

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

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1115

By: Representative A. Davis

By: Senator Hester

For An Act To Be Entitled

AN ACT TO CREATE THE TRANSFORMATION AND EFFICIENCIES ACT OF 2019; TO ESTABLISH CABINET-LEVEL DEPARTMENTS; TO ESTABLISH THE CABINET-LEVEL DEPARTMENT OF CORRECTIONS; TO TRANSFER STATE ENTITIES; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE TRANSFORMATION AND EFFICIENCIES ACT OF 2019; TO ESTABLISH THE CABINET-LEVEL DEPARTMENT OF CORRECTIONS; TO TRANSFER STATE ENTITIES; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code Title 25, Chapter 43, is amended to add an additional subchapter to read as follows:

Subchapter 4 – Department of Corrections

25-43-401. Department of Corrections.

(a) There is created the Department of Corrections as a cabinet-level department.

(b)(1) The Board of Corrections:

(A) Is consolidated with the department;

(B) Shall be the governing authority of the department;

and



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(C) Shall perform all functions with respect to the management and control of the department as contemplated by Arkansas Constitution, Amendment 33.

(2) No provision of this act shall abridge, diminish, or curtail, in any respect, the authority vested in the board to govern and supervise the administration of its responsibilities prior to the effective date of this act, including without limitation governing and supervising the administration of the state penal institutions.

(c) The department shall:

(1) Maintain and administer real property on behalf of each state entity transferred under this chapter if the real property is not under the supervision and control of the board;

(2) Maintain and administer all personal property on behalf of each state entity transferred under this chapter;

(d) The department shall:

(1) Assist the board with developing a biennial budget and annual, quarterly, and monthly fiscal plans for the operation of the board and assist the board in complying with the budget and fiscal policies promulgated by the secretary;

(2) Assist the board with complying with the general guidelines, polices, and rules of the cabinet-level department with respect to personnel and personnel policies, records, purchasing, bookkeeping, and other administrative procedures prescribed by the department.

(3) Consult with the board regarding personnel decisions and staffing;

(4) Coordinate the policies promulgated by the board for the administration of personnel and personnel records to assure that all employee records and personnel records of the board conform to the personnel policies and practices of the cabinet-level department; and

25-43-402. State entities transferred to the Department of Corrections.

(a) The administrative functions of the following state entities are transferred to the Department of Corrections pursuant to a cabinet-level department transfer:

(1) The Arkansas Sentencing Commission, created under 16-90-802;

(2) The Corrections School System, created under § 12-29-301;
(3) The Criminal Detention Facility Review Committee, created
under § 12-26-101.

(4) The Division of Community Correction, created under 12-27-
124;

(5) The Division of Correction, created under § 12-27-101;

(6) The Office of Criminal Detention Facilities, created under §
12-26-103;

(7) The Parole Board, created under 16-93-201; and

(8) The State Council for Interstate Commission for Adult
Offender Supervision, created under 12-51-103.

(b) Each entity transferred shall retain its specified statutory
duties.

25-43-403. Secretary of the Department of Corrections.

(a) The executive head of the Department of Corrections shall be the
Secretary of the Department of Corrections.

(b) The secretary shall be employed by the Board of Corrections in
consultation with the Governor and shall serve at the pleasure of the Board
of Corrections.

(c) The secretary may perform all duties to administer the Department
of Corrections, subject to Arkansas Constitution, Amendment 33, including
without limitation:

(1) Delegate to the employees of the Department of Corrections
any of the powers or duties of the department required to administer the:

(A) Statutory duties; or

(B) Rules, orders, or directives promulgated or issued by
the state entities transferred to or established within the department.

(2) Hire department personnel; and

(3) Perform or assign duties assigned to the department.

SECTION 2. Arkansas Code § 5-2-330 is amended to read as follows:

5-2-330. Examination by ~~Department~~ Division of Correction prohibited.

A defendant committed to and under the supervision of the ~~Department~~
Division of Correction who is charged in circuit court shall not undergo an
 examination or observation conducted under this subchapter by a psychiatrist

or other mental health employee of the division to determine the mental condition of the defendant.

SECTION 3. Arkansas Code § 5-2-613(a), concerning the use of physical force to prevent escape from a correctional facility or custody of a correctional officer, is amended to read as follows:

(a) Unless the correctional officer knows or reasonably should know that a prisoner is charged with or has been convicted of only a misdemeanor, a correctional officer employed by the ~~Department~~ Division of Correction or by a private contractor in a correctional facility housing inmates for the division or a city or county correctional officer employed in a correctional facility or jail is justified in using deadly physical force when and to the extent that the correctional officer reasonably believes the use of deadly physical force is necessary to prevent the escape of a prisoner from:

SECTION 4. Arkansas Code § 5-4-102(e), concerning presentence investigations, is amended to read as follows:

(e) If the defendant is sentenced to imprisonment, a copy of the report of any presentence investigation or psychiatric examination or evaluation shall be transmitted immediately to the ~~Department~~ Division of Correction or, when the defendant is committed to the custody of a specific institution, to that specific institution.

SECTION 5. Arkansas Code § 5-4-104(f), concerning authorized sentences, is amended to read as follows:

(f)(1) If the court determines that an offender under eighteen (18) years of age would be more amenable to a rehabilitation program of the Division of Youth Services of the Department of Human Services and that he or she previously has not been committed to the division on more than one (1) occasion, the court may sentence the offender under eighteen (18) years of age to the ~~Department~~ Division of Correction for a term of years, suspend the sentence, and commit him or her to the custody of the ~~division~~ Division of Youth Services of the Department of Human Services.

(2) In a case under subdivision (f)(1) of this section, if the offender under eighteen (18) years of age completes the program of the division satisfactorily, the ~~division~~ Division of Youth Services of the

Department of Human Services shall return him or her to the sentencing court and provide the sentencing court with a written report of his or her progress and a recommendation that the offender under eighteen (18) years of age be placed on probation.

(3)(A) In the event that the offender under eighteen (18) years of age violates a rule of the ~~division's~~ Division of Youth Services of the Department of Human Services' program or facility or is otherwise not amenable to the ~~division's~~ Division of Youth Services of the Department of Human Services' rehabilitative effort, the ~~division~~ Division of Youth Services of the Department of Human Services may return him or her to the sentencing court with a written report of his or her conduct and a recommendation that the offender under eighteen (18) years of age be transferred to the ~~Department~~ Division of Correction.

(B) If the court finds that the offender under eighteen (18) years of age has violated a rule of the ~~division's~~ Division of Youth Services of the Department of Human Services' program or facility or is otherwise not amenable to the ~~division's~~ Division of Youth Services of the Department of Human Services' rehabilitative effort, the court shall then revoke the suspension of the sentence originally imposed and commit the offender under eighteen (18) years of age to the ~~Department~~ Division of Correction.

SECTION 6. Arkansas Code § 5-4-107(a)(1) and (2), concerning extended supervision and monitoring for certain sex offenders, are amended to read as follows:

(a)(1) The ~~Department~~ Division of Correction within one hundred twenty (120) days before the release on parole of a person who is required to register as a sex offender under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., shall notify in writing the prosecuting attorney in the judicial district in which the person was sentenced of the person's impending release on parole.

(2) The ~~Department~~ Division of Community Correction within one hundred twenty (120) days before the release from probation of a person who is required to register as a sex offender under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., shall notify in writing the prosecuting attorney in the judicial district in which the person was sentenced of the

person's impending release from probation.

SECTION 7. Arkansas Code § 5-4-107(b)(3), concerning extended supervision and monitoring for certain sex offenders, is amended to read as follows:

(3) If a hearing is requested, it shall be held at the earliest practicable time and at a time and on a date that would accommodate the transport of the person from a ~~Department~~ Division of Correction facility, ~~Department~~ Division of Community Correction facility, or the Arkansas State Hospital to the appropriate circuit court.

SECTION 8. Arkansas Code § 5-4-107(h), concerning extended supervision and monitoring for certain sex offenders, is amended to read as follows:

(h) The ~~Department~~ Division of Community Correction shall administer any extended supervision and monitoring under this section and may adopt rules to implement this section.

SECTION 9. Arkansas Code § 5-4-304(c)(1)(B), concerning confinement as a condition of suspension or probation, is amended to read as follows:

(B) In the case of confinement to a facility in the ~~Department~~ Division of Community Correction, the period actually spent in confinement under this section shall not exceed three hundred sixty-five (365) days.

SECTION 10. Arkansas Code § 5-4-312(b)(1)(D)(ii) and (iii), concerning presentence investigations and placement in community correction programs, are amended to read as follows:

(ii) Upon revocation as described in subdivision (b)(1)(D)(i) of this section, the court shall determine whether the defendant shall remain under the jurisdiction of the court and be assigned to a more restrictive community correction program, facility, or institution for a period of time or committed to the ~~Department~~ Division of Correction.

(iii) If the defendant is committed to the ~~Department~~ Division of Correction under subdivision (b)(1)(D)(ii) of this section, the court shall specify if the commitment is for judicial transfer of the defendant to the ~~Department~~ Division of Community Correction or is a

commitment to the ~~Department~~ Division of Correction;

SECTION 11. Arkansas Code § 5-4-312(b)(2) and (3), concerning presentence investigations and placement in community correction programs, are amended to read as follows:

(2)(A) Commit the defendant to the custody of the ~~Department~~ Division of Correction for judicial transfer to the ~~Department~~ Division of Community Correction subject to the following:

(i) That the sentence imposed provides that the defendant shall not serve more than three (3) years of confinement, with credit for meritorious good time, with initial placement in a ~~Department~~ Division of Community Correction facility; and

(ii) That the preliminary placement in the ~~Department~~ Division of Community Correction facility is conditioned upon the ~~Department~~ Division of Community Correction's final determination of the defendant's initial and continuing eligibility for ~~Department~~ Division of Community Correction placement and the defendant's compliance with all applicable rules established by the Board of Corrections for community correction programs.

(B) Post-prison supervision of the defendant shall accompany and follow the community correction program when appropriate; or

(3)(A) Sentence the defendant to the ~~Department~~ Division of Correction, granting the ~~Department~~ Division of Correction the ability to administratively transfer the defendant to the ~~Department~~ Division of Community Correction if the ~~Department~~ Division of Correction determines that the sentence imposed meets the eligibility requirements for placement in a community correction program under this subchapter and § 16-93-1201 et seq.

(B) Administrative transfer to the ~~Department~~ Division of Community Correction under subdivision (b)(3)(A) of this section is conditioned upon bed space availability and upon the ~~Department~~ Division of Community Correction's final determination of the defendant's initial and continuing eligibility for ~~Department~~ Division of Community Correction placement.

(C) A determination of ineligibility under subdivision (b)(3)(A) of this section by the ~~Department~~ Division of Community Correction shall result in the immediate return of the defendant to the ~~Department~~

Division of Correction.

(D) A decision to release a defendant administratively transferred to the ~~Department~~ Division of Community Correction from the ~~Department~~ Division of Correction under subdivision (b)(3)(A) of this section is vested solely with the Parole Board.

SECTION 12. Arkansas Code § 5-4-312(d), concerning presentence investigations and placement in community correction programs, is amended to read as follows:

(d)(1) If after receipt of an order directing a defendant to a community correction center, the ~~Department~~ Division of Community Correction determines that the defendant is not eligible for placement in a community correction program under § 16-93-1201 et seq., the ~~Department~~ Division of Community Correction shall not admit the defendant but shall immediately notify the prosecuting attorney in writing.

(2) After receipt of the notice required under subdivision (d)(1) of this section, the prosecuting attorney shall notify the court of the defendant's ineligibility for placement in a community correction center, and the court shall resentence the defendant accordingly.

SECTION 13. Arkansas Code § 5-4-320(a), concerning certain convicted felons to observe operations of correctional facilities, is amended to read as follows:

(a) Any person who pleads guilty or nolo contendere or is found guilty in any circuit court of this state of a felony and whose sentence of imprisonment is placed on suspension or who is placed on probation may be ordered by the circuit court to report to an appropriate ~~Department~~ Division of Correction facility on a date certain to be scheduled by the division for the duration of that work day to observe the operation of the division's facility.

SECTION 14. Arkansas Code § 5-4-402 is amended to read as follows:

5-4-402. Place of imprisonment.

(a) Except as provided in §§ 5-4-304 and 16-93-708, a defendant convicted of a felony and sentenced to imprisonment shall be committed to the custody of the ~~Department~~ Division of Correction for the term of his or her

sentence or until released in accordance with law.

(b) Except as provided in § 16-93-708, a defendant convicted of a misdemeanor and sentenced to imprisonment shall be committed to the county jail or other authorized institution designated by the court for the term of his or her sentence or until released in accordance with law.

(c) Except as provided in § 5-4-304 or § 16-93-708, a defendant convicted of a felony violation of §§ 5-64-419 – 5-64-442 and sentenced to imprisonment shall be committed to the custody of the ~~Department~~ Division of Correction for the term of his or her sentence or until released in accordance with law.

(d)(1)(A) A juvenile sentenced in circuit court who is less than sixteen (16) years of age when sentenced shall be committed to the custody of the Division of Youth Services of the Department of Human Services until his or her sixteenth birthday, at which time he or she shall be transferred to the ~~Department~~ Division of Correction, except as provided by court order or parole decision made by the Parole Board.

(B) Any record from the ~~division~~ Division of Youth Services of the Department of Human Services shall be transferred to the ~~Department~~ Division of Correction at the time the juvenile is transferred.

(2) A juvenile less than sixteen (16) years of age who is awaiting transfer to the ~~Department~~ Division of Correction shall be segregated from the general delinquency population housed at the ~~division~~ Division of Youth Services of the Department of Human Services.

(e)(1) With the consent and approval of the ~~division~~ Division of Youth Services of the Department of Human Services, the ~~Department~~ Division of Correction may transfer from the ~~Department~~ Division of Correction to the ~~division~~ Division of Youth Services of the Department of Human Services any inmate less than eighteen (18) years of age who, in the opinion of the ~~Department~~ Division of Correction and the ~~division~~ Division of Youth Services of the Department of Human Services, is more suited and adaptable by age, physical size, and temperament to a program of the Department of Human Services.

(2)(A) An inmate transferred to the ~~division~~ Division of Youth Services of the Department of Human Services shall be segregated from the general delinquency population housed at the ~~division~~ Division of Youth Services of the Department of Human Services.

(B) If an inmate violates a rule of the ~~division's~~ Division of Youth Services of the Department of Human Services' program or facility or is otherwise not amenable to the ~~division's~~ Division of Youth Services of the Department of Human Services' rehabilitative effort, the division may return the inmate to the ~~Department~~ Division of Correction.

(3) Any inmate transferred to the ~~division~~ Division of Youth Services of the Department of Human Services under this subsection shall be returned to the ~~Department~~ Division of Correction on the inmate's eighteenth birthday.

SECTION 15. Arkansas Code § 5-4-404 is amended to read as follows:

5-4-404. Credit for time spent in custody.

If a defendant is held in custody for conduct that results in a sentence to imprisonment or confinement as a condition of suspension or probation, the court, the ~~Department~~ Division of Correction, or the ~~Department~~ Division of Community Correction shall credit the time spent in custody against the sentence, including time spent in a local jail facility awaiting transfer to the ~~Department~~ Division of Correction or the ~~Department~~ Division of Community Correction.

SECTION 16. Arkansas Code § 5-4-501(f), concerning habitual offenders and sentencing for felony, is amended to read as follows:

(f) For the purposes of determining whether a defendant has previously been convicted of a serious felony involving violence or a felony involving violence under subsections (c) and (d) of this section, the entry of a plea of guilty or nolo contendere or a finding of guilt by a court to a felony enumerated in subsections (c) and (d) of this section, respectively, as a result of which a court places the defendant on a suspended imposition of sentence, a suspended sentence, or probation, or sentences the defendant to the ~~Department~~ Division of Correction, is considered a previous felony conviction.

SECTION 17. Arkansas Code § 5-4-606(1), concerning life imprisonment without parole, is amended to read as follows:

(1) Be remanded to the custody of the ~~Department~~ Division of Correction for imprisonment for the remainder of his or her life; and

SECTION 18. Arkansas Code § 5-4-803(b)(2)(A), concerning the procedure for determining the sentence for an eligible offender, is amended to read as follows:

(A) ~~Department~~ Division of Correction for an eligible offender committed to the division; or

SECTION 19. Arkansas Code § 5-4-803(c)(2)(A), concerning the procedure for determining the sentence for an eligible offender, is amended to read as follows:

(A) ~~Department~~ Division of Correction for a felony offense; or

SECTION 20. Arkansas Code § 5-4-803(d)(4)(A), concerning the procedure for determining the sentence for an eligible offender, is amended to read as follows:

(A) ~~Department~~ Division of Correction for a felony offense; or

SECTION 21. Arkansas Code § 5-4-804 is amended to read as follows:

5-4-804. Medical treatment and costs.

The state is responsible for the cost of medical treatment approved by the ~~Department~~ Division of Correction of an eligible offender sentenced to a felony under this subchapter if the medical treatment is for:

(1) The result of an injury sustained on the work site of the community work project or during transportation to and from the work site by a government entity; or

(2)(A) The result of illness or an injury sustained by an eligible offender committed to the county jail or regional jail and who is assigned to a community work project.

(B) The ~~Department~~ Division of Correction may transfer an eligible offender committed to a county jail or regional jail under this subchapter to a medical facility or treatment facility, including a facility of the ~~Department~~ Division of Correction, it deems appropriate for the medical treatment.

(3) Nothing in this section precludes the ~~Department~~ Division of

Correction from seeking reimbursement or damages from a person or entity that contributes to or causes the injury or illness referred to in this section.

SECTION 22. Arkansas Code § 5-4-901 is amended to read as follows:

5-4-901. Legislative intent.

The intent of this act is to provide the judiciary with an additional alternative to the disposition of criminal offenders that would assist the offender in atoning for his or her criminal transgression and promote the enforcement of the state's criminal statutes while easing the inmate burden on the county jails and the ~~Department~~ Division of Correction.

SECTION 23. Arkansas Code § 5-10-101(a)(6), concerning capital murder, is amended to read as follows:

(6) While incarcerated in the ~~Department~~ Division of Correction or the ~~Department~~ Division of Community Correction, the person purposely causes the death of another person after premeditation and deliberation;

SECTION 24. Arkansas Code § 5-13-202(a)(4)(A)(ii)(b), concerning battery in the second degree, is amended to read as follows:

(b) "Employee of a correctional facility" includes a person working under a professional services contract with the ~~Department~~ Division of Correction, the ~~Department~~ Division of Community Correction, or the Division of Youth Services of the Department of Human Services;

SECTION 25. Arkansas Code § 5-14-110(a)(3)(A), concerning sexual indecency with a child, is amended to read as follows:

(A) Employed with the ~~Department~~ Division of Correction, ~~Department~~ Division of Community Correction, any city or county jail, or any juvenile detention facility, and the minor is in custody at a facility operated by the agency or contractor employing the actor;

SECTION 26. Arkansas Code § 5-14-110(a)(4)(A) and (B), concerning sexual indecency with a child, are amended to read as follows:

(A) Employed with the ~~Department~~ Division of Correction, the ~~Department~~ Division of Community Correction, any city or county jail, or

any juvenile detention facility, and the minor is in custody at a facility operated by the agency or contractor employing the actor;

(B) Employed by or contracted with the ~~Department~~ Division of Community Correction, a local law enforcement agency, a court, or a local government and the actor is supervising the minor while the minor is on probation or parole or for any other court-ordered reason;

SECTION 27. Arkansas Code § 5-14-124(a)(1)(A) and (B), concerning sexual assault in the first degree, are amended to read as follows:

(A) Employed with the ~~Department~~ Division of Correction, the ~~Department~~ Division of Community Correction, the Department of Human Services, or any city or county jail or a juvenile detention facility, and the victim is in the custody of the ~~Department~~ Division of Correction, the ~~Department~~ Division of Community Correction, the Department of Human Services, any city or county jail or juvenile detention facility, or their contractors or agents;

(B) Employed by or contracted with the ~~Department~~ Division of Community Correction, a local law enforcement agency, a court, or a local government and the actor is supervising the minor while the minor is on probation or parole or for any other court-ordered reason;

SECTION 28. Arkansas Code § 5-14-125(a)(4)(A)(i) and (ii), concerning sexual assault in the second degree, are amended to read as follows:

(i) Employed with the ~~Department~~ Division of Correction, the ~~Department~~ Division of Community Correction, any city or county jail, or any juvenile detention facility, and the minor is in custody at a facility operated by the agency or contractor employing the actor;

(ii) Employed by or contracted with the ~~Department~~ Division of Community Correction, a local law enforcement agency, a court, or a local government and the actor is supervising the minor while the minor is on probation or parole or for any other court-ordered reason;

SECTION 29. Arkansas Code § 5-14-126(a)(1)(A)-(C), concerning sexual assault in the third degree, are amended to read as follows:

(A) Employed with the ~~Department~~ Division of Correction, ~~Department~~ Division of Community Correction, Department of Human Services, or

any city or county jail, the victim is in the custody of the ~~Department~~ Division of Correction, ~~Department~~ Division of Community Correction, Department of Human Services, or any city or county jail, and the actor is in a position of trust or authority over the victim and uses the position of trust or authority to engage in sexual intercourse or deviate sexual activity;

(B) Employed by or contracted with the ~~Department~~ Division of Community Correction, a local law enforcement agency, a court, or a local government and the actor is supervising the person while the person is on probation or parole or for any other court-ordered reason;

(C) Employed or contracted with or otherwise providing services, supplies, or supervision to an agency maintaining custody of inmates, detainees, or juveniles, the victim is in the custody of the ~~Department~~ Division of Correction, ~~Department~~ Division of Community Correction, Department of Human Services, or any city or county jail, and the actor is in a position of trust or authority over the victim and uses the position of trust or authority to engage in sexual intercourse or deviate sexual activity; or

SECTION 30. Arkansas Code § 5-14-127(a)(2), concerning sexual assault in the fourth degree, is amended to read as follows:

(2) Engages in sexual contact with another person who is not the actor's spouse, and the actor is employed with the ~~Department~~ Division of Correction, ~~Department~~ Division of Community Correction, Department of Human Services, or any city or county jail, and the victim is in the custody of the ~~Department~~ Division of Correction, ~~Department~~ Division of Community Correction, Department of Human Services, or a city or county jail.

SECTION 31. Arkansas Code § 5-37-226(b)(2)(D) and (E), concerning filing instruments affecting title or interest in real property, are amended to read as follows:

(D) An employee of the ~~Department~~ Division of Correction;

(E) An employee of the ~~Department~~ Division of Community Correction;

SECTION 32. Arkansas Code § 5-54-101(11)(A), concerning the definition

of "prohibited article" under the laws governing obstructing governmental operations, is amended to read as follows:

(A) An intoxicating beverage other than sacramental wine labeled as sacramental wine and supplied by a religious official who supplies the sacramental wine to an inmate in the ~~Department~~ Division of Correction or ~~Department~~ Division of Community Correction for the sole purpose of an approved religious service, pursuant to rules and regulations promulgated by the Board of Corrections;

SECTION 33. Arkansas Code § 5-54-110(b)(1)(A) and (B), concerning the offense of first degree escape, are amended to read as follows:

- (A) The ~~Department~~ Division of Correction;
- (B) The ~~Department~~ Division of Community Correction; or

SECTION 34. Arkansas Code § 5-54-111(b)(1)(A) and (B), concerning the offense of second degree escape, are amended to read as follows:

- (A) The ~~Department~~ Division of Correction;
- (B) The ~~Department~~ Division of Community Correction; or

SECTION 35. Arkansas Code § 5-54-112(c)(1)(A) and (B), concerning the offense of second degree escape, are amended to read as follows:

- (A) The ~~Department~~ Division of Correction;
- (B) The ~~Department~~ Division of Community Correction; or

SECTION 36. Arkansas Code § 5-73-119(e)(12)(B)(ii), concerning the possession of a handgun by a minor or possession school property, is amended to read as follows:

(ii) "Parking lot" does not include a parking lot owned, maintained, or otherwise controlled by the ~~Department~~ Division of Correction or ~~Department~~ Division of Community Correction.

SECTION 37. Arkansas Code § 5-73-122(a)(3)(C)(ii)(b), concerning carrying a firearm in publicly owned buildings or facilities, is amended to read as follows:

(b) "Parking lot" does not include a parking lot owned, maintained, or otherwise controlled by the ~~Department~~ Division of

Correction or the ~~Department~~ Division of Community Correction;

SECTION 38. Arkansas Code § 5-73-122(a)(3)(D)(iii), concerning carrying a firearm in publicly owned buildings or facilities, is amended to read as follows:

(iii) A facility operated by the ~~Department~~ Division of Correction or the ~~Department~~ Division of Community Correction; or

SECTION 39. Arkansas Code § 5-73-131(a), concerning the possession or use of a weapon by an incarcerated person, is amended to read as follows:

(a) A person commits the offense of possession or use of weapons by incarcerated persons if, without approval of custodial authority he or she uses, possesses, makes, repairs, sells, or otherwise deals in any weapon, including, but not limited to, any bomb, firearm, knife, or other implement for the infliction of serious physical injury or death and that serves no common lawful purpose, while incarcerated in the ~~Department~~ Division of Correction, the ~~Department~~ Division of Community Correction, or a county or municipal jail or detention facility.

SECTION 40. Arkansas Code § 5-73-306(4), concerning places a licensed concealed handgun is prohibited, is amended to read as follows:

(4) Any part of a detention facility, prison, or jail, including without limitation a parking lot owned, maintained, or otherwise controlled by the ~~Department~~ Division of Correction or ~~Department~~ Division of Community Correction;

SECTION 41. Arkansas Code § 6-18-203(c), concerning attendance in a district other than the district of residence, is amended to read as follows:

(c) When any employee of the ~~Department~~ Division of Correction lives on ~~department~~ division property or will live on ~~department~~ division property as the result of a transfer from a unit of the division to another unit, the children or wards of the employee may complete their education in the school district in which they are enrolled at the time the parent or guardian is transferred.

SECTION 42. Arkansas Code § 6-82-501(2), concerning the definition of

"Department of Community Correction employee" under the laws governing the children of law enforcement officers, is amended to read as follows:

(2) "~~Department~~ Division of Community Correction employee" means any employee of the ~~Department~~ Division of Community Correction who suffers fatal injuries or wounds or becomes permanently and totally disabled as a result of injuries or wounds that occurred through contact with parolees, probationers, or center residents;

SECTION 43. Arkansas Code § 6-82-501(6), concerning the definition of "state correction employee" under the laws governing the children of law enforcement officers, is amended to read as follows:

(6) "State correction employee" means any employee of the ~~Department~~ Division of Correction or the Corrections School System who becomes subject to injury through contact with inmates or parolees of the ~~Department~~ Division of Correction;

SECTION 44. Arkansas Code § 8-6-307(d), concerning exemptions for the transfer of funds, is amended to read as follows:

(d) The ~~Department~~ Division of Corrections exempt from the provisions of this section.

SECTION 45. Arkansas Code § 9-2-102 is amended to read as follows:

9-2-102. Name change – Use of new name.

Any person whose name may be so changed by judgment or decree of any of the circuit courts shall afterward be known and designated, sue and be sued, plead and be impleaded, by the name thus conferred, except that records of persons under the jurisdiction and supervision of the ~~Department~~ Division of Correction shall continue to reflect the name as committed to the division's jurisdiction and supervision by the various circuit courts of the State of Arkansas.

SECTION 46. Arkansas Code § 9-27-303(48)(A)(v)(b)(2) and (3), concerning the definition of "reasonable efforts" under the Arkansas Juvenile Code of 1989, are amended to read as follows:

(2) Monitor compliance with services offered by the ~~Department~~ Division of Correction to the extent permitted by

federal law; and

(3) Offer visitation in accordance with the policies of the ~~Department~~ Division of Correction if visitation is appropriate and in the best interest of the child.

SECTION 47. Arkansas Code § 9-27-510 is amended to read as follows:

9-27-510. ~~Department~~ Division of Correction— Placement.

(a)(1) A juvenile who has received an adult sentence to the ~~Department~~ Division of Correction shall not be transported to the ~~Department~~ Division of Correction until the juvenile is sixteen (16) years of age.

(2) If a juvenile receives a sentence to the ~~Department~~ Division of Correction ~~prior to~~ before the juvenile's sixteenth birthday, the juvenile shall be housed by the Division of Youth Services of the Department of Human Services until that date, except as provided by court order or parole decision made by the Parole Board.

(b) A juvenile sentenced in the criminal division of circuit court who is less than sixteen (16) years of age when sentenced shall be committed to the custody of the Division of Youth Services until his or her sixteenth birthday, at which time he or she shall be transferred to the ~~Department~~ Division of Correction.

(c)(1)(A) Juveniles sentenced to the ~~Department~~ Division of Correction pursuant to extended juvenile jurisdiction are subject to parole as any other inmate within the ~~Department~~ Division of Correction.

(B) Juveniles adjudicated for capital murder, § 5-10-101, or murder in the first degree, § 5-10-102, are subject to parole.

(2) Juveniles will be given credit for time served in a juvenile detention or juvenile facility against any adult sentence.

SECTION 48. Arkansas Code § 9-28-214(a), concerning the penalty for escape, is amended to read as follows:

(a) If charged and found guilty as an adult for first degree escape, § 5-54-110, or second degree escape, § 5-54-111, a juvenile shall be given a mandatory sentence of not less than nine (9) months in an appropriate facility of the ~~Department~~ Division of Correction.

SECTION 49. Arkansas Code § 9-28-402(12)(C), concerning the definition

of "exempt child welfare agency" under the Child Welfare Agency Licensing Act, is amended to read as follows:

(C) A facility or program owned or operated by or under contract with the ~~Department~~ Division of Correction;

SECTION 50. The introductory language of Arkansas Code § 12-26-103, concerning the creation and duties of the Office of Criminal Detention Facilities Review Coordinator, is amended to read as follows:

(a) There is established the Office of Criminal Detention Facilities Review Coordinator within the Department of Corrections which shall consist of:

SECTION 51. Arkansas Code § 11-3-401(a)(2), concerning the prevention of lawful employment prohibited, is amended to read as follows:

(2) Any person guilty of violating this subsection shall be deemed guilty of a felony and upon conviction shall be punished by confinement in the Department of ~~Correction~~ Corrections for not less than one (1) year nor more than two (2) years.

SECTION 52. Arkansas Code § 11-3-401(b)(3), concerning the prevention of lawful employment prohibited, is amended to read as follows:

(3) Any person guilty of violating this subsection shall be deemed guilty of a felony and upon conviction thereof shall be punished by confinement in the Department of ~~Correction~~ Corrections for not less than one (1) year nor more than two (2) years.

SECTION 53. Arkansas Code § 11-9-110(a), concerning compensation nonassignable and payable to dependents, is amended to read as follows:

(a) The right to compensation shall not be assignable and shall not be subject to garnishment, attachment, levy, execution, or any other legal process, except for child support obligations and moneys retained by the ~~Department~~ Division of Correction under § 12-30-406(a)(1).

SECTION 54. Arkansas Code § 11-9-812(a)(1), concerning the incarceration of an injured employee, is amended to read as follows:

(a)(1) When any person who receives workers' compensation benefits is

incarcerated in an institution under the control of the ~~Department~~ Division of Correction, the inmate's spouse or, if no spouse, the inmate's minor dependent children, may petition the Workers' Compensation Commission to award to the spouse or minor dependent children the inmate's workers' compensation weekly disability benefits for the period of the claimant's incarceration.

SECTION 55. Arkansas Code § 11-14-106(a)(3)(A)(v), concerning required drug or alcohol tests, is amended to read as follows:

(v) Work in direct contact with inmates in the custody of the ~~Department~~ Division of Correction; or

SECTION 56. Arkansas Code § 12-1-102 is amended to read as follows:

12-1-102. Records to be posted on a public website.

(a) Relevant research studies and reports concerning the following topics that are generated by the research divisions of the ~~Department~~ Division of Correction, the ~~Department~~ Division of Community Correction, and the Parole Board or by third-party contractors on behalf of the ~~Department~~ Division of Correction, the ~~Department~~ Division of Community Correction, and the board, when applicable, shall be posted on the ~~Department~~ Division of Correction's, the ~~Department~~ Division of Community Correction's, or board's website:

- (1) Population projections;
- (2) Recidivism; and
- (3) Evaluation of the cost-benefit of evidence-based practices

of:

- (A) Adult prisons;
- (B) Community corrections facilities;
- (C) Probation; and
- (D) Parole.

(b) Data posted on the board's, ~~Department~~ Division of Correction's, or the ~~Department~~ Division of Community Correction's websites under this section may be removed from the board's, ~~Department~~ Division of Correction's, or the ~~Department~~ Division of Community Correction's websites after five (5) years.

SECTION 57. Arkansas Code § 12-12-315(a)(1)(E), concerning the notification of certain deaths, is amended to read as follows:

(E) The death occurs while the person is in a state mental institution or hospital and there is no previous medical history to explain the death, or while the person is in police custody or jail other than a jail operated by the ~~Department~~ Division of Correction;

SECTION 58. Arkansas Code § 12-12-904(a)(1)(B)(ii), concerning the failure to comply with registration and reporting requirements and refusal to cooperate with the assessment process, is amended to read as follows:

(ii) If a sex offender fails or refuses to provide any information necessary to update his or her registration file as required by § 12-12-906(b)(2), as soon as administratively feasible the ~~Department~~ Division of Correction, the ~~Department~~ Division of Community Correction, the Arkansas State Hospital, or the Department of Human Services shall contact the local law enforcement agency having jurisdiction to report the violation of subdivision (a)(1)(B)(i) of this section.

SECTION 59. Arkansas Code § 12-12-906(a)(1)(B) and (C), concerning the duty to register or verify registration and review of requirements with offenders, is amended to read as follows:

(B)(i) The ~~Department~~ Division of Correction shall ensure that a sex offender received for incarceration has completed the sex offender registration form.

(ii) If the ~~Department~~ Division of Correction cannot confirm that the sex offender has completed the sex offender registration form, the ~~Department~~ Division of Correction shall require the sex offender to complete the sex offender registration form upon intake, release, or discharge.

(C)(i) The ~~Department~~ Division of Community Correction shall ensure that a sex offender placed on probation or another form of community supervision has completed the sex offender registration form.

(ii) If the ~~Department~~ Division of Community Correction cannot confirm that the sex offender has completed the sex offender registration form, the ~~Department~~ Division of Community Correction shall require the sex offender to complete the sex offender registration form

upon intake, release, or discharge.

SECTION 60. Arkansas Code § 12-12-906(b)(2), concerning the duty to register or verify registration and review of requirements with offenders, is amended to read as follows:

(2) Immediately prior to the release or discharge of a sex offender or immediately following a sex offender's escape or his or her absconding from supervision, the ~~Department~~ Division of Correction, the ~~Department~~ Division of Community Correction, the Arkansas State Hospital, or the Department of Human Services shall update the registration file of the sex offender who is to be released or discharged or who has escaped or has absconded from supervision.

SECTION 61. Arkansas Code § 12-12-906(c)(1)(A), concerning the duty to register or verify registration and review of requirements with offenders, is amended to read as follows:

(c)(1)(A) When registering a sex offender as provided in subsection (a) of this section, the sentencing court, the ~~Department~~ Division of Correction, the ~~Department~~ Division of Community Correction, the Arkansas State Hospital, the Department of Human Services, or the local law enforcement agency having jurisdiction shall:

(i) Inform the sex offender of the duty to submit to assessment and to register and obtain the information required for registration as described in § 12-12-908;

(ii) Inform the sex offender that if the sex offender changes residency within the state, the sex offender shall give the new address and place of employment, education, higher education, or training to the center in writing no later than ten (10) days before the sex offender establishes residency or is temporarily domiciled at the new address;

(iii)(a) Inform the sex offender that if the sex offender changes residency to another state or enters another state to work or attend school, the sex offender must also register in that state regardless of permanent residency.

(b) The sex offender shall register the new address and place of employment, education, higher education, or training with the center and with a designated law enforcement agency in the new state

in person not later than three (3) business days after the sex offender establishes residence or is temporarily domiciled in the new state;

(iv) Obtain fingerprints, palm prints, and a photograph of the sex offender if these have not already been obtained in connection with the offense that triggered registration;

(v) Obtain a deoxyribonucleic acid (DNA) sample if one has not already been provided;

(vi) Require the sex offender to complete the entire registration process, including, but not limited to, requiring the sex offender to read and sign a form stating that the duty of the sex offender to register under this subchapter has been explained;

(vii) Inform the sex offender that if the sex offender's address changes within the state or to another state due to an eviction, natural disaster, or any other unforeseen circumstance, the sex offender shall give the new address to the local law enforcement agency having jurisdiction in person no later than three (3) business days after the sex offender establishes residency;

(viii) Inform a sex offender who has been granted probation that failure to comply with the provisions of this subchapter may be grounds for revocation of the sex offender's probation; and

(ix) Inform a sex offender subject to lifetime registration under § 12-12-919 of the duty to:

(a) Verify registration and obtain the information required for registration verification as described in subsections (g) and (h) of this section; and

(b) Ensure that the information required for reregistration verification under subsections (g) and (h) of this section is provided to the local law enforcement agency having jurisdiction.

SECTION 62. Arkansas Code § 12-12-906(c)(2), concerning the duty to register or verify registration and review of requirements with offenders, is amended to read as follows:

(2) When updating the registration file of a sex offender, the ~~Department~~ Division of Correction, the ~~Department~~ Division of Community Correction, the Arkansas State Hospital, or the Department of Human Services shall:

(A) Review with the sex offender the duty to register and obtain current information required for registration as described in § 12-12-908;

(B) Review with the sex offender the requirement that if the sex offender changes address within the state, the sex offender shall give the new address to the local law enforcement agency having jurisdiction in person no later than ten (10) days before the sex offender establishes residency or is temporarily domiciled at the new address;

(C) Review with the sex offender the requirement that if the sex offender changes address to another state, the sex offender shall register the new address with the local law enforcement agency having jurisdiction in person and with a designated law enforcement agency in the new state in person not later than three (3) business days after the sex offender establishes residence or is temporarily domiciled in the new state if the new state has a registration requirement;

(D) Require the sex offender to read and sign a form stating that the duty of the sex offender to register under this subchapter has been reviewed;

(E) Inform the sex offender that if the sex offender's address changes within the state or to another state due to an eviction, natural disaster, or any other unforeseen circumstance, the sex offender shall give the new address to the local law enforcement agency having jurisdiction in person no later than three (3) business days after the sex offender establishes residency;

(F) Review with the sex offender the consequences of failure to provide any information required by subdivision (b)(2) of this section;

(G) Inform a sex offender subject to lifetime registration under § 12-12-919 of the duty to:

(i) Verify registration and report the information required for registration verification as described in subsections (g) and (h) of this section; and

(ii) Ensure that the information required for registration verification under subsections (g) and (h) of this section is provided in person to the local law enforcement agency having jurisdiction; and

(H) Review with a sex offender subject to lifetime registration under § 12-12-919 the consequences of failure to verify registration under § 12-12-904.

SECTION 63. Arkansas Code § 12-12-906(d), concerning the duty to register or verify registration and review of requirements with offenders, is amended to read as follows:

(d) When registering or updating the registration file of a sexually dangerous person, in addition to the requirements of subdivision (c)(1) or subdivision (c)(2) of this section, the sentencing court, the ~~Department~~ Division of Correction, the ~~Department~~ Division of Community Correction, the Arkansas State Hospital, the Department of Human Services, or the local law enforcement agency having jurisdiction shall obtain documentation of any treatment received for the mental abnormality or personality disorder of the sexually dangerous person.

SECTION 64. Arkansas Code § 12-12-907(a)(1), concerning reports to the Arkansas Crime Information Center and law enforcement agencies, is amended to read as follows:

(a)(1) Within three (3) days after registering or updating the registration file of a sex offender, the ~~Department~~ Division of Correction, the ~~Department~~ Division of Community Correction, the Department of Human Services, the sentencing court, or the local law enforcement agency having jurisdiction shall report, by written or electronic means, all information obtained from the sex offender and regarding the sex offender to the Arkansas Crime Information Center.

SECTION 65. Arkansas Code § 12-12-907(b)(4), concerning reports to the Arkansas Crime Information Center and law enforcement agency, is amended to read as follows:

(4) The center shall have access to the offender tracking systems of the ~~Department~~ Division of Correction and the ~~Department~~ Division of Community Correction to confirm the location of registrants.

SECTION 66. Arkansas Code § 12-12-908(a), concerning registration format requirements is amended to read as follows:

(a) The Director of the Arkansas Crime Information Center shall prepare the format for registration as required in subsection (b) of this section and shall provide instructions for registration to each organized full-time municipal police division, county sheriff's office, the ~~Department~~ Division of Correction, the ~~Department~~ Division of Community Correction, the Department of Human Services, and the Administrative Office of the Courts.

SECTION 67. Arkansas Code § 12-12-911(b)(1), concerning the sex and child offenders registration fund, is amended to read as follows:

(b)(1) This fund shall consist of special revenues collected pursuant to § 12-12-910, there to be used equally by the Arkansas Crime Information Center and the ~~Department~~ Division of Correction for the administration of this subchapter.

SECTION 68. Arkansas Code § 12-12-913(d)(3), concerning the disclosure of registration records, is amended to read as follows:

(3) In conjunction with the notice provided under § 12-12-914, the ~~Department~~ Division of Correction and the Department of Human Services shall make available to a local law enforcement agency having jurisdiction all information that the ~~Department~~ Division of Correction and the Department of Human Services have concerning the sex offender, including information on risk factors in the sex offender's history.

SECTION 69. Arkansas Code § 12-12-914(a)(1), concerning the notice of release to the Arkansas Crime Information Center, is amended to read as follows:

(a)(1) The ~~Department~~ Division of Correction shall provide notice by written or electronic means to the Arkansas Crime Information Center of the anticipated release from incarceration in a county or state penal institution of a person serving a sentence for a sex offense.

SECTION 70. Arkansas Code § 12-12-914(d)(2), concerning the notice of release to the Arkansas Crime Information Center, is amended to read as follows:

(2) If notification cannot be made throughout the system established under § 12-12-1201 et seq., the ~~Department~~ Division of Correction

shall provide the notification to the victim.

SECTION 71. Arkansas Code § 12-12-915 is amended to read as follows:
12-12-915. Authority – Rules.

(a) The ~~Department~~ Division of Correction, the ~~Department~~ Division of Community Correction, the Department of Human Services, the Administrative Office of the Courts, and the Arkansas Crime Information Center shall promulgate rules to establish procedures for:

(1) Notifying the sex offender of the obligation to register pursuant to this subchapter; and

(2) Registering the sex offender.

(b)(1) The ~~Department~~ Division of Community Correction shall monitor an adult sex offender under its supervisory authority who is subject to electronic monitoring under § 12-12-923.

(2) The Department of Human Services shall monitor an adult or juvenile sex offender under its supervisory authority who is subject to electronic monitoring under § 12-12-923.

(c)(1) The ~~Department~~ Division of Community Correction shall promulgate rules to establish procedures for monitoring an adult sex offender under its supervisory authority who is subject to electronic monitoring under § 12-12-923.

(2) The Department of Human Services shall promulgate rules to establish procedures for monitoring an adult or juvenile sex offender under its supervisory authority who is subject to electronic monitoring under § 12-12-923.

SECTION 72. Arkansas Code § 12-12-917(b)(2)(A)(ii)(a), concerning the evaluation protocol for sexually dangerous persons and juveniles adjudicated delinquent, is amended to read as follows:

(ii)(a) Subject to subdivision (c)(1) of this section, the prosecuting attorney and any law enforcement agency shall furnish the file relating to the offender to Community Notification Assessment at the ~~Department~~ Division of Correction within thirty (30) days of an offender's adjudication of guilt.

SECTION 73. Arkansas Code § 12-12-917(f)(2) and (3), concerning the

evaluation protocol for sexually dangerous persons and juveniles adjudicated delinquent, are amended to read as follows:

(2) The committee shall provide the Parole Board with copies of the offender fact sheet on inmates of the ~~Department~~ Division of Correction.

(3) The committee shall provide the ~~Department~~ Division of Community Correction with copies of the offender fact sheet on any sex offender under the ~~Department~~ Division of Community Correction's supervision.

SECTION 74. Arkansas Code § 12-12-917(g)(1), concerning the evaluation protocol for sexually dangerous persons and juveniles adjudicated delinquent, is amended to read as follows:

(g)(1) In cooperation with the committee, the ~~Department~~ Division of Correction shall promulgate rules and regulations to establish the review process for assessment determinations.

SECTION 75. Arkansas Code § 12-12-917(h)(2), concerning the evaluation protocol for sexually dangerous persons and juveniles adjudicated delinquent, is amended to read as follows:

(2)(A) A local law enforcement agency having jurisdiction, the ~~Department~~ Division of Community Correction, or the Parole Board may request the committee to reassess a sex offender's assigned risk level at any time.

(B) In the request for reassessment, the local law enforcement agency having jurisdiction, the ~~Department~~ Division of Community Correction, or the Parole Board shall list the facts and circumstances that prompted the requested reassessment.

SECTION 76. Arkansas Code § 12-12-918(b)(1)(A), concerning classification as a sexually dangerous person, is amended to read as follows:

(A) The defendant may be sent for evaluation to a facility designated by the ~~Department~~ Division of Correction; or

SECTION 77. Arkansas Code § 12-12-918(b)(2), concerning classification as a sexually dangerous person, is amended to read as follows:

(2) The cost of the evaluation shall be paid by the ~~Department~~ Division of Correction.

SECTION 78. Arkansas Code § 12-12-1109(c), concerning a DNA sample required upon adjudication of guilt, is amended to read as follows:

(c) All DNA samples taken pursuant to this section shall be taken in accordance with regulations promulgated by the State Crime Laboratory in consultation with the ~~Department~~ Division of Correction, the ~~Department~~ Division of Community Correction, the Department of Human Services, and the Administrative Office of the Courts.

SECTION 79. Arkansas Code § 12-12-1110(e)(1), concerning procedures of withdrawal, collection, and transmission of DNA samples, is amended to read as follows:

(e)(1) Any person who refuses to provide a DNA sample required by this subchapter will receive no further sentence reduction for meritorious good time until such time as a sample is provided, and the ~~Department~~ Division of Correction shall notify the Parole Board regarding the refusal.

SECTION 80. Arkansas Code § 14-22-106(16), concerning purchases exempt from soliciting bids, is amended to read as follows:

(16) All goods and services that are regularly provided to state agencies and county government by the ~~Department~~ Division of Correction's various penal industries;

SECTION 81. Arkansas Code § 12-27-101 is amended to read as follows:

12-27-101. Purposes and construction of the ~~Department~~ Division of Correction.

(a)(1) The purpose of this act is to establish a ~~Department~~ Division of Correction that shall assume the custody, control, and management of the state penitentiary, execute the orders of criminal courts of the State of Arkansas, and provide for the custody, treatment, rehabilitation, and restoration of adult offenders as useful law-abiding citizens within the community.

(2) The ~~department~~ division shall be under the supervision and control of the Board of Corrections.

(3) To accomplish the objectives and purposes of this act in an effective, coordinated, and uniform manner, the ~~department~~ division shall be responsible for the maintenance, supervision, and administration of adult

detention and correctional services of the state as determined by the board.

(4) Institutions and services shall be diversified in program, construction, and staff to provide effectually and efficiently for the maximum custody, care, supervision, and treatment of those persons committed to the ~~department~~ division.

(b) This act shall be liberally construed so as to effectuate its purposes.

SECTION 82. Arkansas Code § 12-27-102 is amended to read as follows:

12-27-102. Enforcement of penalties – Report of crimes.

(a) All laws of this state prescribing penalties for violations concerned with or affecting the state penitentiary or inmates thereof shall be equally applicable to the ~~Department~~ Division of Correction and shall be enforced accordingly.

(b) In the event any crime shall be committed in any institution of the ~~department~~ division, it shall be the duty of the Director of the ~~Department~~ Division of Correction, or his or her designated employee, to report the crime to the county sheriff and prosecuting attorney of the county in which the institution is located in which the crime, or alleged crime, took place.

SECTION 83. Arkansas Code § 12-27-103 is amended to read as follows:

12-27-103. ~~Department~~ Division of Correction – Creation – Powers and duties.

(a) There is established, under the supervision, control, and direction of the Board of Corrections, a ~~Department~~ Division of Correction.

(b) The ~~Department~~ Division of Correction shall have the following functions, powers, and duties, administered in accordance with the policies, rules, and regulations promulgated by the Board of Corrections:

(1) The ~~Department~~ Division of Correction shall have exclusive jurisdiction over the care, charge, custody, control, management, administration, and supervision of all persons and offenders committed to, or in the custody of, the state penitentiary;

(2) The ~~Department~~ Division of Correction shall ~~assume~~ maintain management and control over all properties, both real and personal, facilities, books, records, equipment, supplies, materials, contracts, funds,

moneys, equities, and all other properties belonging to the state penitentiary, except those deemed by the Board of Corrections to be ~~more appropriate for placement~~ placed in the ~~Department~~ Division of Community Correction. The ~~Department~~ Division of Correction shall administer said properties in accordance with the provisions of this act and other laws applicable to the administration of the state correctional system;

(3) The Department of Correction, as the Division of Correction was known as prior to July 1, 2019, ~~shall assume~~ assumed all obligations, contracts, indebtedness, liabilities, and other obligations of the state penitentiary system existing on March 1, 1968;

(4)(A) The Department of Correction, as the Division of Correction was known as prior to July 1, 2019, ~~shall have~~ has custody, management, and control over all institutions and facilities, and the inmates therein, ~~now~~ belonging to the state penitentiary or hereafter established by the Department of Correction, as the Division of Correction was known as prior to July 1, 2019, and known as the Division of Correction for the custodial correction and rehabilitation of persons committed to the ~~Department~~ Division of Correction for its care, except for those institutions established by or transferred to the ~~Department~~ Division of Community Correction.

(B) Legal custody of inmates transferred to the ~~Department~~ Division of Community Correction shall remain with the ~~Department~~ Division of Correction unless altered by court order;

(5) The ~~Department~~ Division of Correction shall establish and operate classification committees, diagnosis and treatment programs, and such other programs as may be desirable to fulfill the purposes of this act;

(6) The ~~Department~~ Division of Correction shall employ such officers, employees, and agents and shall secure such offices and quarters as are deemed necessary to discharge the functions of the ~~Department~~ Division of Correction;

(7) The ~~Department~~ Division of Correction shall receive all offenders committed to the ~~Department~~ Division of Correction for conviction of felonies or other offenses, the punishment of which is commitment to the penitentiary under the laws of this state, and shall be responsible for the care, custody, and correction of such persons pursuant to policies established by the Board of Corrections;

(8) The ~~Department~~ Division of Correction shall operate all farming, livestock, industries, and other income-producing facilities of the ~~Department~~ Division of Correction and shall sell the products of its industries and farms in the manner provided by law;

(9) The ~~Department~~ Division of Correction may establish and operate regional adult detention facilities, provided funds therefor have been authorized and appropriated by the General Assembly;

(10) The ~~Department~~ Division of Correction shall cooperate with municipalities and counties in this state in providing consulting services when requested with respect to detention and correctional facilities operated by the municipalities or counties;

(11) The ~~Department~~ Division of Correction shall cooperate with law enforcement agencies of this state, the United States, institutions of this state for the detention, custody, and care of delinquent and dependent juveniles, and with all agencies and departments of this state offering services or programs of welfare, rehabilitation, and other services for the benefit of persons committed to the ~~Department~~ Division of Correction;

(12) The ~~Department~~ Division of Correction may accept gifts, grants, and funds from public and private sources with prior approval of the Board of Corrections and administer the same in furtherance of the purposes of this act;

(13)(A) The ~~Department~~ Division of Correction shall have the authority to issue warrants for the retaking of any person who, committed to its custody, unlawfully escapes therefrom.

(B) The warrant shall:

(i) Authorize all law enforcement officials of this state to take custody and return the person named therein to the custody of the ~~Department~~ Division of Correction; and

(ii) Authorize all law enforcement officials of this state, any other state, and the federal government to take custody and detain the person in any suitable detention facility while awaiting further transfer to the ~~Department~~ Division of Correction;

(14)(A)(i) Subject to the approval of the Governor, the ~~Department~~ Division of Correction may cooperate with and contract with the federal government, governmental agencies of Arkansas and other states, political subdivisions of Arkansas, political subdivisions of other states,

counties, regional correctional facilities, and private contractors to provide and improve correctional operations and to keep custody of inmates transferred from the ~~Department~~ Division of Correction.

(ii) A facility owned or leased under this subdivision (b)(14) shall comply with all constitutional standards of the United States and the State of Arkansas.

(B) A county may contract for construction or operation or both with another entity to house a ~~Department~~ Division of Correction inmate under this subdivision (b)(14) for a period not to exceed twenty (20) years;

(15) The ~~Department~~ Division of Correction shall cooperate with the ~~Department~~ Division of Community Correction, the Parole Board, the Arkansas Sentencing Commission, judicial districts, municipalities, and counties in this state in providing guidance and services required to ensure a full range of correctional options for the state as a whole;

(16) The ~~Department~~ Division of Correction shall provide support to the ~~Department~~ Division of Community Correction as determined by the Board of Corrections;

(17) The ~~Department~~ Division of Correction shall assist the Board of Corrections in the furtherance of its goals by staffing the specific charges articulated for it through legislation and by the Board of Corrections; and

(18) The Department of ~~Correction~~ Corrections shall establish programs of research, evaluation, statistics, audit, and planning, including studies and evaluation of the performance of various functions and activities of the department and studies affecting the treatment of offenders and information about other programs.

SECTION 84. Arkansas Code § 12-27-104(d)(1)(B), concerning the members, records, and staff of the Board of Corrections, is amended to read as follows:

(B) However, a member shall receive a per diem stipend and reimbursement for expenses for both official meetings and related activities associated with attending to the business of the Board of Corrections, the ~~Department~~ Division of Correction, the ~~Department~~ Division of Community Correction, and the Corrections School System for up to an annual average of seven (7) days per month.

SECTION 85. Arkansas Code § 12-27-104(d)(2), concerning the members, records, and staff of the Board of Corrections, is amended to read as follows:

(2) All expenses that may be reimbursed to members of the Board of Corrections and stipends as provided in § 25-16-901 et seq. shall be payable from the maintenance funds appropriated for the ~~Department~~ Division of Correction and the ~~Department~~ Division of Community Correction.

SECTION 86. Arkansas Code § 12-27-104(e), concerning the members, records, and staff of the Board of Corrections, is amended to read as follows:

(e) The Governor shall appoint an advisory judicial group to facilitate coordination among the judicial system, the ~~Department~~ Division of Correction, and the ~~Department~~ Division of Community Correction to promote the effective and efficient use of correctional resources in furtherance of sentencing policy adopted by the General Assembly.

SECTION 87. Arkansas Code § 12-27-104(j), concerning the members, records, and staff of the Board of Corrections, is amended to read as follows:

(j)(1) The Board of Corrections shall employ necessary staff to assist with the range and diversity of ~~its~~ the charge of the Board of Corrections.

(2) In addition to Board of Corrections staff, the Board of Corrections may reassign staff from the ~~departments~~ divisions it governs for either short-term or long-term service to the Board of Corrections.

SECTION 88. Arkansas Code § 12-27-105(b)(1)(A), concerning the powers and duties of the Board of Corrections, is amended to read as follows:

(1)(A) General supervisory power and control over the ~~Department~~ Division of Correction and the ~~Department~~ Division of Community Correction and shall perform all functions with respect to the management and control of the adult correctional institutions and community correction options of this state contemplated by Arkansas Constitution, Amendment 33.

SECTION 89. Arkansas Code § 12-27-105(b)(3) and (4), concerning the

powers and duties of the Board of Corrections, are amended to read as follows:

(3) To review and approve budgets submitted by the ~~Department~~ Division of Correction and the ~~Department~~ Division of Community Correction prior to submission for executive and legislative approval;

(4) To develop and approve policy and management decisions for the ~~Department~~ Division of Correction and the ~~Department~~ Division of Community Correction, evaluating their impact on corrections as a whole;

SECTION 90. Arkansas Code § 12-27-105(b)(15), concerning the powers and duties of the Board of Corrections, is amended to read as follows:

(15) To prescribe the duties of all personnel of the ~~Department~~ Division of Correction and the ~~Department~~ Division of Community Correction and the regulations governing the transfer of employees within each division and between ~~departments~~ divisions;

SECTION 91. Arkansas Code § 12-27-105(b)(17)(E), concerning the powers and duties of the Board of Corrections, is amended to read as follows:

(E) Economic sanction officers are to be authorized by the ~~Department~~ Division of Community Correction to perform these duties pursuant to policies and procedures adopted by the Board of Corrections and in accord with any state statutory accounting requirements; and

SECTION 92. Arkansas Code § 12-27-107 is amended to read as follows:

12-27-107. Director of the ~~Department~~ Division of Correction.

(a) The Director of the ~~Department~~ Division of Correction, who shall be the executive, administrative, budgetary, and fiscal officer of the ~~Department~~ Division of Correction, shall be appointed by the Board of Corrections at a salary fixed by the Board of Corrections which shall not exceed the maximum salary for the position established by law.

(b) The director shall be qualified for the position by character, ability, education, training, and successful administrative experience in correctional or related fields.

(c) The director shall serve at the pleasure of the Board of Corrections.

(d) Subject to the rules, regulations, policies, and procedures

prescribed by the Board of Corrections, the director shall:

(1) Administer the ~~Department~~ Division of Correction and supervise the administration of all institutions, facilities, and services under the jurisdiction of the ~~Department~~ Division of Correction;

(2) Employ such personnel as are required in the administration of the provisions of this act, provided that the employment of personnel shall be in accordance with the applicable laws and personnel regulations of the state;

(3) Institute programs for the training and development of personnel within the ~~Department~~ Division of Correction and have authority to suspend, discharge, or otherwise discipline personnel in accordance with policies prescribed by the Board of Corrections;

(4) Make an annual report to the Board of Corrections, which will be forwarded to the Governor and the General Assembly, on the work of the ~~Department~~ Division of Correction, including statistics and other data, income derived by the ~~Department~~ Division of Correction from agriculture, livestock, and other farming activities and from prison inmates' activities, a summary of expenditures of the ~~Department~~ Division of Correction, and progress reports regarding internal issues such as inmate discipline, utilization of programming, facilities and bed space utilization, upkeep issues, and construction needs;

(5) Cooperate with the ~~Department~~ Division of Community Correction, the Parole Board, the Arkansas Sentencing Commission, judicial districts, counties, and municipalities to provide the guidance and services required to ensure a full range of correctional options for the state as a whole; and

(6)(A) Designate those employees of the ~~Department~~ Division of Correction who shall have the powers of peace officers in the enforcement of criminal laws to the extent they apply to employees, inmates, and persons on ~~Department~~ Division of Correction property, while participating in the search and capture of an inmate who has escaped custody, or while assisting law enforcement officers in the search and capture of any fugitive or escapee from another jurisdiction.

(B) The employees so designated have the authority to use blue rotating or flashing emergency lights on ~~Department~~ Division of Correction vehicles and exercise other law enforcement powers exercised by

police and other law enforcement personnel.

SECTION 93. Arkansas Code § 12-27-108 is amended to read as follows:
12-27-108. Authentication of records.

(a) For authentication of the records, process, and proceedings of the ~~Department~~ Division of Correction, the Director of the ~~Department~~ Division of Correction may adopt and keep an official seal for the use of his or her office, and the seal shall receive judicial notice in all of the courts of the state.

(b) All acts, orders, regulations, reports, and other records of the ~~department~~ division or copies thereof which are entitled to judicial notice shall be certified to by the director with the seal affixed thereto.

SECTION 94. Arkansas Code § 12-27-109 is amended to read as follows:
12-27-109. Oaths of director and superintendents.

The Director of the ~~Department~~ Division of Correction and each of the superintendents of the institutions within the ~~Department~~ Division of Correction shall, before entering upon their respective duties, take and subscribe to and file in the office of the Secretary of State, an oath that he or she will support the United States Constitution and the Arkansas Constitution and faithfully perform the duties upon which he or she is about to enter.

SECTION 95. Arkansas Code § 12-27-124 is amended to read as follows:
12-27-124. Purposes and construction of the ~~Department~~ Division of Community Correction.

(a)(1) The purpose of this act is to establish a ~~Department~~ Division of Community Correction that shall assume the management of all community correction facilities and services, execute the orders of the criminal courts of the State of Arkansas, and provide for the supervision, treatment, rehabilitation, and restoration of adult offenders as useful law-abiding citizens within the community.

(2) The ~~department~~ division shall be under the supervision and control of the Board of Corrections.

(3) To accomplish the objectives and purposes of this act in an effective, coordinated, and uniform manner, the ~~department~~ division shall be

responsible for the administration of all community correction facilities, services, and means of supervision, including probation and parole or any type of post prison release or transfer.

(4) Facilities and services shall be diversified in program, construction, and staff to provide effectually and efficiently for the maximum care, supervision, and treatment of those persons accessing the ~~department~~ division.

(b) This act shall be liberally construed so as to effectuate its purposes.

SECTION 96. Arkansas Code § 12-27-125 is amended to read as follows:

12-27-125. ~~Department~~ Division of Community Correction – Creation – Powers and duties.

(a) There is established, under the supervision, control, and direction of the Board of Corrections, a ~~Department~~ Division of Community Correction.

(b) The ~~Department~~ Division of Community Correction shall have the following functions, powers, and duties, administered in accordance with the policies, rules, and regulations promulgated by the Board of Corrections:

(1) It shall assume management and control over all properties, both real and personal, facilities, books, records, equipment, supplies, materials, contracts, funds, moneys, equities, and all other properties belonging to the Arkansas Adult Probation Commission [abolished], and all such properties ~~deemed appropriate for transfer~~ transferred from the Department of Correction, as the Division of Correction was known as prior to July 1, 2019, now known as the Division of Correction by the Board of Corrections;

(2)(A) It shall have management and control over all community correction services.

(B) It shall have management and control over all community correction facilities within the purview of the Board of Corrections existing on or created after July 1, 1993;

(3) It shall employ such officers, employees, and agents and shall secure such offices and quarters as deemed necessary to discharge the functions of the ~~Department~~ Division of Community Correction, and which are appropriately funded;

(4) It may establish and operate regional community correction facilities if funds for the regional community correction facilities have been authorized and appropriated by the General Assembly;

(5)(A) It may exercise all legally sanctioned supervision and appropriate care over all offenders referred with proper documentation from the circuit courts and all offenders transferred with proper documentation from the ~~Department~~ Division of Correction pursuant to policies established by the Board of Corrections and conditions set by the Parole Board.

(B) Legal custody remains with the referring court or the ~~Department~~ Division of Correction;

(6) It shall administer the provision of probation services for offenders processed through circuit courts;

(7) It shall administer the provision of parole services in coordination with the Parole Board and in cooperation with the ~~Department~~ Division of Correction;

(8) It shall provide support services to the Parole Board or its designated representatives as determined by the Parole Board;

(9) It shall assist the Board of Corrections in the furtherance of its goals by staffing the specific charges articulated for it through legislation and by the Board of Corrections;

(10) It shall conduct statewide public education and training to foster the provision of correctional supervision and service in community settings;

(11) It shall provide technical assistance when necessary to any entity, program, division, or agency receiving assistance or clients through the ~~Department~~ Division of Community Correction;

(12) It shall facilitate the development of a comprehensive community correction plan through the provision of funding, criteria review, and ongoing evaluation to ensure the maintenance of quality in supervision and programming;

(13) It may accept gifts, grants, and funds from both public and private sources with prior approval of the Board of Corrections;

(14) It shall establish minimum standards for case loads, programs, facilities, and equipment and other aspects of the operation of community correction programs and facilities necessary for the provision of adequate and effective supervision and service;

(15) It shall establish minimum standards for the employment of community correction employees;

(16) It shall establish programs of research, evaluation, statistics, audit, and planning, including studies and evaluation of the performance of various functions and activities of the ~~Department of Community Correction~~ Department of Corrections and studies affecting the treatment of offenders and information about other programs;

(17)(A) It may receive and disburse moneys ordered to be paid by offenders pursuant to statutory economic sanctions.

(B) It may receive fees to be levied by the courts or authorized by the Board of Corrections for participation in specified programs and to be paid by offenders on community correction.

(C) The payment of such sanctions and fees may be a condition of probation, parole, or post prison transfer or attached to admission and participation in a community correction program.

(D) The moneys collected shall be deposited into an earmarked account at the state level to be used solely for the continuation and expansion of community correction in this state.

(E) Economic sanction officers are to be authorized by the ~~Department~~ Division of Community Correction to perform these duties pursuant to policies and procedures adopted by the Board of Corrections and in accord with any state statutory accounting requirements;

(18) It may cooperate and contract with the federal government, with governmental agencies of Arkansas and other states, with political subdivisions of Arkansas, and with private contractors to provide and improve community correction options;

(19) It may inspect and evaluate any community correction site and conduct audits of financial and service records at any reasonable time to determine compliance with the Board of Corrections' rules, regulations, and standards;

(20)(A) It shall maintain a full and complete record of each offender under its supervision.

(B)(i) To protect the integrity of a record described in subdivision (b)(20)(A) of this section and to ensure its proper use, it is unlawful to permit inspection of or disclose information contained in a record described in subdivision (b)(20)(A) of this section or to copy or

issue a copy of any part of the record except:

- (a) As authorized by administrative rule;
- (b) By order of a court of competent

jurisdiction; or

(c) Records posted on the ~~Department~~ Division of Community Correction's website as required by § 12-27-145.

(ii) The rules under subdivision (b)(20)(B)(i)(a) shall provide for adequate standards of security and confidentiality of a record described in subdivision (b)(20)(A) of this section;

(21) Subject to availability of funds, it shall employ officers, employees, and agents and secure sufficient offices for monitoring each sex offender on parole or probation who is required to register under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., and who has been assessed as a risk Level 3 or Level 4 offender; and

(22)(A) It may issue an arrest warrant for the arrest of any person who, while in its custody, unlawfully escapes from the ~~Department~~ Division of Community Correction.

(B) The arrest warrant shall authorize:

(i) All law enforcement officers of this state to take into custody and return the person named in the arrest warrant to the custody of the ~~Department~~ Division of Community Correction or the ~~Department~~ Division of Correction; and

(ii) All law enforcement officers of this state, any other state, or the federal government to take into custody and detain the person in a suitable detention facility while awaiting further transfer to the ~~Department~~ Division of Community Correction or the Department of Correction.

SECTION 97. Arkansas Code § 12-27-126(a), concerning the Director of the Department of Community Correction, is amended to read as follows:

(a) The Director of the ~~Department~~ Division of Community Correction shall be appointed by the Board of Corrections at a salary fixed by the Board of Corrections, which shall not exceed the maximum salary for the position established by law.

SECTION 98. Arkansas Code § 12-27-126(d)(1), concerning the Director

of the Department of Community Correction, is amended to read as follows:

(1) Administer the ~~Department~~ Division of Community Correction and supervise the administration of all facilities, programs, and services under the ~~Department~~ Division of Community Correction's jurisdiction;

SECTION 99. Arkansas Code § 12-27-126(d)(3)-(5), concerning the Director of the Department of Community Correction, is amended to read as follows:

(3) Institute programs for the training and development of personnel within the ~~Department~~ Division of Community Correction and have authority to suspend, discharge, or otherwise discipline personnel in accordance with policies prescribed by the Board of Corrections;

(4) Make an annual report to the Board of Corrections, which will be forwarded to the Governor and the General Assembly, on the work of the ~~Department~~ Division of Community Correction, including statistics and other data, income derived from fee collection, a summary of expenditures of the ~~Department~~ Division of Community Correction, and progress reports regarding internal issues such as offender success, programming development, bed space utilization, and future needs; and

(5) Cooperate with the ~~Department~~ Division of Correction, the Parole Board, the Arkansas Sentencing Commission, judicial districts, counties, and municipalities to provide the guidance and services required to ensure a full range of correctional and community correction options for the state as a whole.

SECTION 100. Arkansas Code § 12-27-127(a) and (b), concerning transfers to the Department of Community Correction, are amended to read as follows:

(a) A commitment shall be treated as a commitment to the ~~Department~~ Division of Correction and subject to regular transfer eligibility unless:

(1) The commitment specifies that the inmate is to be judicially transferred to the ~~Department~~ Division of Community Correction; or

(2) If the court indicates on the commitment that the ~~Department~~ Division of Correction shall administratively determine the transfer of an inmate, the ~~Department~~ Division of Correction may administratively transfer a statutorily eligible inmate to the ~~Department~~ Division of Community

Correction in accordance with rules promulgated by the Board of Corrections.

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

(2) The director may transfer an inmate from one facility, placement, program, or status to another facility, placement, program, or status 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~~ Division of Correction from the ~~Department~~ Division of Community Correction by the Parole Board following a hearing in which the inmate is found ineligible for placement in a ~~Department~~ Division 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 of the facility.

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

SECTION 101. Arkansas Code § 12-27-127(c)(1)(C), concerning transfers to the Department of Community Correction, is amended to read as follows:

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

SECTION 102. Arkansas Code § 12-27-127(c)(2)(A)(i), concerning transfers to the Department of Community Correction, is amended to read as follows:

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

SECTION 103. Arkansas Code § 12-27-127(c)(3) and (4), concerning transfers to the Department of Community Correction, are amended to read as

follows:

(3) This subsection does not grant the Parole Board or the ~~Department~~ Division 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.

(4) An inmate may not be released from confinement under this section if the inmate was sentenced and judicially or administratively transferred to the ~~Department~~ Division of Community Correction at a time earlier than that which would otherwise be possible if the inmate was sentenced to the ~~Department~~ Division of Correction, regardless of any program completed by the inmate.

SECTION 104. Arkansas Code § 12-27-127(d)(1), concerning transfers to the Department of Community Correction, is amended to read as follows:

(d)(1) An inmate of the ~~Department~~ Division of Correction who is to be released on parole may be administratively transferred to the ~~Department~~ Division 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~~ Division of Community Correction; and

(B) Determined by the ~~Department~~ Division 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~~ Division of Correction if he or she:

(A) Is denied parole; or

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

SECTION 105. Arkansas Code § 12-27-128 is amended to read as follows:

12-27-128. ~~Department~~ Division of Correction Nontax Revenue Receipts Fund.

(a) There is created in accordance with §§ 19-4-801 – 19-4-803, 19-4-804 [repealed], 19-4-805, 19-4-806, and the Revenue Classification Law, § 19-6-101 et seq. a cash fund entitled the ~~Department~~ Division of Correction Nontax Revenue Receipts Fund to consist of receipts for telephone calls from coinless telephones located on ~~Department~~ Division of Correction grounds, and from other nontax receipts not previously identified to a fund of deposit.

(b) Funds held in the ~~Department~~ Division of Correction Nontax Revenue Receipts Fund are to be administered and expended by the Director of the ~~Department~~ Division of Correction within guidelines established by the Board of Corrections for periodic transfers to other ~~department~~ division funds or for disbursements in support of ~~department~~ division operations or debt service.

(c) The ~~department~~ division will request cash fund appropriations in accordance with established law and procedures after a determination by the board of the usage of the ~~Department~~ Division of Correction Nontax Revenue Receipts Fund.

SECTION 106. Arkansas Code § 12-27-129 is amended to read as follows:

12-27-129. Report on rehabilitation.

(a) The ~~Department~~ Division of Correction may report to the House Committee on State Agencies and Governmental Affairs and the Senate Committee on State Agencies and Governmental Affairs no later than December 1 of each year regarding its efforts in rehabilitating the inmate population.

(b)(1) The report may include the ~~department's~~ division's rehabilitative efforts regarding inmate education, specific job training, behavior modification, psychological treatment and assistance, and substance abuse programs.

(2) Further, the report is to include the amount of meritorious good time awarded inmates by the ~~department~~ division for the successful completion of the various rehabilitative programs.

SECTION 107. Arkansas Code § 12-27-130 is amended to read as follows:

12-27-130. Reimbursement of county.

Notwithstanding any other provision of law or ~~Department~~ Division of Correction's commitment which may exist to the contrary, the Board of Corrections shall not increase any reimbursement rate for payments made to any county for the purpose of reimbursing the expenses of the care and custody of state inmates without first seeking and receiving the approval of the Governor and the Chief Fiscal Officer of the State.

SECTION 108. Arkansas Code § 12-27-131(a), concerning receipts for reimbursement for daily care of city or county prisoners, is amended to read as follows:

(a) Receipts from cities or counties reimbursed to the ~~Department~~ Division of Correction for daily care of city or county prisoners shall be accounted for separately.

SECTION 109. Arkansas Code § 12-27-132 is amended to read as follows:

12-27-132. Award of pistol upon retirement or death.

When a ~~Department~~ Division of Community Correction parole or probation officer retires from service or dies while still employed with the ~~department~~ division, in recognition of and appreciation for the service of the retiring or deceased parole or probation officer, the ~~department~~ division may award the pistol carried by the officer at the time of his or her death or retirement from service to:

- (1) The parole or probation officer; or
- (2) The parole or probation officer's spouse if the spouse is eligible under applicable state and federal laws to possess a firearm.

SECTION 110. Arkansas Code § 12-27-134 is amended to read as follows:

12-27-134. Probation services.

(a) The ~~Department~~ Division of Community Correction shall administer, in cooperation with the circuit courts, the provision of probation services as prescribed by the circuit courts.

(b) The ~~department~~ division shall establish an acceptable procedure that ensures the selection of qualified applicants to meet the needs of the circuit courts and includes subject matter experts from the circuit courts.

SECTION 111. Arkansas Code § 12-27-136 is amended to read as follows:
12-27-136. Services and equipment.

The ~~Department~~ Division of Correction and the ~~Department~~ Division of Community Correction may provide services, furnishings, equipment, and office space to assist the Parole Board in fulfilling the purposes for which the board was created by law.

SECTION 112. Arkansas Code § 12-27-137, concerning confidentiality of emergency preparedness documents, is amended to read as follows:

12-27-137. Confidentiality of emergency preparedness documents.

(a) The following sections of the ~~Department~~ Division of Correction's official Emergency Preparedness Manual are confidential and shall not be subject to disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.:

- (1) Command Post Checklist;
- (2) Command Notifications;
- (3) Internal Notifications;
- (4) External Notifications;
- (5) Recall Notifications;
- (6) Family Notifications;
- (7) Tactical Systems;
- (8) Command Structure;
- (9) Emergency Locations;
- (10) Emergency Equipment;
- (11) Emergency Deactivation;
- (12) Emergency Plans;
- (13) Work Stoppage Directive;
- (14) Evacuation Diagrams; and
- (15) Facility Maps, Utility Locations.

(b) Any document described in subsection (a) of this section shall become available for public viewing if it becomes part of a criminal investigation, at the time that investigation is concluded and it is not otherwise exempt by law.

(c) Any amendments or additions to the sections of the manual described in subsection (a) of this section shall be reviewed annually by the Charitable, Penal and Correctional Institutions Subcommittee of the

Legislative Council.

SECTION 113. Arkansas Code § 12-27-140(a)(1), concerning the Department of Community Correction Annual Report, is amended to read as follows:

(a)(1) On July 31 of each year, the ~~Department~~ Division of Community Correction shall submit an annual report to the Legislative Council showing the number of persons sentenced or transferred to the ~~department~~ division during the fiscal year for each criminal offense classification.

SECTION 114. Arkansas Code § 12-27-140(c), concerning the Department of Community Correction Annual Report, is amended to read as follows:

(c) The ~~department~~ division shall cooperate with and upon request make presentations and provide various reports, to the extent the ~~department~~ division's budget will allow, to the Legislative Council concerning ~~department~~ division policy and criteria on discretionary offender programs and services.

SECTION 115. Arkansas Code § 12-27-142(a), concerning the Department of Correction and the Department of Community Correction medical services contract, is amended to read as follows:

(a) The ~~Department~~ Division Correction and the ~~Department~~ Division of Community Correction may enter into professional services contracts for medical services for a contract period not to exceed ten (10) years.

SECTION 116. Arkansas Code § 12-27-143 is amended to read as follows:

12-27-143. Award of service weapon upon retirement or death.

When a ~~Department~~ Division of Correction employee retires from service with at least twenty (20) years of service or dies while still employed with the ~~department~~ division, in recognition of and appreciation for the service of the retiring or deceased employee, the ~~department~~ division may award the service weapon carried by the employee at the time of his or her retirement from service or death to:

- (1) The employee; or
- (2) The employee's spouse if the spouse is eligible under applicable state and federal laws to possess a firearm.

SECTION 117. Arkansas Code § 12-27-144 is amended to read as follows:
 12-27-144. ~~Department~~ Division of Community Correction – Receipt of grant money for certain purposes.

(a) The ~~Department~~ Division of Community Correction may receive money from any source to be deposited into the Accountability Court Fund to be used for adult and juvenile specialty court programs as defined under § 16-10-139, based upon a formula to be developed by the Arkansas Judicial Council, reviewed by the Specialty Court Program Advisory Committee, and approved by the Legislative Council.

(b) The ~~department~~ division may promulgate rules to implement this section.

SECTION 118. Arkansas Code § 12-27-145 is amended to read as follows:
 12-27-145. Records to be posted on a public website – Definition.

(a) To the extent permitted by federal law, the ~~Department~~ Division of Correction shall post on the ~~Department~~ Division of Correction's website the following information concerning an inmate:

(1) The offense and sentence for any conviction for which the inmate is incarcerated, including:

(A) Whether the inmate is subject to a suspended sentence, if known; and

(B) The terms of the suspended sentence, if applicable;

(2)(A)(i) Beginning July 1, 2015, the disciplinary record for each inmate.

(ii) As used in this subsection, "disciplinary record" means a list of each major disciplinary violation after July 1, 2015, for which the inmate has been found guilty.

(B) Additionally, the list and the date of major disciplinary violations for which the inmate was found guilty shall be displayed during the period the inmate is being considered for transfer to parole;

(3)(A) Risk assessment scores completed after April 1, 2015.

(B) Risk assessment scores under this subdivision (a)(3) shall include the name of the state agency that completed the risk assessment, the date the risk assessment was conducted, and the level of

assessment.

(C) Information by the ~~Department~~ Division of Correction regarding how risk assessments are scored shall also be posted;

(4) Custody status and level;

(5) Any known aliases;

(6) A current photograph of the inmate;

(7) A complete felony conviction summary to the extent that information is available to the ~~Department~~ Division of Correction;

(8) To the extent the information is available to the ~~Department~~ Division of Correction, if an order of protection, no contact order, or other order from an in-state or out-of-state court that prohibits contact or communication with another person is in place;

(9) Any programs completed by the inmate while in custody; and

(10) An inmate's parole eligibility date or date he or she is to be released from incarceration as well as a general explanation of how an inmate's parole eligibility date is calculated, including good time credits.

(b)(1) To the extent permitted by federal law, the ~~Department~~ Division of Community Correction shall post on the ~~Department~~ Division of Community Correction's website the following information concerning a probationer, parolee, or other person under the supervision of the ~~Department~~ Division of Community Correction who has absconded or has had a warrant issued for his or her arrest for evading supervision:

(A) Any offense and sentence for which the probationer, parolee, or other person under the supervision of the ~~Department~~ Division of Community Correction is being supervised, including:

(i) Whether the probationer, parolee, or other person under the supervision of the ~~Department~~ Division of Community Correction is subject to a suspended sentence, if known; and

(ii) The terms of the suspended sentence, if applicable;

(B) A complete felony conviction summary to the extent that information is available to the ~~Department~~ Division of Community Correction;

(C)(i) Risk assessment scores completed after April 1, 2015.

(ii) Risk assessment scores under this subdivision

(b)(1)(C) shall include the name of the state agency that completed the risk assessment, the date the risk assessment was conducted, and the level of assessment.

(iii) Information by the ~~Department~~ Division of Community Correction regarding how risk assessments are scored shall also be posted;

(D) Any known aliases;

(E) A most recent photograph of the probationer, parolee, or other person under the supervision of the ~~Department~~ Division of Community Correction;

(F) To the extent the information is available to the ~~Department~~ Division of Community Correction, if an order of protection, no-contact order, or other order from an in-state or out-of-state court that prohibits contact or communication with another person is in place;

(G) All major disciplinary violations while the probationer, parolee, or other person under the supervision of the ~~Department~~ Division of Community Correction was incarcerated and the date of the major disciplinary violation disposition;

(H) Any programs completed by the probationer, parolee, or other person under the supervision of the ~~Department~~ Division of Community Correction while on supervision and the date of completion; and

(I) A list of previous revocation offenses while on probation or parole and date of revocation.

(2) The ~~Department~~ Division of Community Correction shall develop a plan to establish a method for a victim of a crime committed by a probationer, parolee, or other person under the supervision of the ~~Department~~ Division of Community Correction to directly and easily access the information listed under this subsection.

(c)(1) When possible, court-generated records listed under this section shall be electronic copies of the actual court documents.

(2) All victim information included in the court-generated records under this subsection shall be redacted.

SECTION 119. Arkansas Code § 12-27-146 is amended to read as follows:

12-27-146. Tracking an inmate or person being supervised who is serving a suspended sentence.

(a) The ~~Department~~ Division of Community Correction shall track a person under its supervision who is serving a suspended sentence and notify the prosecuting attorney with jurisdiction over the person's suspended sentence if the ~~department~~ division knows that the person has not complied with the terms and conditions of the suspended sentence.

(b) A circuit court shall notify the ~~department~~ division of all suspended sentences to which the circuit court sentences a defendant, including the defendant's name, the terms and conditions of the suspended sentence, and the length of the suspended sentence.

SECTION 120. Arkansas Code § 12-27-147 is amended to read as follows:

12-27-147. Rulemaking and administrative directive reporting requirement.

(a) A rule implemented by the Board of Corrections, ~~Department~~ Division of Correction, ~~Department~~ Division of Community Correction, or the Parole Board pertaining to this act shall be approved by the appropriate legislative committee before becoming effective.

(b) Any administrative directive or board policy pertaining to this act implemented by the Board of Corrections, ~~Department~~ Division of Correction, ~~Department~~ Division of Community Correction, or the Parole Board shall be reported to the Legislative Council.

SECTION 121. Arkansas Code § 12-27-148(a), concerning the Department of Community Correction confidentiality of emergency preparedness document, is amended to read as follows:

12-27-148. Confidentiality of emergency preparedness document of the ~~Department~~ Division of Community Correction.

(a) The following sections of the ~~Department~~ Division of Community Correction's official Emergency Preparedness Manual are confidential and shall not be subject to disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.:

- (1) Command Post Checklist;
- (2) Command Notifications;
- (3) Internal Notifications;
- (4) External Notifications;
- (5) Recall Notifications;

- (6) Family Notifications;
- (7) Tactical Systems;
- (8) Command Structure;
- (9) Emergency Locations;
- (10) Emergency Equipment;
- (11) Emergency Deactivation;
- (12) Emergency Plans;
- (13) Work Stoppage Directive;
- (14) Evacuation Diagrams; and
- (15) Facility Maps, Utility Locations.

SECTION 122. Arkansas Code § 12-27-149 is amended to read as follows:

12-27-149. ~~Department~~ Division of Community Correction – Sufficient staffing guidelines.

For the purposes of maintaining a sufficiently trained and specialized staff of probation and parole officers, the ~~Department~~ Division of Community Correction shall establish staffing guidelines using evidence-based practices to develop ratios between the number of high-risk, medium-risk, and low-risk probationers and parolees and the probation officers and parole officers assigned to the high-risk, medium-risk, and low-risk probationers and parolees in order to maximize the effectiveness of the monitoring ability of the probation officers and parole officers.

SECTION 123. Arkansas Code § 12-27-202(a)(4), concerning the legislative findings and intent under the Pay-for-Success Act, is amended to read as follows:

(4) It is in the best interests of Arkansas residents to encourage and enable the ~~Department~~ Division of Community Correction to obtain financing for certain intervention services to reduce the recidivism rate in Arkansas correctional facilities.

SECTION 124. Arkansas Code § 12-27-202(b), concerning the legislative findings and intent under the Pay-for-Success Act, is amended to read as follows:

(b) The General Assembly intends for this subchapter to enable the ~~department~~ division to obtain private financing for intervention services on

a pay-for-success basis to reduce the reincarceration rate in Arkansas correctional facilities.

SECTION 125. Arkansas Code § 12-27-203(2), concerning the definition of "pay-for-success program" under the Pay-for-Success Act, is amended to read as follows:

(2) "Pay-for-success program" means a program in which the ~~Department~~ Division of Community Correction pays for intervention services only if certain performance targets are met, including without limitation a reduction in the reincarceration rate in Arkansas correctional facilities through intervention measures that focus on improving personal responsibility and decision making.

SECTION 126. Arkansas Code § 12-27-204(a) and (b), concerning the Department of Community Correction pay-for-success programs, is amended to read as follows:

(a) The ~~Department~~ Division of Community Correction may enter into an agreement with entities, including without limitation licensed or accredited, as applicable, community-based providers specializing in behavioral health, case management, and job placement services, and two-year or four-year public universities to create a pay-for-success program for incarcerated individuals or individuals on parole or probation that requires the ~~department~~ division to pay for the intervention services only if the performance targets stated in the agreement are achieved.

(b) Before entering into an agreement under subsection (a) of this section, the ~~department~~ division shall:

(1) Calculate the amount and timing of the payments that would be earned by the entity providing the intervention services during each year of the agreement if the performance targets are achieved; and

(2) Make a written determination that the agreement will result in specific performance improvements and budgetary savings if the performance targets are achieved.

SECTION 127. Arkansas Code § 12-28-101 is amended to read as follows:
12-28-101. Facilities.

(a)(1) The ~~Department~~ Division of Correction, with the approval of the

Board of Corrections, shall provide appropriate incarceration facilities for women, youthful offenders, and other adult offenders committed to the ~~department~~ division by the courts of this state.

(2) The ~~department~~ division shall also provide education and other rehabilitation and treatment programs designed to prepare inmates committed to the ~~department~~ division for productive and law-abiding lives upon release from the ~~department~~ division.

(3) The ~~department~~ division may contract with state or private entities such as accredited colleges or universities to provide additional educational opportunities for inmates under the direction and authority of the board and the Corrections School System.

(b) Any facility built or occupied by the ~~department~~ division for use as a correctional facility shall be given a designated name of "unit" or "center" depending on its size, location, and purpose of usage.

SECTION 128. Arkansas Code § 12-28-104 is amended to read as follows:
12-28-104. Paroling authority.

(a) The Parole Board shall be the paroling authority for the units of the Department of ~~Correction~~ Corrections and shall make recommendations to the Governor in cases from the criminal courts that, in the board's opinion, the defendant in the case should be pardoned.

(b) The board shall consider the work skills, education, rehabilitation, and treatment programs recommended to the inmate upon intake and determine whether the inmate took advantage of those opportunities while incarcerated in the department in making decisions regarding parole.

SECTION 129. Arkansas Code § 12-28-105 is amended to read as follows:
12-28-105. Continuity of care for persons released.

(a)(1) Any person incarcerated by the ~~Department~~ Division of Correction may be permitted to remain within a treatment facility operated by the ~~department~~ division, if serious physical or mental disorders or disabilities exist, until release to a similar treatment setting outside of the ~~department~~ division can be accomplished.

(2) In no case should the continuation of housing extend beyond a seventy-two-hour period.

(b) The ~~department~~ division will adopt rules to govern the housing

situations.

SECTION 130. Arkansas Code § 12-28-106 is amended to read as follows:

12-28-106. Electric fencing.

(a)(1) The ~~Department~~ Division of Correction may design and install high-voltage electrified security fence systems at all existing and proposed medium and maximum security prisons.

(2) However, at the time of installation there shall be posted universal danger signs on all sides of the system clearly visible to inmates and the public displaying in English and Spanish the warning “deadly voltage”.

(b) The installation of these fence systems shall be double, twelve-foot-high, security perimeter fences, with the exception of those locations where a building or wall constitutes a part of the security perimeter.

(c) At institutions where these fences have been installed, the ~~department~~ division shall provide perimeter patrol for the safety of the local community.

SECTION 131. Arkansas Code § 12-27-107(a), concerning training for inmates, is amended to read as follows:

(a) As provided for in § 12-28-101, the ~~Department~~ Division of Correction shall provide education as well as training for inmates who want to acquire skills for employment upon release.

SECTION 132. Arkansas Code § 12-27-107(b)(1), concerning training for inmates, is amended to read as follows:

(b)(1) The ~~department~~ division shall identify high-demand vocations and careers and shall accordingly create training and skills programs to prepare inmates for gainful employment upon release.

SECTION 133. Arkansas Code § 12-28-602 is amended to read as follows:

12-28-602. Definitions.

As used in this subchapter:

(1) “Board” means the Board of Corrections;

(2) “County backlog” means those inmates sentenced to the ~~Department~~ Division of Correction who are being housed in the county jails

until space is available in a prison;

(3) "Prison" means a correctional facility operated by the ~~department~~ division under the supervision and direction of the board;

(4) "Prison system" means the prison facilities of the ~~department~~ division; and

(5) "Rated capacity" means the actual available bed space in the prison system as certified by the board, subject to applicable federal and state laws and the rules and regulations adopted pursuant to those laws.

SECTION 134. Arkansas Code § 12-28-604(a)(1), concerning list of inmates eligible for early parole or discharge, is amended to read as follows:

(a)(1) When the Board of Corrections declares a prison overcrowding state of emergency due to exceeding ninety-eight percent (98%) of the rated capacity and notifies the Director of the ~~Department~~ Division of Correction of the emergency as authorized, the director shall certify to the board a list of those inmates who are Class I and Class II, and the director shall indicate which inmates he or she recommends for parole, transfer, or discharge.

SECTION 135. Arkansas Code § 12-28-604(b)(1), concerning list of inmates eligible for early parole or discharge, is amended to read as follows:

(b)(1) When the board declares a prison overcrowding state of emergency due to the county jail backlog exceeding five hundred (500) inmates and notifies the director of the emergency as authorized, the director shall certify to the board a list of those inmates who are in Class I or Class II status who have been incarcerated in a ~~department~~ division facility for a minimum of six (6) months and are serving a sentence for a nonviolent offense as established by the board, and the director shall indicate which inmates he or she recommends for parole, transfer, or discharge.

SECTION 136. Arkansas Code § 12-28-702(3), concerning legislative findings and determinations under the Arkansas Boot Camp Act, is amended to read as follows:

(3) The ~~Department~~ Division of Correction should be given the

authority to establish boot camps which will provide a more affordable means of punishing certain inmates who are designated as eligible for this alternative punishment by the ~~department~~ division.

SECTION 137. 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~~ Division 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.

SECTION 138. Arkansas Code § 12-29-104 is amended to read as follows:

12-29-104. Contacts with persons outside the institution.

Under rules prescribed by the ~~Department~~ Division of Correction, heads of the institutions of the ~~department~~ division may authorize:

- (1) Visits and correspondence, under reasonable conditions, between inmates and approved friends, relatives, and others;
- (2) Temporary release of an inmate for such occasions as the serious illness or death of a member of the inmate's family; or
- (3) An interview of the inmate by a prospective employer.

SECTION 139. Arkansas Code § 12-29-106(a)(1), concerning mail to and from inmates, is amended to read as follows:

(a)(1) A person without the consent of the Director of the ~~Department~~ Division of Correction shall not bring into or carry out of a prison any

letter or writing to or from any inmate.

SECTION 140. Arkansas Code § 12-29-110 is amended to read as follows:

12-29-110. Selling or trading position, working condition, or promotion – Penalty.

(a) It is unlawful for any inmate or employee of the ~~Department~~ Division of Correction or any other person to sell, barter, or trade, or to promise or offer to sell, barter, or trade any favored job or position, working condition, or any promotion or demotion in any job or position at the ~~department~~ division and to:

- (1) Accept or receive any money, consideration, or thing of value therefor;
- (2) Make or accept any loan or money as inducement thereof; or
- (3) Accept or receive any favored condition or job or position at the ~~department~~ division either directly or indirectly as a result thereof.

(b)(1) A violation of this section is an unclassified felony punishable by imprisonment for not less than one (1) year nor more than five (5) years.

(2) If the person convicted under this section is an inmate in the ~~department~~ division, the sentence shall commence to run from the expiration of the sentence under which the person is serving at the time of the violation of this section.

SECTION 141. Arkansas Code § 12-29-111 is amended to read as follows:

12-29-111. Transport of inmate required for legal proceeding.

(a) If an inmate in the care and custody of the ~~Department~~ Division of Correction or the ~~Department~~ Division of Community Correction is required to be present during a criminal proceeding or a civil proceeding that arises from a criminal charge or conviction of any court in this state, the county sheriff of the county in which the criminal proceeding or civil proceeding takes place shall take custody of the inmate at the institution where the inmate is confined, transport the inmate to the appropriate county, and make him or her available to the court.

(b) At the conclusion of the criminal proceeding or civil proceeding, the county sheriff shall transport the inmate back to the unit of the ~~Department~~ Division of Correction or ~~Department~~ Division of Community

Correction from which the inmate was received and shall return custody of the inmate to the ~~Department~~ Division of Correction or ~~Department~~ Division of Community Correction officials.

(c)(1) The county sheriff's office is responsible for the custody, sustenance, and safety of the inmate from the time the inmate is placed into its custody until the time custody of the inmate is returned to the ~~Department~~ Division of Correction or the ~~Department~~ Division of Community Correction.

(2) The county in which the legal proceeding is held is responsible for all expenses relating to the transportation and care of the inmate.

(d) While transporting an inmate under this section, a county sheriff has the full authority of his or her office in any county of this state in matters relating to the transportation.

(e) This section does not apply to the transportation and care costs for court appearances arising from charges brought by the ~~Department~~ Division of Correction against the inmate for offenses committed while the inmate is under the custody and care of the ~~Department~~ Division of Correction.

(f)(1) When an inmate in the care and custody of the ~~Department~~ Division of Correction or the ~~Department~~ Division of Community Correction is required to be present for appearances in a civil proceeding that does not arise from a criminal charge or conviction, the court requiring the inmate's presence may assess costs against one (1) or more of the parties to the proceeding to be paid to the ~~Department~~ Division of Correction or the ~~Department~~ Division Community Correction to compensate the actual cost of transporting the inmate and to compensate other costs assessed by the court.

(2) Costs under this subsection shall not be assessed against the Department of Human Services if the Department of Human Services is a party to the proceeding.

SECTION 142. Arkansas Code § 12-29-112(a), concerning the discharge or release of prisoner, is amended to read as follows:

(a) At least one hundred twenty (120) days before an inmate's anticipated release date, the ~~Department~~ Division of Correction, in collaboration with the inmate and the ~~Department~~ Division of Community Correction and the Parole Board, shall complete a prerelease assessment and

reentry plan, which may include a travel subsidy and transportation to the closest commercial transportation pick-up point.

SECTION 143. Arkansas Code § 12-29-114 is amended to read as follows:
12-29-114. Notice of escape to victim or victim's next of kin.

(a)(1) Whenever an inmate serving a sentence for the commission of a crime escapes from the custody of the ~~Department~~ Division of Correction, it shall be the responsibility of the ~~department~~ division to immediately notify the victim of the crime or the victim's next of kin of the inmate's escape.

(2) However, the victim of the crime or the victim's next of kin will not be notified by the ~~department~~ division unless a request for the notification has previously been delivered in writing to the ~~department~~ division.

(b)(1) When notice of an escape is given by the ~~department~~ division, it shall be conveyed by telephone whenever possible and otherwise in writing to the last known address of the victim or the victim's next of kin.

(2) It shall be the responsibility of the victim or the victim's next of kin to notify the ~~department~~ division in writing of any future changes in the victim's or victim's next of kin address and telephone number.

(c) It shall be the responsibility of the prosecuting attorney of the county from which the inmate was committed to notify the victim or the victim's next of kin that an address and telephone number may be provided to the ~~department~~ division, and the procedure by which to supply information, for the purpose of notification should the inmate escape.

SECTION 144. 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~~ Division 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 inmates shall combine for the following purposes or whenever one (1) or more inmates shall:

- (1) Offer violence to any officer, guard, or 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~~ division shall, in the attempt to prevent the escape of any inmate, any attempt to retake any inmate who may have escaped, or in the attempt to suppress any riot, revolt, or insurrection, take the life of any inmate, the officer or guard shall not be held responsible therefor unless it is done unnecessarily or wantonly.

SECTION 145. Arkansas Code § 12-29-201(a)-(f), concerning good time for inmates, are amended to read as follows:

12-29-201. Meritorious good time.

(a) An inmate may be entitled to meritorious good time reducing his or her transfer eligibility date up to thirty (30) days for each month incarcerated after imposition of sentence in one (1) of the units, facilities, and centers maintained by the ~~Department~~ Division of Correction or the ~~Department~~ Division of Community Correction.

(b) An inmate transferred or paroled to the supervision of the ~~Department~~ Division of Community Correction under § 16-93-615 may receive meritorious good time reducing his or her time of transfer or parole supervision up to thirty (30) days for each month he or she is under the supervision of the ~~Department~~ Division of Community Correction.

(c) Meritorious good time shall be allocated under rules and regulations promulgated by the Board of Corrections and administered by the respective ~~Department~~ Division of Correction or ~~Department~~ Division of Community Correction staff subject to the provisions of this subchapter for good discipline, behavior, work practices, job responsibilities, and involvement in rehabilitative activities while in the custody or under the supervision of the ~~Department~~ Division of Correction or the ~~Department~~ Division of Community Correction.

(d) Meritorious good time will not be applied to reduce the length of a sentence.

(e)(1) Meritorious good time shall apply to an inmate's transfer eligibility date from the ~~Department~~ Division of Correction or a community correction facility.

(2) Meritorious good time shall under no circumstances reduce an inmate's time served in prison by more than one-half ($\frac{1}{2}$) of the percentage

required by law for transfer eligibility.

(3) Meritorious good time shall under no circumstances reduce an inmate's confinement in a community correction facility by more than one-half ($\frac{1}{2}$).

(f)(1) The ~~Department~~ Division of Correction or the ~~Department~~ Division of Community Correction shall determine a date on which the inmate who has acquired the maximum amount of meritorious good time necessary is to be administratively transferred to a less restrictive placement or supervision level within the ~~Department~~ Division of Community Correction.

(2) This date will be determined in accordance with the policies developed by the Arkansas Sentencing Commission within the parameters allowed by law.

SECTION 146. Arkansas Code § 12-29-204 is amended to read as follows:

12-29-204. Statutory good time – Maximum reduction.

No inmate sentenced to the ~~Department~~ Division of Correction shall ever receive a reduction under this subchapter, or this subchapter and another subchapter jointly, of more than thirty (30) days for each month served except for the additional days of meritorious good time awards authorized in § 12-29-202(d).

SECTION 147. Arkansas Code § 12-29-205(a)(1), concerning good time earned by prisoners pending transfer, is amended to read as follows:

(a)(1) Any person who is sentenced by a circuit court to the ~~Department~~ Division of Correction or the ~~Department~~ Division of Community Correction and is awaiting transfer to the ~~Department~~ Division of Correction or ~~Department~~ Division of Community Correction may earn meritorious good time in accordance with law and regulations as adopted by the Board of Corrections.

SECTION 148. Arkansas Code § 12-29-205(a)(3), concerning good time earned by prisoners pending transfer, is amended to read as follows:

(3) Meritorious good time will be calculated upon reception within the respective ~~department~~ division.

SECTION 149. Arkansas Code § 12-29-301(a) and (b), concerning the

creation of the Corrections School System, are amended to read as follows:

(a) Properties owned by the State of Arkansas and occupied by the various units of the ~~Department~~ Division of Correction and the ~~Department~~ Division of Community Correction are by this subchapter designated as a qualified school district to be known as the "Corrections School System".

(b) The system is created for the purpose of providing elementary, secondary, and vocational and technical education to qualified persons incarcerated in facilities of the ~~Department~~ Division of Correction and the ~~Department~~ Division of Community Correction or to qualified persons supervised by the ~~Department~~ Division of Community Correction, including those on probation and parole or any type of post prison release or transfer who are not high school graduates, irrespective of age.

SECTION 150. Arkansas Code § 12-29-303 is amended to read as follows:

12-29-303. Privileges of students – Limitations.

A school established under this subchapter and a person incarcerated who attends the school shall be entitled to certain educational privileges provided generally to common public schools and adult education programs administered by the State Board of Education to students who attend the common public schools and adult education programs under the laws of the State of Arkansas, provided the privileges do not conflict with the rules and policies of the State Board of Education, the ~~Department~~ Division of Correction, and the ~~Department~~ Division of Community Correction or the laws of the state respecting the establishment and operation of the ~~Department~~ Division of Correction and the ~~Department~~ Division of Community Correction.

SECTION 151. Arkansas Code § 12-29-304 is amended to read as follows:

12-29-304. Costs and funding.

(a) The cost of implementing and operating the Corrections School System shall be borne by the state and shall be paid from funds appropriated by the General Assembly from the general revenues of the state to the ~~Department~~ Division of Correction, the ~~Department~~ Division of Community Correction, and the Department of Education, together with any federal funds that may be available for that purpose and from any funds generated from the operations of the ~~Department~~ Division of Correction and the ~~Department~~ Division of Community Correction, in the following manner:

(1) The cost of facilities, equipment, and current operation in excess of the amount of grants and aids received from the ~~Department~~ Division of Education shall be borne by the ~~Department~~ Division of Correction and the ~~Department~~ Division of Community Correction as approved by the Board of Corrections;

(2)(A) The system, as other school districts in the state, shall share in the distribution of grants and aids from the ~~Department~~ Division of Education.

(B) However, in no case shall the moneys from the Public School Fund to the system be in excess of the line item appropriation provided to the system in the fund.

(b)(1) Recognizing that the primary roles, duties, and responsibilities of the ~~Department~~ Division of Correction and the ~~Department~~ Division of Community Correction are to serve as penal and correctional institutions, the system shall be exempt from and shall not be penalized in any manner for not complying with:

(A) All of the following:

(i) The Quality Education Act of 2003, § 6-15-201 et seq.;

(ii) The Arkansas Comprehensive Testing, Assessment, and Accountability Program Act, § 6-15-401 et seq.;

(iii) Sections 6-15-901, 6-15-902, 6-15-2001 – 6-15-2008, 6-15-2101 – 6-15-2107, 6-15-2201, 6-15-2301, and 6-16-1201 – 6-16-1206;

(iv) The Arkansas Fiscal Assessment and Accountability Program, § 6-20-1901 et seq.; and

(v) The Arkansas Educational Financial Accounting and Reporting Act of 2004, § 6-20-2201 et seq.;

(B) Any state laws or rules adopted to comply with the federal Elementary and Secondary Education Act as reauthorized under the No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et seq., as in existence on January 1, 2005; and

(C) Any rule of the State Board of Education related to the provisions listed in this subdivision (b)(1).

(2) The system's exemption from or noncompliance with the provisions under this subsection shall not affect the system's, the ~~Department~~ Division of Correction's, or the ~~Department~~ Division of Community

Correction's eligibility to apply for or receive state grants or aids for public school districts as authorized in this subchapter and related rules.

SECTION 152. Arkansas Code § 12-29-306, concerning Riverside Vocational and Technical School, is amended to read as follows:

12-29-306. Riverside Vocational and Technical School – Legislative intent.

(a) This section and §§ 12-29-307 – 12-29-310 are intended to create an additional state vocational and technical school to provide vocational and technical education and training opportunities to qualified persons incarcerated in facilities of the ~~Department~~ Division of Correction and the ~~Department~~ Division of Community Correction or to qualified persons supervised by the ~~Department~~ Division of Community Correction, including those on probation and parole or any type of post prison release or transfer.

(b) This section and §§ 12-29-307 – 12-29-310 are not intended to modify or repeal any of the laws of this state pertaining to vocational and technical schools or vocational and technical education.

SECTION 153. Arkansas Code § 12-29-307 is amended to read as follows:

12-29-307. Riverside Vocational and Technical School – Establishment.

There is established a state vocational and technical school, to be known as the "Riverside Vocational and Technical School", to be operated by the Career Education and Workforce Development Board within the ~~Department~~ Division of Correction and the ~~Department~~ Division of Community Correction at such facilities of the ~~Department~~ Division of Correction and the ~~Department~~ Division of Community Correction as may be designated by the Department of Career Education in cooperation and agreement with the Board of Corrections.

SECTION 154. Arkansas Code § 12-29-402(a), concerning prisoner physical examination and assignment to labor, is amended to read as follows:

(a) All prisoners committed to the ~~Department~~ Division of Correction shall be given a physical examination initially upon arrival and then as often as determined by medical staff of the ~~department~~ division.

SECTION 155. Arkansas Code § 12-29-403 is amended to read as follows:

12-29-403. Inmates with a disability – Duty of physician.

(a)(1) Each new inmate committed to the ~~Department~~ Division of Correction shall be given a medical examination during the intake process.

(2)(A) During the medical examination required under subdivision (a)(1) of this section, the medical provider shall determine what restrictions if any shall be placed upon the inmate's work assignments.

(B) Restrictions placed upon an inmate's work assignments under subdivision (a)(2)(A) of this section shall be updated as medically necessary.

(b) The ~~department~~ division shall not assign an inmate to a work assignment that conflicts with a restriction determined by the medical provider for the ~~department~~ division under subdivision (a)(2) of this section.

(c) Whenever the medical provider updates the restrictions under subdivision (a)(2) of this section, the ~~department~~ division shall adjust the inmate's work assignments as necessary to comply with the updated restrictions.

SECTION 156. Arkansas Code § 12-29-404(b), concerning medical parole for terminal illness or permanent incapacitation, is amended to read as follows:

(b) The Director of the ~~Department~~ Division of Correction or the Director of the ~~Department~~ Division of Community Correction shall communicate to the Parole Board when, in the independent opinions of either a ~~Department~~ Division of Correction physician or ~~Department~~ Division of Community Correction physician, and a consultant physician in Arkansas, an inmate is either terminally ill or permanently incapacitated and should be considered for transfer to parole supervision.

SECTION 157. Arkansas Code § 12-29-405(a), concerning inmates with mental illness, is amended to read as follows:

12-29-405. Inmates with mental illness.

(a) The ~~Department~~ Division of Corrections authorized to develop in-house due process procedures as approved by the Board of Corrections in accordance with United States Supreme Court guidelines for the voluntary or involuntary treatment of inmates with mental illness at the facilities and programs of the Mental Health Services Section ~~of the Division of Health~~

~~Treatment Services~~ of the ~~Department~~ Division of Correction.

SECTION 158. Arkansas Code § 12-29-405(b)(2), concerning inmates with mental illness, is amended to read as follows:

(2) If an inmate's sentence expires while in treatment, the ~~department~~ division shall release the inmate or pursue involuntary admission under the appropriate procedures prescribed by existing laws governing the involuntary treatment of individuals with mental illness.

SECTION 159. Arkansas Code § 12-29-406 is amended to read as follows:
12-29-406. Treatment for deviant sexual behavior.

(a) The purpose of this section is to enable the ~~Department~~ Division of Correction to establish a core program that will utilize services of medical and mental health providers in the community to provide intensive treatment of inmates with paraphilia, commonly known as sexual deviations, during their incarceration to increase their chance of returning to society successfully upon their release.

(b)(1) The Mental Health Services Section ~~of the Division of Health Treatment Services~~ of the ~~Department~~ Division of ~~Corrections~~ Correction authorized to establish and maintain a program for intensive treatment for control of deviant sexual behavior of inmates in a specialized treatment setting and to cooperate with the medical services provider in screening for sexually transmitted diseases as part of this program.

(2) The ~~department~~ division may develop the program in such a manner as to utilize outside professionals from the medical and mental health fields to provide both teaching and training opportunities.

(c) The section shall adopt, promulgate, and enforce such rules, regulations, policies, and standards as may be necessary to carry out the intent and purposes of this section.

SECTION 160. Arkansas Code § 12-29-407(a), concerning suspension of inmate Medicaid, is amended to read as follows:

(a) When an individual who is enrolled in a Medicaid program or the Health Care Independence Program is incarcerated to the custody of the ~~Department~~ Division of Correction, the ~~Department~~ Division of Community Correction, or detained in a county jail, city jail, juvenile detention

facility, or other Division of Youth Services commitment, the Department of Human Services shall suspend, to the degree feasible, the individual's coverage during the period of incarceration for up to twelve (12) months from the initial approval or renewal, unless prohibited by law.

SECTION 161. Arkansas Code § 12-29-506(b), concerning duties of Attorney General, is amended to read as follows:

(b) However, the Attorney General may refer to the prosecuting attorney of the county from which the inmate in the ~~Department~~ Division of Correction or the person residing in a ~~Department~~ Division of Community Correction facility was sentenced, or to the prosecuting attorney of the county in which any property or estate of the inmate or person is located, to investigate or assist in legal proceedings to obtain the reimbursements for the cost of care of the inmate or person, as authorized in this subchapter.

SECTION 162. Arkansas Code § 12-29-507(a), concerning the deposit of recovered moneys by the Department of Correction, is amended to read as follows:

(a)(1) All moneys recovered for the cost of care of prisoners in a facility of the ~~Department~~ Division of Correction or the ~~Department~~ Division of Community Correction under this subchapter shall be deposited into the State Treasury.

(2) The Treasurer of State shall credit the moneys to the appropriate fund established by law from which appropriations to the ~~Department~~ Division of Correction or the ~~Department~~ Division of Community Correction are made for inmate care and custody at the ~~Department~~ Division of Correction or the ~~Department~~ Division of Community Correction.

SECTION 163. Arkansas Code § 12-30-101(g), concerning bartering products of institutions, is amended to read as follows:

(g) The board may make reasonable rules and regulations governing the ~~Department~~ Division of Correction in the administration of contracts, compacts, or agreements made under the provisions of this section.

SECTION 164. Arkansas Code § 12-30-102(e), concerning the buying and selling products of institutions, is amended to read as follows:

(e) The board may make reasonable rules and regulations governing the ~~Department~~ Division of Correction in the administration of contracts, compacts, or agreements made under the provisions of this section.

SECTION 165. Arkansas Code § 12-30-103(a), concerning the workcraft program, is amended to read as follows:

12-30-103. Workcraft program.

(a) The ~~Department~~ Division of Correction and the ~~Department~~ Division of Community Correction are authorized to operate a workcraft program that offers instruction and training for their inmates, thereby helping prepare them for employment after incarceration.

SECTION 166. Arkansas Code § 12-30-104(a)(1), concerning sale of workcraft items, is amended to read as follows:

(a)(1) The sale of items produced in the ~~Department~~ Division of Correction or the ~~Department~~ Division of Correction workcraft programs may be through one (1) or more retail outlets operated by the ~~Department~~ Division of Correction or the ~~Department~~ Division of Community Correction.

SECTION 167. Arkansas Code § 12-30-105(a), concerning the marketing contracts of the Department of Correction, is amended to read as follows:

(a)(1) The ~~Department~~ Division of Correction may enter into marketing contracts with dealers, retailers, distributors, and manufacturer representatives permitting them to market and sell all products and services produced by the ~~department~~ division industry program in accordance with existing laws and state purchasing regulations.

(2) The Industry Division of the ~~department~~ division will be responsible for all billing of purchased products and services to ensure that only customers authorized by law are making said purchases.

SECTION 168. Arkansas Code § 12-30-203 is amended to read as follows:

12-30-203. Establishment of prison industries.

The Board of Corrections may purchase, in the manner provided by law, equipment, raw materials, and supplies and engage supervisory personnel necessary to establish and maintain for this state, at the ~~Department~~ Division of Correction or institution under control of the board, industries

for the utilization of services of prisoners in the manufacture or production of articles or products as may be needed for the construction, operation, maintenance, or use of any office, ~~department~~ division, institution, or agency supported, in whole or in part, by this state and the political subdivisions of this state.

SECTION 169. Arkansas Code § 12-30-204 is amended to read as follows:
12-30-204. Purchase of goods by state and local agencies.

(a)(1) All offices, departments, divisions, institutions, and agencies of this state which are supported in whole or in part by this state, and all political subdivisions of this state, may purchase, at the discretion of the office, department, division, institution, or agency, from the Board of Corrections any products required by the offices, departments, divisions, institutions, agencies, or political subdivisions of this state produced or manufactured by the ~~Department~~ Division of Correction utilizing prison labor as provided for by this subchapter.

(2)(A)(i) The Revenue Division of the Department of Finance and Administration may request that the board propose the purchase of license plates which are necessary as evidence of registration of motor vehicles and trailers to be issued by the ~~division's~~ Revenue Division of the Department of Finance and Administration's revenue offices.

(ii) The license plates would be produced or manufactured by the ~~Department~~ Division of Correction utilizing prison labor.

(B) The provisions of this subdivision (a)(2) shall be applicable beginning with the contracts for purchase or any purchases of license plates which are required after the expiration of any contracts for the purchase or manufacture of license plates that are in effect.

(b) Such offices, departments, divisions, institutions, and agencies shall not be required to submit an invitation for bid to the board for all products known to be produced or manufactured by the ~~Department~~ Division of Correction utilizing prison labor as provided for by this subchapter.

(c)(1) The ~~Department~~ Division of Correction may enter into an agreement with the Old State House Commission to utilize inmate labor in the production or manufacture of items for resale by the Old State House Museum.

(2) Except as provided in subdivision (c)(3) of this section, the proceeds from the sales of the items produced or manufactured under

subdivision (c)(1) of this section shall be used by the Old State House Museum to:

(A) Develop exhibits and programs about the history of the ~~Department~~ Division of Correction; or

(B) Maintain the Old State House Museum's collection of the ~~Department~~ Division of Correction artifacts.

(3) The ~~Department~~ Division of Correction and the commission may by rule modify the use of the proceeds from the sale of items produced or manufactured under subdivision (c)(1) of this section.

(d) All purchases made pursuant to this section shall be made through the ~~Department~~ Division of Correction's purchasing ~~department~~ division, upon requisition by the proper authority of the office, department, division, institution, agency, or political subdivision of this state requiring the articles or products.

SECTION 170. Arkansas Code § 12-30-305 is amended to read as follows:

12-30-205. Purchase of goods by nonprofit organizations and other individuals.

(a) A nonprofit organization may purchase goods produced by the ~~Department~~ Division of Correction's Industry Division as provided for by this subchapter upon the condition that the goods may not be resold for profit.

(b)(1) Goods produced by the division as provided for by this subchapter, excluding furniture and seating, may also be purchased by:

(A) Current employees and retirees of the ~~Department~~ Division of Correction;

(B)(i) All employees of the public offices, department, divisions, institutions, school districts, and agencies of this state.

(ii) Subdivision (b)(1)(B)(i) of this section shall not include members of the General Assembly; and

(C) Current and former members of the Board of Corrections.

(2) Goods purchased by an individual under subdivision (b)(1) of this section shall be for personal use only and not for resale.

(c) Goods or products that are produced, assembled, or packaged in whole or in part by the ~~Department~~ Division of Correction utilizing prison labor may be sold to inmates of the ~~Department~~ Division of Correction,

~~Department~~ Division of Community Correction, or a local correctional facility.

SECTION 171. Arkansas Code § 12-30-206(b), prices for items furnished to inmates, is amended to read as follows:

(b) The prices shall be uniform and nondiscriminating to all and shall not exceed the wholesale market prices with the exception of goods or items produced, assembled, or packaged in whole or in part specifically for sale or resale to inmates of the ~~Department~~ Division of Correction, ~~Department~~ Division of Community Correction, or a local correctional facility.

SECTION 172. Arkansas Code § 12-30-210(a), concerning the annual statement of the Director of the Department of Correction, is amended to read as follows:

(a) The Director of the ~~Department~~ Division of Correction and the manager or authorities, by whatever name known, having charge of the penal institutions of this state, shall annually make a full detailed statement of:

(1) All materials, machinery, or other property procured, and the cost thereof, and the expenditures made during the last preceding year for manufacturing purposes, together with a statement of all materials then on hand to be manufactured, or in process of manufacture, or manufactured;

(2) All machinery, fixtures, or other appurtenances for the purpose of carrying on the labor of the prisoners; and

(3) The earnings realized during the last preceding year as the proceeds of the labor of the prisoners at the ~~Department~~ Division of Correction or penal institutions of this state.

SECTION 173. Arkansas Code § 12-30-215 is amended to read as follows:

12-30-215. Purchase for construction or operation of prison.

Any contractor or subcontractor who has entered into a contract with or for the benefit of a state board, state agency, or state-supported institution of higher education for constructing, equipping, or operating, in whole or in part, any facility of the board, agency, or institution may purchase goods produced by the ~~Department~~ Division of Correction and the ~~Department~~ Division of Community Correction for use in the performance of the contract.

SECTION 174. Arkansas Code § 12-30-301 is amended to read as follows:

12-30-301. Farming and livestock activities.

(a) The ~~Department~~ Division of Correction shall make maximum utilization of the farm lands of the various institutions of the ~~department~~ division through the use of modern agricultural machinery, equipment, and technology in producing crops and livestock for use in feeding prisoners and for sale on the market to produce income for the maintenance and operation of the institutions of the ~~department~~ division.

(b) The Director of the ~~Department~~ Division of Correction, with the approval of the Board of Corrections, shall promulgate necessary rules and regulations for the operation of the farming and livestock activities of the various institutions of the ~~department~~ division, the employment of personnel, the assignment of inmate labor, and other activities as may be reasonably necessary to accomplish the purposes as provided in this section.

SECTION 175. Arkansas Code § 12-30-303 is amended to read as follows:

12-30-303. Cooperation of Cooperative Extension Service.

It shall be the duty of the University of Arkansas Cooperative Extension Service to cooperate with the Director of the ~~Department~~ Division of Correction to the end that proper crops may be planted to the best advantage and proper methods of soil treatment may be utilized and proper methods of canning and preserving may be used to the best advantage.

SECTION 176. Arkansas Code § 12-30-305(a), concerning sales by the Director of the Department of Correction, is amended to read as follows:

12-30-305. Sales by director.

(a) The Director of the ~~Department~~ Division of Correction, by and with the consent and approval of the Board of Corrections, shall make all sales of commodities and articles produced and offered for sale by the various penal institutions under his or her supervision.

SECTION 177. Arkansas Code § 12-30-306 is amended to read as follows:

12-30-306. Purchases, expenditures, and sales – Compliance with laws.

(a) All purchases for or in behalf of the ~~Department~~ Division of Correction and its various institutions shall be in strict compliance with

the state purchasing laws and applicable rules and regulations promulgated thereunder.

(b) All expenditures of funds appropriated for the ~~department~~ division shall be in accordance with the General Accounting and Budgetary Procedures Law, § 19-4-101 et seq., and other applicable fiscal laws of this state governing expenditure of state funds.

(c) All sales of farm products, livestock, or other products produced in connection with the agriculture and livestock activities at the respective institutions of the ~~department~~ division shall be in accordance with the applicable laws of this state governing the advertising for bids and awarding of contracts for the sales.

SECTION 178. Arkansas Code § 12-30-307(a) and (b), concerning the payment for food used by the Department of Correction, are amended to read as follows:

(a) The ~~Department~~ Division of Correction may make payment from the ~~Department~~ Division of Correction Inmate Care and Custody Fund Account to the ~~Department~~ Division of Correction Farm Fund in an amount not to exceed fifty cents (50¢) on each dollar's worth of food produced on the ~~department~~ division farm for consumption in the Inmate Care and Custody Program.

(b) The ~~department~~ division shall keep appropriate records reflecting farm production and the value of farm-produced products utilized in the Inmate Care and Custody Program and shall keep records of current market values in support of any such payments.

SECTION 179. Arkansas Code § 12-30-401 is amended to read as follows:

12-30-401. Work and rehabilitative programs – Work-release programs.

(a) All inmates committed to the ~~Department~~ Division of Correction for institutional care shall be required to participate in the various work programs to which assigned and may be afforded vocational training and rehabilitative opportunities in accordance with rules, regulations, and procedures therefor as promulgated by the Director of the ~~Department~~ Division of Correction with the approval of the Board of Corrections.

(b) The ~~department~~ division may institute "work-release" programs under which the inmates selected to participate in the programs may be gainfully employed or attend school outside of the units maintained by the

~~department~~ division, under rules and regulations promulgated by the director with the approval of the board.

SECTION 180. Arkansas Code § 12-30-402(a), concerning the establishment of new work-release centers, is amended to read as follows:

(a) The Community Correction Revolving Fund may borrow from the Budget Stabilization Trust Fund for the establishment of new work-release centers for the ~~Department~~ Division of Correction.

SECTION 181. Arkansas Code § 12-30-404(a), concerning inmates excepted from the work-release program, is amended to read as follows:

(a) No person shall be allowed to participate in any work-release program conducted by or for the ~~Department~~ Division of Correction if convicted of:

- (1) A capital offense;
- (2) Murder in the first degree, § 5-10-102;
- (3) Rape, § 5-14-103;
- (4) Kidnapping, § 5-11-102; or
- (5) Aggravated robbery a second or subsequent time, § 5-12-103.

SECTION 182. Arkansas Code § 12-30-405 is amended to read as follows:
12-30-405. Contracts for inmate labor.

The ~~Department~~ Division of Correction may make contractual arrangements for use of inmate labor by the following prioritized list:

- (1) Other state departments, divisions, and agencies;
- (2) Counties, cities, and school districts; and
- (3) Civic organizations, other nonprofit organizations, and private citizens, including, but not limited to, those responsible for the preservation of natural resources or other public works.

SECTION 183. Arkansas Code § 12-30-407(a)(1)(A), concerning the housing of inmates in the work-release program, is amended to read as follows:

(a)(1)(A) The Board of Corrections may promulgate rules to allow the proper classification of inmates to be released to the county sheriffs of approved jail facilities or chiefs of police or other authorized law

enforcement officers of city-operated approved jail facilities or community correction centers outside the ~~Department~~ Division of Correction.

SECTION 184. Arkansas Code § 12-30-407(a)(2)(A)(ii), concerning the housing of inmates in the work-release program, is amended to read as follows:

(ii) The ~~Department~~ Division of Correction shall review the requests and shall submit a list of inmates with appropriate skills or backgrounds for the particular job needs of the approved jail facility, political subdivision, or nonprofit organization with a chapter, committee, or other governing body that is based in the county that is being provided assistance by a political subdivision, in accordance with the ~~Department~~ Division of Correction's classification of inmates' skills and backgrounds.

(iii) County sheriffs, chiefs of police, or other authorized law

SECTION 185. Arkansas Code § 12-30-407(a)(3)(B), concerning the housing of inmates in the work-release program, is amended to read as follows:

(B) Notification of the victim or victim's family shall be done by mail to the last known address supplied to the ~~Department~~ Division of Correction in accordance with ~~Department~~ Division of Correction policies.

SECTION 186. Arkansas Code § 12-30-407(a)(4)(A), concerning the housing of inmates in the work-release program, is amended to read as follows:

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

SECTION 187. Arkansas Code § 12-30-502(a), concerning transportation and sale of goods produced by inmates, is amended to read as follows:

(a) Goods produced in whole or in part by inmates of the ~~Department~~ Division of Correction or the ~~Department~~ Division of Community Correction participating in private sector prison industry enhancement programs may be

transported and sold in the same manner as goods produced by free persons, provided that the inmates participating in the private sector prison industry enhancement programs are paid at least the minimum wage prescribed by state law.

SECTION 188. Arkansas Code § 12-41-105(c), concerning commissions from prisoner telephone service profits and prisoner commissary services, is amended to read as follows:

(c) This section does not apply to funds derived from prisoner telephone services or prisoner commissary services provided in ~~Department~~ Division of Correction facilities or ~~Department~~ Division of Community Correction facilities or in municipally owned detention facilities or in county detention facilities in counties with a population of one hundred seventy-five thousand (175,000) or more according to the latest federal decennial census.

SECTION 189. Arkansas Code § 12-41-107(a)(2), concerning the definition of "local correctional facility" and the medical services billing to a local correctional facility, is amended to read as follows:

(2) "Local correctional facility" means a county jail, a city jail, regional jail, criminal justice center, or county house of correction that is not operated by the ~~Department~~ Division of Correction, the ~~Department~~ Division of Community Correction, or a federal correctional agency; and

SECTION 190. Arkansas Code § 12-41-716 is amended to read as follows:

12-41-716. Use of board jail fund for supervision and transportation of inmates.

In addition to any other purposes for which funds in a county jail board jail fund, municipal jail board jail fund, or public instrumentality jail board jail fund may be used, the funds may be used for the transportation and supervision of inmates assigned to outside work projects or for transporting inmates to a ~~Department~~ Division of Correction facility, as determined by the board.

SECTION 191. Arkansas Code § 12-50-105(a), concerning regional correctional commissions, is amended to read as follows:

(a) Political subdivisions may individually, or in combination with each other, contract with the state through the ~~Department~~ Division of Correction or with prison contractors for the financing, acquisition, construction, and operation of facilities for the housing of inmates.

SECTION 192. Arkansas Code § 12-50-106(a) and (b), concerning contracts for correctional facilities, are amended to read as follows:

(a) The ~~Department~~ Division of Correction, any regional corrections commission, and any political subdivision are authorized to enter into contracts with each other and with prison contractors for the financing, acquiring, constructing, and operating of facilities.

(b) Any contract for the financing, acquiring, constructing, or operating of facilities between the ~~department~~ division and a prison contractor shall be approved by the Board of Corrections, subject to the advice and consent of the Legislative Council.

SECTION 193. Arkansas Code § 12-50-109(a)(1)(A), concerning contracts with the Arkansas Development Authority, is amended to read as follows:

(A) All revenues derived from payments to be made by the ~~Department~~ Division of Correction for the housing of prisoners;

SECTION 194. Arkansas Code § 12-50-111(a)(1), concerning private correctional facilities, is amended to read as follows:

(a)(1) No private correctional facility in which inmates committed to the ~~Department~~ Division of Correction, out-of-state inmates, or federal inmates are to be housed shall be constructed nor shall any facility be renovated for the purpose of creating a private correctional facility in which inmates committed to the ~~Department~~ Division of Correction, out-of-state inmates, or federal inmates are to be housed within the state without review and approval by the Board of Corrections and review and approval by the Legislative Council.

SECTION 195. Arkansas Code § 12-51-104(a)(1), concerning the Arkansas State Council for the Interstate Commission for Adult Offender Supervision, is amended to read as follows:

(1) One (1) nonelected person, chosen from a list of five (5)

names submitted by the Director of the ~~Department~~ Division of Community Correction, who will act as the representative of the legislative branch of government, to be appointed by the President Pro Tempore of the Senate;

SECTION 196. Arkansas Code § 12-51-104(a)(5), concerning the Arkansas State Council for the Interstate Commission for Adult Offender Supervision, is amended to read as follows:

(5) The Director of the ~~Department~~ Division of Community Correction or his or her designee who, in addition to serving as a member of the council, shall be appointed by the Governor as the compact administrator for the state.

SECTION 197. Arkansas Code § 14-282-304(7), concerning the power and duties of the Rural Fire Protection Service of the Arkansas Forestry Commission, is amended to read as follows:

(7) To contract with public and private sources, including the ~~Department~~ Division of Correction, for providing mechanical, painting, body work, or other repair services relative to the conversion, painting, and adaptation of vehicles being converted into fire protection vehicles, and to reimburse for the cost of the services;

SECTION 198. Arkansas Code § 15-5-213(b), concerning the Correction Facilities Construction Fund, is amended to read as follows:

(b) The fund shall receive moneys payable from the Treasurer of State in accordance with § 15-5-422. All moneys deposited into the fund and all income, interest, and earnings therefrom are declared to be cash funds restricted in their use and dedicated and are to be used solely for acquisition and construction of regional correction facilities for use by the ~~Department~~ Division of Correction, specifically including a regional correction facility in Chicot County, which facility will be leased to and utilized by the ~~department~~ division.

SECTION 199. Arkansas Code § 15-5-213(e)(1)(A), concerning the Correction Facilities Construction Fund, is amended to read as follows:

(A) Moneys payable from funds in the ~~department~~ division as established in § 12-27-128;

SECTION 200. Arkansas Code § 15-5-213(e)(1)(C), concerning the Correction Facilities Construction Fund, is amended to read as follows:

(C) Such cash funds of the ~~department~~ division as are deemed necessary by the Chief Fiscal Officer of the State for the purposes established herein.

SECTION 201. Arkansas Code § 15-5-213(e)(2), concerning the Correction Facilities Construction Fund, is amended to read as follows:

(2) All moneys deposited into the Correction Facilities Privatization Account and all income, interest, and earnings therefrom are declared to be cash funds restricted in their use and dedicated to be used solely for acquisition, construction, and rehabilitation of correction facilities for the use and benefit of the ~~department~~ division or for payments to private contractors for the use of correction facilities by the ~~department~~ division.

SECTION 202. Arkansas Code § 16-13-1903(a)(2)(B) and (C), concerning the Eleventh Judicial District, are amended to read as follows:

(B) Presiding over all matters involving acts committed by inmates of the ~~Department~~ Division of Correction over which the Eleventh Judicial District-West has jurisdiction; and

(C) Hearing all civil actions filed by inmates of the ~~Department~~ Division of Correction over which the Eleventh Judicial District-West has jurisdiction.

SECTION 203. Arkansas Code § 16-21-106(a)(1)(L), concerning assistance to victims and witnesses of crimes, is amended to read as follows:

(L) Notice of the right to receive information from the Department of ~~Correction~~ Corrections, Arkansas State Hospital, and any other facility to which the defendant is committed by the court.

SECTION 204. Arkansas Code § 16-43-214 is amended to read as follows:

16-43-214. Prisoner from ~~Department~~ Division of Correction as witness.

(a) Upon presentation by the prosecuting attorney or interested defense counsel of a petition duly verified and for good cause, any circuit

court having jurisdiction of any criminal offense involving a felony pending for trial in that court may have jurisdiction and authority to provide by proper order for the presence in court, and for the trial and as a witness, of any person incarcerated in the ~~Department~~ Division of Correction whose testimony would be material either for the State of Arkansas or for the defendant in the action.

(b) Upon the granting of a petition by the circuit court pursuant to subsection (a) of this section and upon presentation to the authorized officials of the ~~Department~~ Division of Correction of a signed order or certified copy thereof by the circuit clerk of such court, the officials having custody of the prisoner are authorized and directed to transport or cause to be transported the prisoner by such means and methods as they deem proper, at the time and place as directed by the order of the circuit court.

(c) The custody of a prisoner sought to be used as a witness shall at all times remain in the authorized officials of the ~~Department~~ Division of Correction, subject to the order and direction of the circuit court. Immediately upon the completion of the testimony by the prisoner in court or upon the completion of the trial requiring his presence, the prisoner shall be immediately returned to the ~~Department~~ Division of Correction by the official having his custody.

SECTION 205. Arkansas Code § 16-46-106(d), concerning access to medical records, is amended to read as follows:

(d) This section does not apply to the ~~Department~~ Division of Correction.

SECTION 206. Arkansas Code § 16-68-601 is amended to read as follows:
16-68-601. Amount of fees and costs.

(a) If an incarcerated person, defined for purposes of this subchapter as a person who has been convicted of a crime and is imprisoned for that crime or is being held in custody for trial or sentencing, files a civil action, the court shall order the incarcerated person to pay, as a partial payment of any court filing fees and court costs required by law, a first-time payment of twenty percent (20%) of the preceding six (6) months' income from the incarcerated person's inmate account as administered by the ~~Department~~ Division of Correction or the ~~Department~~ Division of Community

Correction.

(b) The ~~Department~~ Division of Correction or the ~~Department~~ Division of Community Correction shall withdraw these moneys maintained in the account for payment of the filing fees and court costs and shall forward these moneys collected at such times as the moneys exceed ten dollars (\$10.00) to the appropriate court clerk or clerks until the actual court fees are paid in full.

SECTION 207. Arkansas Code § 16-80-104(a), concerning a comprehensive mental health evaluation for a minor convicted of capital murder or murder in the first degree, is amended to read as follows:

(a) If a comprehensive mental health evaluation is not performed at the request of the minor convicted of capital murder, § 5-10-101, or murder in the first degree, § 5-10-102, before his or her trial or before he or she is sentenced, the circuit court shall ensure that a comprehensive mental health evaluation is conducted on the minor by an adolescent mental health professional licensed in the state before the minor's entry into the ~~Department~~ Division Correction for a sentence of life imprisonment.

SECTION 208. Arkansas Code § 16-80-104(c)(2), concerning a comprehensive mental health evaluation for a minor convicted of capital murder or murder in the first degree, is amended to read as follows:

(2) Shall be included in any documentation or inmate file kept by the ~~Department~~ Division of Correction or, if the minor is eventually supervised on parole, the ~~Department~~ Division of Community Correction.

SECTION 209. Arkansas Code § 16-90-104 is amended to read as follows:
16-90-104. Commitment of women for felony.

Women who are convicted of or who plead guilty to the commission of felonies may be committed to the Department of ~~Correction~~ Corrections by any court of criminal jurisdiction.

SECTION 210. Arkansas Code § 16-90-118 is amended to read as follows:
16-90-118. Duty of court to report ~~Department~~ Division of Correction.

(a) Whenever any person is sentenced to the ~~Department~~ Division of Correction, it shall be the duty of the court before which he or she has been

convicted to cause to be made and transmitted to the agent of the ~~department~~ division a short report of the circumstances attending the offense, particularly those which tended to aggravate or extenuate the offense.

(b) The agent shall file and preserve the report.

SECTION 211. Arkansas Code § 16-90-120(a), concerning a felony committed with a firearm, is amended to read as follows:

(a) Any person convicted of any offense that is classified by the laws of this state as a felony who employed any firearm of any character as a means of committing or escaping from the felony, in the discretion of the sentencing court, may be subjected to an additional period of confinement in the ~~Department~~ Division of Correction for a period not to exceed fifteen (15) years.

SECTION 212. Arkansas Code § 16-90-121 is amended to read as follows:
16-90-121. Second or subsequent felony with firearm.

Any person who is found guilty of or pleads guilty or nolo contendere to a second or subsequent felony involving the use of a firearm shall be sentenced to a minimum term of imprisonment of ten (10) years in the ~~Department~~ Division of Correction without eligibility of parole or community correction transfer but subject to reduction by meritorious good-time credit.

SECTION 213. Arkansas Code § 16-90-122(a)(2), concerning the post-conviction release of nonviolent offenders, is amended to read as follows:

(2) Been sentenced to a term of imprisonment and committed to the ~~Department~~ Division of Correction or the ~~Department~~ Division of Community Correction and is awaiting transfer to the ~~Department~~ Division of Correction or the ~~Department~~ Division of Community Correction.

SECTION 214. Arkansas Code § 16-90-122(c)(1), concerning the post-conviction release of nonviolent offenders, is amended to read as follows:

(c)(1) The circuit judge may authorize the release under the terms and conditions that he or she determines are necessary to protect the public and to ensure the offender's return to custody upon notice that bed space is available at the ~~Department~~ Division of Correction or the ~~Department~~ Division of Community Correction.

SECTION 215. Arkansas Code § 16-90-802(d)(9)(B)(ii)(a), concerning the Arkansas Sentencing Commission, is amended to read as follows:

(a) Sentences to the ~~Department~~ Division of Correction and ~~Department~~ Division of Community Correction;

SECTION 216. Arkansas Code § 16-90-802(e) and (f), concerning the Arkansas Sentencing Commission, are amended to read as follows:

(f)(1) The commission shall ~~employ an executive~~ recommend to the Secretary of the Department of Corrections a director from candidates presented to it by the Chair of the Arkansas Sentencing Commission.

(2) The ~~Executive~~ Director of the Arkansas Sentencing Commission shall have appropriate training and experience to assist the commission in the performance of its duties.

(3) The ~~executive~~ director shall be responsible for compiling the work of the commission and drafting suggested legislation incorporating the commission's findings for submission to the General Assembly.

(g)(1) ~~Subject to the approval of the Chair of the Arkansas Sentencing Commission, the executive director~~ The secretary shall employ such other staff and shall contract for services as are necessary to assist the commission in the performance of its duties, and as funds permit.

(2) The ~~executive director~~ secretary shall ensure that appropriate budgetary measures are taken to employ enough staff or contract for expert services and to purchase the technology needed to compile and process sentencing data from all judicial districts in a timely manner.

SECTION 217. Arkansas Code § 16-90-1109(a)(1), concerning information related to confinement or commitment, is amended to read as follows:

(a)(1) Upon request of the victim, the ~~Department~~ Division of Correction, the Arkansas State Hospital, a local or regional hospital, local or regional mental health facility, or any other facility to which the defendant is committed by the court shall:

(A) Promptly inform the victim, through the use of the victim notification system under § 12-12-1201 et seq. or other method of personal communication, of the estimated date of the defendant's release from confinement from a court-ordered commitment under § 5-2-301 et seq., if

reasonably ascertainable;

(B) Inform the victim at least thirty (30) days before release of the defendant on furlough or to a work release, halfway house, or other community program, if applicable;

(C) Inform the victim as soon as possible but preferably at least thirty (30) days before release of the defendant from a local or regional hospital or local or regional mental health facility, if applicable; and

(D) Promptly inform the victim of the occurrence of any of the following events concerning the defendant:

(i) An escape from a correctional or mental health facility or community program;

(ii) A recapture;

(iii) A decision of the Governor to commute the sentence or to pardon;

(iv) A release from confinement and any conditions attached to the release;

(v) A discharge or conditional release or modification of a previously ordered conditional release from a court-ordered commitment under § 5-2-315; or

(vi) The defendant's death.

(2) The requirement to inform a victim by a local or regional hospital or a local or regional mental health facility under this subsection may be accomplished by notifying by telephone or other electronic means the Arkansas State Hospital of the change of status of the defendant, and the Arkansas State Hospital shall then notify the victim through the victim notification system under § 12-12-1201 et seq. or other method of personal communication.

SECTION 218. Arkansas Code § 16-90-1404(1)(B), concerning the definition of "completion of a person's sentence" under the Comprehensive Criminal Record Sealing act of 2013, is amended to read as follows:

(B) Served any time in county or regional jail, a ~~Department~~ Division of Community Correction facility, or a ~~Department~~ Division of Correction facility in full; and

SECTION 219. Arkansas Code § 16-90-1408(a)(6), concerning felony convictions ineligible for sealing, is amended to read as follows:

(6) A felony for which a person served any portion of his or her sentence as an inmate in the ~~Department~~ Division of Correction.

SECTION 220. Arkansas Code § 16-90-201 is amended to read as follows:

16-90-201. Punishment for second or subsequent convictions generally.

Any person convicted of an offense which is punishable by imprisonment in the ~~Department~~ Division of Correction who shall subsequently be convicted for another offense shall be punished as follows:

(1) If the second offense is such that, upon a first conviction, the offender could be punished by imprisonment for a term less than his or her natural life, then the sentence to imprisonment shall be for a determinate term not less than one (1) year more than the minimum sentence provided by law for a first conviction of the offense for which the defendant is being tried, and not more than the maximum sentence provided by law for this offense, unless the maximum sentence is less than the minimum sentence plus one (1) year, in which case the longer term shall govern;

(2) If the third offense is such that, upon a first conviction, the offender could be punished by imprisonment for a term less than his or her natural life, then the person shall be sentenced to imprisonment for a determinate term not less than three (3) years more than the minimum sentence provided by law for a first conviction of the offense for which the defendant is being tried, and not more than the maximum sentence provided by law for the offense, unless the maximum sentence is less than the minimum sentence plus three (3) years, in which case the longer term shall govern; and

(3)(A) If the fourth or subsequent offense is such that, upon a first conviction, the offender could be punished by imprisonment for a term less than his or her natural life, then the person shall be sentenced to imprisonment for the fourth or subsequent offense for a determinate term not less than the maximum sentence provided by law for a first conviction of the offense for which the defendant is being tried, and not more than one and one-half ($1\frac{1}{2}$) times the maximum sentence provided by law for a first conviction.

(B) However, any person convicted of a fourth or subsequent offense shall be sentenced to imprisonment for no less than five

(5) years.

SECTION 221. Arkansas Code § 16-90-202(a), concerning punishment for a third conviction for certain offenses, is amended to read as follows:

(a) When any person shall be convicted of murder, rape, carnal abuse, or kidnapping and it shall be shown that the person has been twice previously convicted of any of the above-mentioned crimes in this state or any other state, upon the third conviction the person shall be deemed an habitual criminal and shall be sentenced to life imprisonment in the ~~Department~~ Division of Correction.

SECTION 222. Arkansas Code § 16-90-401 is amended to read as follows:

16-90-401. Delivery of copy of judgment to county sheriff.

Where a judgment of confinement, either in the ~~Department~~ Division of Correction or county jail, is pronounced, a certified copy of the judgment must be furnished forthwith to the county sheriff, who shall thereupon execute it, and no other warrant or authority is necessary to its execution.

SECTION 223. 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) In executing a judgment of confinement, the county sheriff shall deliver the defendant with a certified standardized copy of the sentencing order to the ~~Department~~ Division of Correction, ~~Department~~ Division of Community Correction, or to another detention facility, as indicated in the 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~~ Division of Correction, the ~~Department~~ Division 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~~ Division of Correction, the Administrative Office of the Courts, the Arkansas Sentencing Commission, and the Prosecutor Coordinator's office.

SECTION 224. Arkansas Code § 16-90-403 is amended to read as follows:
16-90-403. Power of county sheriff to prevent escape, etc.

In conveying the defendant to the ~~Department~~ Division of Correction, the county sheriff shall have all the powers of preventing an escape, of resisting an effort to rescue the defendant, of recapturing the defendant, and of summoning persons to his or her aid that the county sheriff would have in executing a warrant of arrest in his or her county.

SECTION 225. Arkansas Code § 16-90-503 is amended to read as follows:
16-90-503. Certification of execution.

(a) The Director of the ~~Department~~ Division of Correction shall certify the fact of the execution of the condemned felon to the clerk of the court by which the sentence was pronounced, who shall file the certificate with the papers of the case and enter it upon the records of the case.

(b) If the office of director is abolished, the duties devolving on him or her shall be performed by any other person selected by any board or commission having charge of the ~~Department~~ Division of Correction.

SECTION 226. Arkansas Code § 16-90-801(c)(2), concerning statement of sentencing policy, is amended to read as follows:

(2) Commitment to the ~~Department~~ Division of Correction is the most severe sanction and due to the finite capacity of the ~~department~~ division's facilities, it should be reserved for those convicted of the most serious offenses, those who have longer criminal histories, and those who have repeatedly failed to comply with conditions imposed under less restrictive sanctions.

SECTION 227. Arkansas Code § 16-91-111 is amended to read as follows:
16-91-111. Appeal after confinement.

(a) If a judgment of confinement in the ~~Department~~ Division of Correction has been executed before the certificate of appeal was delivered to the county sheriff whose duty it was to execute the judgment, the defendant shall remain in the ~~department~~ division during the pendency of the appeal unless discharged by the expiration of his or her term of confinement or by pardon.

(b) Upon a reversal, if a new trial is ordered, the defendant shall be removed from the ~~department~~ division to the county jail from which he or she was brought by the county sheriff of the county.

SECTION 228. Arkansas Code § 16-92-109(a)(1), concerning reimbursement to counties of fees and costs, is amended to read as follows:

(a)(1) As used in this section, "costs incurred by the county" means all costs incurred by the county in bringing to trial or trials any person or persons charged with a felony offense, with a crime committed in furtherance of, or in connection with, an escape from the ~~Department~~ Division of Correction, or with escape from the ~~Department~~ Division of Correction.

SECTION 229. Arkansas Code § 16-92-109(b), concerning reimbursement to counties of fees and costs, is amended to read as follows:

(b) Whenever a trial is held in which a crime committed in furtherance of, or in connection with, an escape from the ~~Department~~ Division of Correction is charged or whenever a trial is held for escape from the custody of the ~~Department~~ Division of Correction, the county or counties responsible for the trial or trials of the person or persons charged may apply to the Director of the Department of Finance and Administration for reimbursement of the total costs incurred by the county or counties in each case.

SECTION 230. Arkansas Code § 16-92-109(c)(1), concerning reimbursement to counties of fees and costs, is amended to read as follows:

(c)(1) The county responsible for the costs of the felony proceedings or trial on charges of escape or in connection with escape from the ~~Department~~ Division of Correction, shall prepare a statement of all costs incurred in connection with the proceedings, which shall be certified by the presiding judge of the circuit court or courts.

SECTION 231. Arkansas Code § 16-92-112(a), concerning the liability of the state for costs and fees, is amended to read as follows:

(a) The costs in all state prosecutions for any offenses which may be committed in or in respect of the ~~Department~~ Division of Correction shall be paid out of the State Treasury.

SECTION 232. Arkansas Code § 16-93-101(3)(D)(i) and (ii), concerning the definition of "detriment to the community" under the laws governing probation and parole, are amended to read as follows:

(i) Demonstrated a documented lack of respect for authority towards law enforcement or prison officials while in the custody of the ~~Department~~ Division of Correction, the ~~Department~~ Division of Community Correction, or a law enforcement agency; or

(ii) Accrued multiple disciplinary violations while in the custody of the ~~Department~~ Division of Correction, the ~~Department~~ Division of Community Correction, or a law enforcement agency, including at least one (1) disciplinary violation involving violence or sexual assault while in the custody of the ~~Department~~ Division of Correction, the ~~Department~~ Division of Community Correction, or a law enforcement agency;

SECTION 233. Arkansas Code § 16-93-101(6), concerning the definition of "jacket review" under the laws governing probation and parole, is amended to read as follows:

(6) "Jacket review" means the review of the file of a transfer-eligible inmate located at any correctional facility in the state by an individual staff member or team of staff members of the ~~Department~~ Division of Community Correction for purposes of preparing the inmate's application for parole consideration by the Parole Board;

SECTION 234. Arkansas Code § 16-93-101(7), concerning the definition of "parole" under the laws governing probation and parole, is amended to read as follows:

(7) "Parole" means the release of the prisoner into the community by the board prior to the expiration of his or her term, subject to conditions imposed by the board and to the supervision of the ~~Department~~ Division of Community Correction. When a court or other authority has filed a warrant against the prisoner, the board may release him or her on parole to answer the warrant of the court or authority;

SECTION 235. Arkansas Code § 16-93-101(8), concerning the definition of "probation" under the laws governing probation and parole, is amended to read as follows:

(8) "Probation" means a procedure under which a defendant, found guilty upon verdict or plea, is released by the court without imprisonment, subject to conditions imposed by the court and subject to the supervision of the ~~Department~~ Division of Community Correction, but only if the supervision is requested in writing by the court;

SECTION 236. Arkansas Code § 16-93-101(9), concerning the definition of "recidivism" under the laws governing probation and parole, is amended to read as follows:

(9) "Recidivism" means the return to incarceration in a ~~Department~~ Division of Correction or ~~Department~~ Division of Community Correction community correctional facility other than a technical violator program within a three-year period;

SECTION 237. Arkansas Code § 16-93-101(11)(A), concerning the definition of "serious conditions violation" under the laws governing probation and parole, is amended to read as follows:

(A) An act involving a violent misdemeanor that provides the prosecuting attorney with the option to revoke the probationer's probation or parolee's parole, or allow the ~~Department~~ Division of Community Correction to utilize the sanctions provided under this chapter;

SECTION 238. Arkansas Code § 16-93-107(a) and (b), concerning the Medicaid eligibility of a parolee or a probationer, are amended to read as follows:

(a) The ~~Department~~ Division of Correction shall screen inmates nearing release from incarceration and the ~~Department~~ Division of Community Correction shall screen parolees and probationers under supervision for Medicaid eligibility.

(b) If an inmate nearing release from incarceration, parolee, or probationer receives medical services, including substance abuse and mental health treatment, that meet criteria for Medicaid coverage, the parole officer, probation officer, or ~~Department~~ Division of Correction official or ~~Department~~ Division of Community Correction official may apply for Medicaid coverage for the inmate nearing release from incarceration, parolee, or probationer under this section.

SECTION 239. Arkansas Code § 16-93-107(c)(2), concerning the Medicaid eligibility of a parolee or a probationer, is amended to read as follows:

(2) However, the parole officer, probation officer, or ~~Department~~ Division of Correction official or ~~Department~~ Division of Community Correction official shall be the authorized representative for purposes of establishing and maintaining Medicaid eligibility under this subsection if:

(A) The inmate nearing release from incarceration, parolee, or probationer does not designate an authorized representative within three (3) business days after request; or

(B) The authorized representative designated under subdivision (c)(1) of this section does not file a Medicaid application within three (3) business days after appointment and request.

SECTION 240. Arkansas Code § 16-93-107(e)(1), concerning the Medicaid eligibility of a parolee or a probationer, is amended to read as follows:

(e)(1) The parole officer, probation officer, or ~~Department~~ Division of Correction official or ~~Department~~ Division of Community Correction official or the designee of the parole officer, probation officer, or ~~Department~~ Division of Correction official or ~~Department~~ Division of Community Correction official may access information necessary to determine if a Medicaid application has been filed on behalf of the inmate nearing release from incarceration, parolee, or probationer.

SECTION 241. Arkansas Code § 16-93-109 is amended to read as follows:

16-93-109. Medicaid reimbursement for essential healthcare services.

Unless otherwise prohibited by law, the Department of Human Services shall cooperate with the ~~Department~~ Division of Correction and the ~~Department~~ Division of Community Correction to establish protocols for utilizing Medicaid to reimburse the ~~Department~~ Division of Correction, ~~Department~~ Division of Community Correction, Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, Division of Youth Services of the Department of Human Services, a healthcare provider, or a third party for essential healthcare services, including mental health and substance abuse treatment.

SECTION 242. Arkansas Code § 16-93-207(a)(1)(B), concerning the applications for pardon, commutation of sentence, and remission of fines and forfeitures, is amended to read as follows:

(B) The Governor shall also direct the ~~Department~~ Division of Correction to send notice of his or her intention to the judge, the prosecuting attorney, and the county sheriff of the county in which the applicant was convicted and, if applicable, to the victim or the victim's next of kin.

SECTION 243. Arkansas Code § 16-93-208 is amended to read as follows:
16-93-208. Services and equipment.

The ~~Department~~ Division of Correction and the ~~Department~~ Division of Community Correction may provide services, furnishings, equipment, and office space to assist the Parole Board in fulfilling the purposes for which the board was created by law.

SECTION 244. Arkansas Code § 16-93-211(a)(1)(A), concerning early release to transitional housing facilities, is amended to read as follows:

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

SECTION 245. Arkansas Code § 16-93-211(a)(1)(C), concerning early release to transitional housing facilities, is amended to read as follows:

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

SECTION 246. Arkansas Code § 16-93-211(e), concerning early release to transitional housing facilities, is amended to read as follows:

(e) An offender placed in transitional housing by the board will be supervised by officers of the ~~Department~~ Division of Community Correction.

SECTION 247. Arkansas Code § 16-93-213(a)(2), concerning Parole Board records posted to a website, is amended to read as follows:

(2) The ~~Department~~ Division of Correction identification number

of the inmate;

SECTION 248. Arkansas Code § 16-93-213(a)(6), concerning Parole Board records posted to a website, is amended to read as follows:

(6) A link to information required to be posted about the inmate by the ~~Department~~ Division of Correction under § 12-27-145.

SECTION 249. Arkansas Code § 16-93-308(b)(2), concerning the revocation of probation, is amended to read as follows:

(2) If a defendant on probation is arrested by a probation officer employed by the ~~Department~~ Division of Community Correction for a violation of the defendant's probation and taken to a county jail for a reason listed under subdivision (b)(1)(B) of this section, the state shall reimburse the county for the costs of incarceration at the prevailing rate of reimbursement.

SECTION 250. Arkansas Code § 16-93-308(c)(1), concerning the revocation of probation, is amended to read as follows:

(c)(1) A defendant arrested for violation of suspension of sentence or probation shall be taken immediately before the court that suspended imposition of sentence or, if the defendant was placed on probation, before the court supervising the probation, or, if the defendant is subject to administrative probation sanction under § 16-93-306(d), to the appropriate authority in the ~~Department~~ Division of Community Correction if practicable or, if transport to an appropriate authority of the ~~Department~~ Division of Community Correction is not practicable, then to the county jail.

SECTION 251. Arkansas Code § 16-93-308(i)(1)(B), concerning the revocation of probation, is amended to read as follows:

(B)(i) A defendant on probation is subject to having his or her probation revoked and being sentenced to the ~~Department~~ Division of Correction or the ~~Department~~ Division of Community Correction for a subsequent violation of his or her probation if the defendant has been confined six (6) times under § 16-93-306(d).

(ii) After a defendant on probation has been confined two (2) times under either § 16-93-306(d) or § 16-93-309(a)(4) for

any combination of a technical conditions violation or serious conditions violation for any period of time, the defendant on probation is subject to having his or her probation revoked and being sentenced to the ~~Department~~ Division of Correction or the ~~Department~~ Division of Community Correction for a subsequent violation of his or her probation.

SECTION 252. Arkansas Code § 16-93-308(i)(2)(A), concerning the revocation of probation, is amended to read as follows:

(2)(A) A defendant is subject to having his or her probation revoked under this section for a technical conditions violation or a serious conditions violation without having been sanctioned for a period of confinement set out under § 16-93-306(d) or § 16-93-309(a)(4) if upon the filing of a petition in the court with jurisdiction the ~~Department~~ Division of Community Correction or the prosecuting attorney proves by a preponderance of the evidence that the defendant is engaging in or has engaged in behavior that poses a threat to the community.

SECTION 253. Arkansas Code § 16-93-309(b)(1), concerning probation, revocation hearings, sentence alternatives, and sanctions, is amended to read as follows:

(b)(1) A period of confinement under subdivision (a)(4) of this section may be reduced by the ~~Department~~ Division of Correction or the ~~Department~~ Division of Community Correction for good behavior and successful program completion.

SECTION 254. Arkansas Code § 16-93-309(d)(2), concerning probation, revocation hearings, sentence alternatives, and sanctions, is amended to read as follows:

(2) Sentence the defendant to incarceration in the ~~Department~~ Division of Correction.

SECTION 255. Arkansas Code § 16-93-310(b), concerning probation, revocation and community correction programs, is amended to read as follows:

(b) Upon revocation, the court of jurisdiction shall determine whether the offender shall remain under the jurisdiction of the court and be assigned to a more restrictive community correction program, facility, or institution

for a period of time or committed to the ~~Department~~ Division of Community Correction.

SECTION 256. Arkansas Code § 16-93-310(c), concerning probation, revocation and community correction programs, is amended to read as follows:

(c)(1) If committed to the ~~Department~~ Division of Correction, the court shall specify if the commitment is for judicial transfer of the offender to the ~~Department~~ Division of Community Correction or is a regular commitment.

(2)(A) The court shall commit the eligible offender to the custody of the ~~Department~~ Division of Correction under this subchapter for judicial transfer to the ~~Department~~ Division of Community Correction subject to the following:

(i) That the sentence imposed provides that the offender shall serve no more than three (3) years of confinement, with credit for meritorious good time, with initial placement in a ~~Department~~ Division of Community Correction facility; and

(ii) That the initial placement in the ~~Department~~ Division of Community Correction is conditioned upon the offender's continuing eligibility for ~~Department~~ Division of Community Correction placement and the offender's compliance with all applicable rules established by the Board of Corrections for community correction programs.

(B) Post-prison supervision shall accompany and follow community correction programming when appropriate.

SECTION 257. Arkansas Code § 16-93-601(c), concerning felonies committed prior to April 1, 1977, is amended to read as follows:

(c) Sentence of Years. An individual sentenced to a term of years in the Department of Correction, as the Division of Correction was known as prior to July 1, 2019, now known as the Division of Correction, after February 11, 1976, and before April 1, 1977, is eligible for release on parole after he or she serves the following terms:

(1) An individual sentenced to a term of years for other than a Class Y felony who is confined in the ~~department~~ Division of Correction for the second time is eligible for release on parole after he or she serves one-third (1/3) of the time for which sentenced, with credit for good-time

allowances, or one-third (1/3) of the time to which sentence is commuted by executive clemency, with credit for good-time allowances. However, a judge may require one-half ($\frac{1}{2}$) of the sentence as imposed, or one-half ($\frac{1}{2}$) of the sentence as commuted by executive clemency, to be served, with credit for good-time allowances; and

(2) An individual sentenced to a term of years who is confined in the ~~department~~ division and who pleads guilty to or is convicted of a Class Y felony or who has previously been confined in the ~~department~~ division two (2) or more times is eligible for release on parole after he or she serves one-half ($\frac{1}{2}$) of the time to which the sentence is commuted by executive clemency, with credit for good-time allowances.

SECTION 258. Arkansas Code § 16-93-607(d), concerning parole eligibility and felonies committed on or after April 1, 1983, but before January 1, 1994, is amended to read as follows:

(d) Any person under twenty-one (21) years of age who is first convicted of a felony and committed to the first offender penal institution or to the Department of Correction, as the Division of Correction was known as prior to July 1, 2019, now known as the Division of Correction, for a term of years is eligible for parole at any time unless a minimum time to be served is imposed consisting of not more than one-third (1/3) of the total time sentenced. In the event the individual is sentenced to a minimum time to be served, he or she is eligible for release on parole after serving the minimum time prescribed, with credit for good-time allowances, and for commutation by the exercise of executive clemency.

SECTION 259. Arkansas Code § 16-93-607(e), concerning parole eligibility and felonies committed on or after April 1, 1983, but before January 1, 1994, is amended to read as follows:

(e)(1) When any convicted felon, while on parole, is convicted of another felony, the felon is to be committed to the ~~department~~ Division of Correction to serve the remainder of his or her original sentence, including any portion suspended, with credit for good-time allowances. Upon conviction for the subsequent felony, the court shall require the sentence for the subsequent felony to be served consecutively with the sentence for the previous felony.

(2) Any person found guilty of a felony and placed on probation or suspended sentence therefor who is subsequently found guilty of another felony committed while on probation or suspended sentence is to be committed to the ~~department~~ division to serve the remainder of his or her suspended sentence plus the sentence imposed for the subsequent felony. The sentence imposed for the subsequent felony is to be served consecutively with the remainder of the suspended sentence.

SECTION 260. Arkansas Code § 16-93-610(a), concerning the computation of sentence, is amended to read as follows:

(a) Time served is deemed to begin on the day sentence is imposed, not on the day a prisoner is received by the Department of ~~Correction~~ Corrections. It shall continue only during the time in which a prisoner is actually confined in a county jail or other local place of lawful confinement or while under the custody and supervision of the department.

SECTION 261. Arkansas Code § 16-93-612(a), concerning parole eligibility and the date of offense, is amended to read as follows:

(a) A person's parole eligibility shall be determined by the laws in effect at the time of the offense for which he or she is sentenced to the ~~Department~~ Division of Correction.

SECTION 262. Arkansas Code § 16-93-612(e)(4), concerning parole eligibility and the date of offense, is amended to read as follows:

(4) If the felony was committed by a person who was a minor at the time of the offense, he or she was committed to the Department of Correction, as the Division of Correction was known as prior to July 1, 2019, now known as the Division of Correction, and the offense occurred before, on, or after March 20, 2017, § 16-93-621 governs that person's parole eligibility.

SECTION 263. Arkansas Code § 16-93-614(c)(2)(A)(i)(a), concerning parole eligibility for offenses committed after January 1, 1994, is amended to read as follows:

(2)(A)(i)(a) An offender convicted of a target offense under the Community Correction Act, § 16-93-1201 et seq., may be committed to the

~~Department~~ Division of Correction and judicially transferred to the ~~Department~~ Division of Community Correction by specific provision in the commitment that the trial court order such a transfer.

(b) No other offender is eligible for transfer to a ~~Department~~ Division of Community Correction facility.

(ii) A copy of the commitment shall be forwarded immediately to the ~~Department~~ Division of Correction and to the ~~Department~~ Division of Community Correction.

(iii) In the event that an offender is sentenced to the ~~Department~~ Division of Correction without judicial transfer on one (1) sentence and concurrently sentenced to the ~~Department~~ Division of Correction with judicial transfer on another sentence, the offender shall remain in the ~~Department~~ Division of Correction, and the sentence with judicial transfer may be discharged in the same manner as that of an offender transferred back to the ~~Department~~ Division of Correction.

(B) The ~~Department~~ Division of Community Correction shall take over supervision of the offender in accordance with the order of the court.

(C) The ~~Department~~ Division of Community Correction shall provide for the appropriate disposition of the offender as expeditiously as practicable under rules and regulations developed by the Board of Corrections.

(D) The offender shall not be transported to the ~~Department~~ Division of Correction on the initial placement in a ~~Department~~ Division of Community Correction facility pursuant to a judicial transfer.

(E) An offender who is transferred back to the ~~Department~~ Division of Correction for disciplinary reasons may be considered for transfer to ~~Department~~ Division of Community Correction supervision after earning good-time credit equal to one-half ($\frac{1}{2}$) of the remainder of his or her sentence.

(F) An offender who is sentenced after July 31, 2007, and who is transferred back to the ~~Department~~ Division of Correction for administrative reasons is eligible for transfer to ~~Department~~ Division of Community Correction supervision in the same manner as an offender who is sentenced to the ~~Department~~ Division of Correction without a judicial transfer to the ~~Department~~ Division of Community Correction; and

SECTION 264. Arkansas Code § 16-93-616(a), concerning parole eligibility procedures for offenses committed after January 1, 1994 and the computation of a sentence, is amended to read as follows:

(a)(1) Time served for a sentence shall be deemed to begin on the day sentence is imposed, not on the day a prisoner is received by the ~~Department~~ Division of Correction.

(2) Time served shall continue only during the time in which an individual is actually confined in a county jail or other local place of lawful confinement or while under the custody and supervision of the ~~department~~ division.

(3) Once sentenced to the ~~department~~ division, the ~~department~~ division shall retain legal custody of the inmate for the duration of the original sentence.

SECTION 265. Arkansas Code § 16-93-617(b) and (c), concerning parole eligibility procedures for offenses committed after January 1, 1994 and revocation of transfer, is amended to read as follows:

(b)(1) In the event an offender transferred under this section and §§ 16-93-614 – 16-93-616, or § 16-93-618 is found to be or becomes ineligible for transfer into a ~~Department~~ Division Community Correction facility, he or she shall be transported to ~~Department~~ Division of Correction to serve the remainder of his or her sentence.

(2) Notice of the ineligibility and the reasons therefor shall be provided to the offender, and a hearing may be requested before the board if the offender contests the factual basis of the ineligibility. Otherwise, the board may administratively approve the transfer to the ~~Department~~ Division of Correction.

(c) An offender who is judicially transferred to a ~~Department~~ Division of Community Correction facility and subsequently transferred back to the ~~Department~~ Division of Correction by the board for disciplinary or administrative reasons may not become eligible for any further transfer under § 16-93-614(c)(2)(E) and (F).

SECTION 266. Arkansas Code § 16-93-621(a)(1) and (2)(A), concerning parole eligibility for a person who was a minor at the time of committing

offense, is amended to read as follows:

16-93-621. Parole eligibility – A person who was a minor at the time of committing an offense that was committed before, on, or after March 20, 2017.

(a)(1) A minor who was convicted and sentenced to the ~~Department~~ Division of Correction for an offense committed before he or she was eighteen (18) years of age and in which the death of another person did not occur is eligible for release on parole no later than after twenty (20) years of incarceration, including any applicable sentencing enhancements, and including an instance in which multiple sentences are to be served consecutively or concurrently, unless by law the minor is eligible for earlier parole eligibility.

(2)(A) A minor who was convicted and sentenced to the ~~department~~ Department of Correction, as the Division of Correction was known as prior to July 1, 2019, now known as the Division of Correction, for an offense committed before he or she was eighteen (18) years of age, in which the death of another person occurred, and that was committed before, on, or after March 20, 2017, is eligible for release on parole no later than after twenty-five (25) years of incarceration if he or she was convicted of murder in the first degree, § 5-10-102, or no later than after thirty (30) years of incarceration if he or she was convicted of capital murder, § 5-10-101, including any applicable sentencing enhancements, unless by law the minor is eligible for earlier parole eligibility.

SECTION 267. Arkansas Code § 16-93-701(a)(1), concerning Parole Board authority to grant parole, is amended to read as follows:

(a)(1) The Parole Board may release on parole any eligible inmate who is confined in any correctional institution administered by the ~~Department~~ Division of Correction or the ~~Department~~ Division of Community Correction, when in the board's opinion there is a reasonable probability that the inmate can be released without detriment to the community or himself or herself and is able and willing to fulfill the obligations of a law-abiding citizen.

SECTION 269. Arkansas Code § 16-93-703(a), concerning Parole Board place of hearing and procedures, is amended to read as follows:

(a) The Parole Board shall not schedule parole hearings at which

victims or relatives of victims of crime are invited to appear at a facility wherein inmates are housed other than the Central Administration Building of the ~~Department~~ Division of Correction at Pine Bluff.

SECTION 270. Arkansas Code § 16-93-705(a)(1)(A)(ii), concerning revocation of parole, is amended to read as follows:

(ii) The ~~Department~~ Division of Community Correction shall provide the information necessary for the board to issue a warrant under subdivision (a)(1)(A)(i) of this section.

SECTION 271. Arkansas Code § 16-93-705(a)(1)(B)(ii), concerning revocation of parole, is amended to read as follows:

(ii) The ~~Department~~ Division of Community Correction shall provide the information necessary for the board to issue a warrant under subdivision (a)(1)(B)(i) of this section.

SECTION 272. Arkansas Code § 16-93-705(b)(5) and (6), concerning revocation of parole, are amended to read as follows:

(5) If the parole revocation judge finds that there is reasonable cause to believe that the parolee has violated a condition of parole, the parole revocation judge may order the parolee returned to the nearest facility of the ~~Department~~ Division of Correction or ~~Department~~ Division of Community Correction where the parolee shall be placed in custody for a parole revocation hearing before the board.

(6) If the parole revocation judge finds that there is reasonable cause to believe that the parolee has violated a condition of parole, the parole revocation judge may return the parolee to parole supervision rather than to the custody of the ~~Department~~ Division of Correction and may impose additional supervision conditions in response to the violating conduct.

SECTION 273. Arkansas Code § 16-93-705(f), concerning revocation of parole, are amended to read as follows:

(f) A preliminary hearing under subsection (b) of this section and a parole revocation hearing under subsection (c) of this section shall not be necessary if the parole revocation is based on the parolee's conviction,

guilty plea, or plea of nolo contendere to a felony offense for which he or she is sentenced to the ~~Department~~ Division of Correction or to any other state or federal correctional institution.

SECTION 274. Arkansas Code § 16-93-706(b), concerning the revocation of parole and the subpoena of witnesses and documents, is amended to read as follows:

(b) The fees and mileage expenses as prescribed by law for witnesses in civil cases shall be paid by the ~~Department~~ Division of Correction.

SECTION 275. Arkansas Code § 16-93-709 is amended to read as follows:
16-93-709. Sex offender may not reside with minors.

(a) Whenever an inmate in a facility of the ~~Department~~ Division of Correction who has been found guilty of or has pleaded guilty or nolo contendere to any sexual offense defined in § 5-14-101 et seq., or incest as defined by § 5-26-202, and the sexual offense or incest was perpetrated against a minor, becomes eligible for parole and makes application for release on parole, the Parole Board shall prohibit, as a condition of granting the parole, the parolee from residing upon parole in a residence with any minor, unless the board makes a specific finding that the inmate poses no danger to the minors residing in the residence.

(b) If the board, upon a hearing under § 16-93-705, finds, by a preponderance of the evidence, that the parolee has failed to comply with this condition of parole, the parole may be revoked and the parolee returned to the custody of the ~~department~~ division.

SECTION 276. Arkansas Code § 16-93-710(a), concerning parole for inmates who have served their term of imprisonment in a county jail prior to being processed into the Department of Correction, is amended to read as follows:

(a)(1) Subject to conditions set by the Parole Board, an offender convicted of a felony and sentenced to a term of imprisonment of two (2) years or less in the ~~Department~~ Division of Correction, and who has served his or her term of imprisonment in a county jail prior to being processed into the ~~Department~~ Division of Correction, may be paroled from the ~~Department~~ Division of Correction county jail backup facility directly to the

~~Department~~ Division of Community Correction under parole supervision, and upon eligibility determination, processed for release by the board.

(2) Transfer release proceedings or a preliminary review under this subchapter shall begin no later than six (6) months prior to a person's transfer eligibility date, and the board shall authorize jacket review procedures at all institutions holding parole-eligible inmates to prepare parole applications to comply with this time frame.

(3) The jacket review will be conducted by staff either from the ~~Department~~ Division of Community Correction or by ~~Department~~ Division of Correction.

SECTION 277. Arkansas Code § 16-93-712(b)(1), concerning Parole Board supervision of parolee, is amended to read as follows:

(1) Investigate each case referred to him or her by the Chair of the Parole Board, the ~~Department~~ Division of Community Correction, or the prosecuting attorney;

SECTION 278. Arkansas Code § 16-93-712(c), concerning Parole Board supervision of parolee, is amended to read as follows:

(c)(1) The ~~Department~~ Division of Community Correction shall allocate resources, including the assignment of parole officers, to focus on moderate-risk and high-risk offenders as determined by the validated risk-needs assessment provided in subdivision (b)(6) of this section.

(2) The ~~Department~~ Division of Community Correction shall require each public and private treatment and service provider that receives state funds for the treatment of or service for parolees to use evidence-based programs and practices.

SECTION 279. Arkansas Code § 16-93-712(d)(1) and (2), concerning Parole Board supervision of parolee, are amended to read as follows:

(d)(1) The ~~Department~~ Division of Community Correction shall have the authority to sanction a parolee administratively without engaging the revocation process under § 16-93-705.

(2)(A)(i) The ~~Department~~ Division of Community Correction shall develop an intermediate sanctions procedure and grid to guide a parole officer in determining the appropriate response to a violation of conditions

of supervision.

(ii) The intermediate sanctions procedure shall include a requirement that the parole officer consider multiple factors when determining the sanction to be imposed, including previous violations and sanctions and the severity of the current and prior violation.

(B) Intermediate sanctions administered by the ~~Department~~ Division of Community Correction are required to conform to the sanctioning grid.

SECTION 280. Arkansas Code § 16-93-712(d)(3)(E)(i), concerning Parole Board supervision of parolee, is amended to read as follows:

(E)(i) Incarceration in a county jail for no more than seven (7) days or incarceration in a ~~Department~~ Division of Community Correction facility or ~~Department~~ Division of Correction facility for no more than one hundred eighty (180) days.

SECTION 281. Arkansas Code § 16-93-712(d)(3)(E)(ii)(b)-(d), concerning Parole Board supervision of parolee, are amended to read as follows:

(b) A parolee shall accumulate no more than twenty-one (21) days' incarceration in a county jail or no more than three hundred sixty (360) days' incarceration in a ~~Department~~ Division of Community Correction facility or ~~Department~~ Division of Correction facility as an intermediate sanction before the parole officer recommends a violation of the person's parole under § 16-93-706.

(c) A parolee is subject to a period of incarceration of:

(1) Up to ninety (90) days in a ~~Department~~ Division of Community Correction facility or ~~Department~~ Division of Correction facility for a technical conditions violation; and

(2) Exactly one hundred eighty (180) days in a ~~Department~~ Division of Community Correction or ~~Department~~ Division of Correction facility for a serious conditions violation.

(d) A parolee may not be incarcerated more than two (2) times as a parole sanction in a ~~Department~~ Division of Community Correction facility or ~~Department~~ Division of Correction facility.

SECTION 282. Arkansas Code § 16-93-712(f)(1), concerning Parole Board supervision of parolee, is amended to read as follows:

(1) May be reduced by the ~~Department~~ Division of Correction or the ~~Department~~ Division of Community Correction for good behavior and successful program completion; and

SECTION 283. Arkansas Code § 16-93-715(a)(2)(A), concerning parole violations, technical conditions, violations, and serious conditions is amended to read as follows:

(2)(A) A period of confinement under subdivision (a)(1) of this section may be reduced by the ~~Department~~ Division of Correction or the ~~Department~~ Division of Community Correction for good behavior and successful program completion.

SECTION 284. Arkansas Code § 16-93-715(b)(2), concerning parole violations, technical conditions, violations, and serious conditions is amended to read as follows:

(2)(A) A parolee is subject to having his or her parole revoked and being returned to the ~~Department~~ Division of Correction or the ~~Department~~ Division of Community Correction for the next violation of his or her parole if the parolee has been confined six (6) times under § 16-93-712(d).

(B) After a parolee has been confined two (2) times under subdivision (a)(1) of this section for any combination of a technical conditions violation or serious conditions violation for any period of time, the parolee is subject to having his or her parole revoked and being returned to the ~~Department~~ Division of Correction or the ~~Department~~ Division of Community Correction for the next violation of his or her parole.

(C) A parolee is subject to having his or her parole revoked and being returned to the ~~Department~~ Division of Correction or the ~~Department~~ Division of Community Correction under this section without having been sanctioned for a period of confinement set out under § 16-93-712(d) or subdivision (a)(1) of this section if the Parole Board determines by a preponderance of the evidence that the parolee is engaging in or has engaged in behavior that poses a threat to the community.

SECTION 285. Arkansas Code § 16-93-715(e), concerning parole

violations, technical conditions, violations, and serious conditions is amended to read as follows:

(e) Noncompliance with ~~Department~~ Division of Correction or ~~Department~~ Division of Community Correction program requirements or violent or sexual behavior while confined for a technical conditions violation or serious conditions violation under this section may result in revocation of the parolee's parole for a period of time exceeding the limitations of subdivision (a)(1) of this section, up to and including the time remaining on the person's original sentence.

SECTION 286. Arkansas Code § 16-93-1202(4)-(8), concerning definitions under the laws concerning community corrections, are amended to read as follows:

(4) "~~Department~~ Division of Community Correction" means the administrative structure in place to oversee the development and operation of community correction facilities, programs, and services, including probation and parole supervision;

(5) "~~Department~~ Division of Correction" means the administrative structure in place to oversee the daily operation of secure prison facilities;

(6) "Eligibility" or "eligible offender" means any person convicted of a felony who is by law eligible for such sentence or who is otherwise under the supervision of the ~~Department~~ Division of Community Correction and who falls within the population targeted by the General Assembly for inclusion in community correction facilities and who has not been subject to a disciplinary violation for a violent act or for sexual misconduct while in the custody of a jail or correctional facility and does not have a current or previous conviction for a violent or sexual offense listed under subdivision (10)(A)(iii) of this section;

(7) "Incarceration" means commitment to the ~~Department~~ Division of Correction;

(8) "Supervision" means direct supervision at varying levels of intensity by either probation officers, in the case of sentences to probation with a condition of community correction, or parole and post prison supervision officers, in the case of offenders eligible for release on parole or offenders transferred to community correction or community supervision

from the ~~Department~~ Division of Correction;

SECTION 287. Arkansas Code § 16-93-1202(10)(C), concerning definition of "target group" under the laws concerning community corrections, is amended to read as follows:

(C) Final determination of eligibility for placement in any community correction center or program is the responsibility of the ~~Department~~ Division of Community Correction;

SECTION 288. Arkansas Code § 16-93-1202(12), concerning definition of "transfer date" under the laws concerning community corrections, is amended to read as follows:

(12)(A) "Transfer date" means the earliest date on which an offender is eligible for transfer from the ~~Department~~ Division of Correction to the ~~Department~~ Division of Community Correction.

(B) The date may be extended based on disciplinary behavior while under the custody of the ~~Department~~ Division of Correction; and

SECTION 289. Arkansas Code § 16-93-1202(13), concerning definition of "trial court" under the laws concerning community corrections, is amended to read as follows:

(13) "Trial court" means any court of this state having jurisdiction of an eligible offender and the power to sentence the eligible offender to the included options, subject to eligibility determination by the ~~Department~~ Division of Community Correction.

SECTION 290. Arkansas Code § 16-93-1203(1), concerning power and duties of the Board of Corrections, is amended to read as follows:

(1) Establish community correction programs to which eligible offenders may be assigned as a condition of probation, sentenced to by the trial court pursuant to this subchapter, paroled to upon release from incarceration, or transferred to after incarceration in the ~~Department~~ Division of Correction;

SECTION 291. Arkansas Code § 16-93-1203(6), concerning power and

duties of the Board of Corrections, is amended to read as follows:

(6) Direct the departments, divisions, and other entities involved in the implementation of community correction options in a manner that will promote the safety and welfare of the people of this state;

SECTION 292. Arkansas Code § 16-93-1207(a)(1)(A) and (B), concerning order of commitment by the court, are amended to read as follows:

(A) Committed to the ~~Department~~ Division of Correction;

(B) Committed to the ~~Department~~ Division of Correction with judicial transfer to the ~~Department~~ Division of Community Correction;

SECTION 293. Arkansas Code § 16-93-1207(b)(1), concerning order of commitment by the court, are amended to read as follows:

(b)(1) Upon the successful completion of probation or a commitment to the ~~Department~~ Division of Correction with judicial transfer to the ~~Department~~ Division of Community Correction or a commitment to a county jail for one (1) of the offenses targeted by the General Assembly for community correction placement, the court may direct that the record of the offender be sealed with regards to the offense of which the offender was either convicted or placed on probation under the condition that the offender has no more than one (1) previous felony conviction and that the previous felony was other than a conviction for:

SECTION 294. Arkansas Code § 16-93-1208 is amended to read as follows:
16-93-1208. Post commitment transfer.

(a)(1)(A) Upon commitment of an eligible offender to the ~~Department~~ Division of Correction, the ~~Department~~ Division of Correction will transfer the eligible offender to a community correction program, when he or she reaches his or her transfer date, in accordance with the rules and regulations promulgated by the Board of Corrections and conditions set by the Parole Board.

(B) Legal custody of inmates transferred to the ~~Department~~ Division of Community Correction shall remain with the ~~Department~~ Division of Correction unless altered by court order.

(2) A person eligible for release from incarceration on parole may be placed in community correction programming while under parole

supervision upon the recommendation of the condition by the releasing authority.

(b)(1) The Board of Corrections and the ~~Department~~ Division of Correction are authorized to release medical and psychological data in their possession to a community correction service provider concerning an eligible offender transferred to that community correction program.

(2) The community correction service provider shall use any medical or psychological data received from the ~~Department~~ Division of Correction and the Board of Corrections in compliance with rules concerning the use of that data as adopted by the Board of Corrections.

SECTION 295. Arkansas Code § 16-93-1209 is amended to read as follows:
16-93-1209. Liability.

The ~~Department~~ Division of Correction, the Board of Corrections, the ~~Department~~ Division of Community Correction, the Parole Board, and all governmental agencies and units utilizing eligible offenders in community correction programs as defined in this subchapter are immune from liability and suit for damages, and no tort action shall lie against the ~~Department~~ Division of Correction, the Board of Corrections, the ~~Department~~ Division of Community Correction, the Parole Board, and any governmental agency or unit or any of their employees because of any acts of eligible offenders utilized under the provisions of this subchapter.

SECTION 296. Arkansas Code § 16-93-1602(3)(A), concerning the definition of "transitional housing" under the laws concerning traditional housing facilities, is amended to read as follows:

(3)(A) "Transitional housing" means a program that provides housing for one (1) or more offenders who either have been transferred or paroled from the ~~Department~~ Division of Correction by the Parole Board or placed on probation by a circuit court or district court.

SECTION 297. Arkansas Code § 16-95-105 is amended to read as follows:
16-95-105. Escape – Penalty.

Any prisoner who shall escape from custody while in another state or jurisdiction pursuant to the Agreement on Detainers shall be guilty of a felony and upon conviction shall be sentenced to a term of not less than

three (3) years nor more than five (5) years in the ~~Department~~ Division of Correction.

SECTION 298. Arkansas Code § 16-98-303(a)(5), concerning authorization of drug court programs, is amended to read as follows:

(5) As determined by the ~~Department~~ Division of Community Correction, an adult drug court program established under this section shall target high-risk offenders and medium-risk offenders.

SECTION 399. Arkansas Code § 16-98-303(b)(1) and (2), concerning authorization of drug court programs, are amended to read as follows:

(b)(1) A drug court program shall incorporate services from the ~~Department~~ Division of Community Correction, the Department of Human Services, and the Administrative Office of the Courts.

(2) Subject to an appropriation, funding, and position authorization, both programmatic and administrative, and subject to the requirements of eligibility as defined in § 16-93-1202, the ~~Department~~ Division of Community Correction:

(A) Shall:

(i) Establish standards regarding the classification of a drug court program participant as a high-risk offender or medium-risk offender;

(ii) Provide positions for persons to serve as probation officers, drug counselors, and administrative assistants;

(iii) Provide for drug testing for drug court program participants;

(iv) Provide for intensive outpatient treatment for drug court program participants;

(v) Provide for intensive short-term and long-term residential treatment for drug court program participants; and

(vi) Develop clinical assessment capacity, including drug testing, to identify a drug court program participant with a substance addiction and develop a treatment protocol that improves the drug court program participant's likelihood of success; and

(B) May:

(i) Provide for continuous alcohol monitoring for

drug court program participants, including a minimum period of one hundred twenty (120) days; and

(ii) Develop clinical assessment capacity, including continuous alcohol monitoring, to identify a drug court program participant with a substance addiction and develop a treatment protocol that improves the drug court program participant's likelihood of success.

SECTION 300. Arkansas Code § 16-98-303(b)(4)(E)(iii), concerning authorization of drug court programs, are amended to read as follows:

(iii) Existing drug treatment programs currently in place and operating through the courts, the county jail, or the ~~Department~~ Division of Correction; and

SECTION 301. Arkansas Code § 16-98-303(e)(4), concerning authorization of drug court programs, are amended to read as follows:

(4) ~~Department~~ Division of Community Correction; and

SECTION 302. Arkansas Code § 16-98-303(f)(2), concerning authorization of drug court programs, are amended to read as follows:

(2) Serve as a coordinator between drug court judges, the ~~Department~~ Division of Community Correction, the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services, private treatment provider representatives, and public health advocates;

SECTION 303. Arkansas Code § 16-99-101 is amended to read as follows:

16-99-101. Purpose and intent.

(a) Both state and local agencies that implement criminal justice practices resulting in outcomes that reduce commitments to the ~~Department~~ Division of Correction should be rewarded.

(b) If a state agency, county, or judicial district has implemented proven risk-reduction strategies that reduce the number of offenders returning to the ~~Department~~ Division of Correction with no resultant increase in the crime rate; then, in order to reward the state agency, county, or judicial district and as an incentive to encourage similar practices elsewhere, the state agency, county, or judicial district should receive a monetary reward to continue those practices.

(c) The award would represent a portion of the monetary savings from the costs that would have been incurred had the state agency, county, or judicial district not reduced its impact on the ~~Department~~ Division of Correction.

(d) The goal of this subchapter is to align state and local fiscal incentives by rewarding the ~~Department~~ Division of Community Correction, county governments, and judicial districts for each entity's role in reducing its impact on the ~~Department~~ Division of Correction.

SECTION 304. Arkansas Code § 16-99-102 is amended to read as follows:
16-99-102. Program authorized – Administration.

(a) Costs averted due to a reduction in commitments to the ~~Department~~ Division of Correction or a reduction in the period of time served in the ~~Department~~ Division of Correction, to the extent possible, shall be reinvested into those state agencies, counties, or judicial districts as an incentive to further the crime and recidivism reduction strategies being employed.

(b) The ~~Department~~ Division of Community Correction shall be the recipient of incentive funds upon meeting the requirements set out in this subchapter.

(c)(1) Counties, multicounty partnerships, and judicial districts shall be eligible to apply for participation in the performance incentive funding program set out in this subchapter on the reduction in the ~~Department~~ Division of Correction's population.

(2) Participation in the program will be determined through a competitive grant process.

(d) The Board of Corrections shall have the authority to manage the program and administer the grant funds to appropriate applicants and the ~~Department~~ Division of Community Correction.

(e)(1) Subject to the available funding, the ~~Department~~ Division of Community Correction shall manage and administer grant funds to itself and counties, multicounty partnerships, and judicial districts in order to implement the policies and programs authorized by this program.

(2) These shall be one-time-only grants not contingent on measured performance.

(3) All future funding under this section shall be tied to

measured performance.

SECTION 305. Arkansas Code § 16-99-103(a)(1), concerning an application for parole revocation, is amended to read as follows:

(a)(1) The ~~Department~~ Division of Community Correction shall receive additional funding for committing to a reduction in the number of probation revocations that result from a technical violation or a new crime.

SECTION 306. Arkansas Code § 16-99-103(a)(4) and (5), concerning an application for parole revocation, are amended to read as follows:

(4) Each year the ~~Department~~ Division of Community Correction shall receive additional funds for reducing the net impact of revocations on the ~~Department~~ Division of Correction.

(5) The ~~Department~~ Division of Community Correction shall promulgate rules and regulations for the distribution and use of incentive funds that it receives, requiring that:

(A) No less than one-third (1/3) of the funds received each year are distributed to the individual probation or parole areas responsible for the revocation reductions while maintaining or improving public safety; and

(B) All of the funds received by the ~~Department~~ Division of Community Correction are invested in programs and practices designed to reduce recidivism.

SECTION 307. Arkansas Code § 16-99-103(b)(1), concerning an application for parole revocation, is amended to read as follows:

(b)(1) A competitive grant process will distribute grants to five (5) individual counties, multicounty partnerships, or judicial districts that meet criteria established to improve public safety and reduce their net impact on the ~~Department~~ Division of Correction.

SECTION 308. Arkansas Code § 16-99-103(b)(4)-(6), concerning an application for parole revocation, are amended to read as follows:

(4) Four (4) of the five (5) grants shall be awarded to the counties, multicounty partnerships, or judicial districts with the largest number of annual ~~Department~~ Division of Correction commitments that meet the

program criteria and submit acceptable applications.

(5) One (1) grant shall be awarded to a county, multicounty partnership, or judicial district representing a rural region of the state, notwithstanding the number of ~~Department~~ Division of Correction commitments from the applicant so long as the program criteria are met and the application is acceptable.

(6) Each year, the grant recipient shall receive additional funds equal to one-half ($\frac{1}{2}$) of the averted costs for reducing the net impact of its sentences on the ~~Department~~ Division of Correction.

SECTION 309. Arkansas Code § 16-99-104(2), concerning the implementation of rules by the Board of Corrections, is amended to read as follows:

(2) Calculate and determine the baseline for the ~~Department~~ Division of Community Correction's revocation rate and for the ~~Department~~ Division of Correction's commitments' length of stay for evaluation purposes; and

SECTION 310. Arkansas Code § 16-99-105(a)(1), concerning reporting and data collection by the Department of Community Correction, is amended to read as follows:

(a)(1) The ~~Department~~ Division of Community Correction shall provide data and information as requested by the Board of Corrections.

SECTION 311. Arkansas Code § 16-99-105(a)(2)(A), concerning reporting and data collection by the Department of Community Correction, is amended to read as follows:

(A) The total number of probationers from each of ~~Department~~ Division of Community Correction's individual probation or parole areas for the current year and previous years, as available;

SECTION 312. Arkansas Code § 16-99-105(a)(2)(C), concerning reporting and data collection by the Department of Community Correction, is amended to read as follows:

(C) The total number of new felony convictions and the rate of new felony convictions from each of the ~~Department~~ Division of

Community Correction's individual probation or parole areas for the current year and previous years, as available;

SECTION 313. Arkansas Code § 16-99-105(a)(2)(E), concerning reporting and data collection by the Department of Community Correction, is amended to read as follows:

(E) The evidence-based programs established or enhanced by the ~~Department~~ Division of Community Correction as part of its effort to reduce revocations and improve public safety and any subsequent evidence-based programs that contribute to the outcomes of the performance incentive funding program under this subchapter.

SECTION 314. Arkansas Code § 16-99-105(d)(2) and (3), concerning reporting and data collection by the Department of Community Correction, are amended to read as follows:

(2) This analysis shall include without limitation the effect, compared to baseline, on net ~~Department~~ Division of Correction bed usage by the ~~Department~~ Division of Community Correction and by all county grantees, as well as ~~Department~~ Division of Correction admissions and lengths-of-stay, moneys paid out, revocation rates and new crime conviction rates for the ~~Department~~ Division of Community Correction, and guidelines compliance for participating counties.

(3) The board shall provide analyses on an area-by-area basis for the ~~Department~~ Division of Community Correction performance incentive funding program and on a county-by-county, multicounty-partnership, or judicial-district basis for the local performance-incentive funding program.

SECTION 315. Arkansas Code § 16-106-201(2), concerning the definition of "inmate" under the rules governing actions against the state, is amended to read as follows:

(2) "Inmate" or "inmate in a penal institution" includes, but is not limited to, a person in the custody or under the supervision of the ~~Department~~ Division of Correction, the ~~Department~~ Division of Community Correction, or the United States Bureau of Prisons; and

SECTION 316. Arkansas Code § 16-106-202(a), concerning premature,

frivolous, or malicious lawsuits, is amended to read as follows:

(a) A civil action or claim initiated against the state, the Board of Corrections, the ~~Department~~ Division of Correction, the ~~Department~~ Division of Community Correction, another state agency, or a political subdivision, or an original action in an appellate court, or an appeal of an action, whether or not the plaintiff was represented in court, by an inmate in a penal institution or an incarcerated person appearing pro se may be:

(1) Dismissed without prejudice by the court on its own motion or on a motion of the defendant, if all administrative remedies available to the inmate have not been exhausted; or

(2) Dismissed with prejudice by the court on a motion of the defendant if the court is satisfied that the action is frivolous or malicious.

SECTION 317. Arkansas Code § 16-106-203(1), concerning sanctions for causes of actions that are frivolous or malicious, is amended to read as follows:

(1) Award attorney's fees and actual costs incurred by the state, the ~~Department~~ Division of Correction, or the ~~Department~~ Division of Community Correction, another state agency, a political subdivision, the Attorney General's office, or the defendant, not to exceed two thousand five hundred dollars (\$2,500) per frivolous cause of action;

SECTION 318. Arkansas Code § 16-106-203(3) and (4), concerning sanctions for causes of actions that are frivolous or malicious, are amended to read as follows:

(3) Order the ~~Department~~ Division of Correction to revoke up to thirty (30) days' earned good-time credits accrued, under § 12-29-201 et seq.;

(4) Order the ~~Department~~ Division of Correction to revoke permission to have nonessential personal property of the inmate, including, but not limited to, televisions, radios, stereos, or tape recorders. If permission is revoked, the ~~Department~~ Division of Correction shall take appropriate precautions to protect the property during the period of the revocation; or

SECTION 319. Arkansas Code § 16-106-204(a), concerning fees and costs as a judgment against the inmate, is amended to read as follows:

(a) Any award of attorney's fees or costs, or the imposition of a sanction shall serve as a judgment against the inmate, and the ~~Department~~ Division of Correction is authorized to take up to fifty percent (50%) of the inmate's account per month until paid.

SECTION 320. Arkansas Code § 16-123-407 is amended to read as follows:
16-123-407. Exemptions.

The ~~Department~~ Division of Correction, the ~~Department~~ Division of Community Correction, a county jail, and a detention facility are exempt from this subchapter.

SECTION 321. Arkansas Code § 17-82-104(d)(1), concerning unlawful practice of dentistry is amended to read as follows:

(d)(1) A registered licensed dental hygienist working at a ~~Department~~ Division of Correction or ~~Department~~ Division of Community Correction facility may work under the general supervision of a licensed dentist.

SECTION 322. Arkansas Code § 17-82-301(c), concerning penalty for practice of unlawful dentistry, is amended to read as follows:

(c) Any person who violates any provision of subsection (a) of this section shall be guilty of a Class D felony and shall be subject to imprisonment not to exceed six (6) years in the ~~Department~~ Division of Correction or a fine of up to ten thousand dollars (\$10,000), or both. Each unauthorized act constitutes a separate offense.

SECTION 323. Arkansas Code § 17-101-308(a)(4)(A), concerning the denial, suspension or revocation of a certificate for veterinary technicians, is amended to read as follows:

(4)(A) Any offense punishable by incarceration in the ~~Department~~ Division of Correction or federal prison.

SECTION 324. Arkansas Code § 19-4-803(b), concerning exemptions, is amended to read as follows:

(b) The ~~Department~~ Division of Correction Plasma Center is exempt from

provisions of this subchapter.

SECTION 325. Arkansas Code § 19-4-1602(a)(20), concerning payroll deductions, is amended to read as follows:

(20) ~~Department~~ Division Correction Bus Pool dues, when requested in writing by those employees;

SECTION 326. Arkansas Code § 19-5-302(1), concerning State General Government Fund, is amended to read as follows:

(1) ~~Department~~ Division of Correction Inmate Care and Custody Fund Account.

(A) The ~~Department~~ Division of Correction Inmate Care and Custody Fund Account shall be used for the maintenance, operation, and improvement of the ~~Department~~ Division of Correction required in carrying out those powers, functions, and duties relating to nonfarm or crop-producing programs as established by law.

(B) The ~~Department~~ Division of Correction Inmate Care and Custody Fund Account shall consist of:

- (i) Those general revenues as may be provided by law;
 - (ii) Nonrevenue income derived from services provided by the inmate care and custody program;
 - (iii) Excess farm profits as may be provided by law;
- and
- (iv) Any other funds provided by law, including federal reimbursements received for eligible expenditures by the various programs of the ~~Department~~ Division of Correction from appropriations made payable from the ~~Department~~ Division of Correction Inmate Care and Custody Fund Account;

SECTION 327. Arkansas Code § 19-5-302(12), concerning State General Government Fund, is amended to read as follows:

(12) ~~Department~~ Division of Community Correction Fund Account.

(A) The ~~Department~~ Division of Community Correction Fund Account shall be used for the maintenance, operation, and improvement of the ~~Department~~ Division of Community Correction required in carrying out those

powers, functions, and duties as established by law.

(B) The ~~Department~~ Division of Community Correction Fund Account shall consist of:

(i) Those general revenues as may be provided by law;

(ii) Nonrevenue income derived from services provided by the probation, parole, and community correction program; and

(iii) Any other funds provided by law, including federal reimbursements received for eligible expenditures by the various programs of the ~~Department~~ Division of Correction from appropriations made payable from the ~~Department~~ Division of Community Correction Fund Account;

SECTION 328. Arkansas Code § 19-5-503 is amended to read as follows:
19-5-503. Work release centers.

The Community Correction Revolving Fund is authorized to borrow from the Budget Stabilization Trust Fund for the establishment of new work release centers for the ~~Department~~ Division of Correction. These loans shall be repaid by the end of the fiscal year in which the loans are made.

SECTION 329. Arkansas Code § 19-5-905(a)(11)(A), concerning the Securities Reserve Fund, is amended to read as follows:

(A) The ~~Department~~ Division of Correction Farm Fund under § 19-5-501(b)(1);

SECTION 330. Arkansas Code § 19-5-1045(b) and (c), concerning the County Jail Reimbursement Fund, are amended to read as follows:

(b) The fund shall be used by the ~~Department~~ Division of Correction for reimbursing counties housing prisoners sentenced to the ~~Department~~ Division of Correction.

(c) The fund shall be used by the ~~Department~~ Division of Community Correction for reimbursing counties that are housing prisoners:

(1) Sentenced to the ~~Department~~ Division of Community Correction;

(2) Placed on probation if the probation is accompanied by incarceration in the ~~Department~~ Division of Community Correction; or

(3) Confined in a county jail under any prerelease program or

sanction imposed in response to a violation of a supervised condition.

SECTION 331. Arkansas Code § 19-6-301(31), concerning special revenues enumerated, is amended to read as follows:

(31) Fees recovered from ex-offenders on probation or parole from a facility of the ~~Department~~ Division of Community Correction, as enacted by Acts 1981, No. 70, and all laws amendatory thereto, § 16-93-104;

SECTION 332. Arkansas Code § 19-6-301(42) and (43), concerning special revenues enumerated, are amended to read as follows:

(42) That portion not declared to be “pledged revenues” for debt service on any certificates of indebtedness issued under Acts 1983, No. 458, §§ 22-3-1201 – 22-3-1214, 22-3-1215 [repealed], and 22-3-1216 – 22-3-1219, and that portion not declared cash funds paid to the Arkansas Development Finance Authority for deposit into the Correction Facilities Privatization Account of the Correction Facilities Construction Fund, § 22-3-1210(c)(1)(A), of the ~~Department~~ Division of Correction’s income from its farm operations, including sale of farm products and livestock, rental of farm properties, and payments from agencies of the state or federal government in connection with the farm operations, as enacted by Acts 1968 (1st Ex. Sess.), No. 50, and all laws amendatory thereto, §§ 12-27-101 – 12-27-105, 12-27-107 – 12-27-109, 12-27-112, 12-27-113, 12-27-115, 12-27-118, 12-27-120, 12-28-102, 12-29-101, former 12-29-102, 12-29-103, 12-29-104, 12-29-107, 12-29-112, 12-29-401, 12-30-301, 12-30-306, 12-30-401, 12-30-403, 12-30-405 – 12-30-407, 12-30-408 [repealed], 16-93-101, 16-93-102, former 16-93-201, 16-93-202 – 16-93-204, 16-93-601, 16-93-610, 16-93-701, 16-93-705, and 25-8-106;

(43) That portion not declared to be “pledged revenues” for debt service on any certificates of indebtedness issued under Acts 1983, No. 458, §§ 22-3-1201 – 22-3-1214, 22-3-1215 [repealed], 22-3-1216 – 22-3-1219, of the ~~Department~~ Division of Correction’s sales, or dispositions of articles and products manufactured or produced by prison labor, as enacted by Acts 1967, No. 473, known as the “Prison-Made Goods Act of 1967”, § 12-30-201 et seq.;

SECTION 333. Arkansas Code § 19-6-403 is amended to read as follows:

19-6-403. ~~Department~~ Division of Correction Farm Fund.

The ~~Department~~ Division of Correction Farm Fund shall consist of those

revenues as specified in § 19-6-301(42), there to be used for the maintenance, operation, and improvement of the ~~Department~~ Division Correction's farming operations. Any surplus accruing in the fund shall, upon determination of that surplus, be transferred to the ~~Department~~ Division of Correction Inmate Care and Custody Fund Account.

SECTION 334. Arkansas Code § 19-6-423 is amended to read as follows:
19-6-423. ~~Department~~ Division of Correction Prison Industry Fund.

The ~~Department~~ Division of Correction Prison Industry Fund shall consist of those special revenues as specified in § 19-6-301(43), there to be used for the maintenance, operation, and improvement of the ~~Department~~ Division of Correction's prison industries activities.

SECTION 335. Arkansas Code § 19-7-406 is amended to read as follows:
19-7-406. Loans on agricultural products.

It shall be lawful for the ~~Department~~ Division of Correction and other state institutions and the counties of the state which produce cotton or other agricultural products to participate in government loans made available upon these agricultural products. The superintendent of any such state institution and the county judge of any such county are authorized to enter into the necessary papers to secure the benefits of these government loans.

SECTION 336. Arkansas Code § 19-10-204(b)(1)(A)(iii)(b) and (c), concerning jurisdiction of the Arkansas State Claims Commission, are amended to read as follows:

(b) Claims against the ~~Department~~ Division of Community Correction for acts committed by a person while that person is subject to conditions of parole or probation under Arkansas law;

(c) Claims against the ~~Department~~ Division of Correction for acts committed by inmates while on authorized release from the ~~Department~~ Division of Correction; or

SECTION 337. Arkansas Code § 19-10-216(c), concerning decisions of the Arkansas State Claims Commission, is amended to read as follows:

(c) A claim filed by a person who at the time of filing is an inmate of the ~~Department~~ Division of Correction is exempted from the requirements of

this section.

SECTION 338. Arkansas Code § 20-9-310(2), concerning liability for furnishing medical records pursuant to subpoena, is amended to read as follows:

(2) Providing access to or producing a copy of the health or medical records requested by a clerk of a court, the ~~Department~~ Division of Correction, the ~~Department~~ Division of Community Correction, the Arkansas State Hospital, the Department of Health, the Department of Human Services, or a local law enforcement agency under the Sex Offender Registration Act of 1997, § 12-12-901 et seq.; or

SECTION 339. Arkansas Code § 20-9-602(12), concerning consent to medical treatment, is amended to read as follows:

(12) Any minor incarcerated in the ~~Department~~ Division of Correction or the ~~Department~~ Division of Community Correction, for himself or herself; and

SECTION 340. Arkansas Code § 20-9-604(e)(1), concerning consent for medical procedure given by court in an emergency, is amended to read as follows:

(e)(1) Consent may be given by a court when an emergency exists and there is no one immediately available who is authorized, empowered to, or capable of consent for a person of unsound mind or there has been a subsequent material and morbid change in the condition of the affected person who is in the custody of the ~~Department~~ Division of Correction or the ~~Department~~ Division of Community Correction.

SECTION 341. Arkansas Code § 21-5-701(3), concerning the definition of "covered public employee" under the laws addressing death benefits, is amended to read as follows:

(3) "Covered public employee" means a police officer, firefighter, state highway employee, state correction employee, ~~Department~~ Division of Community Correction employee, jailer, qualified emergency services worker, wildlife enforcement officer, emergency medical technician, Arkansas Forestry Commission employee, commissioned law enforcement

personnel, or emergency response personnel of the State Parks Division of the Department of Parks and Tourism;

SECTION 342. Arkansas Code § 21-5-701(4), concerning the definition of "Department of Community Correction employee" under the laws addressing death benefits, is amended to read as follows:

(4) "~~Department~~ Division of Community Correction employee" means any employee of the ~~Department~~ Division of Community Correction who is subject to injury through contact with parolees, probationers, or center residents;

SECTION 343. Arkansas Code § 21-5-701(10), concerning the definition of "state correction employee" under the laws addressing death benefits, is amended to read as follows:

(10) "State correction employee" means an employee of the ~~Department~~ Division Correction or the Corrections School System who is subject to injury through contact with inmates or parolees of the ~~Department~~ Division of Correction;

SECTION 344. Arkansas Code § 21-5-704(b)(2)(A), concerning payment of claim to covered public employees, their designated beneficiaries, or their survivors, is amended to read as follows:

(2)(A) Except as provided in subdivision (b)(2)(B) of this section, the funds shall not be reimbursed by transfer or charging the funds against any state funds allocated for turnback to cities or counties or distributed to the State Highway and Transportation Department Fund or distributed to any ~~Department~~ Division of Correction fund account or any other state ~~department~~ division agency fund account other than the Arkansas State Claims Commission fund accounts and the Miscellaneous Revolving Fund or state funds levied for firefighters, police officers, employees of the Arkansas Department of Transportation, and employees of the ~~Department~~ Division of Correction for pension purposes.

SECTION 345. Arkansas Code § 21-5-704(c), concerning payment of claim to covered public employees, their designated beneficiaries, or their survivors, is amended to read as follows:

(c) It is the intent of this subchapter that twenty-five thousand dollars (\$25,000) of the total obligation of providing the benefits provided by this subchapter, even though the funds are to be administered by the Arkansas State Claims Commission, are to be defrayed from state funds and are not to be charged against, or recovered against, any turnback moneys due the cities or counties of this state or allocated to the state highway system of this state or to the ~~Department~~ Division of Correction or any other state department agency fund account other than the Arkansas State Claims Commission fund accounts and the Miscellaneous Revolving Fund.

SECTION 346. Arkansas Code § 21-5-705(a)(1), concerning payment of claim to designated beneficiaries or survivors of certain specified public employees killed in the line of duty, is amended to read as follows:

(1) Police officer, wildlife enforcement officer, commissioned law enforcement officer or emergency response employee of the State Parks Division of the Department of Parks and Tourism, ~~Department~~ Division of Community Correction employee, employee of the ~~Department~~ Division of Correction, jailer, or coroner whose death occurred:

SECTION 347. The introductory language of Arkansas Code § 21-5-705(b), concerning payment of claim to designated beneficiaries or survivors of certain specified public employees killed in the line of duty, is amended to read as follows:

(b) In addition to the benefits provided for in subsection (a) of this section, the state shall pay the additional sum of twenty-five thousand dollars (\$25,000) to the designated beneficiary, surviving spouse, or surviving children under twenty-two (22) years of age of any police officer, wildlife enforcement officer of the Arkansas State Game and Fish Commission, commissioned law enforcement officer of the State Parks Division of the Department of Parks and Tourism, ~~Department~~ Division of Community Correction employee, or employee of the ~~Department~~ Division of Correction:

SECTION 348. Arkansas Code § 22-3-1202 is amended to read as follows:
22-3-1202. Purpose.

It has been found by the General Assembly that adequate construction, equipping, maintenance, and operation of facilities for the ~~Department~~

Division of Correction and the state-supported institutions of higher education are essential to the well-being of this state and that the pledging of the motor vehicles safety inspection fee, the fees derived from the agriculture and livestock activities and rentals of farm properties, the fees collected from the sale or disposition of articles and products manufactured through the operations of the prison industries program, and the rental fees collected by state-supported institutions of higher education from tenants other than state agencies is essential to the fulfillment of the purposes of this subchapter.

SECTION 349. Arkansas Code § 22-3-1203(2), concerning the definition of "building", is amended to read as follows:

(2)(A) "Building" or "buildings" means any and all buildings and related facilities constructed or acquired and equipped for the housing of inmates committed to, or in the custody of, the ~~Department~~ Division of Correction; any and all buildings and related facilities constructed, acquired, or equipped for the purpose of expanding the prison agriculture and industry programs within the ~~Department~~ Division of Correction; and any and all buildings constructed, acquired, or equipped for any state-supported institution of higher education, the construction, acquisition, or equipping of which are authorized by this subchapter.

(B) The term "building" or "buildings" means a single building or complex of buildings or an expansion of an existing building or complex of buildings as may be determined best to serve the needs of the ~~Department~~ Division of Correction or state-supported institutions of higher education and shall refer to and include such related structures, fixtures, and facilities as may be determined to be appropriate;

SECTION 350. Arkansas Code § 22-3-1203(5), concerning the definition of "department", is amended to read as follows:

(5) "Department" means the ~~Department~~ Division of Correction created by § 12-27-103 and any successor agency;

SECTION 351. Arkansas Code § 22-3-1205(a)(1) and (2), concerning powers of Building Authority Division of the Department of Finance and Administration, are amended to read as follows:

(1) Acquire, construct, repair, renovate, alter, maintain, and equip existing or new buildings and capital improvements and the sites upon which they are situated for use by the ~~Department~~ Division of Correction for the housing, treatment, care, and rehabilitation of inmates committed to or in the custody of the ~~Department~~ Division of Correction;

(2) Acquire, construct, repair, renovate, alter, maintain, and equip existing or new buildings and capital improvements and the sites upon which they are situated for use by the ~~Department~~ Division of Correction for the prison agriculture and industry programs;

SECTION 352. Arkansas Code § 22-3-1210(a)(2) and (3), concerning certificates of indebtedness and the Public Facilities Debt Service Fund, are amended to read as follows:

(2) All moneys from the sale of or disposition of farm products, livestock, or other products produced in connection with the agriculture and livestock activities at any institution under the control of the Board of Corrections or any successor entity, excluding those moneys that may be accountable from, or the value of, products consumed within the ~~Department~~ Division of Correction and from rental of farm properties under the control of the board or any successor entity;

(3) All moneys from the sale or disposition of articles and products manufactured or produced by prison labor through the operations of the prison industry program, excluding those moneys that may be accountable from, or the value of, articles and products used or consumed within the ~~Department~~ Division of Correction; and

SECTION 353. Arkansas Code § 22-3-1210(c), concerning certificates of indebtedness and the Public Facilities Debt Service Fund, is amended to read as follows:

(c)(1)(A) Moneys described in subdivision (a)(2) of this section are declared to be cash funds restricted in their use and dedicated and are to be used solely as authorized in § 15-5-213. The cash funds when received by the ~~Department~~ Division of Correction shall not be deposited into or deemed to be a part of the State Treasury for purposes of Arkansas Constitution, Article 5, § 29, Arkansas Constitution, Article 16, § 12, Arkansas Constitution, Amendment 20, or any other constitutional or statutory provision related

thereto. The ~~Department~~ Division of Correction shall pay such cash funds to the Arkansas Development Finance Authority for deposit into the Correction Facilities Privatization Account of the Correction Facilities Construction Fund for the purposes authorized by § 15-5-213. The cash funds described in this subsection shall not be subject to appropriation to the extent required for debt service.

(B) Commencing on the first day of the month next succeeding the issuance of certificates of indebtedness under this subchapter, but not before July 1, 1983, and so long as any certificates are outstanding under this subchapter, the pledged revenues, except as provided herein, shall be deposited into the State Treasury as and when received by the ~~Department~~ Division of Correction, by the Building Authority Division of the Department of Finance and Administration, by state-supported institutions of higher education, or by any other state agency, as the case may be, to the credit of a fund to be designated the "Public Facilities Debt Service Fund".

(2) So long as any certificates of indebtedness are outstanding under this subchapter, all moneys in the Public Facilities Debt Service Fund shall be used solely for payment and redemption of the outstanding 1977 Bonds and the 1979 Bonds, as authorized in this subchapter, for the payment of the principal of and interest on the certificates of indebtedness as authorized in this subchapter, for transfer of such amounts designated in subsection (a) of this section from time to time, as deemed necessary by the Chief Fiscal Officer of the State, to the Correction Facilities Privatization Account of the Correction Facilities Construction Fund established in § 15-5-213, and for the transfer of surplus moneys as defined in the authorizing resolution in the State Treasury for credit to the designated ~~Department~~ Division of Correction funds, in accordance with the provisions of this subchapter.

SECTION 354. Arkansas Code § 22-3-1210(f), concerning certificates of indebtedness and the Public Facilities Debt Service Fund, is amended to read as follows:

(f) Nothing in this section is intended to prohibit the Building Authority Division from investing moneys received under this section, as provided in this subchapter.

SECTION 355. Arkansas Code § 22-3-2117 is amended to read as follows:

22-3-1217. Disposition of revenues from agricultural and livestock activities of correctional facility.

(a)(1) Prior to the issuance of certificates of indebtedness as authorized by this subchapter, all moneys collected by the ~~Department~~ Division of Correction from the sale or disposition of farm products, livestock, or other products produced in connection with agricultural and livestock activities at institutions under the control of the Board of Corrections, from the rental of farm properties under the control of the board, and from payments from agencies of the state or federal government in connection with the farm operations of the ~~department~~ division shall be deposited into the State Treasury as special revenues for credit to the ~~Department~~ Division of Correction Farm Fund, as authorized by law, to be used for the maintenance, operation, and improvement of the agriculture and farm programs of the ~~department~~ division.

(2) Moneys which the ~~department~~ division shall determine not to be necessary in defraying expenses of operating the agriculture programs of the ~~department~~ division and which are profit or surplus from the operation of the agriculture programs shall, upon certification by the board to the Chief Fiscal Officer of the State, be transferred by the Chief Fiscal Officer of the State from the ~~Department~~ Division of Correction Farm Fund to the ~~Department~~ Division of Correction Inmate Care and Custody Fund Account within the State General Government Fund, to be used to supplement general revenues provided for the maintenance, operation, and improvement of the ~~department~~ division, as provided by law.

(b)(1) Commencing the first day of the month next succeeding the issuance of any certificates of indebtedness as authorized by this subchapter, the moneys described in this section shall be pledged revenues, as stated in § 22-3-1210, and shall be deposited into the Public Facilities Debt Service Fund as established in § 22-3-1210.

(2) Any surplus prison farm moneys in the Public Facilities Debt Service Fund, as defined in the authorizing resolution, shall be transferred to the ~~Department~~ Division of Correction Farm Fund, upon certification by the Building Authority Division of the Department of Finance and Administration to the Chief Fiscal Officer of the State, to the Treasurer of State, and to the Auditor of State, to be used for the maintenance, operation, and improvement of the agriculture and farm programs of the ~~Department~~ Division

of Correction, as provided by law.

(3) Such moneys deposited into the ~~Department~~ Division of Correction Farm Fund which the ~~department~~ division shall determine not to be necessary in defraying expenses of operating the agriculture and farm programs of the ~~department~~ division shall be, upon certification thereof by the board to the Chief Fiscal Officer of the State, transferred by the Chief Fiscal Officer of the State from the ~~Department~~ Division of Correction Farm Fund to the ~~Department~~ Division of Correction Inmate Care and Custody Fund Account within the State General Government Fund to be used to supplement general revenues provided for the maintenance, operation, and improvement of the ~~department~~ division, as provided by law.

SECTION 356. Arkansas Code § 22-3-1218 is amended to read as follows:
22-3-1218. Disposition of revenues from prison labor.

(a)(1) Prior to the issuance of certificates of indebtedness as authorized by this subchapter, all moneys collected by the Board of Corrections from the sale or disposition of articles and products manufactured or produced by prison labor shall be forthwith deposited with the Treasurer of State, to be there kept and maintained as a special revolving account designated as the "~~Department~~ Division of Correction Prison Industries Fund" as authorized by law. The moneys so collected and deposited shall be used solely for the purchase of manufacturing supplies, equipment, machinery, and buildings used to carry out the purposes of the industries program within the ~~Department~~ Division of Correction as well as for the payment of the necessary personnel in charge thereof and to otherwise defray the necessary expenses incident thereto, all of which shall be under the direction and subject to the approval of the board.

(2) The ~~Department~~ Division of Correction Prison Industries Fund shall never be maintained in excess of the amount necessary to efficiently and properly carry out the intentions of this subchapter.

(3) When, in the opinion of the board, the ~~Department~~ Division of Correction Prison Industries Fund has reached a sum in excess of the requirements of this subchapter, the excess shall be transferred, upon certification to the Chief Fiscal Officer of the State by the board, to the ~~Department~~ Division of Correction Inmate Care and Custody Fund Account.

(b)(1) Commencing on the first day of the month next succeeding the

issuance of any certificates of indebtedness as authorized by this subchapter, the moneys described in this section shall be pledged revenues, as stated in § 22-3-1210, and shall be deposited into the Public Facilities Debt Service Fund as established in § 22-3-1210.

(2) Any surplus prison industries moneys in the Public Facilities Debt Service Fund, as defined in the authorizing resolution, shall be transferred into the ~~Department~~ Division of Correction Prison Industries Fund upon certification by the Building Authority Division of the Department of Finance and Administration to the Chief Fiscal Officer of the State, to the Treasurer of State, and to the Auditor of State. The moneys are to be used for the maintenance, operation, and improvement of the prison industries programs of the ~~Department~~ Division of Correction, as provided by law.

(3) Such moneys deposited into the ~~Department~~ Division of Correction Prison Industries Fund as the ~~Department~~ Division of Correction shall determine not to be necessary in defraying the expenses of operating the industries programs of the ~~department~~ Division of Correction, upon certification thereof by the board to the Chief Fiscal Officer of the State, shall be transferred by the Chief Fiscal Officer of the State from the ~~Department~~ Division of Correction Prison Industries Fund to the ~~Department~~ Division of Correction Inmate Care and Custody Fund Account within the State General Government Fund to be used to supplement general revenues provided for the maintenance, operation, and improvement of the ~~Department~~ Division of Correction, as provided by law.

SECTION 357. Arkansas Code § 22-3-1225(c)(1) and (2), concerning the Prison Construction Fund, are amended to read as follows:

(1) Correction or prison facilities to be used by the ~~Department~~ Division of Correction;

(2) Regional jail facilities operated by the ~~Department~~ Division of Correction; or

SECTION 358. Arkansas Code § 22-3-1225(e), concerning the Prison Construction Fund, is amended to read as follows:

(e) The Arkansas Development Finance Authority shall not fund or provide for the funding of any facility described in subsection (c) of this section to be operated or utilized by the ~~Department~~ Division of Correction

unless the project, the plans therefor, and the construction thereof have been reviewed and approved by the Building Authority Division of the Department of Finance and Administration. The Arkansas Development Finance Authority shall not fund or provide for the funding of any other regional jail facility not utilized by the ~~Department~~ Division of Correction unless the project is in compliance with the minimum standards for jail facilities adopted by the state.

SECTION 359. Arkansas Code § 23-61-903(9)(A)(viii), concerning the definition of "submitting entity", is amended to read as follows:

(viii) An entity that contracts with institutions of the ~~Department~~ Division of Correction or the ~~Department~~ Division of Community Correction to provide medical, dental, or pharmaceutical care to inmates.

SECTION 360. Arkansas Code § 23-115-402(f)(1) and (2), concerning the restriction on the sale of lottery tickets, are amended to read as follows:

- (1) The ~~Department~~ Division of Correction;
- (2) The ~~Department~~ Division of Community Correction; or

SECTION 361. Arkansas Code § 24-4-726(b), concerning state penitentiary employees retirement, is amended to read as follows:

(b) Upon certification from the Executive Director of the Arkansas Public Employees' Retirement System, the Treasurer of State shall transfer from the ~~Department~~ Division of Correction Inmate Care and Custody Fund Account of the State General Government Fund to the Arkansas Public Employees' Retirement System Fund an amount equal to the contributions made by the state penitentiary employees. That amount shall be credited to the Employer Contribution Fund of the system.

SECTION 362. Arkansas Code § 24-4-726(f), concerning state penitentiary employees retirement, is amended to read as follows:

(f) On January 1 of each year, the Executive Director of the Arkansas Public Employees' Retirement System shall determine the amount necessary for the purpose of providing funds to assure the payment of such benefits. The Treasurer of State shall transfer from the ~~Department~~ Division of Correction Inmate Care and Custody Fund Account of the State General Government Fund to

the Arkansas Public Employees' Retirement System Fund that amount, as certified by the executive director.

SECTION 363. Arkansas Code § 25-4-127(b)(3)(D) and (E), concerning the creation of the Data and Transparency Panel, are amended to read as follows:

(D) The ~~Department~~ Division of Community Correction;

(E) The ~~Department~~ Division of Correction;

SECTION 364. Arkansas Code § 25-5-101 is repealed.

~~25-5-101. Continuation Organization.~~

~~(a) The Department of Correction, established by § 12-27-101 et seq., is continued.~~

~~(b) The department shall consist of those divisions which existed on July 1, 1971, and any other divisions which may be created by law and placed under the department.~~

SECTION 365. Arkansas Code § 25-15-202(1)(B), concerning the definition of "adjudication", is amended to read as follows:

(B) "Adjudication" does not include inmate disciplinary proceedings conducted by the ~~Department~~ Division of Correction and the ~~Department~~ Division of Community Correction;

SECTION 366. Arkansas Code § 25-15-211(d), concerning licenses for administrative adjudication, is amended to read as follows:

(d)(1) A complaint filed by an offender with a state licensing board or state licensing agency against a licensee of the board or agency shall not be heard by the board or agency unless the complaint is accompanied by appropriately verified documentation showing that the offender has exhausted all administrative remedies under the ~~Department~~ Division of Correction grievance procedure.

(2) For purposes of this section, "offender" means any person sentenced to the ~~Department~~ Division of Correction or sentenced to the ~~Department~~ Division of Correction for judicial transfer to the ~~Department~~ Division of Community Correction or any person confined in a community correction center as a condition of probation, suspended imposition of sentence, or post prison transfer.

SECTION 367. Arkansas Code § 25-15-212(a), concerning judicial review of administrative adjudication, is amended to read as follows:

(a) In cases of adjudication, any person, except an inmate under sentence to the custody of the ~~Department~~ Division of Correction, who considers himself or herself injured in his or her person, business, or property by final agency action shall be entitled to judicial review of the action under this subchapter. Nothing in this section shall be construed to limit other means of review provided by law.

SECTION 368. Arkansas Code § 25-16-614(d), concerning examination of office, is amended to read as follows:

(d) On the refusal of the Treasurer of State to comply with the provisions of this section, his or her office shall be declared vacant and the offense deemed a felony, and on conviction thereof he or she shall be sentenced to the ~~Department~~ Division of Correction for a term not exceeding five (5) years.

SECTION 369. Arkansas Code § 25-35-104(a)(2) and (3), concerning participation in the Arkansas Multi-Agency Insurance Trust Fund, are amended to read as follows:

- (2) The ~~Department~~ Division of Correction;
- (3) The ~~Department~~ Division of Community Correction; and

SECTION 370. Arkansas Code § 27-14-2212(b), concerning the mutilation of serial numbers, is amended to read as follows:

(b) Any person convicted of violating subsection (a) of this section shall be deemed guilty of a felony and punished by imprisonment in the ~~Department~~ Division of Correction for not less than one (1) year nor more than five (5) years.

SECTION 371. Arkansas Code § 27-65-132(c), concerning contracts between the State Highway Commission and employees, is amended to read as follows:

(c) Willful violation of this section shall be deemed a felony punishable by imprisonment in the ~~Department~~ Division of Correction for not

less than one (1) year.

SECTION 372. Arkansas Code § 27-66-601(a) and (b), concerning state inmates working on roads, are amended to read as follows:

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

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

SECTION 373. Arkansas Code § 27-66-601(e), concerning state inmates working on roads, is amended to read as follows:

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

SECTION 374. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that this act revises the duties of certain state entities; that this act establishes new departments of the state; that these revisions impact the expenses and operations of state government; and that the provisions of this act should become effective at the beginning of the fiscal year to allow for implementation of the new provisions at the beginning of the fiscal year. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.