

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

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: S3/1/23
A Bill

SENATE BILL 267

By: Senator B. Johnson
By: Representative Tosh

For An Act To Be Entitled

AN ACT TO TRANSFER THE CRIMINAL DETENTION FACILITY REVIEW COMMITTEES, AND THE OFFICE OF CRIMINAL DETENTION FACILITIES REVIEW COORDINATOR TO THE DEPARTMENT OF PUBLIC SAFETY; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO TRANSFER THE CRIMINAL DETENTION FACILITY REVIEW COMMITTEES, AND THE OFFICE OF CRIMINAL DETENTION FACILITIES REVIEW COORDINATOR TO THE DEPARTMENT OF PUBLIC SAFETY; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. DO NOT CODIFY. Cabinet-level department transfer of criminal detention facility review committees and Office of Criminal Detention Facilities Review Coordinator from Department of Corrections to Department of Public Safety.

(a) The criminal detention facility review committees and the Office of Criminal Detention Facilities Review Coordinator are transferred by a cabinet-level department transfer under § 25-43-101 et. seq. from the Department of Corrections to the Department of Public Safety.

(b) The administrative functions of the criminal detention facility review committees and the Office of Criminal Detention Facilities Review



Coordinator are transferred by a cabinet-level department transfer under § 25-43-1402 from the Department of Corrections to the Department of Public Safety.

(c) The statutory authority, powers, duties, functions, records, personnel, property, contracts, and unexpended balances of appropriations, allocations, or other funds, including the functions of budgeting or purchasing of the criminal detention facility review committees and the Office of Criminal Detention Facilities Review Coordinator, are transferred to the Department of Public Safety.

(d)(1) The transfer of the criminal detention facility review committees and the Office of Criminal Detention Facilities Review Coordinator does not affect the orders, rules, regulations, directives, or standards made or promulgated by the criminal detention facility review committees and the Office of Criminal Detention Facilities Review Coordinator before the effective date of this act.

(2) The orders, rules, regulations, directives, or standards under subdivision (d)(1) of this section shall continue with full force and effect until amended or repealed under authority given by law.

(e) The members of the criminal detention facility review committees, and their successors, shall continue to be selected in the manner and serve for the terms provided by the statutes applicable to the criminal detention facility review committees.

(f) The Department of Corrections shall grant access to and provide all information requested by the Department of Public Safety to accomplish transfer of the criminal detention facility review committees and the Office of Criminal Detention Facilities Review Coordinator and the mission of the criminal detention facility review committees and the Office of Criminal Detention Facilities Review Coordinator.

SECTION 2. Arkansas Code § 12-26-103(a)(1), concerning the creation and duties of the Office of Criminal Detention Facilities Review Coordinator, is amended to read as follows:

(1) A Criminal Detention Facilities Review Coordinator, who shall be hired and employed by and serve at the pleasure of the Secretary of the Department of ~~Corrections~~ Public Safety;

SECTION 3. Arkansas Code § 12-26-103(a)(3), concerning the creation and duties of the Office of Criminal Detention Facilities Review Coordinator, is amended to read as follows:

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

SECTION 4. Arkansas Code § 12-26-107(d)(1), concerning criminal detention facilities, is amended to read as follows:

(d)(1) A committee shall function as a state agency within the Department of Public Safety.

SECTION 5. Arkansas Code § 12-26-107(a)(2), concerning the inspection of criminal detention facilities, is amended to read as follows:

(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~~ Public Safety.

SECTION 6. Arkansas Code § 25-43-402(3), concerning state entities transferred to Department of Corrections, is repealed.

~~(3) The criminal detention facility review committees, created under § 12-26-105;~~

SECTION 7. Arkansas Code § 25-43-402(6), concerning state entities transferred to Department of Corrections, is repealed.

~~(6) The Office of Criminal Detention Facilities Review Coordinator, created under § 12-26-103;~~

SECTION 8. Arkansas Code § 25-43-1402, concerning state entities transferred to Department of Public Safety, is amended to add additional subdivisions to read as follows:

(18) The criminal detention facility review committees, created under § 12-26-105; and

(19) The Office of Criminal Detention Facilities Review Coordinator, created under § 12-26-103.

SECTION 9. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the criminal detention facility review committees and the Office of Criminal Detention Facilities Review Coordinator preserve the public peace, health, and safety by providing minimum standards and reviews of minimum standards for the construction, maintenance, and operation of criminal detention facilities; that this act provides for the transfer of the criminal detention facility review committees and the Office of Criminal Detention Facilities Review Coordinator to the Department of Public Safety; and that this act should become effective on July 1, 2023, to coincide with the appropriation bills of the Department of Public Safety and Department of Corrections and ensure that the criminal detention facility review committees and the Office of Criminal Detention Facilities Review Coordinator continue to provide their vital services as the transfer is implemented and do not experience any issues with funding under the transfer. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2023.

/s/B. Johnson