

Stricken language would be deleted from and underlined language would be added to present law.
Act 444 of the Regular Session

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: S2/8/17 S2/20/17
A Bill

SENATE BILL 273

By: Senator Standridge
By: Representatives Drown, Bentley

For An Act To Be Entitled

AN ACT PERMITTING ACT 309 INMATES IN THE CUSTODY OF
THE DEPARTMENT OF CORRECTION WHO ARE HOUSED IN A
COUNTY JAIL TO WORK FOR LOCAL NONPROFIT
*ORGANIZATIONS; CONCERNING ACT 309 INMATES; TO DECLARE
AN EMERGENCY; AND FOR OTHER PURPOSES.*

Subtitle

*PERMITTING ACT 309 INMATES IN THE CUSTODY
OF THE DEPARTMENT OF CORRECTION WHO ARE
HOUSED IN A COUNTY JAIL TO WORK FOR LOCAL
NONPROFIT ORGANIZATIONS; CONCERNING ACT
309 INMATES; AND TO DECLARE AN EMERGENCY.*

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

SECTION 1. Arkansas Code § 12-30-407 is amended to read as follows:

12-30-407. Housing of participants.

(a)(1)(A) The Board of Corrections may promulgate rules ~~and~~
~~regulations~~ to allow the proper classification of inmates to be released to
the county sheriffs of approved jail facilities or chiefs of police or other
authorized law enforcement officers of city-operated approved jail facilities
or community correction centers outside the Department of Correction.

(B)(i) Inmates shall be interviewed to develop a
classification of each inmate's skills, work experiences, job background, and
education.

(ii) ~~Such inmates are to~~ Inmates shall work at jobs



under this section that directly benefit those approved jail facilities or a political subdivision, or may assist a political subdivision in supporting or working with a nonprofit organization with a chapter, committee, or other governing body that is based in the county, and that are related to a particular inmate's background classification, and where they are to be in which the inmates are under supervision at all times.

(2)(A)(i) County sheriffs, chiefs of police, or other authorized law enforcement officers of approved jail facilities may request assignment of inmates to their approved jail facilities to perform particular jobs for the approved jail facilities or for a political subdivision, or to assist a political subdivision in supporting or working with a nonprofit organization with a chapter, committee, or other governing body that is based in the county, which when the jobs or assistance are in a particular area of need of the facility or a approved jail facilities, political subdivision, or nonprofit organization with a chapter, committee, or other governing body that is based in the county.

(ii) The Department of Correction shall review the requests and shall submit a list of inmates with appropriate skills or backgrounds for the particular job needs of the approved jail facility, political subdivision, or nonprofit organization with a chapter, committee, or other governing body that is based in the county that is being provided assistance by a political subdivision, in accordance with the Department of Correction's classification of inmates' skills and backgrounds.

(iii) County sheriffs, chiefs of police, or other authorized law enforcement officers ~~will~~ shall choose inmates from the submitted list ~~which~~ who are appropriate for the needs of ~~their~~ the approved jail facilities, or a political subdivision, or nonprofit organization with a chapter, committee, or other governing body that is based in the county that is being provided assistance by a political subdivision.

(B) County sheriffs, chiefs of police, or other authorized law enforcement officers of approved jail facilities shall not request the assignment of a particular inmate to ~~their~~ an approved jail facility, political subdivision, or nonprofit organization with a chapter, committee, or other governing body that is based in the county, and may refuse the assignment of a particular inmate.

(3)(A) An inmate shall not be released to ~~approved jail~~

facilities a county sheriff, chief of police, or other authorized law enforcement officer of an approved jail facility under this section until notification of the release is first sent to the county sheriff of the county from which the inmate was tried and convicted, the prosecuting attorney's office ~~who convicted~~ that prosecuted the inmate, and, upon a written request, to the victim or victim's family.

(B) Notification of the victim or victim's family shall be done by mail to the last known address supplied to the Department of Correction in accordance with Department of Correction policies.

(4)(A) Inmates ~~so~~ released under this section shall be entitled to credit on their sentences under the meritorious classification system of the Department of Correction.

(B) However, no inmate shall be eligible to be released to the county sheriff, chief of police, or other authorized law enforcement officer of an approved jail facility unless the inmate is within ~~thirty (30)~~ forty-five (45) months of his or her first parole eligibility date or his or her first post prison transfer eligibility date, unless:

(i) The inmate is returning to the county from which he or she was tried and convicted and the victim or victim's immediate family, if residing in the county from which the inmate was tried and convicted, has been notified of the inmate's return; or

(ii)(a) If the inmate is released to a county other than a county from which he or she was tried and convicted, the county sheriff of the county from which he or she was tried and convicted shall be notified as provided in subdivision (a)(3)(A) of this section.

(b)(1) Unless the county sheriff responds within fifteen (15) days of notification that he or she disapproves of the transfer, the inmate may be transferred as provided in this section.

(2) If the county sheriff disapproves of the transfer and an inmate becomes eligible to be released again, the notifications required by subdivision (a)(3) of this section shall be made again.

(b)(1) The number of persons on prerelease, work-release, and other rehabilitative programs that may be housed at the Arkansas Health Center shall not exceed a number appropriate to maintain the security and good order of the center.

(2) However, with the approval of the Department of Human Services State Institutional System Board and the Administrator of the Arkansas Health Center, a maximum number of persons on prerelease, work-release, and other rehabilitative programs to be housed at the center may be established by the Board of Corrections.

~~(c) Inmates released to the county sheriff of approved jail facilities or community correction centers pursuant to this section prior to July 28, 1995, shall remain eligible for release, notwithstanding the provisions of this section.~~

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that Act 309 inmates are currently a valuable resource for local jails and political subdivisions; that Act 309 inmates should be available for use by local nonprofit organizations; and that this act is immediately necessary because a number of nonprofit entities can immediately benefit from the assistance of Act 309 inmates. 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/Standridge

APPROVED: 03/09/2017