services contract in existence on August 12, 2005, may be extended to a ten-year contract.~~

SECTION 22. Arkansas Code § 12-27-145(b), concerning records posted on a public website by the Department of Community Correction, is amended to correct a reference and to read as follows:

(b)(1) To the extent permitted by federal law, the Department of Community Correction shall post on the Department of Community Correction's website the following information concerning a probationer, parolee, or other person under the supervision of the Department of Community Correction who has absconded or has had a warrant issued for his or her arrest for evading supervision:

(A) Any offense and sentence for which the probationer, parolee, or other person under the supervision of the Department of Community Correction is being supervised, including:

(i) Whether the probationer, parolee, or other person under the supervision of the Department of Community Correction is subject to a suspended sentence, if known; and

(ii) The terms of the suspended sentence, if applicable;

(B) A complete felony conviction summary to the extent that information is available to the Department of Community Correction;

(C)(i) Risk assessment scores completed after April 1, 2015.

(ii) Risk assessment scores under this subdivision (b)(1)(C) shall include the name of the state agency that completed the risk assessment, the date the risk assessment was conducted, and the level of assessment.

(iii) Information by the Department of Community Correction regarding how risk assessments are scored shall also be posted;

(D) Any known aliases;

(E) ~~Most~~ A most recent photograph of the probationer, parolee, or other person under the supervision of the Department of Community Correction;

(F) To the extent the information is available to the Department of Community Correction, if an order of protection, ~~no-contact~~ no-contact order, or other order from an in-state or out-of-state court that prohibits contact or communication with another person is in place;

(G) All major disciplinary violations while the ~~inmate~~ probationer, parolee, or other person under the supervision of the Department of Community Correction was incarcerated and the date of the major disciplinary violation disposition;

(H) Any programs completed by the probationer, parolee, or other person under the supervision of the Department of Community Correction while on supervision and the date of completion; and

(I) A list of previous revocation offenses while on probation or parole and date of revocation.

(2) The Department of Community Correction shall develop a plan to establish a method for a victim of a crime committed by a probationer, parolee, or other person under the supervision of the Department of Community Correction to directly and easily access the information listed under this subsection.

SECTION 23. Arkansas Code § 12-29-106 is amended to clarify a criminal offense and to read as follows:

12-29-106. Mail to or from inmates.

(a)(1) A person without the consent of the Director of the Department of Correction shall not bring into or carry out of a prison any letter or writing to or from any inmate.

(2) ~~Whoever shall violate the provisions of this section shall be guilty of a~~ A violation of this section is an unclassified misdemeanor ~~and shall on conviction be fined~~ punishable by a fine not exceeding one hundred dollars (\$100), ~~or imprisoned in the county jail~~ imprisonment not exceeding thirty (30) days, or both ~~fined and imprisoned~~.

(b) However, all inmates shall have the privilege, under the proper supervision and inspection of the director or his or her employees, to write and receive letters from their relations and friends.

SECTION 24. Arkansas Code § 12-29-110 is amended to clarify a criminal offense and to read as follows:

12-29-110. Selling or trading position, working condition, or promotion – Penalty.

(a) It ~~shall be~~ is unlawful for any inmate or employee of the Department of Correction or any other person to sell, barter, or trade, or to promise or offer to sell, barter, or trade any favored job or position, working condition, or any promotion or demotion in any job or position at the department and to:

(1) Accept or receive any money, consideration, or thing of value therefor;

(2) Make or accept any loan or money as inducement thereof; or

(3) Accept or receive any favored condition or job or position at the department either directly or indirectly as a result thereof.

~~(b)(1) Any person violating the provisions of this section shall be guilty of a~~ A violation of this section is an unclassified felony and upon conviction shall be punished by imprisonment in the department punishable by imprisonment for not less than one (1) year nor more than five (5) years.

(2) If the person ~~is~~ convicted under this section is an inmate in the department, the sentence shall commence to run from the expiration of the sentence under which the person is serving at the time of the violation of this section.

SECTION 25. Arkansas Code § 12-29-506 is amended to correct references and to read as follows:

12-29-506. Duties of Attorney General – Assistance.

(a) The Attorney General shall enforce this subchapter.

(b) However, the Attorney General may refer to the prosecuting attorney of the county from which the inmate in the Department of Correction or the person residing in a Department of Community Correction facility was sentenced, or to the prosecuting attorney of the county in which any property or estate of ~~any such~~ the inmate or person is located, to investigate or assist in legal proceedings to obtain the reimbursements for the cost of care of ~~such prisoners~~ the inmate or person, as authorized in this subchapter.

SECTION 26. Arkansas Code § 12-41-105(a), concerning commissions from prisoner telephone service profits and prisoner commissary services, is amended to correct a reference to read as follows:

(a)(1) Commissions derived from prisoner telephone services and profits earned from prisoner commissary services provided in the various county and regional detention facilities in the state shall be deposited with the county treasurer of the county in which the county or regional detention facility is located, and the county treasurer shall credit the funds to the county sheriff's office fund.

(2)(A) The county sheriff's office fund is an agency fund defined by the County Financial Management System as a fund used to account for funds held by the county treasurer as an agent for a governmental unit until transferred by check or county court order to the county sheriff for the intended uses of the funds.

(B) ~~As an agency fund, the~~ The county sheriff's office fund and the transfer of funds ~~is~~ under subdivision (a)(2)(A) of this section ~~are~~ not subject to an appropriation by the quorum court or to the county claims process.

(3) Arkansas Legislative Audit shall review actions described in this subsection for substantial compliance with this section.

SECTION 27. Arkansas Code § 12-50-106(d), concerning contracts for correctional facilities, is amended to correct a reference, make stylistic changes, and to read as follows:

(d) Contracts awarded under ~~the provisions of~~ this section, including contracts for the provision of correctional services or for the lease or use of public lands or buildings for use in the operation of state or local facilities, may be entered into for a period of up to twenty (20) years, subject to the requirement for annual appropriation of funds by each political subdivision and subject to the requirement of ~~biennial~~ annual appropriations by the state.

SECTION 28. Arkansas Code § 12-50-109(a), concerning contracts with the Arkansas Development Finance Authority, is amended to correct a reference and to read as follows:

(a)(1) The Board of Corrections and any regional corrections

commission ~~are authorized and empowered to~~ may cooperate and contract with the Arkansas Development Finance Authority to provide for the payment of the principal of, premium, if any, interest on, and trustee's and paying agent's fees in connection with bonds issued to finance the acquisition, construction, and operation of prison facilities authorized under this chapter to be secured by a lien on and pledge of one (1) or more of the following:

(A) All revenues derived from payments to be made by the Department of Correction for the housing of prisoners;

(B) All revenues derived from payments to be made by political subdivisions for the housing of prisoners; or

(C) Any other revenues authorized by the General Assembly or the governing body of any political subdivision.

(2)(A) Any documents relating to ~~those pledges~~ a pledge under subdivision (a)(1) of this section shall state that the pledge is subject to annual appropriation by the governing body or ~~biennial~~ annual appropriation of the General Assembly, respectively.

(B) It ~~shall not be~~ is not necessary to the perfection of the lien and pledge for those purposes that the trustee in connection with the bond issue or the holders of the bonds take possession of the collateral security.

SECTION 29. Arkansas Code § 12-64-406 is amended to correct a grammatical error and to read as follows:

12-64-406. Convening courts-martial.

(a) General, special, and summary courts-martial may be convened by the Governor or the commanding general of the organized militia.

(b) Special courts-martial may be convened by the commanding officer of a garrison, fort, post, camp, air base, auxiliary air base, or other place where troops are on duty, or of a brigade, regiment, wing, group, detached battalion, separate squadron, or other detached command.

(c)(1) Summary courts-martial consisting of one (1) commissioned officer may be convened by the commanding officer of a garrison, fort, post, camp, air base, auxiliary air base, or other place where the troops are on duty, or of a brigade, regiment, wing, group, detached battalion, squadron, company, or other detachment ~~may convene a summary court-martial consisting~~

~~of one (1) commissioned officer.~~

- (2) The proceedings shall be informal.

SECTION 30. Arkansas Code § 12-64-710 is amended to correct a grammatical error and to read as follows:

12-64-710. Review counsel.

The accused has the right to be represented during a review of records under this subchapter by:

- (1) Civilian counsel if provided by the accused;
- (2) Military counsel of the accused's own selection if reasonably available; or
- (3) The defense counsel detailed under this code.

SECTION 31. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

It is the intent of the General Assembly that:

(1) The enactment and adoption of this act shall not expressly or impliedly repeal an act passed during the regular session of the Ninety-First General Assembly;

(2) To the extent that a conflict exists between an act of the regular session of the Ninety-First General Assembly and this act:

(A) The act of the regular session of the Ninety-First General Assembly shall be treated as a subsequent act passed by the General Assembly for the purpose of:

(i) Giving the act of the regular session of the Ninety-First General Assembly its full force and effect; and

(ii) Amending or repealing the appropriate parts of the Arkansas Code of 1987; and

(B) Section 1-2-107 shall not apply; and

(3) This act shall make only technical, not substantive, changes to the Arkansas Code of 1987.

APPROVED: 02/21/2017