

# ARKANSAS PAROLE BOARD



**ASA HUTCHINSON**  
Governor

**JOHN FELTS**  
Chairman

105 WEST CAPITOL - SUITE 500  
LITTLE ROCK, ARKANSAS 72201  
Phone: (501) 682-3850  
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[www.paroleboard.arkansas.gov](http://www.paroleboard.arkansas.gov)

August 24, 2015

Bureau of Legislative Research  
Administrative Rules Review Section  
Attn: Ms. Donna Davis, Administrative Rules Analyst  
One Capitol Mall, 5th Floor  
Little Rock, AR 72201

Dear Ms. Davis:

Enclosed are two copies of the proposed rules (noted in red), the questionnaire, financial impact statement, summary, and public notice.

These proposals deal with various changes to the Board's operating manual as it pertains to the parole revocation process.

Our legal notice will be published in the Democrat-Gazette for three days beginning on Tuesday, August 25, 2015. The Public Hearing will be held on Wednesday, September 9, 2015 at 2:00 p.m. in our Boardroom located at 105 W. Capitol Ave, Suite 500. The public comment period will end on Friday, September 25, 2015.

If you have any questions please contact Mr. Solomon Graves at 501-682-3852, or via email at [Solomon.Graves@arkansas.gov](mailto:Solomon.Graves@arkansas.gov).

Thank you in advance,

John Felts  
Chairman

JF/sg

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS  
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE**

DEPARTMENT/AGENCY Arkansas Parole Board  
DIVISION Administrative Services  
DIVISION DIRECTOR John Felts (Board Chairman)  
CONTACT PERSON Solomon Graves (Board Administrator)  
ADDRESS 105 West Capitol Avenue, Suite 500  
PHONE NO. 501-682-3850 FAX NO. 501-683-5381 E-MAIL Solomon.Graves@arkansas.gov  
NAME OF PRESENTER AT COMMITTEE MEETING John Felts & Solomon Graves  
PRESENTER E-MAIL John.Felts@arkansas.gov and Solomon.Graves@arkansas.gov

**INSTRUCTIONS**

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Donna K. Davis  
Administrative Rules Review Section  
Arkansas Legislative Council  
Bureau of Legislative Research  
One Capitol Mall, 5<sup>th</sup> Floor  
Little Rock, AR 72201

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- 1. What is the short title of this rule? Arkansas Parole Board Manual (various revocation policies)
- 2. What is the subject of the proposed rule? Revised and New Policies to Implement Act 1239 of 2015 and address various portions of the revocation process.
- 3. Is this rule required to comply with a federal statute, rule, or regulation? Yes  No   
If yes, please provide the federal rule, regulation, and/or statute citation. \_\_\_\_\_
- 4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes  No   
If yes, what is the effective date of the emergency rule? Wednesday, July 22, 2015  
  
When does the emergency rule expire? Thursday, November 19, 2015

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes  No

5. Is this a new rule? Yes  No   
If yes, please provide a brief summary explaining the regulation. \_\_\_\_\_

Does this repeal an existing rule? Yes  No   
If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does. \_\_\_\_\_

Is this an amendment to an existing rule? Yes  No   
If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. See attached table.

7. What is the purpose of this proposed rule? Why is it necessary? See attached table

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). <http://paroleboard.arkansas.gov>

9. Will a public hearing be held on this proposed rule? Yes  No

If yes, please complete the following:

Date: Wednesday, September 9, 2015

Time: 2:00 p.m.  
APB Boardroom - 105 W Capitol, 5<sup>th</sup>

Place: Floor

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

Friday, September 25, 2015

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

No later than Thursday, November 19, 2015. These rules were adopted under the emergency provisions of the Administrative Procedure's Act on July 13, 2015 and became effective on July 22, 2015.

12. Do you expect this rule to be controversial? Yes  No

If yes, please explain. \_\_\_\_\_

13. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

Unknown

**FINANCIAL IMPACT STATEMENT**

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Parole Board  
DIVISION Administrative Services  
PERSON COMPLETING THIS STATEMENT Solomon Graves  
TELEPHONE NO. 501-682-3850 FAX NO. 501-683-5381 EMAIL: Solomon.Graves@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Arkansas Parole Board Manual

1. Does this proposed, amended, or repealed rule have a financial impact? Yes  No
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule? Yes  No
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes  No

If an agency is proposing a more costly rule, please state the following:

(a) How the additional benefits of the more costly rule justify its additional cost;

\_\_\_\_\_

(b) The reason for adoption of the more costly rule;

\_\_\_\_\_

(c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;

\_\_\_\_\_

(d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.

\_\_\_\_\_

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

(a) What is the cost to implement the federal rule or regulation?

**Current Fiscal Year**

General Revenue	<u>0</u>
Federal Funds	<u>0</u>
Cash Funds	<u>0</u>
Special Revenue	<u>0</u>
Other (Identify)	<u>0</u>

**Next Fiscal Year**

General Revenue	<u>0</u>
Federal Funds	<u>0</u>
Cash Funds	<u>0</u>
Special Revenue	<u>0</u>
Other (Identify)	<u>0</u>

Total 0 \_\_\_\_\_

Total 0 \_\_\_\_\_

(b) What is the additional cost of the state rule?

**Current Fiscal Year**

**Next Fiscal Year**

General Revenue	0
Federal Funds	0
Cash Funds	0
Special Revenue	0
Other (Identify)	0
<b>Total</b>	<b>0</b>

General Revenue	0
Federal Funds	0
Cash Funds	0
Special Revenue	0
Other (Identify)	0
<b>Total</b>	<b>0</b>

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

**Current Fiscal Year**

**Next Fiscal Year**

\$ 0 \_\_\_\_\_  
0

\$ 0 \_\_\_\_\_

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

**Current Fiscal Year**

**Next Fiscal Year**

\$ Unknown \_\_\_\_\_

\$ Unknown \_\_\_\_\_

Sufficient information is unavailable to determine the long-term effect of the these proposals on the inmate population. The addition of the short-term revocation option and the presumption of alternatives to incarceration are intended to reduce the inmate population.

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes  No

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:

- (a) justifies the agency's need for the proposed rule; and
  - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
- (a) the rule is achieving the statutory objectives;
  - (b) the benefits of the rule continue to justify its costs; and
  - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

Summary of July 22, 2015 Changes to the AR Parole Board Manual

Act Number	Revised Policy Number/New Policy Title	Authority to Promulgate Rule(s)	Summary and Purpose
N/A	3.x - Jurisdiction and Authority	ACA 16-93-206	Creates a "policy on policy-making." Restates an existing statute.
N/A	3.1 - Designee for Conducting Hearings	ACA 16-93-206	Clarifies that the Board retains any power delegated to a Parole Revocation Hearing Judge
1239	3.2 - Warrant and Criteria for Arrest of Parolee	ACA 16-93-206	<p>Ensures compliance with the timeframes in Act 1239 by adjusting applicable timelines within the revocation process:</p> <ol style="list-style-type: none"> <li>1. Violation reports must be submitted within 3 calendar days from the decision to pursue revocation or the date the offender was arrested.</li> <li>2. Requires the Board to determine whether or not to issue a warrant within 2 working days of the receipt of the violation report.</li> </ol>
N/A	3.3 - Waiver of Parole Revocation Hearing	ACA 16-93-206	<ol style="list-style-type: none"> <li>1. Amends existing language to reflect the possible involvement of the Board</li> <li>2. Allows for short-term revocations via hearing waiver</li> </ol>
N/A	3.4 - New Felony Charges	ACA 16-93-206	Amends existing language to reflect the possible involvement of the Board
N/A	3.5 - Possible Outcomes of the Revocation Hearing (2-APA-1008 [P], -1116, -1120; Ark. Code Ann. §16-93-705)	ACA 16-93-206	Amends existing language to create a presumption that alternatives to incarceration will be considered and exhausted prior to ordering incarceration in response to a parole violation.
N/A	3.6 - Actions When Revoked(2-APA-1123)	ACA 16-93-206	Amends existing language to reflect the possible involvement of the Board

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Act Number	Revised Policy Number/New Policy Title	Authority to Promulgate Rule(s)	Summary and Purpose
N/A	3.7 - Determining the Release Hearing Date	ACA 16-93-206	Amends existing language to reflect the possible involvement of the Board
N/A	3.8 - Preliminary Hearing Requirement (Interstate Compact Parolee)	ACA 16-93-206	Strikes obsolete language. Interstate Compact Probable Cause Hearings are conducted by Arkansas Community Correction.
1239 (in part) N/A for all other portions	3.9 - Release Revocation Process	ACA 16-93-206	<ol style="list-style-type: none"> <li>1. Amends existing language to reflect the possible involvement of the Board</li> <li>2. Amends existing language related to the necessary standard to limit cross examination in a revocation hearing.</li> <li>3. Amends existing language related to the issuance of continuances for revocation hearings in order to ensure that they are not being abused.</li> <li>4. Amends existing policy to require that the supervising officer provide alternatives to revocation during the revocation hearing</li> <li>5. Establishes timelines and a process for conducting preliminary hearings (Act 1239)</li> <li>6. Establishes timelines for the provision of a hearing report to an offender (Act 1239)</li> </ol>
N/A	3.x - Intermediate Sanctions Procedure and Grid	ACA 16-93-206	Creates permissive language allowing the Board to establish an intermediate sanctions guide for the handling of parole violations referred to the Board.
N/A	3.x – Boot Camp Alternative	ACA 16-93-206	Creates permissive language allowing parole violators to be placed in ADCs Boot Camp program.



Summary of July 22, 2015 Changes to the AR Parole Board Manual

<b>Act Number</b>	<b>Revised Policy Number/New Policy Title</b>	<b>Authority to Promulgate Rule(s)</b>	<b>Summary and Purpose</b>
N/A	3.10 - Appeal of Parole Revocation Judge's Revocation Decision	ACA 16-93-206	Amends existing language to reflect the possible involvement of the Board

## Public Hearing

The Arkansas Parole Board will hold a public hearing to receive comment on proposed changes to its Board Manual related to various portions of the parole revocation process. The public hearing will be held at 2:00p.m. on Wednesday, September 9, 2015 in their Boardroom located at 105 West Capitol Avenue, Suite 500 in Little Rock. Written comments from the public will be accepted until 4:30 p.m. on Friday, September 25, 2015. Written comments should be sent to: Arkansas Parole Board, Attn: Solomon Graves, Two Union National Plaza Bldg., 105 W. Capitol Avenue, Suite 500, Little Rock, AR 72201 or emailed to [Solomon.Graves@arkansas.gov](mailto:Solomon.Graves@arkansas.gov) (Subject: Parole Board Manual Comments).

Copies of the proposed rules are available for public inspection at the Board's office, the Board's website <http://paroleboard.arkansas.gov>, or the Secretary of State's Website.