

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

SENATE BILL 635

By: Senator Elliott

For An Act To Be Entitled

AN ACT TO PROVIDE FOR THIRD-PARTY ALTERNATIVE
TRANSITIONAL HOUSING FOR INMATES IN THE DEPARTMENT OF
CORRECTION WHO ARE ELIGIBLE FOR PAROLE BUT LACK A
RESIDENCE TO WHICH THE INMATE MAY BE RELEASED; AND
FOR OTHER PURPOSES.

Subtitle

TO PROVIDE FOR THIRD-PARTY ALTERNATIVE
TRANSITIONAL HOUSING FOR INMATES IN THE
DEPARTMENT OF CORRECTION WHO ARE ELIGIBLE
FOR PAROLE BUT LACK A RESIDENCE TO WHICH
THE INMATE MAY BE RELEASED.

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

SECTION 1. DO NOT CODIFY. Legislative findings.

The General Assembly finds that:

(1) The Department of Correction currently has in custody hundreds of men and women who have been granted parole by the Parole Board but are still being held in our prison system due to no suitable place, family, or friends to which the person may be paroled. Some persons have been eligible for parole release for years but are still being held in the Department of Correction. While these persons in the Department of Correction continue to be a tax burden on the state with increased costs of incarceration, they could actually be contributing to the tax base if alternative transitional housing were available for them to parole to, and they were able to contribute to the workforce;



(2) Currently, there is only early release transitional housing available under § 16-93-211, which states that persons held in the Department of Correction shall be eligible for early release to a transitional housing facility, or an equivalent entity, licensed by the Department of Community Correction up to one year prior to the offenders date of eligibility for parole or transfer. A person's home or the residence of a person's family shall not be considered a transitional housing facility under this provision for the purposes of the program. A person released under this program must reside at an approved transitional housing facility until they reach their parole or transfer eligibility date;

(3) When a person is granted parole, and his or her parole plan is to parole to his or her residence, to the residence of a family member, or to the residence of a friend, the person's area parole officer will inspect the residence, the residence of the family member, or the residence of the friend and will deny the residence as unsuitable if drugs, the appearance of drugs, unlawful activities, weapons, or hazards that would not be conducive to the person's successful parole conditional release are present;

(4) Alternatively, if the person's residence, the residence of a family member, or the residence of a friend is part of an approved parole plan, the person is oftentimes not introduced back into society with much assistance in obtaining the necessary benefits to ease his or her transition in a productive and meaningful way such as treatment, reentry programs, assistance in obtaining a driver's license, assistance in obtaining a Social Security card, mental health services, employment, training, structured programming, education, clothing, and mentoring;

(5) This act provides the benefits of assistance with the person's treatment, reentry programs, driver's licenses, Social Security cards, mental health services, employment, training, structured programming, education, clothing, curfew, and mentoring to these hundreds of persons who have already been granted for parole but are still being held in by the Department of Correction due to the lack of a suitable place or family or friends to parole to; and

(6) The Department of Correction and the Department of Community Correction cannot and have not assisted these eligible persons with locating places to parole to, or helped them become productive citizens under the current statutory and rule framework. Third-party alternative transitional

housing facilities would also ease overcrowding in our jails and prisons, making it a huge benefit to tax payer dollars and save the state of Arkansas millions of dollars annually.

SECTION 2. Arkansas Code § 16-93-211 is amended to read as follows:

16-93-211. Early release to transitional housing facilities –
Definition.

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

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

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

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

(D) Paroled from the Department of Correction but lack a suitable place to parole to due to their parole plans being denied.

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

(b)(1) To assist an offender who will be eligible for parole or transfer to successfully reintegrate into the community, the board is authorized to place the offender into approved transitional housing up to one (1) year prior to the offender’s date of eligibility for parole or transfer.

(2) Subject to conditions of release and consistent with rules promulgated by the board, placement in a transitional housing facility ~~must~~ shall be preceded by:

(A) The provision of all applicable notices under § 16-93-615; and

(B) A hearing conducted by the board.

(c) The decision to place an offender in transitional housing and the establishment of conditions of release by the board ~~must~~ shall be based on a reasoned, rational plan developed in conjunction with an accepted risk-needs assessment tool such that each placement decision is based on:

(1) Established criteria; and

(2) A determination that there is a reasonable probability that an offender can be placed in a transitional housing facility without detriment to:

- (A) The community; or
- (B) The offender.

(d) Conditions of release imposed by the board ~~must~~ shall at a minimum include a curfew requiring an offender placed in transitional housing to present himself or herself at a scheduled time to be confined in the transitional housing facility.

(e) An offender placed in transitional housing by the board will be supervised by officers of the Department of Community Correction.

(f) An offender who without permission leaves the custody of the transitional housing facility in which he or she is placed may be subject to criminal prosecution for first degree escape, § 5-54-110, second degree escape, § 5-54-111, and third degree escape, § 5-54-112.

(g) Revocation of placement in transitional housing ~~must~~ shall follow the revocation proceedings established in § 16-93-705.

(h) A third-party alternative transitional housing facility shall be considered and shall be used for a person eligible for parole but who does not have an approved parole plan due to the lack of a residence or other eligible housing to which the person may be released.

SECTION 3. DO NOT CODIFY. Temporary legislation.

(a) The Board of Correction and the Parole Board shall consider third-party alternative transitional housing facilities to house persons otherwise eligible for parole but having no approved parole plan due to the lack of a residence or other eligible housing to which the persons may be released within ninety (90) days of the effective date of this act.

(b) When a third-party alternative transitional housing facility has been approved by the Board of Correction, the Parole Board shall begin the parole procedure for those persons who have been eligible for the longest periods of time but who are still housed in the Department of Correction or the Department of Community Correction, with the goal of releasing those persons to the approved third-party alternative transitional housing facility.