

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

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: H3/16/17  
**A Bill**

SENATE BILL 377

By: Senator Hickey  
By: Representative Dalby

### **For An Act To Be Entitled**

AN ACT CONCERNING THE ELIGIBILITY OF AN INMATE OF THE DEPARTMENT OF CORRECTION TO PARTICIPATE IN A WORK-RELEASE PROGRAM OR UNDER ACT 309 OF 1983; AND FOR OTHER PURPOSES.

### **Subtitle**

CONCERNING THE ELIGIBILITY OF AN INMATE OF THE DEPARTMENT OF CORRECTION TO PARTICIPATE IN A WORK-RELEASE PROGRAM OR UNDER ACT 309 OF 1983.

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

*SECTION 1. Arkansas Code § 12-29-102 is amended to read as follows:  
12-29-102. Inmates denied participation in furlough programs.*

*A person who is convicted of any of the following offenses shall be ineligible to participate in any meritorious furlough program conducted by or for the Department of Correction:*

- (1) Capital murder, § 5-10-101;*
- (2) Murder in the first degree, § 5-10-102;*
- (3) Kidnapping, § 5-11-102;*
- (4) Rape, § 5-14-103;*
- (5) Any other offense concerning sexual offenses under § 5-14-101 et seq.;*
- (6) An offense concerning sexual exploitation of children under the Arkansas Protection of Children Against Exploitation Act of 1979, § 5-27-*



301 et seq.;

(7) An offense concerning use of children in sexual performances under § 5-27-401 et seq.; ~~or~~

(8) Stalking, § 5-71-229; or

(9) A felony involving violence as defined in § 5-4-501(d)(2).

SECTION 2. Arkansas Code § 12-30-404 is amended to read as follows:  
12-30-404. Inmates excepted from a program under this subchapter.

(a) ~~No~~ A person shall be is not allowed to participate in ~~any a~~ work-release program or any other program under this subchapter conducted by or for the Department of Correction if ~~convicted of~~ the person is serving a sentence for:

(1) A capital offense;

(2) Murder in the first degree, § 5-10-102;

(3) Rape, § 5-14-103;

(4) Sexual assault in the first degree, § 5-14-124;

(5) Sexual assault in the second degree, § 5-14-125;

~~(4)~~(6) Kidnapping, § 5-11-102; or

~~(5)~~(7) Aggravated robbery a second or subsequent time, § 5-12-103.

~~(b) However, this section shall not apply to persons participating in work-release programs on July 20, 1979.~~

(b)(1) The department shall provide a list of persons allowed to participate in a work-release program or any other program under this subchapter as well as the person's criminal history and disciplinary records to a law enforcement agency that has jurisdiction where a work-release program or any other program under this subchapter is located.

(2) A list under subdivision (b)(1) under this section shall be provided to law enforcement agency at least three (3) business days before the person's arrival at the work release facility or other facility housing or utilizing an inmate for a program under this subchapter.

(c)(1) The lack of a high school diploma or a high school equivalency diploma is not a disqualifying factor for a person to participate in a work-release program or any other program under this subchapter.

(2) A person who lacks a high school diploma or a high school equivalency diploma and who otherwise qualifies for a work-release program or

any other program under this subchapter shall be instructed and educated on the importance of obtaining either a high school diploma or high school equivalency diploma for the purposes of the person's employment upon reentry into society after being released from incarceration before being assigned to a work-release program or any other program under this subchapter.

(3) A person who has been approved for a work-release program or any other program under this subchapter before the effective date of this act is eligible to participate in a work-release program or any other program under this subchapter despite the presence of a disqualifying conviction under subsection (a) of this section.

SECTION 3. Arkansas Code § 12-30-407(a)(4)-(c), concerning the housing of inmates in a county jail for a work-release program, is amended to read as follows:

(4)(A) Inmates ~~so~~ released under this section shall be entitled to credit on their sentences under the meritorious classification system of the Department of Correction.

(B) ~~However, no inmate shall be~~ An inmate is not eligible to be released to the county sheriff, chief of police, or other authorized law enforcement officer of an approved jail facility unless the inmate is within thirty (30) months of his or her first parole eligibility date or his or her first post prison transfer eligibility date, unless:

(i) The inmate is returning to the county from which he or she was tried and convicted and the victim or victim's immediate family, if residing in the county from which the inmate was tried and convicted, has been notified of the inmate's return; or

(ii)(a) If the inmate is released to a county other than a county from which he or she was tried and convicted, the county sheriff of the county from which he or she was tried and convicted shall be notified as provided in subdivision (a)(3)(A) of this section.

~~(b)(1) Unless the county sheriff responds within fifteen (15) days of notification that he or she disapproves of the transfer, the inmate may be transferred as provided in this section.~~

(b)(1) Within three (3) business days the department shall provide a list of inmates allowed to participate in a work-release program or other program under this section as well as the inmate's

criminal history and disciplinary records to the county sheriff before the inmate's arrival at the approved facility.

(2) The county sheriff is required to approve and sign his or her acknowledgement of the receipt of an inmate and the inmate's criminal history and disciplinary records before the inmate may be transferred.

~~(2)(3)~~ If the county sheriff disapproves of the transfer and an inmate becomes eligible to be released again, the notifications required by subdivision (a)(3) of this section shall be made again.

(b)(1) The number of persons on prerelease, work-release, and other rehabilitative programs that may be housed at the Arkansas Health Center shall not exceed a number appropriate to maintain the security and good order of the center.

(2) However, with the approval of the Department of Human Services State Institutional System Board and the Administrator of the Arkansas Health Center, a maximum number of persons on prerelease, work-release, and other rehabilitative programs to be housed at the center may be established by the Board of Corrections.

(c) ~~Inmates~~ An inmate released to the county sheriff of an approved jail ~~facilities~~ facility or community correction ~~centers pursuant to this section prior to July 28, 1995,~~ center before the effective date of this act shall remain eligible for release, notwithstanding the provisions of this section.

/s/Hickey