

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

SENATE BILL 200

By: Senator J. Woods
By: Representative Bennett

For An Act To Be Entitled

AN ACT TO ALLOW FOR ADMINISTRATIVE TRANSFER OF AN INMATE IN THE DEPARTMENT OF CORRECTION TO THE DEPARTMENT OF COMMUNITY CORRECTION; AND FOR OTHER PURPOSES.

Subtitle

TO ALLOW FOR ADMINISTRATIVE TRANSFER OF AN INMATE IN THE DEPARTMENT OF CORRECTION TO THE DEPARTMENT OF COMMUNITY CORRECTION.

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

SECTION 1. Arkansas Code § 12-27-127 is amended to read as follows:

12-27-127. ~~Judicial transfer~~ Transfer to the Department of Community Correction.

(a) ~~All commitments shall specify~~ Unless a commitment specifies that the inmate is to be judicially transferred to the Department of Community Correction, ~~or~~ the commitment ~~will~~ shall be treated as a commitment to the Department of Correction and subject to regular transfer eligibility.

(b)(1) In accordance with rules, and procedures, ~~and regulations~~ promulgated by the Board of Corrections and the orders of the committing court, the Director of the Department of Community Correction shall assign a newly transferred inmate to an appropriate facility, placement, program, or status within the Department of Community Correction.

(2) The director may transfer an inmate from one (1) facility,



placement, program, or status to another consistent with the commitment, applicable law, and in accordance with treatment, training, and security needs.

(3)(A) An inmate may be administratively transferred back to the Department of Correction from the Department of Community Correction by the Parole Board following a hearing in which the inmate is found ineligible for placement in a Department of Community Correction facility as he or she fails to meet the criteria or standards established by law or policy adopted by the Board of Corrections or has been found guilty of a violation of the rules ~~and regulations~~ of the facility.

(B) Time served in a community correction facility or under supervision by the Department of Community Correction shall be credited against the sentence contained in the commitment to the Department of Correction.

(c)(1) In accordance with rules and procedures promulgated by the Board of Corrections, upon receipt of a referral from the director or his or her designee, the Parole Board may release from confinement an inmate who has been:

(A) Sentenced and judicially transferred to the Department of Community Correction;

(B) Incarcerated for a minimum of two hundred seventy (270) days; and

(C) Determined by the Department of Community Correction to have successfully completed its therapeutic program.

(2)(A) The General Assembly finds that the power granted to the Parole Board under subdivision (c)(1) of this section will:

(i) Aid the therapeutic rehabilitation of the inmates judicially transferred to the Department of Community Correction; and

(ii) More efficiently use the correctional resources of the State of Arkansas.

(B) The power granted to the Parole Board under subdivision (c)(1) of this section shall be the sole authority required for the accomplishment of the purposes set forth in this subdivision (c)(2), and when the Parole Board exercises its power under this section, it shall not be necessary for the Parole Board to comply with general provisions of other laws dealing with the minimum time constraints as applied to release

eligibility.

(3) ~~Nothing in this~~ This subsection (e) shall be construed as granting does not grant the Parole Board or the Department of Community Correction the authority either to detain an inmate beyond the sentence imposed upon him or her by a transferring court or to shorten that sentence.

(d)(1) An inmate of the Department of Correction who is to be released on parole may be administratively transferred to the Department of Community Correction when the inmate is within eighteen (18) months of his or her projected release date for the purpose of participating in a reentry program of at least six (6) months in length.

(2) Each inmate administratively transferred under this subsection shall be thoroughly screened and approved for participation by the director or his or her designee.

(3) In accordance with rules promulgated by the Board of Corrections, upon receipt of a referral from the director or his or her designee, the Parole Board may release from incarceration an inmate who has been:

(A) Administratively transferred to the Department of Community Correction; and

(B) Determined by the Department of Community Correction to have successfully completed its reentry program.

(4) An inmate who has been administratively transferred under this subsection shall be administratively transferred back to the Department of Correction if he or she:

(A) Is denied parole; or

(B) Fails to complete or is removed from the reentry program.

SECTION 2. Arkansas Code § 16-93-211(a), concerning early release to transitional housing, is amended to read as follows:

(a)(1) As used in this section, “transitional housing” means a program that provides housing for one (1) or more offenders who have been ~~either~~:

(A) Transferred or paroled from the Department of Correction by the Parole Board; ~~or~~

(B) Placed on probation by a circuit court or district court; or

(C) Administratively transferred from the Department of Correction to the Department of Community Correction for participation in a reentry program.

(2) An offender's home or the residence of an offender's family member shall not be considered a transitional housing facility for purposes of this section.