

EXHIBIT B

MINUTES

HOUSE AND SENATE INTERIM COMMITTEES ON JUDICIARY

April 17, 2014

The House and Senate Interim Committees on Judiciary met at 1:30 p.m., April 17, 2014, in Room B-MAC, Little Rock, Arkansas.

Committee members present: Senator Jeremy Hutchinson, Chair; Representatives Marshall Wright, Chair; John Vines, Vice Chair; Senators Jane English, Keith Ingram, Bryan King, Eddie Joe Williams, and Jon Woods; Representatives John Baine, Mary Broadaway, Charlene Fite, Jeremy Gillam, David Hillman (non-voting), Greg Leding (non-voting), Steve Magie, Mark McElroy, Micah Neal, Jim Nickels, Mary Lou Slinkard, Nate Steel, and John Walker.

Other members in attendance: Senators Linda Chesterfield, Joyce Elliott, Stephanie Flowers, Jimmy Hickey, and Michael Lamoureux; Representatives Eddie Armstrong, Charles Armstrong, Scott Baltz, Nate Bell, David Branscum, Ann Clemmer, Jon Eubanks, David Fielding, Joe Jett, Sheilla Lampkin, Kelley Linck, Frederick Love, Betty Overbey, Tommy Thompson, and Butch Wilkins,

Representative Wright called the meeting to order.

Consideration to Approve Minutes from the January 9, 2014, Meeting (Exhibit B)

Without objection, the Minutes from the January 9, 2014, meeting were approved.

Discussion of Expansion of Arrestee DNA Collection in Arkansas

Jayann Sepich, Founder of DNASaves, shared the story of the murder of her daughter, Katie, and asked that Arkansas join with 27 other states in passing or expanding a law that would allow the collection of DNA from felony arrestees. The information would be placed in the Combined DNA Index System (CODIS), a national forensic database. DNA does not go in to the database, just the DNA profile. A DNA strand has over 3 billion markers and only 13 go in to CODIS. The markers have no potential to disclose medical information or physical characteristics. Case studies of 19 offenders in six states have identified 168 crimes that could have been prevented by collecting DNA upon felony arrest.

Ms. Sepich also spoke on the Chicago Study that was conducted in 2005. The study showed the prevalence of repeat crime and the importance of arrestee testing and reported the following:

- Included the criminal history of eight convicted felons and found that 60 violent crimes could have been prevented if DNA had been collected for a prior felony arrest
- In each case, the offender had committed previously undetected violent crimes that investigators could have identified immediately through a DNA match.
- DNA was not required at arrest. The eight offenders in Chicago accumulated a total of 21 felony arrests before law enforcement officials were finally able to convict them of violent crimes.
- With DNA arrestee testing, the following crimes could have been prevented: 22 murders – victims ranging from 24 to 44 years of age; 30 rapes – victims ranging from 15 to 65 years of age; attempted rapes; aggravated kidnapping.

Mrs. Sepich said Arrestee DNA has resulted in backlog reductions in several states and for every \$30 spent on cheek swabs, it results in savings of \$27,000. The United States Supreme Court has ruled that DNA samples from felony arrestees does not violate the Fourth Amendment of the United States Constitution.

Update on ISP 2013-056 “An Act to Require the Preparation of a Racial Impact Statement for Certain Bills Filed with the Senate and House of Representatives; and for other Purposes”

Senator Joyce Elliott, Sponsor; Adjoa Artis Aiyetoro, Associate Professor of Law/Director of the Racial Disparities in the Arkansas Criminal Justice System, William H. Bowen School of Law; Dr. Sherece Y. West-Scantlebury, President and CEO, Winthrop Rockefeller Foundation, spoke on the purpose of ISP 2013-056. The interim study proposal would require that a racial impact statement be prepared for any bill filed in the Senate or House of Representatives that will

create a new offense; significantly change an existing offense; change the penalty for an existing offense; or change existing sentencing, parole, or probation procedures.

ISP 2013-056 would also require that a racial impact statement be prepared and filed with the chair of the committee to which the bill is referred before the bill is heard in the committee during a regular, fiscal, or special session of the General Assembly. If a bill requiring a racial impact statement is amended, a revised racial impact statement shall be prepared for the bill. Senator Elliot said the bill is meant to show the disparate impact in a racialized way. A report by the Racial Disparities in the Arkansas Criminal Justice System Research Project shows that people of color represent only 15.6% of the population but constitute almost half of the incarcerated population (44.2%). The report also states this inequity separates families and divides communities and comes at a social and economic cost to our state that it cannot endure.

Senator Elliot asked that committee members consider using racial impact statements in proposed legislation (if applicable) and to sign on as co-sponsors of the bill. She also asked for their support when the bill is brought before the legislature in the upcoming session. A final report will be presented to the committees in November and the bill will be filed in December for the 2015 legislative session.

Update on Act 1190 and Forthcoming Recommendations for a Restorative Justice Reentry System

This item was deferred.

Review of the Crime Victims Reparation Board Regulations referred by the Administrative Rules and Regulations Subcommittee of the Arkansas Legislative Council

This item was deferred.

Discussion of Obstacles to Access to Legal Services in Arkansas

Amy Johnson, Executive Director, Arkansas Access to Justice Commission & Foundation; J. Cliff McKinney II, Dean, Quattlebaum, Grooms, Tull and Burrow PLLC; Michael Hunter Schwartz, Dean, Bowen Law School, University of Arkansas at Little Rock; and Stacy Leeds, Dean, University of Arkansas School of Law, spoke on the need for all Arkansans to have meaningful access to our civil justice system and shared the following information:

UALR Bowen

- In 2013, 123 Bowen graduates chose to serve smaller Arkansas communities
Externship programs includes placements with the Access to Justice Commission, the Center for Arkansas Legal Services, and the Arkansas Fair Housing Commission
- Low-income taxpayer clinic served 130 clients; litigation clinic served 35 clients; the new consumer protection clinic currently has four clients; and the mediation clinic has served 2420 clients.
- Shepherd Intern Program unites students from law schools with agencies that work to benefit impoverished members of society; Mini Clinics offer free legal services to low-income Arkansans, first responders, and veterans; Nascent Incubator Program for lawyers interested in small town practice by unbundling legal services and using technology.

Arkansas Access to Justice Report

- More than 724,000 Arkansans are eligible based on income to receive free civil legal aid. Eligibility is set at 125% of the Federal Poverty Level
- Our state has two nonprofit organizations that provide high-quality free legal representation for indigent Arkansans who face critical civil legal issues: The Center for Arkansas Legal Services, which serves 44 counties in central, western, and southern Arkansas; and Legal Aid of Arkansas, which serves 31 counties in northern and eastern Arkansas. Each year, these programs receive a combined total of 30,000 calls from Arkansans with legal problems who qualify for services.
- CALS and LAA receive a majority of their funding from the Legal Services Corporation—a national nonprofit organization that distributes federally-appropriated funds to these and 130 similar programs across the country. Other sources of funding include grants, private donations, and court filing fee add-ons appropriated through the Administration of Justice Fund. Arkansas is one of 19 states that receives no state legislative general revenue funding to support the provision of civil legal aid.
- In spite of limited financial resources, CALS and LAA stretch the dollars they receive in innovative ways, allowing them to help about 15,000 clients each year with a combined staff of only 50 attorneys. A recent study conducted by a

team of students from the Clinton School of Public Service found that these two programs annually produce a combined total of over \$8.6 million in financial recoveries and avoidance of financial loss for legal aid clients.

- CALS and LAA also partner together to provide free, easy-to-understand online forms that the public can use in civil cases, as well as legal information that helps people understand their rights. These resources, which are available at www.arlegalservices.org, generate nearly 1 million page views each year and save Arkansans over \$1.5 million that would otherwise go to out-of-state document preparation services like LegalZoom.
- In addition to services provided by CALS and LAA staff attorneys, 900 attorneys volunteered to take “pro bono” cases for legal aid clients in 2013. Together, they put in more than 8,000 hours of work on these cases. Arkansas attorneys performed another estimated 80,635 hours of pro bono work on their own.
- Civil legal aid and pro bono service are essential to the administration of justice in Arkansas, as they address some of the most critical civil legal needs of the poorest Arkansans. In spite of these efforts, a growing number of Arkansans are fending for themselves in court. A 2011 Arkansas study shows that one in four family law cases are initiated by self-represented litigants, and nine in ten do not have attorneys defending them. Housing and financial cases are almost universally initiated by an attorney, but nine in ten cases of those cases have no attorney appearing for the defendant.
- Eighty percent of Arkansas trial court judges believe that self-represented litigants have worse outcomes in their cases than parties represented by counsel. Litigants without attorneys often do not know court rules and procedures and, in many instances, are unable to have their cases heard on the merits.
- In response to these issues, the Arkansas Access to Justice Commission has developed a strategic plan for the delivery of civil legal services to all Arkansans. Full implementation of that plan will require additional support for civil legal aid and pro bono involvement, as well as participation from courts, the private bar, libraries, our state’s two law schools, and legal aid. The full report can be accessed at www.arkansasjustice.org/research.

Senator Hutchinson asked Ms. Johnson to submit a plan for funding legal services to the Judiciary Committees prior to the 2015 legislative session.

With no further business, the meeting adjourned at 4:00 p.m.