

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

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: S3/4/19 S3/6/19
A Bill

SENATE BILL 313

By: Senator Elliott

By: Representative Scott

For An Act To Be Entitled

AN ACT REQUIRING THE PAROLE BOARD TO ISSUE AND
RELEASE FINDINGS OF FACT WHEN IT DENIES PAROLE OR
TRANSFER TO A PERSON OTHERWISE ELIGIBLE FOR RELEASE
ON PAROLE OR TRANSFER FROM THE DEPARTMENT OF
CORRECTION; AND FOR OTHER PURPOSES.

Subtitle

REQUIRING THE PAROLE BOARD TO ISSUE AND
RELEASE FINDINGS OF FACT WHEN IT DENIES
PAROLE OR TRANSFER TO A PERSON OTHERWISE
ELIGIBLE FOR RELEASE ON PAROLE OR
TRANSFER FROM THE DEPARTMENT OF
CORRECTION.

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

SECTION 1. Arkansas Code § 16-93-210(a), concerning the monthly report by the Parole Board to the legislature and the Governor concerning the grant and denial of parole, is amended to read as follows:

(a)(1) The Parole Board shall submit a monthly report to the chairs of the House Committee on Judiciary and the Senate Committee on Judiciary, the Legislative Council, the Board of Corrections, and the Governor, showing the number of persons who make application for parole and those who are granted or denied parole during the previous month for each criminal offense classification.

(2) The report shall include a breakdown by race of all persons



sentenced in each criminal offense classification.

(3) The report shall include ~~the~~ a detailed reason for each denial of parole, including a detailed finding of fact upon which the board relied to deny parole to the otherwise eligible person, the results of the risk-needs assessment, and the course of action that accompanies each denial ~~pursuant to~~ under § 16-93-615(a)(2)(B)(ii).

SECTION 2. Arkansas Code § 16-93-615(a)(2), concerning the Parole Board's procedure to transfer an inmate of the Department of Correction to the Department of Community Correction, is amended to read as follows:

(2)(A) When one (1) or more of the circumstances in subdivision (a)(1) of this section are present, the Parole Board shall conduct a hearing to determine the appropriateness of the inmate for transfer.

(B) The Parole Board has two (2) options:

(i) To transfer the individual to the Department of Community Correction accompanied by notice of conditions of the transfer, including without limitation:

- (a) Supervision levels;
- (b) Economic fee sanction;
- (c) Treatment program;
- (d) Programming requirements; and
- (e) Facility placement when appropriate; or

(ii)(a) To deny transfer based on a set of established criteria and to accompany the denial with a prescribed course of action to be undertaken by the inmate to rectify the Parole Board's concerns.

(b) If the Parole Board denies a transfer under this subdivision (a)(2)(B)(ii), the Parole Board shall detail the findings of fact that the Parole Board relied upon to deny transfer to the inmate.

(C) Upon completion of the course of action determined by the Parole Board and after final review of the inmate's file to ensure successful completion, the Parole Board shall authorize the inmate's transfer to the Department of Community Correction under this section and §§ 16-93-614, 16-93-616, and 16-93-617, in accordance with administrative policies and procedures governing the transfer and subject to conditions attached to the transfer.

SECTION 3. Arkansas Code § 16-93-714 is amended to read as follows:

16-93-714. Denial of parole – Detriment to the community.

(a) The Parole Board may deny parole to any otherwise eligible person, regardless of the sentence that he or she is serving, if five (5) members of the board determine that the person upon release would be a detriment to the community into which the person would be released.

(b)(1) However, if the board denies parole to an otherwise eligible person under this section, the board shall issue to the otherwise eligible person and the otherwise eligible person's attorney, if applicable, and make available to the public the detailed findings of fact that the board relied upon to deny parole to the otherwise eligible person.

(2) For detailed findings of fact made available to the public, if there is a law that specifically prohibits the disclosure of the detailed findings of fact required under this subsection, the board shall redact those detailed findings of fact and make available to the public the remaining detailed findings of fact.

/s/Elliott