

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 1616

By: Representative Wardlaw

## For An Act To Be Entitled

AN ACT CONCERNING THE TRANSPORTATION OF STATE  
INMATES; AND FOR OTHER PURPOSES.

### Subtitle

CONCERNING THE TRANSPORTATION OF STATE  
INMATES.

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

SECTION 1. Arkansas Code § 12-27-113(d), concerning commitments to the Department of Correction, is amended to read as follows:

~~(d)(1) A county sheriff, a deputy county sheriff, or a trained security contractor shall transport all inmates committed to the~~ The Department of Correction or the Department of Community Correction, as described in this subsection, and the county sheriff is entitled to the fees provided by law applicable, shall transport an inmate committed to the Department of Correction or the Department of Community Correction, as applicable.

~~(2) A county sheriff shall notify the director of the number of inmates in his or her charge who are under commitment to the Department of Correction, and upon request to the county sheriff by the director, the county sheriff, the deputy county sheriff, or the trained security contractor shall send for, take charge of, and safely transport the inmates to the nearest appropriate facility as determined by the Department of Correction or the Department of Community Correction.~~

~~(3) However, if the county sheriff determines that it would be in the best interest of an inmate and the public to immediately transport the~~



~~inmate to the Department of Correction or the Department of Community Correction because of overcrowding or another issue, the county sheriff may notify the Department of Correction or the Department of Community Correction of the need for immediate transport and the Department of Correction or the Department of Community Correction shall consider the request in scheduling inmates for intake.~~

SECTION 2. Arkansas Code § 12-29-111 is amended to read as follows:

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

(a) If an inmate in the care and custody of the Department of Correction or the Department 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,~~ Department of Correction or the Department of Community Correction, as applicable, shall 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 of Correction or Department of Community Correction from which the inmate was received and shall return custody of the inmate to the Department of Correction or Department 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 of Correction or the Department 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 of~~

~~Correction against the inmate for offenses committed while the inmate is under the custody and care of the Department of Correction.~~

~~(f)(1)(b)(1)~~ When an inmate in the care and custody of the Department of Correction or the Department 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 of Correction or the Department of 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.

(c)(1) If an inmate in the care and custody of the Department of Correction or the Department of Community Correction is required to be transported to a hospital, medical facility, or medical clinic, for any medical reason or health concern, the Department of Correction or the Department of Community Correction, as applicable, shall transport the inmate to the hospital, medical facility, or medical clinic.

(2) Another appropriate entity may transport the inmate to a hospital, medical facility, or medical clinic in an emergency situation.