

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

State of Arkansas *As Engrossed:* H2/19/13 H2/20/13 H3/6/13 S4/5/13

89th General Assembly

# A Bill

Regular Session, 2013

HOUSE BILL 1350

By: Representative Williams

By: *Senators L. Chesterfield, E. Williams*

## For An Act To Be Entitled

AN ACT AMENDING STATUTES CONCERNING CRIMINAL DEFENDANTS, THE DEPARTMENT OF CORRECTION, AND THE DEPARTMENT OF COMMUNITY CORRECTION; AND FOR OTHER PURPOSES.

### Subtitle

AMENDING STATUTES CONCERNING CRIMINAL DEFENDANTS, THE DEPARTMENT OF CORRECTION, AND THE DEPARTMENT OF COMMUNITY CORRECTION.

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

SECTION 1. Arkansas Code § 12-27-127(a), regarding judicial transfer to the Department of Community Correction, is amended to read as follows:

(a) All commitments ~~must~~ shall specify that the inmate is to be judicially transferred to the Department of Community Correction ~~pursuant to § 16-93-1206(b)(3)~~ or the commitment will be treated as a commitment to the Department of Correction and subject to regular transfer eligibility.

SECTION 2. Arkansas Code § 16-90-402 is amended to read as follows:  
16-90-402. Delivery of defendant and copy of judgment to proper officials.

(a)(1) ~~The sheriff, in~~ In executing a judgment of confinement, ~~the county sheriff~~ the shall deliver the defendant with a certified, standardized copy of the ~~judgment and commitment~~ sentencing order to ~~the officials of the~~



Department of Correction, Department of Community Correction, or to ~~the jailer~~ another detention facility, as indicated in the ~~judgment~~ sentencing order.

(2) If electronic filing of court records has been implemented by the circuit clerk in the county where the defendant's conviction occurred, the standardized copy of the sentencing order may be electronically transmitted by the circuit clerk to the Department of Correction, the Department of Community Correction, or to another detention facility, as indicated in the sentencing order.

(b) The standardized copy of the sentencing order shall be developed by representatives from the Department of Correction, the ~~Arkansas Judicial Council, and the Arkansas Prosecuting Attorneys' Association~~ Administrative Office of the Courts, the Arkansas Sentencing Commission, and the Prosecutor Coordinator's office.

SECTION 3. Arkansas Code § 16-90-1304(b)(1) and (2), regarding certain time frames involved in an inmate's discharge date, is amended to read as follows:

*(b)(1) No less than ~~seven (7)~~ forty-five (45) days before the discharge date, the Department of Community Correction shall submit notice to:*

- (A) The prosecuting attorney; and*
- (B) The Parole Board.*

*(2) Within thirty (30) days before the discharge date, the prosecuting attorney or the Parole Board may file a petition in the sentencing court stating any reasonable objection to early discharge under this subchapter warranting the forfeiture of earned-discharge credit.*

SECTION 4. Arkansas Code § 16-93-618(d), regarding the reward of meritorious good time, is amended to read as follows:

(d) The awarding of meritorious good time under § 12-29-201 or § 12-29-202 ~~shall not be applicable~~ does not apply to persons sentenced under subdivisions ~~(a)(1)(A)-(H)~~ (a)(1)(A)-(E) of this section.

SECTION 5. Arkansas Code § 16-93-708(a)(1), concerning the definition

of "approved electronic monitoring or supervising device", is amended to read as follows:

(1) "Approved electronic monitoring or supervising device" means ~~any~~ an electronic device approved by the Board of Corrections that meets the minimum Federal Communications Commission regulations and requirements, and that ~~is limited in capability to recording or transmitting information as to the criminal defendant's presence in the home~~ utilizes available technology that is able to track a person's location and monitor his or her location;

SECTION 6. Arkansas Code § 16-93-711(b)(1)(B), regarding who notifies the Parole Board regarding inmates eligible for electronic monitoring of parolees, is amended to read as follows:

(B) The Director of the Department of Correction ~~or the Director of the Department of Community Correction~~ shall make the facts described in subdivision (b)(1)(A) of this section known to the Parole Board for consideration of electronic monitoring.

SECTION 7. Arkansas Code § 19-5-1139 is amended to read as follows:  
19-5-1139. Best Practices Fund.

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund to be known as the "Best Practices Fund".

(b) The Best Practices Fund may consist of the proceeds from the payment of parole or probation supervision fees under § 16-93-104(a).

(c)(1) Expenditures from the Best Practices Fund shall be used to establish and maintain programs and services that implement practices that are proven to reduce the risk of having repeat offenders or recidivism, including programs that address treatment needs of offenders.

(2) Programs funded by the Best Practices Fund, whether provided by the Department of Community Correction, ~~or~~ or another state agency, ~~or~~ contracted with a private vendor, shall meet criteria promulgated in Department of Community Correction rules that establish evidence-based practices.

(3)(A) The funds deposited into the Best Practices Fund supplement and do not replace the state and local resources that are currently directed toward offender rehabilitation programs through the

Department of Community Correction, the Department of Human Services, or any other state agency.

(B) ~~Any~~ An expenditure from the General Revenue Fund Account of the State Apportionment Fund or the Community Correction Revolving Fund shall not be reduced based on the availability of funds in the Best Practices Fund.

*/s/Williams*