

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: H2/9/21
A Bill

HOUSE BILL 1120

By: Representative Slape

For An Act To Be Entitled

AN ACT CONCERNING CRIMINAL DETENTION FACILITIES
REVIEW COMMITTEES; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING CRIMINAL DETENTION FACILITIES
REVIEW COMMITTEES.

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

SECTION 1. Arkansas Code § 12-26-103 is amended to read as follows:

12-26-103. Office of Criminal Detention Facilities Review Coordinator –
Creation – Duties.

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

(1) A ~~criminal detention facilities review coordinator~~ Criminal
Detention Facilities Review Coordinator, who shall be ~~appointed~~ hired and
employed by and serve at the pleasure of the ~~Governor~~ Secretary of the
Department of Corrections; ~~and~~

(2) An administrative assistant; and

(3) Other staff permanently or temporarily assigned from within
the Department of Corrections.

(b) The office shall be responsible for promulgating, upon approval of
the secretary, minimum standards for the construction, maintenance, and
operation of local, county, regional, or state criminal detention facilities
and juvenile detention facilities in accordance with the Arkansas
Administrative Procedure Act, § 25-15-201 et seq.



(c) The coordinator shall perform all duties ~~necessary~~ assigned by the secretary to assure uniformity in the interpretation and administration of the minimum standards by the several criminal facility detention review committees.

SECTION 2. Arkansas Code § 12-26-106 is amended to read as follows:

12-26-106. Powers and duties of a criminal detention facility review committee.

A criminal detention facility review committee shall:

(1) Provide consultation and technical assistance to county and local government officials with respect to criminal detention facilities and juvenile detention facilities;

~~(2)(A) Visit and inspect the~~ Review and approve the written inspection reports of the Criminal Detention Facilities Review Coordinator for criminal detention facilities and juvenile detention facilities in the criminal detention facility review committee's district for compliance with the standards as established under § 12-26-103.

(B) This subdivision (2) does not prevent a committee member from visiting or inspecting a criminal detention facility or juvenile detention facility as part of the review process;

(3) Advise government officials and other appropriate persons of deficiencies in the criminal detention facilities and juvenile detention facilities and make recommendations for improvements;

~~(4) Submit written reports of the inspections to appropriate agencies and persons as provided in § 12-26-107;~~

~~(5)(4)~~ Review and comment on approve plans for the construction and major modification or renovation of the criminal detention facilities and juvenile detention facilities; and

~~(6)(5)~~ Perform such other duties as may be necessary to carry out the policy of the state regarding criminal detention facilities and juvenile detention facilities.

SECTION 3. Arkansas Code § 12-26-107 is amended to read as follows:

12-26-107. Inspection of facility – Report.

(a)~~(1)~~ Except as otherwise provided in this chapter, ~~each criminal detention facility review committee~~ the Criminal Detention Facilities Review

Coordinator shall visit and inspect each criminal detention facility and each juvenile detention facility, if any, in ~~the committee's~~ each criminal detention facility review committee district at least annually for the purpose of determining the conditions of confinement, the treatment of prisoners, and whether the criminal detention facilities and juvenile detention facilities comply with the minimum standards established pursuant to this chapter.

(2) The method of inspection may only be altered in the event of an emergency declared under the Arkansas Emergency Services Act of 1973, § 12-75-101 et seq., with approval of the Secretary of the Department of Corrections.

(3) The coordinator shall report in writing his or her findings that result from the visits to each criminal detention facility and each juvenile detention facility to the criminal detention facility review committee for the district.

(b)(1) A written report of each inspection shall be ~~made~~ issued by the criminal detention facility review committee within thirty (30) days following ~~such~~ the inspection under subsection (a) of this section to the administrative judge for a judicial district within the geographic area of the criminal detention facility review committee district in which the criminal detention facility or juvenile detention facility is located and to the county judge or the governing body of the political subdivision whose criminal detention facility or juvenile detention facility is the subject of the written report.

(2) The written report shall specify ~~those respects~~ the ways in which the criminal detention facility or juvenile detention facility does and does not comply with the required minimum standards.

/s/Slape