

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
89th General Assembly
Regular Session, 2013

A Bill

HOUSE BILL 1309

By: Representative Williams

For An Act To Be Entitled

AN ACT TO AMEND THE TERMINOLOGY USED TO REFERENCE
INMATES IN PRISONS AND JAILS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE TERMINOLOGY USED TO
REFERENCE INMATES IN PRISONS AND JAILS.

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

SECTION 1. Arkansas Code § 12-29-105 is amended to read as follows:
12-29-105. Clergy.

(a) All clergy of every denomination shall be admitted free to a Department of Correction prison or may visit any ~~convict~~ inmate confined therein, subject to such rules as may be necessary to the good government and discipline of the prison, and may administer the rites and ceremonies of the church to which the clergy belong if the ~~convict~~ inmate desires it.

(b) The Director of the Department of Correction shall afford every facility to a clergy to visit a ~~convict~~ an inmate and to administer rites, ceremonies, and spiritual consolation to a ~~convict~~ inmate within the rules of the prison.

SECTION 2. Arkansas Code § 12-29-106 is amended to read as follows:
12-29-106. Mail to or from inmates.

(a)(1) ~~No~~ 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 ~~convict~~ inmate.

(2) Whoever shall violate the provisions of this section shall



be guilty of a misdemeanor and shall on conviction be fined not exceeding one hundred dollars (\$100) or imprisoned in the county jail not exceeding thirty (30) days, or both fined and imprisoned.

(b) However, all ~~convicts~~ 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 3. Arkansas Code § 12-29-115 is amended to read as follows:
12-29-115. Combination to escape – Authority of guards.

(a) The officers and guards of the Department of Correction shall use all lawful and suitable means to defend themselves, secure the persons of offenders, and prevent attempted violence and escape whenever two (2) or more ~~convicts~~ inmates shall combine for the following purposes or whenever one (1) or more ~~convicts~~ inmates shall:

- (1) Offer violence to any officer, guard, or ~~convict~~ inmate;
- (2) Do or attempt to do any injury to any building, workshop, or appurtenance thereto;
- (3) Attempt to escape; or
- (4) Resist any lawful demand.

(b) If any of the officers or guards employed in the department shall, in the attempt to prevent the escape of any ~~convict~~ inmate, any attempt to retake any ~~convict~~ inmate who may have escaped, or in the attempt to suppress any riot, revolt, or insurrection, take the life of any ~~convict~~ inmate, the officer or guard shall not be held responsible therefor unless it is done unnecessarily or wantonly.

SECTION 4. Arkansas Code § 12-29-116 is amended to read as follows:
12-29-116. Authority of director in case of alarm or danger.

The Director of the Department of Correction shall have the authority of a county sheriff over the power of the county in which a Department of Correction's prison or ~~convict~~ inmate camp is situated in all cases of alarm or danger at the prison or camp, in the absence of the county sheriff or the county sheriff's inability to act.

SECTION 5. The catchline for Arkansas Code § 12-29-403, concerning disabled inmates, is amended to read as follows:

12-29-403. Disabled ~~convicts~~ inmates – Duty of physician.

SECTION 6. Arkansas Code § 12-30-308(b)(1), concerning the lease or rental of land by the Board of Corrections, is amended to read as follows:

(b)(1) The board, in its discretion and with the Governor's approval, may rent or lease additional lands for the planting and cultivation of crops by ~~convicts~~ inmates.

SECTION 7. Arkansas Code § 12-42-101 is amended to read as follows:

12-42-101. Definition.

As used in §§ 12-42-109, 12-42-110, 12-42-112, 12-42-113, and 12-42-115, "county ~~convicts~~ inmates" means persons convicted of misdemeanors or petty offenses and committed to jail in default of the payment of the fine and costs adjudged against them.

SECTION 8. Arkansas Code § 12-42-106 is amended to read as follows:

12-42-106. Contracts with other counties, cities, or towns – Liability.

(a)(1) The county court or the county judge thereof in vacation, or the mayor of any city or incorporated town, when authorized to do so by an ordinance duly adopted by the city or town council or other governing body of the municipality, is authorized and empowered to make a contract with any other county, city, or town for the maintenance, safekeeping, and working of ~~prisoners~~ inmates committed to county or city jails except ~~prisoners~~ inmates awaiting trial.

(2) The county court, county judge, or mayor may make such contract as deemed in the best interests of the county, city, or incorporated town.

(b) For the purpose of making a contract to effectuate the provisions of this section and §§ 12-42-102, 12-42-104, 12-42-105, and 12-42-107, the county court or county judge of any county, and the mayor, with the approval of the city or town council, or other governing body of any municipality, is vested with plenary power.

(c) Any county, city, or town contracting for the safekeeping of ~~prisoners~~ inmates under the provisions of this section and §§ 12-42-102, 12-42-104, 12-42-105, and 12-42-107, shall obligate itself to furnish the

~~convicts~~ inmates with good and wholesome food, comfortable clothing, and medicine when sick and shall not require them to work at unreasonable hours or for a longer time during any one (1) day than other laborers doing the same kind of labor are accustomed to do.

(d) ~~No~~ A county sheriff, constable, mayor, or other officer to whom a person is committed for imprisonment to serve a sentence imposed for misdemeanor or petty offense or in default of the payment of fine and costs therefor shall not be responsible for the health, safety, or welfare of the person if the county sheriff, constable, mayor, or other officer shall deliver the person to any county, city, or town other than that of which the former is an officer, pursuant to a contract for the maintenance, safekeeping, and working of ~~prisoners~~ inmates authorized by statute.

SECTION 9. Arkansas Code § 12-42-109 is amended to read as follows:

12-42-109. Management of ~~convicts~~ inmates not hired.

(a) Unless the ~~convicts~~ inmates are immediately hired out, the management and control of the county ~~convicts~~ inmates shall be confined to county courts either in term time or in vacation by the county judge.

(b) The county court or county judge shall always have the right to require the aid of the county sheriff and constables of their respective counties. All lawful orders or process necessary to be issued and executed shall be executed by the county sheriff or constable.

SECTION 10. Arkansas Code § 12-42-110 is amended to read as follows:

12-42-110. Labor on public works restricted.

~~No~~ A county ~~convict~~ inmate shall not be allowed to work on any public work or improvement whenever there may be danger of his or her escape, nor shall he or she be compelled to labor at any kind of business or in any avocation that would tend to impair his or her health or strength.

SECTION 11. Arkansas Code § 12-42-113 is amended to read as follows:

12-42-113. Warrants for costs.

When ~~convicts~~ inmates employed on public works or improvements or in public workhouses shall have paid the full amount of their fines and costs by their labor, then the county court shall issue a warrant in favor of each officer to whom costs may be due, for the amount of his or her costs, on the

county treasurer, and it shall be paid if there are sufficient funds in the county treasury.

SECTION 12. Arkansas Code § 12-42-115 is amended to read as follows:

12-42-115. Records of ~~convicts~~ inmates.

(a) The county court shall cause a record of all its proceedings under §§ 12-42-101, 12-42-109, 12-42-110, 12-42-112, 12-42-113, and this section to be recorded in a well-bound book to be provided for that purpose. The record shall contain:

- (1) A descriptive list of all persons known as county ~~convicts~~ inmates;
- (2) How the ~~convict~~ inmate has been or is employed;
- (3) The name of the party or parties hiring the ~~convict~~ inmate;
- (4) The time when and the price at which the ~~convict~~ inmate has been employed;
- (5) The amount paid or allowed for the employed or hired ~~convict~~ inmate;
- (6) The amount due by the ~~convict~~ inmate as fine and costs; and
- (7) Such other information as may be necessary and required under the rules adopted by the court.

(b) It shall be the duty of the contractor or superintendent to keep a record in which shall be stated the name of the prisoner, his or her height, race, age, complexion, color of eyes and hair, time of commitment, and the punishment adjudged by the court or justice, as well as the number of days the ~~convict~~ inmate may be held to labor and a record of the days worked by the prisoner.

SECTION 13. Arkansas Code Title 27, Chapter 66, Subchapter 6, is amended to read as follows:

Subchapter 6

- Employment of ~~Convicts~~ Inmates

27-66-601. State ~~convicts~~ inmates working on roads.

(a) The State Highway Commission shall employ and work as many of the state ~~convicts~~ inmates on the public roads as may not be otherwise employed by the Department of Correction.

(b) State ~~convicts~~ inmates working on roads shall be under the care and custody of wardens or other officers named by the Department of Correction, with the approval of the Governor.

(c)(1) The commission shall determine the work to be done by ~~such convicts~~ inmates, the time, place, and manner of the work, and the number of ~~convicts~~ inmates to work.

(2) The work shall be under the direct supervision of the Arkansas State Highway and Transportation Department.

(3) The ~~department~~ Arkansas State Highway and Transportation Department shall determine the number of ~~convicts~~ inmates needed and shall prescribe the rules and regulations under which they shall work.

(d) The pay of the wardens or other officers and the cost of maintenance, including clothing, food, and housing for the state ~~convicts~~ inmates while working on roads shall be paid out of the State Highway and Transportation Department Fund.

(e) The Department of Correction is to receive no profits for working the ~~convicts~~ inmates on state roads.

(f) The pay of the wardens or other officers and the cost of clothing state ~~convicts~~ inmates while on the public roads shall be borne by the state.

(g) The cost of feeding and housing such ~~convicts~~ inmates shall be borne by the county or improvement district where they may be worked.

27-66-602. County ~~convicts~~ inmates working on roads.

(a)(1) It shall be lawful to provide in any highway charter for working the male county ~~convicts~~ inmates of any county on the public roads and highways of that county.

(2) But if the county ~~convicts~~ inmates are to be worked in any district which is not coextensive with the county from which they came, then the working of ~~convicts~~ inmates shall have to be approved by the county court having jurisdiction thereof, which approval shall rest in the sound discretion of the court, irrespective of any vote or endorsement by the electors of the district.

(b)(1) Every charter providing for working county ~~convicts~~ inmates shall provide for the appointment of proper overseers, guards, physicians, and other officers and employees necessary and convenient for the control and well-being of the ~~convicts~~ inmates.

(2) The overseers, guards, and other officers herein provided for the working of county ~~convicts~~ inmates shall have the same powers and duties with reference to the ~~convicts~~ inmates as sheriffs, jailers, or other peace officers have under similar circumstances.

(c) The expense of feeding, clothing, housing, and superintending county ~~convicts~~ inmates shall be charged to the particular improvement district or county where they are worked according to the time they may be used in such district or county.

(1) Each county shall be credited or paid the amount of costs incurred in the trial of every ~~convict~~ inmate, and the ~~convict~~ inmate shall receive the same credit per day on costs and fine or penalty as is now provided by law.

(2) If county ~~convicts~~ inmates are to be worked in any special improvement district, each county furnishing ~~convicts~~ inmates may receive a flat compensation for their labor of not less than seventy-five cents (75¢) per day.

(3) All payments and settlements provided in this section shall be made in cash.

27-66-603. ~~Convicts~~ Inmates preparing road materials.

Whenever practical, the State Highway Commission may engage such number of state or county ~~convicts~~ inmates as may be available in preparing road materials at quarries or elsewhere, and the expenses of the work shall be charged to the state or the county or district receiving these materials.