

State of Arkansas
76th General Assembly
Regular Session, 1987
By: Senator Bell

SENATE BILL 189

"AN ACT TO AMEND SECTION 5 OF ACT 223 OF 1983 [ARK. STATS. 46-1805] RELATING TO THE AUTHORITY OF THE GOVERNOR TO DECLARE A PRISON OVERCROWDING STATE OF EMERGENCY AND TO COMMUTE SENTENCES OF CERTAIN INMATES; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 5 of Act 223 of 1983, the same being Arkansas Statutes 46-1805, is hereby amended to read as follows:

"Section 5. When the Governor declares a prison overcrowding state of emergency and notifies the Director of the Department of Correction thereof as authorized herein, the Director shall, within ten (10) days, certify to the Governor a list of all inmates in the prison system who are serving a term of years, excluding those sentenced to a minimum term without eligibility for parole, and shall indicate on the list the names of those inmates whom the Director recommends for commutation of sentence under the provisions of this Act. Upon receipt of the list of inmates certified by the Director, the Governor is authorized to commute or otherwise reduce the sentence of any or all inmates on the list so that they become eligible for parole ninety (90) days sooner than they otherwise would be. The Governor shall certify to the Director a list of names of all prisoners whose sentences are commuted or reduced pursuant to the provisions of this Act."

SECTION 2. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 3. EMERGENCY. It is hereby found and determined by the General Assembly that there is a serious overcrowding problem in the facilities of the Department of Correction; that Act 223 of 1983 which authorizes the Governor

to declare an overcrowding state of emergency and to commute sentences of certain inmates is in urgent of clarification in order to enable the Governor to effectively carry out the purpose and intent of that Act; that this Act is designed to clarify the authority of the Governor to commute sentences under the provisions of that Act and should be given effect immediately.

Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

