

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 311

By: Senator C. Tucker
By: Representative M. Gray

For An Act To Be Entitled

AN ACT CONCERNING PROBATION AND PAROLE; CONCERNING
TECHNICAL VIOLATIONS AND LENGTH OF SANCTIONS; AND FOR
OTHER PURPOSES.

Subtitle

CONCERNING PROBATION AND PAROLE; AND
CONCERNING TECHNICAL VIOLATIONS AND
LENGTH OF SANCTIONS.

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

SECTION 1. Arkansas Code § 16-93-101(11) and (12), concerning the definitions of "serious conditions violation" and "technical conditions violation" in the context of probation and parole, are amended to read as follows:

(11) "Serious conditions violation" means a violation of the conditions of a parolee's parole or probationer's probation that results from the parolee's or probationer's absenting himself or herself from supervision for a period of six (6) months or more or an arrest for a misdemeanor offense that does not involve:

(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 Division of Community Correction to utilize the sanctions provided under this chapter;

(B) An offense for which a conviction would require the person to register as a sex offender under the Sex Offender Registration Act



of 1997, § 12-12-901 et seq.;

(C) A misdemeanor offense of harassment or stalking or that contains a threat of violence to a victim, or a threat of violence to a family member of the victim of the offense for which the defendant was placed on probation or parole;

(D) A misdemeanor offense of driving or boating while intoxicated, § 5-65-103, when the probationer or parolee is currently being supervised for a felony offense of § 5-65-103, § 5-10-104, or § 5-10-105, and the felony offense was alcohol-related or drug-related; or

(E) Except for an offense under the Uniform Controlled Substances Act, § 5-64-101 et seq., a misdemeanor offense that is a lesser included offense or falls within the same chapter of the Arkansas Criminal Code of the offense for which the defendant was placed on probation or parole;

(12) “Technical conditions violation” means:

(A) A violation of the conditions of a parolee’s parole or a probationer’s probation that results from a noncriminal act or positive drug screen; or

(B) The ~~parolee or probationer~~ parolee’s or probationer’s absents himself or herself from supervision for a period of less than six (6) months;

SECTION 2. Arkansas Code § 16-93-712(d)(3)(E), concerning intermediate sanctions a parolee may be required to serve, is amended to read as follows:

(E)(i) Incarceration in a county jail for no more than seven (7) days or incarceration in a Division of Community Correction facility or Division of Correction facility for no more than ~~one hundred eighty (180)~~ one hundred twenty (120) days.

(ii)(a) Incarceration as an intermediate sanction shall not be used more than six (6) times with an individual parolee.

(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)~~ two hundred forty (240) days’ incarceration in a Division of Community Correction facility or 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)~~ sixty (60) days in a Division of Community Correction facility or Division of Correction facility for a technical conditions violation; and

(2) ~~Exactly one hundred eighty (180)~~ One hundred twenty (120) days in a Division of Community Correction facility or 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 Division of Community Correction facility or Division of Correction facility.

SECTION 3. Arkansas Code § 16-93-715(a), concerning technical parole revocations for conditions violations and serious conditions violations, is amended to read as follows:

(a)(1) If a parolee is subject to a parole revocation hearing under this subchapter for a technical conditions violation or a serious conditions violation, the parolee is subject to confinement for the following periods, subject to subdivision (a)(2)(A) of this section, before being released and returned to parole supervision:

(A) Up to ~~ninety (90)~~ sixty (60) days' confinement for a technical conditions violation; and

(B) ~~Exactly one hundred eighty (180)~~ One hundred twenty (120) days' confinement for a serious conditions violation.

(2)(A) A period of confinement under subdivision (a)(1) of this section may be reduced by the Division of Correction or the Division of Community Correction for good behavior and successful program completion.

(B) A period of confinement shall not be reduced under subdivision (a)(2)(A) of this section for more than fifty percent (50%) of the total time of confinement ordered to be served.

(3) Any time in custody for which the person is held before a period of confinement is ordered to be served under subdivision (a)(1) of this section shall not be credited to the overall period of confinement ordered under subdivision (a)(1) of this section.