

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

State of Arkansas
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As Engrossed: S3/30/23 H4/5/23
A Bill

SENATE BILL 495

By: Senators Gilmore, J. Dismang, J. Boyd, J. Bryant, Caldwell, Crowell, B. Davis, Dees, J. English, Flippo, K. Hammer, Hester, Hill, Irvin, B. Johnson, M. Johnson, M. McKee, C. Penzo, J. Petty, Rice, Stone, G. Stubblefield, D. Wallace, *A. Clark*

By: Representatives Gazaway, *M. Shepherd, Achor, Andrews, Barker, Beck, Beaty Jr., Bentley, M. Berry, S. Berry, Breaux, Brooks, K. Brown, M. Brown, Burkes, Joey Carr, John Carr, Cavanaugh, C. Cooper, Cozart, Crawford, Dalby, Duffield, Eaves, Eubanks, Evans, C. Fite, L. Fite, Fortner, Furman, Gramlich, Haak, Hawk, G. Hodges, Holcomb, Hollowell, L. Johnson, Ladyman, Lundstrum, Maddox, McAlindon, McCollum, McGrew, B. McKenzie, McNair, S. Meeks, Milligan, J. Moore, Painter, Pearce, Pilkington, Ray, R. Scott Richardson, Richmond, Rose, Rye, Schulz, Steimel, Tosh, Underwood, Vaught, Walker, Wardlaw, Warren, Watson, Wing, Wooldridge, Wooten*

For An Act To Be Entitled

AN ACT TO CREATE THE PROTECT ARKANSAS ACT; TO AMEND ARKANSAS LAW CONCERNING SENTENCING AND PAROLE; TO AMEND ARKANSAS LAW CONCERNING CERTAIN CRIMINAL OFFENSES; TO AMEND ARKANSAS LAW CONCERNING THE PAROLE BOARD; TO CREATE THE LEGISLATIVE RECIDIVISM REDUCTION TASK FORCE; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE PROTECT ARKANSAS ACT; TO AMEND ARKANSAS LAW CONCERNING SENTENCING AND PAROLE; TO AMEND ARKANSAS LAW CONCERNING CERTAIN CRIMINAL OFFENSES; AND TO CREATE THE LEGISLATIVE RECIDIVISM REDUCTION TASK FORCE.

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

SECTION 1. DO NOT CODIFY. This act shall be known as the "Protect



Arkansas Act".

SECTION 2. Arkansas Code Title 16, Chapter 93, is amended to add additional subchapters to read as follows:

Subchapter 18 – Release Eligibility and Procedures for Offenses Committed on or after January 1, 2025

16-93-1801. Applicability.

(a) This subchapter applies to a felony offense committed on or after January 1, 2025.

(b) A person who, before January 1, 2025, committed a felony and who was convicted and incarcerated for that felony is eligible for release on parole in accordance with the law in effect at the time the felony was committed.

16-93-1802. Definitions.

As used in this subchapter:

(1)(A) "Felony ineligible to receive earned release credits" means a felony offense for which a person is not eligible for release until one hundred percent (100%) of the sentence imposed by the sentencing court has been served.

(B) "Felony ineligible to receive earned release credits" includes only the following felony offenses, or an attempt, solicitation, or conspiracy to commit one (1) of the following felony offenses:

(i) Capital murder, § 5-10-101;

(ii) Murder in the first degree, § 5-10-102;

(iii) Kidnapping, § 5-11-102, if a Class Y felony;

(iv) Aggravated robbery, § 5-12-103;

(v) Rape, § 5-14-103;

(vi) Trafficking of persons, § 5-18-103;

(vii) Engaging children in sexually explicit conduct for use in visual or print medium, § 5-27-303;

(viii) Pandering or possessing visual or print medium depicting sexually explicit conduct involving a child, § 5-27-304;

(ix) Transportation of minors for prohibited sexual conduct, § 5-27-305;

(x) Internet stalking of a child, § 5-27-306;
(xi) Sexually grooming a child, § 5-27-307, if a felony offense;
(xii) Producing, directing, or promoting a sexual performance by a child, § 5-27-403;
(xiii) Computer exploitation of a child, § 5-27-605;
(xiv) Causing a catastrophe, § 5-38-202(a);
(xv) Aggravated residential burglary, § 5-39-204, if a Class Y felony;
(xvi) Treason, § 5-51-201;
(xvii) Fleeing, § 5-54-125, if a Class B felony; and
(xviii) Possession of firearms by certain persons, § 5-73-103, if a Class B felony; and

(2)(A) "Restricted release felony" means a felony offense for which a person is not eligible for release until at least eighty-five percent (85%) of the sentence imposed by the sentencing court has been served.

(B) "Restricted release felony" includes only the following felony offenses, or an attempt, solicitation, or conspiracy to commit one (1) of the following felony offenses:

(i) Murder in the second degree, § 5-10-103;
(ii) Manslaughter, § 5-10-104;
(iii) Negligent homicide, § 5-10-105, if a Class B felony;
(iv) Encouraging the suicide of another person, § 5-10-107;
(v) Kidnapping, § 5-11-102, if a Class B felony;
(vi) Battery in the first degree, § 5-13-201;
(vii) Terroristic act, § 5-13-310;
(viii) Sexual indecency with a child, § 5-14-110;
(ix) Sexual extortion, § 5-14-113;
(x) Exposing another person to human immunodeficiency virus, § 5-14-123;
(xi) Sexual assault in the first degree, § 5-14-124;
(xii) Unlawful female genital mutilation of a minor, § 5-14-136;
(xiii) Crime of video voyeurism, § 5-16-101, if a

Class C felony offense;(xiv) Voyeurism, § 5-16-102, if a Class C felonyoffense;(xv) Patronizing a victim of human trafficking, § 5-18-104;(xvi) Grooming a minor for future sex trafficking, §5-18-106;(xvii) Traveling for the purpose of an unlawful sexact with a minor, § 5-18-107;(xviii) Domestic battering in the first degree, § 5-26-303;(xix) Aggravated assault on a family or householdmember, § 5-26-306, if under § 5-26-306(a)(3);(xx) Permitting abuse of a minor, § 5-27-221, if aClass B felony;(xxi) Exposing a child to a chemical substance ormethamphetamine, § 5-27-230;(xxii) Employing or consenting to the use of a childin a sexual performance, § 5-27-402;(xxiii) Arson, § 5-38-301, if a Class Y felony;(xxiv) Aggravated residential burglary, § 5-39-204,if a Class A felony;(xxv) Advocating assassination or overthrow ofgovernment, § 5-51-202;(xxvi) First degree escape, § 5-54-110;(xxvii) Soliciting material support for terrorism, §5-54-202(a);(xxviii) Providing material support for a terroristact, § 5-54-202(b);(xxix) Making a terrorist threat, § 5-54-203;(xxx) Falsely communicating a terrorist threat, 5-54-204;(xxxi) Terrorism, § 5-54-205;(xxxii) Hindering prosecution of terrorism, § 5-54-207;(xxxiii) Exposing the public to toxic biological,

chemical, or radioactive substances, § 5-54-208;

(xxxiv) Use of a hoax substance or hoax bomb, § 5-54-209;

(xxxv) Engaging in a continuing criminal enterprise, § 5-64-405;

(xxxvi) Delivery of fentanyl, § 5-64-421(c);

(xxxvii) Manufacture of fentanyl, § 5-64-421(d);

(xxxviii) Trafficking a controlled substance, § 5-64-440;

(xxxix) Driving or boating while intoxicated, sixth or subsequent offense, § 5-65-111(f);

(xl) Promoting prostitution in the first degree, § 5-70-104, if a Class B felony;

(xli) Arming rioters, § 5-71-204;

(xlii) Criminal use of prohibited weapons, § 5-73-104, if a Class B felony;

(xliii) Criminal possession of explosive material or a destructive device, § 5-73-108(a);

(xliv) Criminal distribution of explosive material, § 5-73-108(b);

(xlv) Possession of stolen explosive material, § 5-73-108(c);

(xlvi) Unlawful receipt or possession of an explosive material, § 5-73-108(d);

(xlvii) Theft of any explosive material with the purpose to cause harm to a person or property, § 5-73-108(f);

(xlviii) Possession or use of weapons by incarcerated persons, § 5-73-131;

(xlix) Possession or use of a machine gun in the course of a criminal offense, § 5-73-211;

(l) Unlawful discharge of a firearm from a vehicle in the first degree, § 5-74-107(a);

(li) Using a born-alive infant for scientific research or other kind of experimentation, § 20-16-604(i);

(lii) Partial-birth abortion, § 20-16-1203; and

(liii) Performing an abortion in violation of the

Arkansas Unborn Child Protection from Dismemberment Abortion Act, § 20-16-1801 et seq.

16-93-1803. Release eligibility for felony ineligible for earned release credits or restricted release felony committed on or after January 1, 2025.

(a) A person who, on or after January 1, 2025, commits a felony ineligible to receive earned release credits and who is convicted and incarcerated for the felony ineligible to receive earned release credits is not eligible for release before serving the entire term of imprisonment imposed by the sentencing court.

(b)(1) A person who, on or after January 1, 2025, commits a restricted release felony and who was convicted and incarcerated for the restricted release felony is not eligible for release prior to serving at least eighty-five percent (85%) of the term of incarceration imposed by the sentencing court.

(2) A person serving a sentence for a restricted release felony may accrue earned release credits in accordance with the policy adopted by the Division of Correction and as described in § 12-29-701 et seq.

(3) Earned release credits shall not be applied to a sentence for a restricted release felony in an amount that exceeds fifteen percent (15%) of the term of imprisonment imposed by the sentencing court.

(c) A person who commits a restricted release felony and who has previously been convicted of a restricted release felony or a felony ineligible to receive earned release credits is ineligible for release before serving one hundred percent (100%) of the period of incarceration imposed by the sentencing court.

16-93-1804. Release eligibility for felonies committed on or after January 1, 2025.

Except as provided in § 16-93-1803, a person who commits a felony on or after January 1, 2025, and who is convicted and incarcerated for that felony is eligible for release as follows:

(1) A person who commits an offense meeting the definition of target group as defined under § 16-93-1202 and who is judicially or administratively transferred to a community correction center is eligible for

transfer to post-release supervision as follows:

(A) If the person is transferred back to the Division of Correction for disciplinary reasons, he or she is ineligible to accrue earned release credits against the sentence for which he or she is transferred to the Division of Correction for disciplinary reasons;

(B) If the person is transferred back to the Division of Correction for administrative reasons, he or she may be considered for transfer to post-release supervision as otherwise authorized in § 16-93-1803 and this section;

(C) If the person is not transferred back to the Division of Correction for administrative or disciplinary reasons, he or she is eligible for release under § 12-27-127(c); and

(D) A person who has committed a felony that is within the target group as defined under § 16-93-1202 and who is transferred to community supervision is eligible, under the rules established by the Post-Prison Transfer Board, for commitment to a community correction facility if he or she is found to be in violation of any of his or her conditions of post-release supervision, unless the post-release supervision violation constitutes a non-target felony offense;

(2) For a person sentenced to death, life imprisonment without parole, or life imprisonment:

(A) If the sentence is death or life imprisonment without parole, the person is not eligible for transfer to post-release supervision unless his or her sentence is pardoned or commuted to a term of years by the Governor as provided by law;

(B) If the sentence is life imprisonment, the person is not eligible for transfer to post-release supervision unless his or her sentence is commuted to a term of years by executive clemency;

(C) Upon commutation, a person under sentence of death or life imprisonment without parole must serve the entire term set by the commutation; and

(D) Upon commutation, a person under a sentence of life imprisonment is eligible for transfer to post-release supervision as provided in this section or in § 16-93-1803;

(3) A person sentenced for a felony who was a minor at the time he or she committed the felony is eligible for release on the earlier of

either the date authorized by this section or the date authorized by § 16-93-621; and

(4)(A) Every other person who is incarcerated for commission of a felony is eligible for transfer to post-release supervision when the sum of his or her actual time served in confinement and his or her earned release credits equals or exceeds one hundred percent (100%) of the term of imprisonment imposed by the sentencing court.

(B) The maximum amount of earned release credits that can be accrued and granted by the Post-Prison Transfer Board under subdivision (4)(A) of this section is fifty percent (50%) or seventy-five percent (75%) of the term of imprisonment imposed by the sentencing court, depending on the seriousness determination provided in the seriousness grid or table promulgated by the Arkansas Sentencing Commission and approved by the Legislative Council.

16-93-1805. Procedures for release – Generally.

(a) An inmate under sentence for a felony and who is eligible for release, may be transferred to post-release supervision under this section and § 16-93-1903 subject to rules promulgated by the Board of Corrections or the Post-Prison Transfer Board and conditions adopted by the Post-Prison Transfer Board.

(b) Notwithstanding any minimum serving requirement, upon recommendation of the Director of the Division of Correction, the Post-Prison Transfer Board may consider an inmate for transfer to post-release supervision if:

(1) The inmate is at least sixty (60) years of age; and

(2) The inmate has served at least one-half (1/2) of his or her sentence.

16-93-1806. Procedures for release – Hearing.

(a) An inmate under sentence for a felony, except those designated as a felony ineligible to receive earned release credits under § 16-93-1802, may be transferred to post-release supervision under § 16-93-1903 and § 16-93-1904 subject to rules promulgated by the Board of Corrections or the Post-Prison Transfer Board and conditions adopted by the Post-Prison Transfer Board.

(b) Before a hearing of the Post-Prison Transfer Board to consider a transfer to post-release supervision, notification of the committing court, the prosecuting attorney, county sheriff, and the victim or the victim's next of kin for an inmate under sentence for an offense other than one (1) in the target group as defined in § 16-93-1202 shall follow the procedures stated in § 16-93-1810.

(c)(1) For an inmate under sentence for a felony within the target group as defined in § 16-93-1202, before the Post-Prison Transfer Board sets conditions for transfer of the inmate to post-release supervision, a victim, or his or her next of kin in cases in which the victim is unable to express his or her desire, who has expressed the desire to be consulted by the Post-Prison Transfer Board shall be notified of the date, time, and place of the transfer hearing.

(2)(A) A victim or his or her next of kin who desires to be consulted by the Post-Prison Transfer Board under this section shall inform the Post-Prison Transfer Board of his or her desire to be consulted in writing at the time of sentence.

(B) A victim or his or her next of kin who does not inform the Post-Prison Transfer Board of his or her desire to be consulted as required under subdivision (c)(2)(A) of this section is not required to be notified by the Post-Prison Transfer Board.

(3)(A) Victim input to the Post-Prison Transfer Board under this section is limited to oral or written recommendations on conditions relevant to the inmate under review for transfer to post-release supervision.

(B) The oral or written recommendations received under this subsection are not binding on the Post-Prison Transfer Board but are given due consideration within the resources available for transfer to post-release supervision.

16-93-1807. Risk and needs assessment to be considered – Release without a hearing.

(a)(1) A risk and needs assessment that evaluates and quantifies the inmate's risk to reoffend following release shall inform the transfer determination, along with other relevant information.

(2) If transfer to post-release supervision is granted, the risk and needs assessment under this section and other relevant information shall

be used to set the conditions for post-release supervision.

(b)(1) Review of an inmate's appropriateness for transfer to post-release supervision is based on rules and policies adopted by the board and the board shall conduct a risk and needs assessment review as a part of the review of the inmate's appropriateness for transfer to post-release supervision.

(2) The rules and policies adopted by the board under subdivision (c)(1) of this section shall include without limitation:

(A) A provision for notification of the victim or his or her next of kin that a hearing shall be held under this section;

(B) A requirement for keeping a record of the proceedings;
and

(C) A list of the criteria upon which a denial may be based.

(c) In order to prepare applications for post-release supervision transfer consideration, the Post-Prison Transfer Board shall:

(1) Begin transfer proceedings for post-release supervision or a preliminary review for post-release supervision under this subchapter no later than six (6) months before an inmate's post-release supervision transfer eligibility date; and

(2) Authorize procedures for jacket review , as defined in § 16-93-101, no later than six (6) months before an inmate's post-release supervision transfer eligibility.

(d) The transfer review for post-release supervision may be conducted without a hearing when:

(1) The inmate has not received a major disciplinary report;

(2) There has not been a request by a victim or his or her next of kin to have input on post-release supervision transfer conditions; and

(3) There is no indication in the risk and needs assessment review under this section that special conditions need to be placed on the inmate.

16-93-1808. Hearing procedure.

(a) When a hearing is needed to determine whether to transfer an inmate to post-release supervision, the Post-Prison Transfer Board shall conduct a hearing to determine the appropriateness of the inmate for transfer

to post-release supervision.

(b) At the conclusion of a hearing under this section, the board shall issue one (1) of the following decisions:

(1) Transfer the inmate to post-release supervision as authorized under § 16-93-1901 et seq. and accompany the transfer with a notice of the conditions of the transfer, including without limitation:

- (A) Supervision levels;
- (B) Economic fee sanction;
- (C) Participation in a treatment program;
- (D) Programming requirements; and
- (E) Facility placement when appropriate;

(2)(A) Deny transfer of the inmate to post-release supervision based on a set of established criteria and accompany the denial with a prescribed course of action to be undertaken by the inmate to rectify the board's concern.

(B) Upon completion of the course of action determined by the board under subdivision (b)(2)(A) of this section and after final review of the inmate's file to ensure successful completion of the course of action, the board shall authorize the inmate's transfer to the post-release supervision under this subchapter in accordance with administrative rules and policies governing the transfer and subject to the conditions attached to the transfer.

(C) If an inmate fails to fulfill the course of action outlined by the board to facilitate transfer to post-release supervision under subdivision (b)(2)(A) of this section, it is the responsibility of the inmate to petition the board for a rehearing; or

(3) Deny transfer of the inmate to post-release supervision for a period of up to two (2) years.

(d) A transfer of an inmate to post-release supervision under this section shall be issued upon the adoption of an order by the board in accordance with the rules and policies adopted by the board under this section.

16-93-1809. Open meetings.

(a) The Post-Prison Transfer Board shall conduct open meetings and shall make public its findings for each inmate eligible for transfer to post-

release supervision.

(b)(1) Open meetings under this section may be conducted through videoconference technology if the inmate is housed in a county jail and if the videoconference technology is available.

(2) Open meetings utilizing videoconference technology under this section shall be conducted in public, except that inmate interviews and related deliberations may be closed to the public.

16-93-1810. Notices required for hearings on transfer to post-release supervision.

(a)(1) Before the Post-Prison Transfer Board grants a transfer of an inmate to post-release supervision, the board shall solicit the written recommendations of the committing court, the prosecuting attorney, and the county sheriff of the county from which the inmate was committed.

(2) Notification of the committing court, the prosecuting attorney, county sheriff, and the victim or the victim's next of kin for a inmate under sentence for an offense governed by this section shall follow the procedures stated in this section.

(b)(1) If the inmate whose transfer to post-release supervision is being considered by the board is under sentence for a felony other than a felony in the target group as defined in § 16-93-1202, the board shall also notify the victim of the offense or the victim's next of kin of the transfer hearing and shall solicit written recommendations from the victim or his or her next of kin regarding the granting of the transfer unless the prosecuting attorney has notified the board at the time of commitment of the inmate that the victim or his or her next of kin does not desire to be notified of future transfer hearings.

(2) The written recommendations received under subdivision (b)(1) of this section are not binding upon the board in the granting of any transfer to post-release supervision but are maintained in the inmate's record.

(3) When soliciting written recommendations from a victim of an offense, the board shall notify the victim or his or her next of kin of the date, time, and place of the transfer hearing.

(c)(1) The board shall not schedule transfer hearings at which victims or the next of kin of victims of offenses are invited to appear at a facility

where inmates are housed other than the Department of Corrections Headquarters building in North Little Rock.

(2) The board may conduct transfer hearings in two (2) sessions:

(A) One (1) session at the place of the inmate's incarceration with the inmate, the inmate's witnesses, and correctional facility personnel; and

(B) One (1) session for victims and the next of kin of victims as stated in this section.

(d)(1) At the time that any inmate eligible for transfer to post-release supervision under this section is transferred by the board, the Division of Community Correction shall give written notice of the granting of the transfer to post-release supervision to the:

(A) County sheriff;

(B) Prosecuting attorney of the judicial district;

(C) Committing court; and

(D) Chief of police of each city of the first class of the county from which the inmate was sentenced.

(2) If the inmate is transferred to a county other than the county from which he or she was committed, the board shall give notice to the chief of police or marshal of the city or town to which the inmate is transferred and to the county sheriff and prosecuting attorney of the county from which the inmate was committed.

(e)(1) The prosecuting attorney of the county from which the inmate was committed shall notify the board at the time of commitment of the desire of the victim or his or her next of kin to be notified of any future transfer hearings and to forward to the board the last known address and telephone number of the victim or his or her next of kin.

(2) It is the responsibility of the victim or his or her next of kin to notify the board of any change in address or phone number.

(3) It is the responsibility of the victim or his or her next of kin to notify the board after the date of commitment of any change in regard to the desire to be notified of any future transfer hearings.

16-93-1811. Post-release supervision.

(a)(1) The Post-Prison Transfer Board shall establish a set of conditions that are applicable to all inmates transferred to post-release

supervision.

(2) The set of conditions established by the Post-Prison Transfer Board under subdivision (a)(1) of this section is subject to periodic review, revision, and approval as the Post-Prison Transfer Board deems necessary.

(b)(1)(A) A course of action required by the Post-Prison Transfer Board shall not be outside the current resources of the Division of Correction.

(B) The conditions for post-release supervision set by the Post-Prison Transfer Board shall not be outside the current resources of the Division of Community Correction.

(2) The Division of Correction and Division of Community Correction shall strive to accommodate the actions required by the Board of Corrections or the Post-Prison Transfer Board to the best of their abilities.

(c) Transfer to post-release supervision is not an award of clemency, and it shall not be considered as a reduction of sentence or a pardon.

(d) An inmate on post-release supervision shall remain:

(1) In the legal custody of the Division of Correction;

(2) Under the supervision of the Division of Community Correction; and

(3) Subject to the orders of the Post-Prison Transfer Board.

(e) Decisions on release to post-release supervision, courses of action before transfer to post-release supervision, and post-release supervision transfer conditions to be set by the Post-Prison Transfer Board shall be:

(1) Informed by the risk and needs assessment tool under § 16-93-1807;

(2) Reasonable and rational; and

(3) Defensible based on preestablished criteria.

16-93-1812. Rules.

The Post-Prison Transfer Board shall adopt rules to implement this subchapter.

Subchapter 19 – Post-Release Supervision for Persons Committing Offenses on or after January 1, 2025

16-93-1901. Applicability.

This subchapter applies to a felony offense committed on or after January 1, 2025.

16-93-1902. Definitions.As used in this subchapter:

(1) "Community supervision officer" means an employee of the Division of Community Correction who is tasked with the supervision of offenders released to post-release supervision or persons who otherwise fall under the supervisory authority of the Division of Community Correction;

(2) "Eligible inmate" means an inmate eligible for post-release supervision;

(3) "Felony ineligible for earned release credits" means the same as defined in § 16-93-1802;

(4) "Offender" means a person transferred to post-release supervision;

(5) "Post-release supervision" means a period of community supervision for an offender after his or her release from incarceration; and

(6) "Restricted release felony" means the same as defined in § 16-93-1802.

16-93-1903. Post-release supervision – Authority and parameters.

(a)(1) The Post-Prison Transfer Board may transfer to post-release supervision an eligible inmate who is confined in a correctional institution administered by the Division of Correction or the Division of Community Correction, if the board determines:

(A) There is a reasonable probability that the eligible inmate can be transferred without detriment to the community or himself or herself;

(B) The eligible inmate is able and willing to fulfill the obligations of a law-abiding citizen; and

(C) That post-release supervision is in the best interest of society.

(2) A transfer to post-release supervision under this section shall issue upon the adoption of an order of the board.

(b)(1) Before ordering the transfer to post-release supervision of an eligible inmate under this section, the board, a hearing judge, or an investigator employed by the board shall interview the eligible inmate, unless a hearing is not required under §§ 16-93-1807 and 16-93-1808.

(2) The board shall consider the results of the risk and needs assessments of all applicants for transfer to post-release supervision.

(3) Transfer to post-release supervision shall not be considered a reduction of a sentence or a pardon.

(4) An inmate on post-release supervision shall remain:

(A) In the legal custody of the Division of Correction;

(B) Under the supervision of the Division of Community Correction; and

(C) Subject to the orders of the board.

16-93-1904. Post-release supervision – Required recommendations.

(a) Before the Post-Prison Transfer Board may grant a transfer to post-release supervision based on accrual and application of earned release credits, the board shall:

(1) Notify and solicit the written recommendations of the committing court, the prosecuting attorney, and the county sheriff of the county from which the inmate was committed as provided in §16-93-1810; and

(2) Notify the victim or the next of kin as provided in § 16-93-1810.

(b) An inmate who is ineligible to accrue earned release credits may be transferred to post-release supervision only if:

(1) Sentenced by the sentencing court to a period of post-release supervision to follow the inmate's term of imprisonment; and

(2) The inmate has served the entire sentence of imprisonment before transfer to post-release supervision.

16-93-1905. Length of post-release supervision.

(a)(1) For a person under sentence for a term of imprisonment for which he or she is eligible for transfer to post-release supervision upon accrual and award of earned release credits, the inmate is subject to post-release supervision for the remainder of the term of imprisonment assessed by the sentencing court.

(2) For a person under sentence for a term of imprisonment for which he or she is not eligible to accrue or be awarded earned release credits, the inmate is subject to a term of post-release supervision as assessed by the sentencing judge under § 5-4-104(c).

(3) The term of supervised release, when aggregated with the term of imprisonment imposed by the sentencing court, shall not exceed the statutory maximum for the offense.

(b) If the sentencing court sentenced a person to a term of suspended imposition of sentence to follow his or her term of imprisonment at the Division of Correction, the period of post-release supervision runs concurrently with the term of suspended imposition of sentence.

16-93-1906. Post-release supervision – Generally.

(a)(1) The Director of the Division of Community Correction with the advice of the Board of Corrections shall establish written policies and procedures governing the supervision of offenders released to a term of post-release supervision by the Post-Prison Transfer Board.

(2) The policies and procedures established under subdivision (a)(1) of this section shall be designed to enhance public safety and to assist the offenders in reintegrating into society.

(3)(A) Supervision of offenders on post-release supervision shall be based on evidence-based practices.

(B) Decisions concerning supervision of offenders shall target the offender's criminal risk factors with appropriate supervision and treatment.

(4) The Division of Community Correction shall assume supervisory responsibilities over an offender when the offender is lawfully set at liberty from the Division of Correction.

(b)(1) An offender assigned to a term of post-release supervision shall be supervised by a community supervision officer employed by the Division of Community Correction.

(2) A community supervision officer shall:

(A) Investigate all cases referred to him or her by the Post-Prison Transfer Board, the Division of Community Correction, or the prosecuting attorney;

(B) Furnish each offender on post-release supervision a

written statement of the conditions of post-release supervision and instruct the offender that he or she is required to stay in compliance with the conditions of post-release supervision or risk revocation under § 16-93-1908;

(C) Develop a case plan for each offender who is determined to be a moderate-risk or high risk to reoffend that:

(i) Is based on the risk and needs assessment under § 16-93-1807 and targets the criminal risk factors identified in the risk and needs assessment;

(ii) Is responsive to the individual characteristics of the offender; and

(iii) Provides a strategy for the supervision of the offender according to that case plan;

(D) Stay informed of the conduct and condition of each offender assigned to the community supervision officer through:

(i) Visitation;

(ii) Required reporting; or

(iii) Other methods and reporting to the sentencing court of the information described in subdivisions (b)(2)(D)(i) and (ii) of this section upon request;

(E) Use practicable and suitable methods that are consistent with evidence-based practices to aid and encourage an offender on post-release supervision to improve his or her conduct and condition and to reduce the risk of recidivism;

(F)(i) Conduct a validated risk and needs assessment of the offender on post-release supervision, including without limitation criminal risk factors and specific individual needs.

(ii) The validated risk and needs assessment shall include an initial screening and, if necessary, a comprehensive assessment.

(iii) The results of the validated risk and needs assessment under § 16-93-1807 shall assist in making decisions that are consistent with evidence-based practices on the type of supervision and services necessary for each offender; and

(G) Receive annual training on evidence-based practices and criminal risk factors as well as instruction on how to target criminal risk factors to reduce recidivism.

(c)(1) The Division of Community Correction shall allocate resources,

including assignment of community supervision officers, to focus on moderate-risk and high-risk offenders as determined by the validated risk and needs assessment provided under this section.

(2) The Division of Community Correction shall require public and private treatment and service providers to use evidence-based programs and practices if the public and private treatment and service providers receive state funds for the treatment of or service of offenders on post-release supervision.

16-93-1907. Post-release supervision – Administrative sanctions.

(a)(1)(A) The Division of Community Correction may sanction offenders on post-release supervision administratively without utilizing the revocation process under § 16-93-1908.

(B) An administrative sanction as described in subdivision (a)(1)(A) of this section is an intermediate sanction and is not a revocation of post-release supervision.

(2)(A) The Division of Community Correction shall develop an intermediate sanctions procedure and an intermediate sanctions grid to guide a community supervision officer in determining the appropriate response to a violation of the conditions of supervision.

(B) Intermediate sanctions administered by the Division of Community Correction shall conform to the intermediate sanctions grid.

(C) The intermediate sanctions grid shall include:

(i) An assignment of point values to commonly occurring violations of terms of post-release supervision or criminal behavior;

(ii) An assignment of point values to behaviors that decrease the likelihood of recidivism including without limitation:

(a) Education;

(b) Workforce development;

(c) Community service; and

(d) Behavioral health programming;

(iii) Details on the mechanisms by which points are accumulated and reduced; and

(iv) Guidance on which intermediate sanctions should be applied at which points thresholds.

(3) Intermediate sanctions shall include without limitation:

(A) Community service;

(B) Increased substance abuse screening and treatment;

(C) Increased monitoring, including electronic monitoring and home confinement; and

(D)(i) Incarceration in a county or regional jail for no more than seven (7) days or incarceration in a Division of Correction facility or a Division of Community Correction facility for no more than ninety (90) days.

(ii)(a) Incarceration as an intermediate sanction shall not be used more than six (6) times with an offender on post-release supervision.

(b) If an offender on post-release supervision accumulates no more than thirty (30) days' incarceration in a county or regional jail or more than three hundred sixty (360) days' incarceration in a Division of Correction facility or a Division of Community Correction facility as an intermediate sanction, the community supervision officer shall recommend a revocation of the offender's post-release supervision under § 16-93-1908.

(c) An offender shall not be incarcerated more than two (2) times as a result of an intermediate sanction in a Division of Correction facility during any two (2) year period.

(4) The Division of Community Correction shall:

(A) Notify the Post-Prison Transfer Board in writing when an offender has been incarcerated due to an intermediate sanction under this subsection;

(B) Include an explanation of the cause for incarceration;
and

(C) Include the result of the intermediate sanction, if applicable.

(b) Any time in custody for which the offender on post-release supervision is held, before a period of incarceration under this section is administered, does not count as a period of incarceration ordered toward the total accumulation of days of incarceration as stated in subsection (a) of this section.

(c) A period of incarceration under this section:

(1) May be reduced by the Division of Correction for good behavior and successful program completion; and

(2) Shall not be reduced under this section for more than fifty percent (50%) of the total time of incarceration ordered to be served.

(d)(1) An offender subject to an intermediate sanction under subsection (a) of this section does not have the right to an attorney at the intermediate sanction hearing.

(2) This subsection does not prohibit an offender from conferring with a privately retained attorney during the intermediate sanction process.

16-93-1908. Revocation of post-release supervision.

(a)(1)(A) At any time during an offender's post-release supervision, the Post-Prison Transfer Board may issue a warrant for the arrest of the offender for violation of any of the conditions of post-release supervision or may issue a notice to appear to answer a charge of a violation.

(B)(i) The board shall issue a warrant for the arrest of an offender on post-release supervision if the board determines that the offender has been charged with a felony ineligible to receive earned release credits or a restricted release felony, as defined in § 16-93-1802.

(ii) An offender arrested on a warrant issued under subdivision (a)(1)(B)(i) of this section shall be detained pending a mandatory post-release supervision hearing.

(C) The Division of Community Correction shall provide the information necessary for the board to issue a warrant under this subdivision (a)(1).

(2) A warrant or notice issued under subdivision (a)(1) of this section shall be served personally upon the offender.

(3) A warrant issued under subdivision (a)(1) of this section shall authorize all officers named in the warrant to place the offender in custody at any suitable detention facility pending a hearing.

(4) A community supervision officer may arrest an offender on post-release supervision without a warrant by giving him or her a written statement stating that the offender, in the judgment of the community supervision officer, violated the conditions of his or her post-release supervision.

(5) A written statement under subdivision (a)(4) of this section delivered by the arresting community supervision officer with the offender to the official in charge of the detention facility to which the offender is brought is sufficient for detaining the offender pending disposition.

(6) If the board or its designee finds, by a preponderance of the evidence, that the offender has inexcusably failed to comply with a condition of his or her post-release supervision, the post-release supervision may be revoked at any time before the expiration of the period of post-release supervision.

(7) An offender serving on post-release supervision for whose return a warrant has been issued by the board under this subsection shall be deemed a fugitive from justice if it is found that the warrant cannot be served.

(b)(1) An offender transferred to or serving on post-release supervision shall be entitled to a preliminary hearing to determine whether there is reasonable cause to believe that the offender has violated a condition of his or her post-release supervision.

(2) A preliminary hearing conducted under subdivision (b)(1) of this section shall be scheduled within seven (7) days after arrest or within seven (7) days after notice is served and shall be conducted within fourteen (14) days after arrest or service of notice to appear, excluding a weekend, holiday, or delay caused by an act of nature, by the revocation hearing judge for the board and at a location reasonably near the place of the alleged violation or the arrest.

(3) The offender shall be given notice of the date, time, and location of the preliminary hearing and the conditions of post-release supervision that the offender is alleged to have violated.

(4) Except as provided in subsection (d) of this section, the offender has the right to hear and controvert evidence against him or her, to offer evidence on his or her own behalf, and to be represented by counsel at the preliminary hearing.

(5) If a revocation hearing judge finds after the preliminary hearing that there is reasonable cause to believe that an offender has violated a condition of post-release supervision by committing a felony ineligible to receive earned release credits or a restricted release felony, as defined in § 16-93-1802, the revocation hearing judge shall order the

offender be returned to the nearest facility of the Division of Correction or the Division of Community Correction where he or she shall be placed in custody for a revocation hearing before the board.

(6) If a revocation hearing judge finds after the preliminary hearing that there is reasonable cause to believe that an offender has violated a condition of post-release supervision other than the commission of a felony ineligible to receive earned release credits or a restricted release felony, as defined in § 16-93-1802, the revocation hearing judge shall:

(A) Order the offender be returned to the nearest facility of the Division of Correction or the Division of Community Correction where he or she shall be placed in custody for a revocation hearing before the board; or

(B) Return the offender to post-release supervision with or without additional supervision conditions in response to the violating conduct.

(7)(A) If a revocation hearing judge does not find after the preliminary hearing reasonable cause to believe that an offender has violated a condition of post-release supervision, he or she shall order the offender be released from custody.

(B) An order to release the offender from custody under subdivision (b)(7) of this section does not bar the board from holding a revocation hearing on the alleged violation of a condition of post-release supervision or from ordering the offender to appear before the board.

(8) A revocation hearing judge shall prepare and furnish to the board and the offender a summary of the preliminary hearing proceedings, including without limitation the substance of the evidence and testimony considered along with his or her finding and order, within twenty-one (21) days from the date of the preliminary hearing, excluding a weekend, holiday, or delay caused by an act of nature.

(c)(1)(A) Unless a revocation hearing is knowingly and intelligently waived by the offender, transfer to post-release supervision shall not be revoked except after a revocation hearing, which shall be conducted by the board or its designee within a reasonable period after the offender's arrest or service of notice to appear.

(B) If a waiver is granted under subdivision (c)(1)(A) of this section, the offender may subsequently appeal the waiver to the board.

(2) An offender shall be given notice of the date, time, and location of the revocation hearing, the purpose of the revocation hearing, and the conditions of supervision he or she is alleged to have violated.

(3) Except as provided in subsection (d) of this section, the offender has the right to hear and controvert evidence against him or her, to offer evidence in his or her own defense, and to be represented by counsel at the revocation hearing.

(4) If post-release supervision is revoked after a revocation hearing, the board or its designee shall prepare and furnish to the offender a statement of evidence relied on and the reasons for revoking the post-release supervision.

(d) At a preliminary hearing under subsection (b) of this section or a revocation hearing under subsection (c) of this section:

(1) The offender has the right to confront and cross-examine adverse witnesses unless the revocation hearing judge, the board, or the designee of the board specifically finds good cause for not allowing confrontation and cross-examination; and

(2) The offender may introduce any relevant evidence of the alleged violation, including without limitation letters, affidavits, and other documentary evidence, regardless of the admissibility of the evidence under the rules governing the admission of evidence.

(e)(1) A preliminary hearing under subsection (b) of this section is not required if the offender knowingly and intelligently waives the preliminary hearing.

(2) If the preliminary hearing is not waived by the offender under subsection (c) of this section, the revocation hearing shall be held within fourteen (14) days after the arrest and reasonably near the place where the alleged violation occurred or where the offender was arrested.

(f) A preliminary hearing under subsection (b) of this section and a revocation hearing under subsection (c) of this section is not required if the revocation is based on the offender's conviction of a felony offense for which he or she is sentenced to the Division of Correction or to any other state or federal correctional institution.

(g) An offender may be held in a county or regional jail while awaiting a revocation hearing and the ruling of the board or its designee under this section.

(h) An offender whose post-release supervision is revoked under this section due to a technical conditions violation or serious conditions violation and who is sentenced to any period of incarceration resulting from the revocation is subject to the periods of incarceration provided in § 16-93-1907.

(i) Upon revocation under this section, an offender subject to a term of post-release supervision for a felony ineligible to receive earned release credits or a restricted release felony shall return to incarceration for the entire remaining period of imprisonment or post-release supervision assessed by the sentencing court.

16-93-1909. Subpoena of witnesses and documents for revocation of post-release supervision.

(a)(1) The following persons have the power to issue oaths, subpoena witnesses to appear, and subpoena the production of any relevant books, papers, records, or documents under this subchapter:

(A) The Chair of the Post-Prison Transfer Board or his or her designee;

(B) The administrator of the Post-Prison Transfer Board;

(C) Any member of the Post-Prison Transfer Board; and

(D) The revocation hearing judge presiding over any preliminary hearing concerning an alleged violation of the conditions of post-release supervision.

(2)(A) A subpoena issued under this section shall be:

(i) Directed to the county sheriff, county coroner, or constable of any county where the designated witness resides or is found; and

(ii) Served and returned in the same manner as subpoenas in civil actions in the circuit courts.

(B) An endorsed affidavit on a subpoena of a person eighteen (18) years of age or older is proof of service of the subpoena.

(b) The fees and mileage expenses prescribed by law for witnesses in civil cases shall be paid by the Division of Correction for any witness subpoenaed to appear under this section.

(c)(1) If a person fails or refuses to comply with a subpoena issued under this section to testify or answer to any matter regarding which the

person may be lawfully interrogated, a circuit court in this state, on application of hearing officer or the chair, shall issue an attachment for the person and compel him or her to comply with the subpoena and appear before the revocation hearing judge or the board and produce any testimony or documents as may be required.

(2)(A) The circuit court shall have the same power to punish any contempt, in case of disobedience, as in civil cases.

(B) It is a criminal violation for a witness to refuse or neglect to appear and testify, punishable upon conviction by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500).

(d) A person knowingly testifying falsely under oath before the board or at a preliminary hearing in which probable cause for revocation of transfer to post-release supervision is to be considered as to any matter material to lawful inquiry by the board or revocation hearing judge may be charged with perjury.

16-93-1910. Prohibition on sex offenders residing with minors.

(a)(1) Except as specified in subdivision (a)(2) of this section, the Post-Prison Transfer Board shall prohibit, as a condition of granting transfer to post-release supervision, an offender from residing in a residence with a minor, if the offender was convicted of one (1) or more of the following offenses perpetrated against a minor:

(A) A sexual offense as defined in § 5-14-101 et seq.;

(B) Incest, § 5-26-202; or

(C) An offense under the Arkansas Protection of Children Against Exploitation Act of 1979, § 5-27-301 et seq.

(2) The board may permit an offender to reside in a residence with a minor if the board finds that the offender no longer poses a danger to any minor residing in the residence.

(b) If the board, upon a hearing under § 16-93-1908, finds by a preponderance of the evidence that the offender has failed to comply with a condition of post-release supervision, the post-release supervision may be revoked and the offender returned to the custody of the Division of Correction.

16-93-1911. Rules.

The Post-Prison Transfer Board shall adopt rules to implement this subchapter.

SECTION 3. Arkansas Code Title 5, Chapter 2, Subchapter 3 is amended to add a new section to read as follows:

5-2-332. Secured restoration program authorized.

(a) The purpose of this section is to provide an additional setting for the provision of restorative treatment services in the least restrictive environment.

(b) The Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services may establish and maintain a program to provide restoration services in a secure setting for defendants who:

(1) Have been found to lack fitness to proceed; and

(2) Are not in an acute phase of illness requiring the services of a psychiatric hospital.

(c)(1) A secure setting established under this section shall:

(A) Provide a twenty-four-hour program of care by qualified clinicians and professional staff; and

(B) Admit each defendant for a term not to exceed one hundred twenty (120) days, unless the division extends the term for good cause.

(2) The division has the exclusive authority to determine whether and when a defendant is admitted to the program based on the defendant's acuity, medical need, and other factors determined by the division.

(3) The division may procure one (1) or more qualified vendors to operate the program in part or in whole.

SECTION 4. Arkansas Code § 5-4-101(5), concerning definitions applicable in Title 5, Chapter 4, is amended to read as follows:

(5) "Recidivism" means a criminal act that results in the rearrest, reconviction, or return to incarceration of a person with ~~or~~ without a new sentence or a revocation from parole or post-release supervision during a three-year period following the person's release from custody;

SECTION 5. Arkansas Code § 5-4-104(c)-(e), concerning authorized sentences generally, are amended to read as follows:

(c)(1)(A) Except as provided under subdivision (c)(2) of this section, a defendant convicted of a Class Y felony, ~~or~~ murder in the second degree, § 5-10-103, or a felony ineligible to receive earned release credits as defined in § 16-93-1802, shall be sentenced to a term of imprisonment in accordance with §§ 5-4-401 – 5-4-404.

(B) In addition to imposing a term of imprisonment, the trial court may sentence a defendant convicted of a Class Y felony or murder in the second degree, § 5-10-103, or a felony ineligible to receive earned release credits as defined in § 16-93-1802, to any one (1) or more of the following:

(i) Pay a fine as authorized by §§ 5-4-201 and 5-4-202;

(ii) Make restitution as authorized by § 5-4-205; or

(iii) Suspend imposition of an additional term of imprisonment, as authorized by subdivision (e)(3) of this section.

(C)(i) In addition to the term of imprisonment imposed by the trial court, the trial court shall impose a period of post-release supervision for any defendant sentenced to a felony ineligible to receive earned release credits or a restricted release felony, as defined in § 16-93-1802, who is not sentenced to the statutory maximum for the offense.

(ii) The Post-Prison Transfer Board shall set the terms and conditions of post-release supervision for a defendant subject to subdivision (c)(1)(C)(i) of this section before the defendant's release from imprisonment.

(iii) The maximum terms of post-release supervision that may be imposed under subdivision (c)(1)(C)(i) of this section are:

(a) For a Class Y felony, seven (7) years;

(b) For a Class A felony, a Class B felony, or an unclassified felony with a maximum term of imprisonment exceeding ten (10) years, five (5) years; and

(c) For all other felonies, three (3) years.

(iv) A term of post-release supervision, when aggregated with the term of imprisonment imposed by the trial court, shall not exceed the statutory maximum for the offense.

(v) When a defendant is subject to an additional term of post-release supervision on a sentence for which he or she is required to serve one hundred percent (100%) of the term of imprisonment imposed by the sentencing court, the jury shall be instructed as to the potential additional term of post-release supervision.

(2) A defendant who was eighteen (18) years of age or older at the time of the offense and who was convicted of one (1) or more of the following Class Y felonies in which the victim was less than fourteen (14) years of age at the time of the offense shall be sentenced to life without the possibility of parole:

- (A) Rape involving forcible compulsion, § 5-14-103(a)(1);
- (B) Trafficking of persons, § 5-18-103;
- (C) Engaging children in sexually explicit conduct for use in visual or print medium, § 5-27-303;
- (D) Transportation of minors for prohibited sexual conduct, § 5-27-305;
- (E) Producing, directing, or promoting a sexual performance by a child, § 5-27-403; and
- (F) Computer exploitation of a child in the first degree, § 5-27-605.

(d) A defendant convicted of an offense other than a Class Y felony, capital murder, § 5-10-101, treason, § 5-51-201, ~~or~~ murder in the second degree, § 5-10-103, or a felony ineligible to receive earned release credits as defined in § 16-93-1802, may be sentenced to any one (1) or more of the following, except as precluded by subsection (e) of this section:

- (1) Imprisonment as authorized by §§ 5-4-401 – 5-4-404;
- (2) Probation as authorized by §§ 5-4-301 – 5-4-307 and 16-93-306 – 16-93-314;
- (3) Payment of a fine as authorized by §§ 5-4-201 and 5-4-202;
- (4) Restitution as authorized by a provision of § 5-4-205; or
- (5) Imprisonment and payment of a fine.

(e)(1)(A) The court shall not suspend imposition of sentence as to a term of imprisonment nor place the defendant on probation for the following offenses:

- (i) Capital murder, § 5-10-101;
- (ii) Treason, § 5-51-201;

(iii) A Class Y felony, except to the extent suspension of an additional term of imprisonment is permitted in subsection (c) of this section;

(iv) Driving or boating while intoxicated, § 5-65-103;

(v) Murder in the second degree, § 5-10-103, except to the extent suspension of an additional term of imprisonment is permitted in subsection (c) of this section; ~~or~~

(vi) Engaging in a continuing criminal enterprise, § 5-64-405;

(vii) Furnishing a prohibited article, possessing a prohibited article, using a prohibited article, or delivering a prohibited article, § 5-54-119; or

(viii) A felony ineligible to receive earned release credits as defined in § 16-93-1802.

(B)(i) In any other case, the court may suspend imposition of sentence or place the defendant on probation, in accordance with §§ 5-4-301 – 5-4-307 and 16-93-306 – 16-93-314, except as otherwise specifically prohibited by statute.

(ii) The court may not suspend execution of sentence.

(2) If the offense is punishable by fine and imprisonment, the court may sentence the defendant to pay a fine and suspend imposition of the sentence as to imprisonment or place the defendant on probation.

(3)(A) The court may sentence the defendant to a term of imprisonment and suspend imposition of sentence as to an additional term of imprisonment.

(B) However, the court shall not sentence a defendant to imprisonment and place him or her on probation, except as authorized by § 5-4-304.

(C) This subdivision (e)(3) does not prohibit a period of post-release supervision as authorized in § 16-93-1801 et seq. and § 16-93-1901 et seq.

SECTION 6. Arkansas Code § 5-4-107(a)(1), concerning extended supervision and monitoring for certain sex offenders, is amended to read as follows:

(a)(1) The Division of Correction within one hundred twenty (120) days before the release on parole or post-release supervision of a person who is required to register as a sex offender under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., shall notify in writing the prosecuting attorney in the judicial district in which the person was sentenced of the person's impending release on parole or post-release supervision.

SECTION 7. Arkansas Code § 5-4-202, is amended to read as follows:
5-4-202. Alternative sentence prohibited – Time of payment.

(a) If the defendant is sentenced to pay a fine or costs, the court shall not at the same time impose an alternative sentence or imprisonment to be served if the fine or costs are not paid.

(b)(1) If a defendant is sentenced to pay a fine or costs, the court may grant permission for payment to be made:

- (A) Within a specified period of time; or
- (B) In specified installments.

(2) ~~If~~ Except as provided in subsection (c) of this section, if permission under subdivision (b)(1) of this section is not granted in the sentence, the fine or costs are payable immediately.

(c)(1) If a defendant is sentenced to a term of imprisonment, fines and costs shall be suspended for the period of confinement and the one hundred twenty (120) days following the defendant's release from custody.

(2) If a defendant is sentenced to a term of imprisonment, restitution shall be suspended for the period of confinement and is payable immediately following the defendant's release from custody.

SECTION 8. Arkansas Code § 5-4-205(f)(1), concerning restitution to be included as a condition of release, is amended to read as follows:

(f)(1) If the defendant is placed on probation or any form of conditional release, any restitution ordered under this section is a condition of the suspended imposition of sentence, probation, parole, post-release supervision, or transfer.

SECTION 9. Arkansas Code § 5-4-206(a), concerning the collection of unpaid restitution and the interception of state income tax returns, is amended to read as follows:

(a) As used in this section, “restitution order” means a ~~judgment and commitment sentencing order, judgment and disposition order,~~ or other order that imposes a duty on a defendant to pay restitution.

SECTION 10. Arkansas Code § 5-4-301(a)(1), concerning crimes for which suspension or probation is prohibited, is amended to read as follows:

(a)(1) A court shall not suspend imposition of sentence as to a term of imprisonment or place a defendant on probation for the following offenses:

- (A) Capital murder, § 5-10-101;
- (B) Treason, § 5-51-201;
- (C) A Class Y felony, except to the extent suspension of an additional term of imprisonment is permitted in § 5-4-104(c);
- (D) Driving or boating while intoxicated, § 5-65-103;
- (E) Murder in the second degree, § 5-10-103, except to the extent suspension of an additional term of imprisonment is permitted in § 5-4-104(c); ~~or~~
- (F) Engaging in a continuing criminal enterprise, § 5-64-405;
- (G) Furnishing a prohibited article, possessing a prohibited article, using a prohibited article, or delivering a prohibited article, § 5-54-119; or
- (H) A felony ineligible to receive earned release credits as defined in § 16-93-1802.

SECTION 11. Arkansas Code § 5-4-301, concerning crimes for which suspension or probation is prohibited, is amended to add a new subsection to read as follows:

(e)(1) Notwithstanding any provision prohibiting a sentence of probation or suspended imposition of sentence for certain felonies, a court may sentence a defendant to a term of imprisonment and suspend imposition of sentence as to an additional term of imprisonment.

(2) However, a court shall not sentence a defendant to a term of imprisonment and place him or her on probation, except as authorized in this section.

(3) This section does not prohibit a period of post-release supervision as authorized in § 16-93-1801 et seq. and § 16-93-1901 et seq.

SECTION 12. Arkansas Code § 5-4-312(b)(3)(D), concerning a decision to transfer a defendant from the Division of Correction to the Division of Community Correction, is amended to read as follows:

(D) A decision to release a defendant administratively transferred to the Division of Community Correction from the Division of Correction under subdivision (b)(3)(A) of this section is vested solely with the ~~Parole~~ Post-Prison Transfer Board.

SECTION 13. Arkansas Code § 5-4-402(d)(1)(A), concerning transferring a juvenile from the Division of Youth Services to the Division of Correction, is amended to read as follows:

(d)(1)(A) A juvenile sentenced in circuit court who is less than sixteen (16) years of age when sentenced shall be committed to the custody of the Division of Youth Services until his or her sixteenth birthday, at which time he or she shall be transferred to the Division of Correction, except as provided by court order or parole decision made by the ~~Parole~~ Post-Prison Transfer Board.

SECTION 14. Arkansas Code § 5-4-403(a), concerning multiple sentences and concurrent and consecutive terms, is amended to read as follows:

(a) ~~When~~ Except as provided in subsections (c) and (e) of this section, when multiple sentences of imprisonment are imposed on a defendant convicted of more than one (1) offense, including an offense for which a previous suspension or probation has been revoked, the sentences shall run concurrently unless, upon recommendation of the jury or the court's own motion, the court orders the sentences to run consecutively.

SECTION 15. Arkansas Code § 5-4-403, concerning multiple sentences and concurrent and consecutive terms, is amended to add an additional subsection to read as follows:

(e)(1) If a defendant is sentenced to an additional term of imprisonment due to a sentence enhancement and the statute governing the sentence enhancement provides that the sentence enhancement shall run consecutively, the sentence enhancement shall run consecutively to the sentence imposed for the underlying offense.

(2) If a defendant is convicted of a felony for an offense committed while serving a term of imprisonment at a facility operated or contracted by the Division of Correction or the Division of Community Correction, the sentence for the offense committed while serving the term of imprisonment shall run consecutively to the sentence for which the defendant was serving the term of imprisonment.

(3) If a defendant is convicted of a felony for an offense committed while on post-release supervision, the sentence for the offense committed while on post-release supervision shall run consecutively to the sentence for which the defendant was subject to post-release supervision.

SECTION 16. Arkansas Code § 5-4-501(c)(1) and (2), concerning habitual offenders, are amended to read as follows:

(c)(1) Except as provided in subdivision (c)(3) of this section, a defendant who is convicted of a serious felony involving violence enumerated in subdivision (c)(2) of this section and who previously has been convicted of one (1) or more of the serious felonies involving violence enumerated in subdivision (c)(2) of this section may be sentenced to pay any fine authorized by law for the serious felony involving violence conviction and shall be sentenced+

~~(A) To to imprisonment for a term of not less than forty (40) years nor more than eighty (80) years, or life, and~~

~~(B) Without eligibility for parole or community correction transfer except under § 16-93-615.~~

(2) As used in this subsection, “serious felony involving violence” means:

(A) Any of the following felonies:

(i) Murder in the first degree, § 5-10-102;

(ii) Murder in the second degree, § 5-10-103;

(iii) Kidnapping, § 5-11-102, involving an activity making it a Class Y felony;

(iv) Aggravated robbery, § 5-12-103;

(v) Terroristic act, § 5-13-310, involving an activity making it a Class Y felony;

(vi) Rape, § 5-14-103;

(vii) Sexual assault in the first degree, § 5-14-

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(viii) Causing a catastrophe, § 5-38-202(a);

(ix) Aggravated residential burglary, § 5-39-204; ~~or~~

(x) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony; ~~or~~

(xi) Capital murder, § 5-10-101; or

(xii) Unlawful discharge of a firearm from a vehicle, § 5-74-107; or

(B) A conviction of a comparable serious felony involving violence from another jurisdiction.

SECTION 17. Arkansas Code § 5-4-501(d)(1) and (2), concerning habitual offenders, are amended to read as follows:

(d)(1) A defendant who is convicted of a felony involving violence enumerated in subdivision (d)(2) of this section and who previously has been convicted of two (2) or more of the felonies involving violence enumerated in subdivision (d)(2) of this section may be sentenced to pay any fine authorized by law for the felony involving violence conviction and shall be sentenced to an extended term of imprisonment ~~without eligibility for parole or community correction transfer except under § 16-93-615~~ as follows:

(A) For a conviction of a Class Y felony, a term of imprisonment of not less than life in prison;

(B) For a conviction of a Class A felony, a term of imprisonment of not less than forty (40) years nor more than life in prison;

(C) For a conviction of a Class B felony or for a conviction of an unclassified felony punishable by life imprisonment, a term of imprisonment of not less than thirty (30) years nor more than sixty (60) years;

(D) For a conviction of a Class C felony, a term of imprisonment of not less than twenty-five (25) years nor more than forty (40) years;

(E) For a conviction of a Class D felony, a term of imprisonment of not less than twenty (20) years nor more than forty (40) years; and

(F) For a conviction of an unclassified felony punishable

by less than life imprisonment, a term of imprisonment not more than three (3) times the maximum sentence for the unclassified felony offense.

(2) As used in this subsection, “felony involving violence” means:

(A) Any of the following felonies:

- (i) Murder in the first degree, § 5-10-102;
- (ii) Murder in the second degree, § 5-10-103;
- (iii) Kidnapping, § 5-11-102;
- (iv) Aggravated robbery, § 5-12-103;
- (v) Rape, § 5-14-103;
- (vi) Battery in the first degree, § 5-13-201;
- (vii) Terroristic act, § 5-13-310;
- (viii) Sexual assault in the first degree, § 5-14-124;
- (ix) Sexual assault in the second degree, § 5-14-125;
- (x) Domestic battering in the first degree, § 5-26-303;
- ~~(xi) Residential burglary, § 5-39-201(a);~~
- ~~(xii) (xi)~~ Aggravated residential burglary, § 5-39-204;
- ~~(xiii) (xii)~~ Unlawful discharge of a firearm from a vehicle, § 5-74-107;
- ~~(xiv) (xiii)~~ Criminal use of prohibited weapons, § 5-73-104, involving an activity making it a Class B felony;
- ~~(xv) (xiv)~~ A felony attempt, solicitation, or conspiracy to commit:
 - (a) Capital murder, § 5-10-101;
 - (b) Murder in the first degree, § 5-10-102;
 - (c) Murder in the second degree, § 5-10-103;
 - (d) Kidnapping, § 5-11-102;
 - (e) Aggravated robbery, § 5-12-103;
 - (f) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony;
 - (g) Rape, § 5-14-103;

(h) Battery in the first degree, § 5-13-201;
 (i) Domestic battering in the first degree, §
 5-26-303; or

~~(j) Residential burglary, § 5-39-201(a); or~~
~~(k) (j) Aggravated residential burglary, § 5-~~
 39-204; ~~or~~

~~(xvi)~~ (xv) Aggravated assault upon a law enforcement officer or an employee of a correctional facility, § 5-13-211, if a Class Y felony; or

(xvi) Capital murder, § 5-10-101; or

(B) A conviction of a comparable felony involving violence from another jurisdiction.

SECTION 18. DO NOT CODIFY. Residential burglary.

(a)(1) Residential burglary is removed from the definition of "felony involving violence" under § 5-4-501(d)(2) effective January 1, 2024.

(2) Because residential burglary is not a felony involving violence as of January 1, 2024, residential burglary is not considered a prior felony involving violence under § 5-4-501 for offenses committed on or after January 1, 2024.

(b) Aggravated residential burglary remains a felony involving violence under § 5-4-501.

SECTION 19. Arkansas Code § 5-4-702(a), concerning enhanced penalties for certain offenses committed in the presence of a child, is amended to read as follows:

(a) A person who commits any of the following offenses may be subject to an enhanced sentence of an additional term of imprisonment of not less than one (1) year and not greater than ten (10) years if the offense is committed in the presence of a child:

- (1) Capital murder, § 5-10-101;
- (2) Murder in the first degree, § 5-10-102;
- (3) Murder in the second degree, § 5-10-103;
- (4) Aggravated robbery, § 5-12-103;
- (5) A felony offense of assault or battery under § 5-13-201 et

seq.;

- (6) Rape, § 5-14-103;
 - (7) Sexual assault in the second degree, § 5-14-125; ~~or~~
 - (8) A felony offense of domestic battering or assault on a family or household member under §§ 5-26-303 – 5-26-309;
 - (9) Unlawful discharge of a firearm from a vehicle, § 5-74-107;
- or
- (10) Terroristic act, § 5-13-310.

SECTION 20. Arkansas Code § 5-4-702(e), concerning enhanced penalties for offenses committed in the presence of a child, is amended to read as follows:

(e) Any person convicted under this section is not eligible for early release on parole, transfer to post-release supervision, or community correction transfer for the enhanced portion of the sentence.

SECTION 21. Arkansas Code § 5-4-707(f), concerning an additional term of imprisonment for an offense constituting violence against a church or other place of worship, is amended to read as follows:

(f) A person receiving an additional term of imprisonment under this section is not eligible for early release on parole, transfer to post-release supervision, or community correction transfer for the additional term of imprisonment.

SECTION 22. Arkansas Code § 5-4-803(c)(3), concerning community service work as a sentencing alternative, is amended to read as follows:

(3) If an eligible offender withdraws consent to participate in a community work project, the eligible offender is entitled to all good time, ~~and parole, and post-release supervision~~ eligibility considerations as provided by law.

SECTION 23. Arkansas Code § 5-4-803(d)(5), concerning community service work as a sentencing alternative, is amended to read as follows:

(5) If an eligible offender's conduct is found to be unsatisfactory, the eligible offender is entitled to all good time, ~~and parole, and post-release supervision~~ eligibility considerations as provided by law.

SECTION 24. Arkansas Code § 5-5-204(a)(1)(B), concerning the use or sale of conveyances and the disposition of sale proceeds, is amended to read as follows:

(B) After allowance for reasonable expenses of seizure and maintenance of custody of the conveyance, the proceeds from a sale under subdivision (a)(1)(A) of this section shall be used to satisfy any outstanding restitution under § 5-4-205 owed to a victim of an offense for which the conveyance was used, if the victim files a petition with the circuit court or makes a request to the circuit court within thirty (30) days of the filing of the ~~judgment and commitment~~ sentencing order of the convicted defendant.

SECTION 25. Arkansas Code § 5-10-101(a)(3), concerning the murder of certain persons as an element of capital murder, is amended to read as follows:

(3) With the premeditated and deliberated purpose of causing the death of any law enforcement officer, jailer, prison official, firefighter, judge or other court official, ~~probation officer, parole officer~~ community supervision officer, any military personnel, or teacher or school employee, when such person is acting in the line of duty, the person causes the death of any person;

SECTION 26. Arkansas Code § 5-10-101(c)(1)(B), concerning the punishment for capital murder if the defender was younger than the age of eighteen (18) at the time of the capital murder, is amended to read as follows:

(B) If the defendant was younger than eighteen (18) years of age at the time he or she committed the capital murder, life imprisonment with the possibility of parole or transfer to post-release supervision after serving a minimum of thirty (30) years' imprisonment.

SECTION 27. Arkansas Code § 5-10-102(c)(2), concerning the punishment for murder in the first degree if the defender was younger than the age of eighteen (18) at the time of the murder in the first degree, is amended to read as follows:

(2) Unless the application of § 16-93-621 results in a person's being eligible for parole or transfer to post-release supervision at an earlier date, if a person was younger than eighteen (18) years of age at the time he or she committed murder in the first degree and is sentenced to life imprisonment, the person is eligible for parole or post-release supervision after serving a minimum of twenty-five (25) years' imprisonment.

SECTION 28. Arkansas Code § 5-10-104(c), concerning manslaughter, is amended to read as follows:

(c) Manslaughter is a Class ~~C~~ B felony.

SECTION 29. Arkansas Code § 5-10-105(b), concerning negligent homicide, is amended to read as follows:

(b)(1) A person commits negligent homicide if he or she negligently causes the death of another person.

(2) A person who violates subdivision (b)(1) of this section by means of a deadly weapon upon conviction is guilty of a Class ~~A misdemeanor~~ D felony.

(3) If otherwise committed under subdivision (b)(1) of this section, negligent homicide is a Class A misdemeanor.

SECTION 30. Arkansas Code § 5-14-110(a)(4)(B), concerning sexual indecency with a child committed by certain persons, is amended to read as follows:

(B) Employed by or contracted with the Division of Community Correction, a local law enforcement agency, a court, or a local government and the actor is supervising the minor while the minor is on probation, ~~or parole, or post-release supervision~~ or for any other court-ordered reason;

SECTION 31. Arkansas Code § 5-14-112(b), concerning indecent exposure, is amended to read as follows:

(b)(1) Except as provided in subdivisions (b)(2) and (b)(3) of this section, indecent exposure is a Class A misdemeanor.

(2) Indecent exposure is a Class D felony:

(A) For a fourth or fifth conviction within ten (10) years

of a previous conviction, ~~indecent exposure is a Class D felony,; or~~

(B) If a person is in the custody of a correctional facility or a detention facility at the time the person exposes his or her sex organs.

(3) For a sixth conviction and each successive conviction within ten (10) years of a previous conviction, indecent exposure is a Class C felony.

SECTION 32. Arkansas Code § 5-14-113 is amended to read as follows:

5-14-113. Sexual extortion.

(a) A person commits the offense of sexual extortion if:

(1) With the purpose to coerce another person to engage in sexual contact or sexually explicit conduct, the person communicates a threat to:

(A) Damage the property or harm the reputation of the other person; or

(B) Produce or distribute a recording of the other person engaged in sexually explicit conduct or depicted in a state of nudity;

(2) With the purpose to produce or distribute a recording of a person in a state of nudity or engaged in sexually explicit conduct, the person communicates a threat to:

(A) Damage the property or harm the reputation of the other person; or

(B) Produce or distribute a recording of the other person engaged in sexually explicit conduct or depicted in a state of nudity; ~~or~~

(3) The person knowingly causes another person to engage in sexual contact or sexually explicit conduct or to produce or distribute a recording of a person in a state of nudity or engaged in sexually explicit conduct by communicating a threat to:

(A) Damage the property or harm the reputation of the other person; or

(B) Produce or distribute a recording of the other person engaged in sexually explicit conduct or depicted in a state of nudity; or

(4) The person knowingly demands payment of money or receipt of anything of value by communicating a threat to distribute a recording of a person engaged in sexually explicit conduct or depicted in a state of nudity.

(b) Sexual extortion is a Class B felony.

SECTION 33. Arkansas Code § 5-14-124(a)(1)(B), concerning sexual assault in the first degree committed by certain persons, is amended to read as follows:

(B) Employed by or contracted with the Division of Community Correction, a local law enforcement agency, a court, or a local government and the actor is supervising the minor while the minor is on probation, ~~or parole,~~ or post-release supervision or for any other court-ordered reason;

SECTION 34. Arkansas Code § 5-14-125(a)(4)(A)(ii), concerning sexual assault in the second degree committed by certain persons, is amended to read as follows:

(ii) Employed by or contracted with the Division of Community Correction, a local law enforcement agency, a court, or a local government and the actor is supervising the minor while the minor is on probation, ~~or parole,~~ or post-release supervision or for any other court-ordered reason;

SECTION 35. Arkansas Code § 5-14-126(a)(1)(B), concerning sexual assault in the third degree committed by certain persons, is amended to read as follows:

(B) Employed by or contracted with the Division of Community Correction, a local law enforcement agency, a court, or a local government and the actor is supervising the person while the person is on probation, ~~or parole,~~ or post-release supervision or for any other court-ordered reason;

SECTION 36. Arkansas Code § 5-14-137(b)(1), concerning the prohibition against a registered sex offender recording a person younger than fourteen years of age, is amended to read as follows:

(1) Record a person under fourteen (14) years of age and post the recording of the person on an online social media platform or other internet website that allows the using or posting of a recording in any form after the person has previously been warned of his or her possible criminal

exposure by a judge at the person's sentencing for the offense for which the person is required to register as a sex offender, or by his or her ~~parole or probation~~ community supervision officer that recording a person under fourteen (14) years of age is a violation of his or her terms and conditions of his or her probation, ~~or parole, or post-release supervision~~; or

SECTION 37. Arkansas Code § 5-36-103(b)(3), concerning theft of property that is classified as Class D felony, is amended to add an additional subdivision to read as follows:

(J) The value of the property is one thousand dollars (\$1,000) or less and the person has been previously convicted of a theft offense of any classification within ten (10) years of the current offense.

SECTION 38. Arkansas Code § 5-39-204, concerning aggravated residential burglary, is amended to read as follows:

(a) A person commits aggravated residential burglary if he or she commits residential burglary as defined in § 5-39-201 of a residential occupiable structure ~~occupied by any person~~, and he or she either:

(1) ~~Is~~ The residential occupiable structure is occupied by another person; or

(2) He or she is armed with a deadly weapon or represents by word or conduct that he or she is armed with a deadly weapon; ~~or.~~

~~(2) Inflicts or attempts to inflict death or serious injury upon another person.~~

(b) Aggravated residential burglary is a:

(1) Class Y felony if:

(A) Committed under subdivision (a)(2) of this section; or

(B) The person causes or attempts to cause death or serious physical injury to another person; or

(2) Class A felony if otherwise committed.

SECTION 39. Arkansas Code § 5-53-101(4)(A), concerning the definitions used concerning offenses related to official proceedings, is amended to read as follows:

(4)(A) "Official proceeding" means a proceeding heard before any legislative, judicial, administrative, or other government agency or official

authorized to hear evidence under oath, including any referee, hearing examiner, parole revocation hearing judge, commissioner, notary, or other person taking testimony or depositions in any such proceeding.

SECTION 40. Arkansas Code § 5-54-119, concerning the furnishing, possessing, using, or delivering of a prohibited article, is amended to add an additional subsection to read as follows:

(g) A person convicted of furnishing a prohibited article, possessing a prohibited article, using a prohibited article, or delivering a prohibited article and who, at the time of the offense, was an employee of, volunteer for, or contractor with a correctional facility shall have his or her sentence enhanced as follows:

(1)(A) The term of imprisonment is enhanced by up to ten (10) additional years.

(B) The enhanced term of imprisonment under subdivision (g)(1)(A) of this section is consecutive to any other sentence imposed.

(C) A person subject to an enhanced term of imprisonment under subdivision (g)(1)(A) of this section is not eligible for parole, post-release supervision, or community correction transfer for the enhanced term of imprisonment under subdivision (g)(1)(A) of this section; and

(2) The fine is enhanced by up to ten thousand dollars (\$10,000).

SECTION 41. Arkansas Code § 5-54-129 is amended to read as follows:

5-54-129. Search of persons and vehicles entering institutions.

It is lawful for a superintendent, warden, or jailor, or his or her duly authorized agent, to require, as a condition of admission, a reasonable search as permitted by the Arkansas Constitution and the United States Constitution of the person or vehicle of anyone seeking admission to, or to visit in, the Department of ~~Community Correction~~ Corrections, jails, state institutions, or other places where persons are confined.

SECTION 42. Arkansas Code § 5-54-206(c), concerning enhanced penalties for the offense of terrorism, is amended to read as follows:

(c) Any person sentenced under this section is not eligible for early release on parole, transfer to post-release supervision, or community

correction transfer for the enhanced portion of the sentence.

SECTION 43. Arkansas Code § 5-55-107(c)(1), concerning restitution and collection under the Medicaid Fraud Act, is amended to read as follows:

(c)(1) In addition to the ~~judgment and commitment~~ sentencing order in a criminal case, a court shall enter a separate restitution order against the defendant convicted of Medicaid fraud regarding restitution consistent with this section and § 5-55-108.

SECTION 44. Arkansas Code § 5-64-407(c), concerning the manufacture of methamphetamine in the presence of certain persons, is amended to read as follows:

(c) Any person sentenced under this section is not eligible for early release on parole, transfer to post-release supervision, or community correction transfer for the enhanced portion of the sentence.

SECTION 45. Arkansas Code § 5-64-411(c), concerning enhanced penalties for controlled substances offenses in close proximity to certain facilities, is amended to read as follows:

(c) Any person convicted under this section is not eligible for early release on parole, transfer to post-release supervision, or community correction transfer for the enhanced portion of the sentence.

SECTION 46. Arkansas Code § 5-70-104(b), concerning promoting prostitution in the first degree, is amended to read as follows:

- (b) Promoting prostitution in the first degree is a:
- (1) Class D felony under subdivision (a)(1) of this section;
 - (2) Class B felony under subdivision (a)(2) of this section.

SECTION 47. Arkansas Code § 5-65-115(a)(1), concerning alcohol treatment or education programs for persons whose driving privileges are suspended or revoked due to driving under the influence and related offenses, is amended to read as follows:

(a)(1)(A) A person whose driving privileges are suspended or revoked for violating § 5-65-103, § 5-65-303, § 5-65-310, or § 3-3-203 is required to complete an alcohol education program provided by a contractor

with the Division of Aging, Adult, and Behavioral Health Services of the Department of Human Services or an alcoholism treatment program licensed by the division.

(B) The Department of Human Services shall coordinate with the Department of Corrections to license Department of Corrections employees or contractors to provide the alcohol education or alcohol treatment program required under subdivision (a)(1)(A) of this section to inmates.

SECTION 48. Arkansas Code § 5-73-103(c)(1), concerning possession of firearms by certain persons, is amended to read as follows:

(c)(1) A person who violates this section commits a Class B felony if:

(A) The person has a prior violent felony conviction;

(B) The person's current possession of a firearm involves the commission of another crime; ~~or~~

(C) The person has a prior felony conviction for an offense that had as an element of the offense the use or possession of a deadly weapon; or

~~(D)~~ The person has been previously convicted under this section or a similar provision from another jurisdiction.

SECTION 49. Arkansas Code § 5-73-323, concerning licenses to carry a concealed handgun held by certain persons, is amended to read as follows:

A member of the ~~Parole~~ Post-Prison Transfer Board, a board investigator, or a ~~parole~~ revocation hearing judge who has been issued a license to carry a concealed handgun by the ~~Department~~ Division of Arkansas State Police under this subchapter may carry his or her concealed handgun into a building in which or a location on which a law enforcement officer may carry a handgun if the board member, board investigator, or ~~parole~~ revocation hearing judge is on official business of the board.

SECTION 50. Arkansas Code § 9-27-507(b)(2)(B), concerning penalties for violating a disposition order in an extended juvenile jurisdiction case, is amended to read as follows

(B) Statutory provisions prohibiting or limiting probation or suspended imposition of sentence, ~~or parole, or transfer to post-release transfer~~ for offenses when committed by an adult shall not apply to juveniles

sentenced as extended juvenile jurisdiction offenders.

SECTION 51. Arkansas Code § 9-27-507(e)(4)(B), concerning options for disposition at certain points in an extended juvenile jurisdiction case, is amended to read as follows:

(B) Statutory provisions prohibiting or limiting probation or suspended imposition of sentence, ~~or parole, or post-release transfer~~ for offenses when committed by an adult shall not apply to juveniles sentenced as extended juvenile jurisdiction offenders.

SECTION 52. Arkansas Code § 9-27-510(a)(2), concerning placement of a juvenile with the Division of Correction, is amended to read as follows:

(2) If a juvenile receives a sentence to the Division of Correction before the juvenile's sixteenth birthday, the juvenile shall be housed by the Division of Youth Services until that date, except as provided by a court order or parole or post-release supervision decision made by the ~~Parole Post-Prison Transfer~~ Board.

SECTION 53. Arkansas Code § 9-27-510(c)(1)(A) and (B), concerning placement of a juvenile with the Division of Correction, are amended to read as follows:

(c)(1)(A) Juveniles sentenced to the Division of Correction pursuant to extended juvenile jurisdiction are subject to parole and post-release supervision as is any other inmate within the Division of Correction.

(B) Juveniles adjudicated for capital murder, § 5-10-101, or murder in the first degree, § 5-10-102, are subject to parole or post-release supervision.

SECTION 54. Arkansas Code § 9-28-409(f)(1), concerning criminal background and child maltreatment checks for employees of child welfare agencies, is amended to read as follows:

(f)(1) A person who is required to have a criminal records check under subdivision (b)(1) or subdivision (c)(1) of this section who has pleaded guilty or nolo contendere to or been found guilty of any of the offenses listed in subdivision (e)(3) of this section shall be absolutely disqualified from being an owner, operator, volunteer, foster parent, adoptive parent,

member of a child welfare agency's board of directors, or employee in a child welfare agency during the period of the person's confinement, probation, ~~or~~ parole, or post-release supervision unless the conviction is vacated or reversed.

SECTION 55. Arkansas Code § 9-28-409(f)(3)(A), concerning criminal background and child maltreatment checks for employees of child welfare agencies, is amended to read as follows:

(3)(A) Except as provided under subdivision (f)(1) of this section, a person who is required to have a criminal records check under subdivision (b)(1) or subdivision (c)(1) of this section who has pleaded guilty or nolo contendere to or been found guilty of any of the offenses listed in subdivision (e)(3) of this section shall be presumed to be disqualified to be an owner, operator, volunteer, foster parent, adoptive parent, member of a child welfare agency's board of directors, or employee in a child welfare agency after the completion of his or her term of confinement, probation, ~~or~~ parole, or post-release supervision unless the conviction is vacated or reversed.

SECTION 56. Arkansas Code § 11-10-513(a)(3), concerning disqualification for unemployment benefits due to voluntarily leaving work, is amended to read as follows:

(3) Any person who leaves his or her last work to comply with the order of a correctional institution or to satisfy the terms of his or her parole, post-release supervision, or probation shall be deemed to have left work "voluntarily and without good cause connected with the work".

SECTION 57. Arkansas Code § 12-1-102 is amended to read as follows:

12-1-102. Records to be posted on a public website.

(a) Relevant research studies and reports concerning the following topics that are generated by the research divisions of the Division of Correction, the Division of Community Correction, and the ~~Parole~~ Post-Prison Transfer Board or by third-party contractors on behalf of the Division of Correction, the Division of Community Correction, and the board, when applicable, shall be posted on the Division of Correction's, the Division of Community Correction's, or the board's website:

- (1) Population projections;
- (2) Recidivism; and
- (3) Evaluation of the cost-benefit of evidence-based practices

of:

- (A) Adult prisons;
- (B) Community corrections facilities;
- (C) Probation; ~~and~~
- (D) Parole; and
- (E) Post-release supervision.

(b) Data posted on the board's, the Division of Correction's, or the Division of Community Correction's websites under this section may be removed from the board's, the Division of Correction's, or the Division of Community Correction's websites after five (5) years.

SECTION 58. Arkansas Code Title 12, Chapter 1, Subchapter 1, is amended to add an additional section to read as follows:

12-1-104. Bail reporting system.

(a)(1) The Arkansas Crime Information Center shall administer a public portal for entry by a court of the information required to be reported under § 16-84-118.

(2) To facilitate the administration of the portal required under subdivision (a)(1) of this section, the Arkansas Crime Information Center may seek the assistance of the Division of Information Systems of the Department of Transformation and Shared Services or enter into a contract for technical database and data processing services.

(b) The public portal administered under subsection (a) of this section shall provide the following information concerning a defendant or arrestee:

- (1) The defendant or arrestee's name and alias, if available;
- (2) The date of each arrest of the defendant or arrestee along

with the following details:

- (A) The county of arrest;
- (B) Any corresponding case number, if available;
- (C) The specific charges;
- (D) Eligibility for bail and the amount of the initial

bail;

(E) The name of the judge and court, including without limitation judicial district and county, setting the initial bail;

(F) The date and amount of any bail modification;

(G) The name of the judge and court, including without limitation judicial district and county, modifying the bail set; and

(H) The date of release on bond and type of bond posted;

and

(3) The date of each conviction of the defendant or arrestee and corresponding case number.

(c) The information entered into the public portal administered under this section shall be disseminated:

(1) In a manner that will allow the information to be organized by:

(A) A defendant or arrestee;

(B) A judicial district;

(C) A county; and

(D) A judge and

(2) Upon request to the:

(A) Governor;

(B) Speaker of the House of Representatives;

(C) President Pro Tempore of the Senate;

(D) Arkansas Legislative Audit; and

(E) Attorney General.

SECTION 59. Arkansas Code § 12-12-905(a)(2), concerning registration requirements for sex offenders, is amended to read as follows:

(2) Is serving a sentence of incarceration, probation, parole, post-release supervision, or other form of community supervision as a result of an adjudication of guilt on or after August 1, 1997, for a sex offense, aggravated sex offense, or sexually violent offense;

SECTION 60. Arkansas Code § 12-12-906(a)(1)(A)(i), concerning the duty to register as a sex offender or verify registration as a sex offender and the review of requirements with sex offenders, is amended to read as follows:

(a)(1)(A)(i) At the time of adjudication of guilt, the sentencing court shall enter on the ~~judgment and commitment or judgment and disposition~~

~~form~~ sentencing order that the offender is required to register as a sex offender and shall indicate whether the:

- (a) Offense is an aggravated sex offense;
- (b) Sex offender has been adjudicated guilty of a prior sex offense under a separate case number; or
- (c) Sex offender has been classified as a sexually dangerous person.

SECTION 61. Arkansas Code § 12-12-909(a)(3) and (4), concerning a change of address of a registered sex offender, are amended to read as follows:

(3) If the sex offender changes his or her address without notice, notification shall be sent to law enforcement and supervising parole, post-release supervision, or probation authorities, and notice may be posted on the internet until proper reporting is again established or the sex offender is incarcerated.

(4) Subdivision (a)(1) of this section applies to a sex offender required to register as a sexually dangerous person, except that the sexually dangerous person shall verify the registration in person every ninety (90) days after the date of the initial release or commencement of parole or post-release supervision.

SECTION 62. Arkansas Code § 12-12-913(c)(1)(B), concerning developing guidelines and procedures for the release of information concerning sex offenders, is amended to read as follows:

(B) In developing the guidelines and procedures, the Sex Offender Assessment Committee shall consult with persons who, by experience or training, have a personal interest or professional expertise in law enforcement, crime prevention, victim advocacy, criminology, psychology, parole, post-release supervision, public education, and community relations.

SECTION 63. Arkansas Code § 12-12-913(j)(1)(A)(viii), concerning information to be made public concerning a Level 3 or Level 4 sex offender, is amended to read as follows:

(viii) The sex offender's parole, post-release supervision, or probation office;

SECTION 64. Arkansas Code § 12-12-917(b)(2)(A)(ii)(b)(2)(D), concerning the relevant records to be forwarded to Community Notification Assessment regarding an adult sex offender convicted of an offense described in 42 U.S.C. § 14071 et seq., is amended to read as follows:

(D) ~~Judgment and disposition forms~~
Sentencing orders;

SECTION 65. Arkansas Code § 12-12-917(b)(4)(A)(ii), concerning notification that will be provided when a sex offender disrupts a sex offender assessment, is amended to read as follows:

(ii) The ~~parole or probation~~ community supervision officer, if applicable, shall be notified.

SECTION 66. Arkansas Code § 12-12-917(f)(2), concerning evaluation of a sex offender, is amended to read as follows:

(2) The committee shall provide the ~~Parole~~ Post-Prison Transfer Board with copies of the offender fact sheet on inmates of the Division of Correction.

SECTION 67. Arkansas Code § 12-12-917(h)(2)(A), concerning evaluation of a sex offender, is amended to read as follows:

(2)(A) A local law enforcement agency having jurisdiction, the Division of Community Correction, or the ~~Parole~~ Post-Prison Transfer Board may request the committee to reassess a sex offender's assigned risk level at any time.

SECTION 68. Arkansas Code § 12-12-917(h)(2)(B), concerning evaluation of a sex offender, is amended to read as follows:

(B) In the request for reassessment, the local law enforcement agency having jurisdiction, the Division of Community Correction, or the ~~Parole~~ Post-Prison Transfer Board shall list the facts and circumstances that prompted the requested reassessment.

SECTION 69. Arkansas Code § 12-12-918(d), concerning classification of a person as a sexually dangerous person, is amended to read as follows:

(d)(1) The ~~judgment and commitment~~ sentencing order should state whether the offense qualifies as an aggravated sex offense.

(2) Should the aggravated sex offense box not be checked on the ~~commitment~~ sentencing order, the court will be contacted by the committee and asked to furnish a written determination as to whether the offense qualifies as an aggravated sex offense.

SECTION 70. Arkansas Code § 12-12-919(b)(2)(A), concerning termination of the obligation to register as a sex offender, is amended to read as follows:

(A) The applicant, for a period of fifteen (15) years after the applicant was released from prison or other institution or placed on parole, post-release supervision, supervised release, or probation has not been adjudicated guilty of a sex offense; and

SECTION 71. Arkansas Code § 12-12-1003(c), concerning the collection and maintenance of criminal history information, is amended to read as follows:

(c) The reporting requirements of this subchapter apply to prosecuting attorneys, judges, and law enforcement, court, probation, correction, ~~and~~ parole, and post-release supervision officials within the limits defined in §§ 12-12-1006 and 12-12-1007.

SECTION 72. Arkansas Code § 12-12-1109(e)(1), concerning the collection of a deoxyribonucleic acid sample upon conviction of certain offenses, is amended to read as follows:

(e)(1) The requirements of this subchapter are mandatory and apply regardless of whether or not a court advises a person that a DNA sample must be provided to the State DNA Data Base and State DNA Data Bank as a condition of probation, ~~or~~ parole, or post-release supervision.

SECTION 73. Arkansas Code § 12-12-1110(e)(1), concerning procedures for the collection of a deoxyribonucleic acid sample upon conviction of certain offenses, is amended to read as follows:

(e)(1) Any person who refuses to provide a DNA sample required by this subchapter will receive no further sentence reduction for meritorious good

time or earned release credits until such time as a sample is provided, and the Division of Correction shall notify the ~~Parole~~ Post-Prison Transfer Board regarding the refusal.

SECTION 74. Arkansas Code § 12-12-1506(a)(2), concerning the dissemination of records of felony arrest and conviction, is amended to read as follows:

(2) Any criminal history information of felony arrest records and all conviction information that pertains to a person currently being processed by the criminal justice system, including during the entire period of correctional supervision extending through final discharge from parole or post-release supervision, may be disseminated without restriction.

SECTION 75. Arkansas Code § 12-27-103(b)(15), concerning the creation and powers of the Division of Correction, is amended to read as follows:

(15) The Division of Correction shall cooperate with the Division of Community Correction, the ~~Parole~~ Post-Prison Transfer Board, the Arkansas Sentencing Commission, judicial districts, municipalities, and counties in this state in providing guidance and services required to ensure a full range of correctional options for the state as a whole;

SECTION 76. Arkansas Code § 12-27-104(a)(2), concerning members of the Board of Corrections, is amended to read as follows:

(2) The Chair of the ~~Parole~~ Post-Prison Transfer Board; and

SECTION 77. Arkansas Code § 12-27-105(b)(17)(C), concerning the Board of Corrections powers and duties, is amended to read as follows:

(C) The payment of such sanctions and fees may be a condition of probation, parole, post-release supervision, ~~post-prison~~ post-prison transfer, or attached to admission and participation in a community correction program.

SECTION 78. Arkansas Code § 12-27-107(a), concerning the Director of the Division of Correction, is amended to read as follows:

(a) The Director of the Division of Correction, ~~who shall be the executive, administrative, budgetary, and fiscal officer of the Division of~~

~~Correction~~, shall be appointed by the Board of Corrections in consultation with the Secretary of the Department of Corrections at a salary fixed by the Board of Corrections which shall not exceed the maximum salary for the position established by law.

SECTION 79. Arkansas Code § 12-27-107(c), concerning the Director of the Division of Correction, is amended to read as follows:

(c) The director shall serve at the pleasure of the ~~Board~~ Secretary of the Department of Corrections.

SECTION 80. Arkansas Code § 12-27-107(d)(5), concerning the Director of the Division of Correction, is amended to read as follows:

(5) Cooperate with the Division of Community Correction, the ~~Parole~~ Post-Prison Transfer Board, the Arkansas Sentencing Commission, judicial districts, counties, and municipalities to provide the guidance and services required to ensure a full range of correctional options for the state as a whole; and

SECTION 81. Arkansas Code § 12-27-113(b)(3), concerning the transfer of inmates between the Division of Correction and Division of Community Correction, is amended to read as follows:

(3) Inmates may be transferred between the Division of Correction and the Division of Community Correction within the constraints of law applicable to judicial or administrative transfer, subject to the policies and rules established by the Board of Corrections and conditions set by the ~~Parole~~ Post-Prison Transfer Board.

SECTION 82. Arkansas Code § 12-27-117 is amended to read as follows:

12-27-117. Employees' uniforms.

As deemed appropriate by the Secretary of the Department of Corrections and approved by the Board of Corrections, the Department of Corrections may purchase identifying occupational uniforms for correctional personnel and ~~probation and parole~~ community supervision personnel.

SECTION 83. Arkansas Code § 12-27-124(a)(3), concerning the purposes and construction of the Division of Community Correction, is amended to read

as follows:

(3) To accomplish the objectives and purposes of this act in an effective, coordinated, and uniform manner, the division shall be responsible for the administration of all community correction facilities, services, and means of supervision, including ~~probation and parole~~ community supervision or any type of post-prison release or transfer.

SECTION 84. Arkansas Code § 12-27-125(b)(5)(A), concerning the powers and duties of the Division of Community Correction, is amended to read as follows:

(5)(A) It may exercise all legally sanctioned supervision and appropriate care over all offenders referred with proper documentation from the circuit courts and all offenders transferred with proper documentation from the Division of Correction pursuant to policies established by the Board of Corrections and conditions set by the ~~Parole~~ Post-Prison Transfer Board.

SECTION 85. Arkansas Code § 12-27-125(b)(7) and (8), concerning the powers and duties of the Division of Community Correction, is amended to read as follows:

(7) It shall administer the provision of parole services in coordination with the ~~Parole~~ Post-Prison Transfer Board and in cooperation with the Division of Correction;

(8) It shall provide support services to the ~~Parole~~ Post-Prison Transfer Board or its designated representatives as determined by the ~~Parole~~ Post-Prison Transfer Board;

SECTION 86. Arkansas Code § 12-27-125(b)(17)(C), concerning the powers and duties of the Division of Community Correction and the payment of sanctions and fees by offenders, is amended to read as follows:

(C) The payment of such sanctions and fees may be a condition of probation, parole, post-release supervision, or ~~post-prison~~ post-prison transfer or attached to admission and participation in a community correction program.

SECTION 87. Arkansas Code § 12-27-125(b)(21), concerning the powers and duties of the Division of Community Correction, is amended to read as

follows:

(21) Subject to availability of funds, it shall employ officers, employees, and agents and secure sufficient offices for monitoring each sex offender on parole, post-release supervision, or probation who is required to register under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., and who has been assessed as a risk Level 3 or Level 4 offender; and

SECTION 88. Arkansas Code § 12-27-126(a), concerning the Director of the Division of Community Correction, is amended to read as follows:

(a) The Director of the Division of Community Correction shall be appointed by the Board of Corrections in consultation with the Secretary of the Department of Corrections at a salary fixed by the Board of Corrections, which shall not exceed the maximum salary for the position established by law.

SECTION 89. Arkansas Code § 12-27-126(c), concerning the Director of the Division of Community Correction, is amended to read as follows:

(c) The director shall serve at the pleasure of the ~~Board~~ Secretary of the Department of Corrections.

SECTION 90. Arkansas Code § 12-27-126(d)(5), concerning the Director of the Division of Community Correction, is amended to read as follows:

(5) Cooperate with the Division of Correction, the ~~Parole~~ Post-Prison Transfer Board, the Arkansas Sentencing Commission, judicial districts, counties, and municipalities to provide the guidance and services required to ensure a full range of correctional and community correction options for the state as a whole.

SECTION 91. Arkansas Code § 12-27-127 is amended to read as follows:

12-27-127. Transfer to the Division of Community Correction – Transfer of an inmate between divisions.

(a)(1) A commitment shall be treated as a commitment to the Division of Correction and subject to regular transfer eligibility.

(2) However, an inmate may be judicially or administratively transferred to the Division of Community Correction by the Division of Correction unless the court indicates on the sentencing order that the

Division of Correction shall not administratively transfer a statutorily eligible inmate to the Division of Community Correction in accordance with the rules promulgated by the Board of Corrections.

(b)(1) In accordance with rules and procedures promulgated by the Board of Corrections and the orders of the committing court, the Director of the Division of Community Correction shall assign a newly transferred inmate to an appropriate facility, placement, program, or status within the Division of Community Correction.

(2) The director may transfer an inmate from one facility, placement, program, or status to another facility, placement, program, or status consistent with the commitment, applicable law, and in accordance with treatment, training, and security needs.

(3)(A) An inmate may be administratively transferred back to the Division of Correction from the Division of Community Correction by the ~~Parole Board~~ Post-Prison Transfer Board following a hearing in which the inmate is found ineligible for placement in a Division of Community Correction facility as he or she fails to meet the criteria or standards established by law or policy adopted by the Board of Corrections or has been found guilty of a violation of the rules of the facility.

(B) Time served in a community correction facility or under supervision by the Division of Community Correction shall be credited against the sentence contained in the commitment to the Division of Correction.

(c)(1) In accordance with rules and procedures promulgated by the Board of Corrections, ~~or except as otherwise prohibited by subdivision (e)(4) of this section,~~ upon receipt of a referral from the director or his or her designee, the ~~Parole Board~~ Post-Prison Transfer Board may release from confinement an inmate who has been:

(A) Sentenced and judicially or administratively transferred to the Division of Community Correction;

(B) Incarcerated for a minimum of:

(i) one One hundred eighty (180) days for a sentence of four (4) years or less; and or

(ii) Two hundred seventy (270) days for a sentence of more than four (4) years but less than six (6) years; and

(C) Determined by the Division of Community Correction to

have successfully completed its therapeutic program.

(2)(A) The General Assembly finds that the power granted to the ~~Parole Board~~ Post-Prison Transfer Board under subdivision (c)(1) of this section will:

(i) Aid the therapeutic rehabilitation of the inmates judicially or administratively transferred to the Division of Community Correction; and

(ii) More efficiently use the correctional resources of the State of Arkansas.

(B) The power granted to the ~~Parole Board~~ Post-Prison Transfer Board under subdivision (c)(1) of this section shall be the sole authority required for the accomplishment of the purposes set forth in this subdivision (c)(2), and when the ~~Parole~~ Post-Prison Transfer Board exercises its power under this section, it shall not be necessary for the ~~Parole~~ Post-Prison Transfer Board to comply with general provisions of other laws dealing with the minimum time constraints as applied to release eligibility.

(3) This subsection does not grant the ~~Parole~~ Post-Prison Transfer Board or the Division of Community Correction the authority either to detain an inmate beyond the sentence imposed upon him or her by a transferring court or to shorten that sentence.

~~(4) An inmate may not be released from confinement under this section if the inmate was sentenced and judicially or administratively transferred to the Division of Community Correction at a time earlier than that which would otherwise be possible if the inmate was sentenced to the Division of Correction, regardless of any program completed by the inmate.~~

(d)(1) An inmate of the Division of Correction who is to be ~~released on parole~~ transferred to post-release supervision may be administratively transferred to the Division of Community Correction when the inmate is within eighteen (18) months of his or her projected release date for the purpose of participating in a reentry program of at least six (6) months in length.

(2) Each inmate administratively transferred under this subsection shall be thoroughly screened and approved for participation by the director or his or her designee.

(3) In accordance with rules promulgated by the Board of Corrections, upon receipt of a referral from the director or his or her designee, the ~~Parole~~ Post-Prison Transfer Board may release from

incarceration an inmate who has been:

(A) Administratively transferred to the Division of Community Correction; and

(B) Determined by the Division of Community Correction to have successfully completed its reentry program.

(4) An inmate who has been administratively transferred under this subsection shall be administratively transferred back to the Division of Correction if he or she:

(A) Is denied parole or transfer to post-release supervision; or

(B) Fails to complete or is removed from the reentry program.

SECTION 92. Arkansas Code § 12-27-129(b)(2), concerning the report on rehabilitation of the inmate population, is amended to read as follows:

(2) Further, the report is to include the amount of meritorious good time or earned release credits awarded inmates by the division for the successful completion of the various rehabilitative programs.

SECTION 93. Arkansas Code § 12-27-136, is amended to read as follows:
12-27-136. Services and equipment.

The Division of Correction and the Division of Community Correction may provide services, furnishings, equipment, and office space to assist the ~~Parole~~ Post-Prison Transfer Board in fulfilling the purposes for which the board was created by law.

SECTION 94. Arkansas Code § 12-27-145(a)(2)(B), concerning records of the Division of Community Correction to be posted on a public website, is amended to read as follows:

(B) Additionally, the list and the date of major disciplinary violations for which the inmate was found guilty shall be displayed during the period the inmate is being considered for transfer to parole or post-release supervision;

SECTION 95. Arkansas Code § 12-27-145(a)(10), concerning records of the Division of Community Correction to be posted on a public website, is

amended to read as follows:

(10) An inmate's parole eligibility date, post-release supervision date, or date he or she is to be released from incarceration as well as a general explanation of how an inmate's ~~parole~~ release eligibility date is calculated, including good time credits.

SECTION 96. Arkansas Code § 12-27-145(b)(1)(I), concerning records of the Division of Community Correction to be posted on a public website, is amended to read as follows:

(I) A list of previous revocation offenses while on ~~probation or parole~~ community supervision and date of revocation.

SECTION 97. Arkansas Code § 12-27-147 is amended to read as follows:
12-27-147. Rulemaking and administrative directive reporting requirement.

(a) A rule implemented by the Board of Corrections, Division of Correction, Division of Community Correction, or the ~~Parole~~ Post-Prison Transfer Board pertaining to this act shall be approved by the appropriate legislative committee before becoming effective.

(b) Any administrative directive or board policy pertaining to this act implemented by the Board of Corrections, the Division of Correction, the Division of Community Correction, or the ~~Parole~~ Post-Prison Transfer Board shall be reported to the Legislative Council.

SECTION 98. Arkansas Code § 12-27-149 is amended to read as follows:
12-27-149. Division of Community Correction – Sufficient staffing guidelines.

For the purposes of maintaining a sufficiently trained and specialized staff of ~~probation and parole~~ community supervision officers, the Division of Community Correction shall establish staffing guidelines using evidence-based practices to develop ratios between the number of high-risk, medium-risk, and low-risk probationers, ~~and parolees, and offenders on post-release~~ supervision and the ~~probation officers and parole officers~~ community supervision officers assigned to the high-risk, medium-risk, and low-risk probationers, ~~and parolees, and offenders on post-release supervision~~ in order to maximize the effectiveness of the monitoring ability of the

~~probation officers and parole~~ community supervision officers.

SECTION 99. Arkansas Code § 12-27-204(a), concerning pay-for-success programs under the Division of Community Correction, is amended to read as follows:

(a) The Division of Community Correction may enter into an agreement with entities, including without limitation licensed or accredited, as applicable, community-based providers specializing in behavioral health, case management, and job placement services, and two-year or four-year public universities to create a pay-for-success program for incarcerated individuals or individuals on ~~parole or probation~~ community supervision that requires the division to pay for the intervention services only if the performance targets stated in the agreement are achieved.

SECTION 100. Arkansas Code § 12-28-103 is repealed.

~~12-28-103. Cost impact statements.~~

~~(a) Each of the following bills introduced in the General Assembly shall have a cost impact statement attached to the bill prior to the committee to which the bill is referred taking action in regard to the bill:~~

~~(1) Bills that affect inmate population patterns at facilities of the Department of Correction by imposing restrictions on inmate release or by increased intake into the department of inmates based on felony convictions; and~~

~~(2) Bills that affect programs or services of the department.~~

~~(b) In addition, copies of the cost impact statement shall be furnished on the desk of each member of the Senate and of the House of Representatives at least one (1) day prior to the date on which the bill is on third reading and debated for final passage in the respective houses.~~

~~(c) Cost impact statements required under this section shall be prepared, upon referral thereof by the Speaker of the House of Representatives, with respect to House of Representatives bills, and by the President of the Senate upon recommendation of the Senate Committee on Rules, Resolutions and Memorials, with respect to Senate bills, at the time of introduction thereof, to:~~

~~(1) The Director of the Department of Correction who shall either personally prepare or cause appropriate officials of the department to~~

~~prepare, a cost impact statement to be approved by the director before submission to the house in which the request was made; or~~

~~(2) Any other state agency that has information available upon which to base a cost impact statement.~~

~~(d) The cost impact statement shall be furnished to the Governor and to the President of the Senate and the Speaker of the House of Representatives who shall cause copies thereof to be prepared for distribution upon the desks of the members of the House of Representatives and Senate at least twenty four (24) hours prior to consideration of any such bill by committee or twenty four (24) hours prior to the bill's being called up for third reading and final passage.~~

~~(e) The cost impact statement shall be certified by the director or the director of the appropriate agency to which the bill is referred for preparation of an impact statement, and shall be returned and filed as required in this section within not more than five (5) days from the date of receipt thereof unless additional time in which to prepare the statement is granted by the requesting official.~~

SECTION 101. Arkansas Code § 12-28-104 is amended to read as follows:

12-28-104. Paroling Transferring authority – Pardon recommendations.

(a) The ~~Parole~~ Post-Prison Transfer Board shall be the ~~paroling~~ transferring authority for parole and post-release supervision for the units of the Department of Corrections and shall make recommendations to the Governor in cases from the criminal courts that, in the board's opinion, the defendant in the case should be pardoned.

(b) The board shall consider the work skills, education, rehabilitation, and treatment programs recommended to the inmate upon intake and determine whether the inmate took advantage of those opportunities while incarcerated in the department in making decisions regarding parole or transfer to post-release supervision.

SECTION 102. Arkansas Code § 12-28-107(b)(3), concerning training for inmates, is amended to read as follows:

(3) Programs under this section ~~shall~~ may include without limitation training in the following fields:

(A) Professional careers and vocations;

- (B) Service careers and vocations;
- (C) Information and computer technology;
- (D) Medical technology; and
- (E) Office administration.

SECTION 103. Arkansas Code § 12-28-604, concerning inmates who shall not be early released in the event of prison overcrowding, is amended to add an additional subsection to read as follows:

(c) The following are not eligible for early release under this section:

- (1) An inmate serving a term of imprisonment for a felony ineligible to receive earned release credits as defined in § 16-93-1802; and
- (2) An inmate serving a term of imprisonment for a restricted-release felony, as defined in § 16-93-1802, who has not yet served the minimum period of time required by law.

SECTION 104. Arkansas Code § 12-29-112(a) and (b), concerning discharge or release of an inmate, are amended to read as follows:

(a) At least one hundred twenty (120) days before an inmate's anticipated release date, the Division of Correction, in collaboration with the inmate and the Division of Community Correction and the ~~Parole~~ Post-Prison Transfer Board, shall complete a prerelease assessment and reentry plan, which may include a travel subsidy and transportation to the closest commercial transportation pick-up point.

(b) A copy of the reentry plan under this section shall be provided to the inmate and the assigned ~~parole~~ community supervision officer, if applicable.

SECTION 105. Arkansas Code § 12-29-112, concerning discharge or release of an inmate, is amended to additional subsections to read as follows:

(d) Except as provided in subsection (e) of this section, the Division of Correction shall provide the following documentation to an inmate upon release:

- (1) A copy of the training record of the inmate, if applicable;
- (2) A copy of the institutional work record of the inmate, if

applicable;

(3) A certified copy of the birth certificate of the inmate, if the inmate was born in Arkansas;

(4) A social security card or a replacement Social Security card, if obtainable; and

(5) Notification to the inmate if he or she is eligible to apply for a license from a state entity charged with oversight of an occupational license or certification, based on the inmate's criminal history, institutional training record, and institutional work record.

(e) The Division of Correction is not required to provide the documentation in subsection (d) of this section if:

(1) The inmate is sixty-five (65) years of age or older;

(2) The inmate is subject to early release due to permanent incapacitation or terminal illness;

(3) The inmate is being released to the custody of another jurisdiction on a warrant or detainer; or

(4) The inmate was in the custody of the Division of Correction for less than nine (9) months.

SECTION 106. Arkansas Code § 12-29-117 is amended to read as follows:

12-29-117. Educational, training, and rehabilitative programs.

(a) An inmate who was convicted and sentenced as an adult for an offense he or she committed before he or she attained eighteen (18) years of age shall not be prevented from participating in an educational, training, or rehabilitative program that is otherwise available to other inmates in the general population of the correctional facility in which he or she is housed.

(b)(1) The Department of Corrections shall regularly assess the impact and efficacy of educational, training, and rehabilitative programs available to inmates of correctional facilities owned or operated by the department.

(2) The assessment required under subdivision (b)(1) of this section shall be conducted by an employee or contractor of the department who has doctoral-level education and experience in evaluating the efficacy of educational, training, and rehabilitative programs.

(3) The results of the assessments required under subdivision (b)(1) of this section shall be incorporated into the report on the state of the department required under § 25-43-403(d).

(c) The Secretary of the Department of Corrections shall:

(1) Coordinate with the Chief Workforce Officer to ensure that workforce training provided to inmates allows for future employment in fields with adequate demand; and

(2) Coordinate with community-based providers to ensure that inmates are being provided appropriate training and programming in preparation for reintegration into the workforce.

SECTION 107. Arkansas Code Title 12, Chapter 29, Subchapter 2, is amended to add an additional section to read as follows:

12-29-206. Applicability.

This subchapter applies to offenses committed before January 1, 2025.

SECTION 108. Arkansas Code § 12-29-404(b), concerning medical parole of an inmate due to terminal illness or permanent incapacitation, is amended to read as follows:

(b) The Director of the Division of Correction or the Director of the Division of Community Correction shall communicate to the ~~Parole~~ Post-Prison Transfer Board when, in the independent opinions of either a Division of Correction physician or Division of Community Correction physician, and a consultant physician in Arkansas, an inmate is either terminally ill or permanently incapacitated and should be considered for transfer to parole supervision or post-release supervision.

SECTION 109. Arkansas Code § 12-29-404(c)(1) and (2), concerning medical parole of an inmate due to terminal illness or permanent incapacitation, are amended to read as follows:

(c)(1) Upon receipt of a communication described in subsection (b) of this section, the board shall assemble or request all such information as is germane to determine whether the inmate is eligible under this section for immediate transfer to parole or post-release supervision.

(2) If the facts warrant and the board is satisfied that the inmate's physical condition makes the inmate no longer a threat to public safety, the board may approve the inmate for immediate transfer to parole or post-release supervision.

SECTION 110. The introductory language of Arkansas Code § 12-29-404(d), concerning medical parole of an inmate due to terminal illness or permanent incapacitation, is amended to read as follows:

(d) An inmate is not eligible for parole or transfer to post-release supervision under this section if he or she is required to register as a sex offender under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., and:

SECTION 111. Arkansas Code § 12-29-404(e), concerning medical parole of an inmate due to terminal illness or permanent incapacitation, is amended to read as follows:

(e) The board may revoke a person's parole or post-release supervision granted under this section if the person's medical condition improves to the point that he or she would initially not have been eligible for parole or post-release supervision under this section.

SECTION 112. Arkansas Code Title 12, Chapter 29, is amended to add additional subchapters to read as follows:

Subchapter 7 – Earned Release Credits for Offenses Committed
on or after January 1, 2025

12-29-701. Applicability.

This subchapter applies to a felony offense committed on or after
January 1, 2025.

12-29-702. Earned release credits.

(a) Subject to rules promulgated by the Board of Corrections, an
inmate eligible to accrue earned release credits may accrue earned release
credits against the time spent in confinement pursuant to a sentence to the
Division of Correction by the sentencing court.

(b)(1) The Board of Corrections shall promulgate rules and the
Division of Correction shall administer rules that set guidelines for accrual
of earned release credits for work practices, job responsibilities, good
behavior, and involvement in rehabilitative activities while in the custody
of the Division of Correction.

(2) The rules shall provide for uniform application of

authorizing release to post-release supervision for an inmate who successfully completes programs determined to reduce recidivism and has met behavioral expectations while incarcerated.

(c)(1) Earned release credits shall not be applied to reduce the length of a sentence but may reduce the length of time an inmate spends in confinement, upon approval of the Post-Prison Transfer Board.

(2) Earned release credits may reduce the time of confinement only if awarded by the Post-Prison Transfer Board.

(3) Earned release credits shall not reduce an inmate's time served in prison by more than the maximum amount authorized under §§ 16-93-1803 and 16-93-1804.

(d)(1) An inmate under sentence of death or life imprisonment without parole is not eligible to accrue earned release credits but may be pardoned or have his or her sentence commuted by the Governor, as provided by law.

(2) Except as provided by subdivision (d)(3) of this section, an inmate sentenced to life imprisonment may accrue earned release credits if otherwise eligible but shall not be awarded earned release credits by the Post-Prison Transfer Board unless the sentence is commuted to a term of years by executive clemency.

(3) An inmate serving a term of imprisonment for a felony ineligible to receive earned release credits as defined in § 16-93-1802 shall not be eligible to accrue earned release credits but may be pardoned or have his or her sentences commuted by the Governor, as provided by law.

12-29-703. Classification committee – Classifications.

(a)(1)(A) The Board of Corrections shall establish an earned release credit classification committee.

(B) Members of the committee shall be selected by wardens or supervisors of the various units, facilities, or centers of the Division of Correction and Division of Community Correction according to rules adopted by the board governing the selection of members.

(2) The committee shall meet as often as necessary to determine rates at which inmates may accrue earned release credits for good behavior, job responsibilities, and involvement in rehabilitative activities.

(b)(1) Upon recommendation of the committee, the Director of the Division of Correction may authorize accrual of earned release credits for

each successful completion of a:

- (A) State-sponsored general education development certificate program;
- (B) Vocational program for which certification is awarded;
- (C) Drug or alcohol treatment program offered at a Division of Correction facility; or
- (D) Pre-release and other rehabilitative programs or assignments as approved by the Board of Corrections.

(2)(A) The additional days of earned release credits described in subdivision (b)(1) of this section shall be accrued as provided in the rules promulgated by the board.

(B) The board may add, amend, change, or alter the rules adopted under this section in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(c) Earned release credits shall not be used to reduce the period of incarceration for an otherwise ineligible inmate.

(d) A jury shall be instructed pursuant to § 16-97-103 regarding the awarding of earned release credits under this section.

12-29-704. Maximum reduction.

An inmate sentenced to the Division of Correction shall not receive a reduction in his or her required service time under this subchapter, or this subchapter and another law jointly, if the reduction in his or her required service time exceeds the amount authorized for the offense in § 16-93-1801 et seq.

Subchapter 8 – Special Considerations for Female Inmates
and Inmates with Families

12-29-801. Mother-newborn child bonding for inmates.

(a) The Department of Corrections shall coordinate with healthcare providers, community-based providers, or both, to develop a custody and care plan that allows an inmate who has given birth to remain with her newborn child during the period authorized by this section.

(b) Following the delivery of a newborn child by an inmate, the department shall permit the inmate to remain with her newborn child for at

least seventy-two (72) hours unless:

(1) A medical or behavioral health provider has a reasonable belief that remaining with the inmate poses a health or safety risk to the newborn child; or

(2) Allowing the inmate to remain with her newborn child poses a substantial flight risk or substantial risk of physical injury to another person.

(c)(1) The bonding period required under this section is subject to availability of adequate housing in hospitals or community-based housing.

(2) A correctional facility is not required to house a newborn child with the inmate at the correctional facility.

12-29-802. Family considerations in inmate placement and visitation.

(a)(1) To the greatest extent possible, after accounting for security and capacity factors, the Department of Corrections shall place an inmate who is a parent of one (1) or more minor children within two hundred fifty (250) miles of the inmate's permanent address of record.

(2) An inmate's parentage of a minor child shall be evidenced by birth certificate or court order.

(b) The Secretary of the Department of Corrections shall adopt rules authorizing the visitation of an inmate who is a parent of one (1) or more minor children and who has a low or minimum-security classification with his or her minor children under the following minimum requirements:

(1) Ensure opportunities for the minor children to attend in-person visitation with their incarcerated parent at least one (1) time per week unless the department has a reasonable belief that the visitation poses a risk to the safety of the minor child or the security and good order of the facility;

(2) Eliminate any restrictions on the number of minor children that are permitted visitation privileges with an inmate;

(3) Authorize contact visits for an inmate who is a parent of one (1) or more minor children unless the department has a reasonable belief that contact visitation poses a risk to the safety of the minor child or the security and good order of the facility;

(4) Eliminate any restrictions on the number of days on which an inmate may conduct video visitation with a minor child unless restrictions

are necessary to maintain the security and good order of the facility; and

(5) Require restrictions on an inmate's visitation with his or her minor children as a disciplinary measure to be subject to a higher level of review than restrictions on visitation with other individuals.

12-29-803. Inspections by employees of the Department of Corrections.

(a) To the greatest extent practicable and consistent with safety and order of the correctional facility, the Secretary of the Department of Corrections shall adopt rules that limit inspections by male correctional officers where a female inmate is in a state of undress.

(b) This section does not limit the ability of a male correctional officer to conduct inspections of the area where a female may be in a state of undress if a female correctional officer is not available.

(c)(1) If a male correctional officer conducts an inspection of an area where a female inmate is in a state of undress, the male correctional officer shall submit a written report within seventy-two (72) hours following the inspection containing a justification for the male correctional officer to inspect the area where the female inmate was located in a state of undress.

(2) The report required under subdivision (c)(1) of this section shall be maintained in the female inmate's record.

12-29-804. Training and technical assistance.

(a) The Department of Corrections shall develop and provide to all department employees responsible for the care or custody of pregnant inmates training related to the physical and mental health of pregnant inmates and unborn children, including without limitation the:

(1) General care of pregnant women;

(2) Impact of restraints on pregnant inmates and unborn children;

(3) Impact of being placed in restrictive housing on pregnant inmates; and

(4) Impact of invasive searches on pregnant inmates.

(b) The department shall develop and provide educational programming for pregnant inmates related to:

(1) Prenatal care;

- (2) Pregnancy-specific hygiene;
- (3) Parenting skills;
- (4) The impact of alcohol and drugs on an unborn child; and
- (5) The general health of children.

SECTION 113. Arkansas Code § 14-14-115(b)(1)(B), concerning the prohibition on holding multiple civil offices, is amended to read as follows:

- (B) Member of the ~~Parole~~ Post-Prison Transfer Board;

SECTION 114. Arkansas Code § 12-32-101(5), concerning the definitions used in relation to the treatment of female inmates or detainees in correctional facilities, is amended to read as follows:

- (5) "Post-partum" means, ~~as determined by the physician of the inmate or detainee, the thirty-day~~ eight-week period following delivery of a child, unless a longer period is determined to be necessary by the healthcare professional responsible for the health and safety of the inmate or detainee; and

SECTION 115. Arkansas Code § 12-32-102(d), concerning restraint of a pregnant inmate or detainee, is amended to read as follows:

- (d) If restraints are used during labor, the Division of Correction or the Division of Community Correction, as applicable, shall report the use of restraints during labor to the Board of Corrections, the Secretary of the Department of Corrections, and ~~to~~ the Attorney General.

SECTION 116. Arkansas Code § 14-164-340(b), concerning criminal justice projects that are alternatives to the issuance of bonds, is amended to read as follows:

- (b) Under this section, the term "capital improvements for criminal justice purposes" means, whether obtained by purchase, lease, construction, reconstruction, restoration, improvement, alteration, repair, or other means, any physical public facility, betterment, or improvement with the purpose of furthering or promoting law enforcement or the apprehension, prosecution, probation, rehabilitation, or detention of any criminals, accused defendants, suspects, or juvenile detainees, and any preliminary plans, studies, or surveys relative thereto; land or rights in land, including, without

limitations, leases, air rights, easements, rights-of-way, or licenses; and any furnishings, machinery, vehicles, apparatus, or equipment for any such public facility or betterment or improvement, which shall include, but is not limited to, the following: any and all facilities for city or town halls, courthouses and other administrative, executive, or other public offices for law enforcement officials or agencies; court facilities; jails; police stations and sheriffs' offices; police precincts or sheriffs' stations or substations; law enforcement training facilities; ~~probation or parole~~ community supervision offices and facilities; alternative learning centers; county and municipal criminal detention and correctional facilities; and juvenile detention facilities.

SECTION 117. Arkansas Code § 16-1-101(a), concerning recidivism definition and reporting, is amended to read as follows:

(a) As used in this title, "recidivism" means a criminal act that results in the rearrest, reconviction, or return to incarceration of a person with ~~or without~~ a new sentence or a revocation from parole or post-release supervision during a three-year period following the person's release from custody.

SECTION 118. Arkansas Code Title 16, Chapter 10, Subchapter 1, is amended to add additional sections to read as follows:

16-10-143. Contracts – Qualified attorneys.

(a) As used in this section, "qualified attorney" means an attorney who:

(1) Has previously been employed as an attorney by the state regardless of the limitation provided under § 19-11-709(d); or

(2) Is currently serving as a part-time public defender or is otherwise employed by the state as an attorney on a part-time basis.

(b) The Director of the Administrative Office of the Courts may employ or enter into a professional service contract with a qualified attorney to serve as a specialty court team member and to represent specialty court participants.

(c) The fees for contracted services provided by a qualified attorney under subsection (a) of this section shall be paid from funds appropriated for that purpose to the Administrative Office of the Courts.

(d)(1) A qualified attorney who is employed or contracted by the Administrative Office of the Courts under this section is eligible for additional compensation.

(2) Additional compensation received for service under this section as a specialty court team member or to represent specialty court participants shall not be construed as exceeding the line-item maximum for the grade of the qualified attorney's other part-time position, if any.

(e) Any funds appropriated for the purpose of this section remaining on June 30 shall be retained by the Administrative Office of the Court and may be distributed after July 1 as supplemental funding to be used for the expansion or establishment of specialty court programs in circuit courts.

16-10-144. Contracts – Qualified treatment providers.

(a) The Director of the Administrative Office of the Courts may enter into a professional service contract with a qualified treatment provider to serve as a specialty court team member and to provide behavioral health treatment to specialty court participants.

(b) The fees for contracted services provided by a qualified treatment provider shall be paid from funds appropriated for that purpose to the Administrative Office of the Courts.

(c) Any funds appropriated for the purpose of this section remaining on June 30 shall be retained by the Administrative Office of the Courts and may be distributed after July 1 as supplemental funding for the expansion or establishment of specialty court programs in circuit courts.

SECTION 119. Arkansas Code § 16-17-137(a)(3), concerning areas that may be under the jurisdiction of district court if authorized in judicial district administrative plan, is amended to read as follows:

(3) A parole or post-release supervision program.

SECTION 120. Arkansas Code § 16-21-106(c)(1) and (2), concerning assistance to victims and witnesses of crimes, are amended to read as follows:

(c)(1) The prosecuting attorney of the county from which the inmate was committed shall notify the ~~Parole~~ Post-Prison Transfer Board at the time of commitment of the desire of the victim or member of the victim's family to

be notified of any future parole, post-release supervision, or clemency hearings, and to forward to the board the last known address and telephone number of the victim or member of the victim's family.

(2) It shall be the responsibility of the victim or the victim's next of kin to notify the board after the date of commitment of any change in regard to the desire to be notified of any future parole, post-release supervision, or clemency hearings.

SECTION 121. Arkansas Code § 16-21-204(b), concerning the duties of the prosecutor coordinator, is amended to add an additional subdivision to read as follows:

(6)(A) Establish and administer a statewide certified facility dog program to assist child and vulnerable victims and child and vulnerable witnesses throughout the criminal justice system.

(B) As used in subdivision (b)(6)(A) of this section, "certified facility dog" means the same as defined in § 16-43-1002.

SECTION 122. Arkansas Code § 16-80-104(c)(2), concerning the comprehensive mental health evaluation for a minor convicted of capital murder or murder in the first degree, is amended to read as follows:

(2) Shall be included in any documentation or inmate file kept by the Division of Correction or, if the minor is eventually supervised on parole or post-release supervision, the Division of Community Correction.

SECTION 123. Arkansas Code § 16-90-107(b)(2), concerning termination of a sentence of imprisonment by the Post-Prison Transfer Board, is amended to read as follows:

(2) At any time after the expiration of the minimum time, upon the recommendation of the Director of the ~~Department~~ Division of Correction and it appearing that a prisoner has a good record as a convict, his or her sentence may be terminated by the ~~Parole~~ Post-Prison Transfer Board.

SECTION 124. The introductory language of Arkansas Code § 16-90-120(e)(1), concerning the sentencing of a felony offense involving a firearm, is amended to read as follows:

(e)(1) For an offense committed on or after July 2, 2007,

notwithstanding any law allowing the award of meritorious good time or any other law to the contrary, except as provided in subdivision (e)(1)(B)(ii) of this section, any person who is sentenced under subsection (a) of this section is not eligible for parole, transfer to post-release supervision, or community correction transfer until the person serves:

SECTION 125. Arkansas Code § 16-90-120, concerning a felony with a firearm, is amended to add an additional subsection to read as follows:

(g) Any person convicted under this section is not eligible for early release on parole, transfer to post-release supervision, or community correction transfer for the additional period of confinement.

SECTION 126. Arkansas Code § 16-90-121 is amended to read as follows:

16-90-121. Second or subsequent felony with firearm.

Any person who is found guilty of or pleads guilty or nolo contendere to a second or subsequent felony involving the use of a firearm shall be sentenced to a minimum term of imprisonment of ten (10) years in the Division of Correction without eligibility of parole or community correction transfer but subject to reduction by meritorious good-time credit or earned release credits.

SECTION 127. Arkansas Code § 16-90-402 is amended to read as follows:

16-90-402. Delivery of defendant and copy of judgment to proper officials – Development of standardized copy of sentencing order.

(a)(1) In executing a judgment of confinement, the county sheriff shall deliver the defendant with a certified standardized copy of the sentencing order to the Division of Correction, Division of Community Correction, or to another detention facility, as indicated in the sentencing order.

(2) If electronic filing of court records has been implemented by the circuit clerk in the county where the defendant's conviction occurred, the standardized copy of the sentencing order may be electronically transmitted by the circuit clerk to the Division of Correction, the Division of Community Correction, or to another detention facility, as indicated in the sentencing order.

(b) The standardized copy of the sentencing order shall be developed

by ~~representatives from the Division of Correction, the Administrative Office of the Courts, the Arkansas Sentencing Commission, and the Prosecutor Coordinator's office~~ a committee composed of:

(1) Three (3) members appointed by the Secretary of the Department of Corrections, to include:

(A) One (1) member with experience in records for confined offenders;

(B) One (1) member with experience in records for offenders on supervision; and

(C) One (1) member with experience in offender management systems;

(2) One (1) member appointed by the Chair of the Arkansas Sentencing Commission;

(3) One (1) member appointed by the Administrative Office of the Courts;

(4) One (1) member appointed by the Prosecutor Coordinator; and

(5) One (1) member appointed by the Executive Director of the Public Defender Commission.

SECTION 128. DO NOT CODIFY. TEMPORARY LANGUAGE. First meeting of committee to develop standardized sentencing order.

(a) The person appointed by the Chair of the Arkansas Sentencing Commission to the committee established under Arkansas Code § 16-90-402(b) shall call the first meeting of the committee established under Arkansas Code § 16-90-402(b).

(b) At the first meeting of the committee established under Arkansas Code § 16-90-402(b), the members of the committee shall elect a chair and any other officers the committee deems necessary.

SECTION 129. Arkansas Code § 16-90-802(d)-(f), concerning the Arkansas Sentencing Commission, are amended to read as follows:

(d) In furtherance of its purpose, the commission shall have the following powers and duties:

(1)(A) The commission shall adopt an initial sentencing standards grid and an offense seriousness reference table based upon the statutory parameters and additional data and information gathered ~~prior to~~

before January 1, 1994.

(B) The commission shall also set the percentage of time within parameters set by law to be served for offenses at each seriousness level ~~prior to~~ before any type of transfer or release;

(2)(A) The commission shall periodically review and may revise the voluntary sentencing standards.

(B) Any revision of the standards shall be in compliance with provisions applicable to rule making contained in the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(C) Any revision of the standards shall become effective as provided by the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

(D)(i) The revised standards will be in effect unless modified by the General Assembly at its next session or until revised again by the commission.

(ii) Any revisions by the commission shall be within the statutory parameters set for the various crime classes.

(E) Before review and approval by the Legislative Council under the Administrative Procedure Act, § 25-15-201 et seq., revisions to the voluntary sentencing standards shall be reviewed by the House Committee on Judiciary and the Senate Committee on Judiciary;

(3) The commission may review and make recommendations for revision of the § 16-93-1201 et seq. target group to the General Assembly such that nonviolent offenses and offenders are routinely handled in community correction programs;

(4)(A) The commission shall be in charge of strategic planning for a balanced correctional plan for the state.

(B) The commission shall develop such a plan in conjunction with the Board of Corrections.

(C) The commission shall monitor compliance with sentencing standards, assess their impact on the correctional resources of the state with the assistance of the board, and determine if the standards further the adopted sentencing policy goals of the state;

(5) The commission may review the classifications of crimes and sentences and make recommendations for change when supported by information that change is advisable to further the adopted sentencing policy goals of the state;

(6)(A) The commission shall develop a research and analysis system to determine the feasibility, impact on resources, and budget consequences of any proposed or existing legislation affecting sentence length.

(B) The commission shall prepare and submit to the General Assembly a report on any such legislation ~~prior to~~ before its adoption;

(7)(A)(i) All courts having criminal jurisdiction of felony crimes shall provide to the commission in a timely manner all information deemed necessary by the commission.

(ii) Such information shall be in the form determined necessary by the commission.

(B) The commission shall have the authority to collect from any state or local governmental entity information, data in electronic or in other usable form, reports, statistics, or such other material which relates to sentencing laws, policies, and practices, or impacts on correctional resources or is necessary to carry out the commission's functions.

(C) The commission may coordinate its data collection with the Administrative Office of the Courts, the Arkansas Crime Information Center, the various circuit clerks of the state, and the various state and local correctional agencies;

(8) Under its duties outlined in this section, the commission shall be a criminal justice agency, as defined in § 12-12-1001, as its powers and duties include:

(A) Determining transfer eligibility;

(B) Gathering, analyzing, and disseminating criminal history information as it relates to sentencing practices, dispositions, and release criteria; and

(C) Determining the appropriate use of correctional and rehabilitative resources of the state;

~~(9)(A) Produce annual reports regarding compliance with sentencing guidelines, including the application of voluntary presumptive standards, § 16-90-803, and departures from the standards, § 16-90-804.~~

~~(B) The report shall include:~~

~~(i) Data collected from each county; and~~

~~(ii) Both a county-by-county and statewide accounting~~

~~of the results including without limitation:~~

~~(a) Sentences to the Division of Correction and Division of Community Correction;~~

~~(b) The average sentence length for sentences by offense type and severity level according to the sentencing guidelines;~~

~~(c) The percentage of sentences that are an upward departure from the sentencing guidelines; and~~

~~(d) The average number of months above the recommended sentence for those sentences described in subdivision (d)(9)(B)(ii)(c) of this section.~~

~~(G) The report filed each year after the initial report submitted under this section shall include data from prior years;~~

~~(10) (9)~~ Prepare and conduct annual continuing legal education seminars regarding the sentencing guidelines to be presented to judges, prosecuting attorneys and their deputies, and public defenders and their deputies, as so required; ~~and~~

~~(11)(A) (10)~~ The commission shall collaborate with the Administrative Office of the Courts to develop and implement an integrated sentencing ~~commitment and departure form~~ order that shall include:

~~(i)(A)~~ Demographic information including the race and ethnicity of both the offender and the victim or victims;

~~(ii)(B)~~ The placement decision;

~~(iii)(C)~~ Sentence length;

~~(iv)(D)~~ Any departure from the sentencing guidelines on placement and sentence length;

~~(v)(E)~~ The number of months above or below the presumptive sentence;

~~(vi)(F)~~ Justification for the departure; and

~~(vii)(G)~~ A signature space for the judge and the prosecuting attorney to sign off on the contents of the form.

~~(B) The commission shall begin using the new form on January 1, 2012.~~

~~(C)(i) Forms are to be collected annually and sent to the Administrative Office of the Courts.~~

~~(ii) Data from the forms shall be collected and submitted to the Chair of the House Committee on Judiciary and the Chair of~~

~~the Senate Committee on Judiciary.,~~

(11) Coordinate with Director of the Arkansas Sentencing Commission, the Division of Correction, and the Division of Community Correction to develop policy to ensure that the intake process best utilizes beds in nontraditional correctional facilities, including without limitation community correction centers, work release centers, and reentry facilities; and

(12) Upon the enactment of any legislation amending release eligibility provisions for felony offenses, review the statutory ranges and presumptive sentences of impacted offense classes or rankings and provide a report on its findings to the Secretary of the Department of Corrections and to the Legislative Council.

(e)(1) The commission shall meet no less than quarterly.

(2)(A) The commission shall submit to the Governor, the General Assembly, and the Arkansas Judicial Council, Inc. a biennial report three (3) months ~~prior to~~ before the convening of the regular session.

(B) The report shall include a summary of the commission proceedings, summary of compliance with the voluntary sentencing standards and recommendations for legislative and administrative action.

(f)(1) The commission shall employ a director from candidates presented to it by the Chair of the Arkansas Sentencing Commission in consultation with the Secretary of the Department of Corrections.

(2) The Director of the Arkansas Sentencing Commission shall have appropriate training and experience to assist the commission in the performance of its duties.

(3) The director shall be responsible for compiling the work of the commission and drafting suggested legislation incorporating the commission's findings for submission to the General Assembly.

(4) The director shall serve at the pleasure of the Secretary of the Department of Corrections.

SECTION 130. Arkansas Code § 16-90-803(b)(1), concerning voluntary presumptive sentencing standards, is amended to read as follows:

(b) The two (2) dimensions of the sentencing standards grid represent the primary determinants of a sentence, offense seriousness and offender history.

(1) Offense Seriousness. The offense seriousness level is determined by the offense of conviction or the offense of which the person was found guilty or to which the person pleaded guilty or nolo contendere.

(A) Felony offenses are ~~divided into ten (10) levels of ranked by seriousness, ranging from low, seriousness level I, to high, seriousness level X~~ with lower seriousness levels representing less serious offenses.

(B) The typical cases for the offenses listed within each level of seriousness on a grid are deemed to be generally equivalent in seriousness.

(C) The most frequently occurring offenses within each seriousness level are listed on the vertical axis of the sentencing standards grid.

(D) The seriousness level for infrequently occurring offenses can be determined by consulting the offense seriousness reference table.

(E) The seriousness level for inchoate offenses is one (1) level below the level for substantive offenses.

SECTION 131. Arkansas Code § 16-90-803(b)(2)(C)(iv), concerning the voluntary presumptive standards of the seriousness grid for determining the seriousness of offenses, is amended to read as follows:

(iv) One (1) point is to be added to an offender's score if the offender is under any type of criminal justice restraint for a felony offense at the time that he or she committed the crime for which he or she is being sentenced. Such restraint includes without limitation pretrial bond, suspended imposition of sentence, probation, parole, postprison supervision, and release pending sentencing for a prior crime;

SECTION 132. Arkansas Code § 16-90-1109(b)(1), concerning the right of a crime victim to information concerning confinement or commitment, is amended to read as follows:

(b)(1) At least thirty (30) days before a ~~Parole~~ Post-Prison Transfer Board hearing concerning the defendant, if requested by the victim, the board shall inform the victim of the hearing and of the victim's right to submit to the board a victim impact statement and shall promptly inform the victim of

any decision of the board.

SECTION 133. Arkansas Code § 16-90-1109(b)(2)(B), concerning the right of a crime victim to information concerning confinement or commitment, is amended to read as follows:

(B) It is the responsibility of the victim or his or her next of kin to notify the board after the date of commitment of any change in regard to the desire to be notified of any future parole or post-release supervision hearings.

SECTION 134. Arkansas Code § 16-90-1113(a)(1)(A), concerning a victim impact statement to be considered during a parole or post-release hearing, is amended to read as follows:

(a)(1)(A) Before determining whether to release the inmate on parole, the ~~Parole~~ Post-Prison Transfer Board shall permit the victim to present a written victim impact statement at a victim impact hearing concerning the effects of the crime on the victim, the circumstances surrounding the crime, the manner in which the crime was perpetrated, and the victim's opinion regarding whether the inmate should be released on parole.

SECTION 135. The introductory language of Arkansas Code § 16-90-1113(c), concerning a victim impact statement to be considered during a parole or post-release hearing, is amended to read as follows:

(c) In deciding whether to release an inmate on parole or post-release supervision, the board shall consider among other factors:

SECTION 136. The introductory language of Arkansas Code § 16-90-1303(a), concerning the procedure for credits earned toward discharge and completion of a sentence, is amended to read as follows:

(a) If a person is incarcerated for an eligible felony, whether by an immediate commitment or after his or her probation is revoked, and after he or she is moved to community supervision through parole or transfer by the ~~Parole~~ Post-Prison Transfer Board, or if he or she is placed on probation, he or she is immediately eligible to begin earning daily credits that shall count toward reducing the number of days he or she is otherwise required to serve until he or she has completed the sentence.

SECTION 137. Arkansas Code § 16-90-1303(b)(1), concerning the procedure for credits earned toward discharge and completion of a sentence, is amended to read as follows:

(b)(1) Credits equal to thirty (30) days per month for every month that the offender complies with court-ordered conditions and a set of predetermined criteria established by the ~~Department~~ Division of Community Correction in consultation with judges, prosecuting attorneys, and defense counsel shall accrue while the person is on community supervision, including without limitation parole, post-release supervision, or probation.

SECTION 138. Arkansas Code § 16-90-1303(b)(2), concerning the procedure for credits earned toward discharge and completion of a sentence, is amended to read as follows:

(2) The ~~department~~ division shall calculate the number of days the person has remaining to serve on parole, post-release supervision, or probation before that person completes his or her sentence.

SECTION 139. Arkansas Code § 16-90-1303(c)(2), concerning the procedure for credits earned toward discharge and completion of a sentence, is amended to read as follows:

(2) A person convicted of another felony offense while on parole, post-release supervision, or probation may result in the forfeiture of any credits earned under this subchapter.

SECTION 140. Arkansas Code § 16-90-1304(b)(1)(B), concerning entities required to be notified of an application for discharge and completion of a sentence, is amended to read as follows:

(B) The ~~Parole~~ Post-Prison Transfer Board.

SECTION 141. Arkansas Code § 16-90-1305(c), concerning notice and effect of discharge and completion of a sentence, is amended to read as follows:

(c) A person who earns discharge and completion of his or her sentence under this subchapter is considered as having completed his or her sentence in full and is not subject to parole, post-release supervision, or probation

revocation for those sentences.

SECTION 142. Arkansas Code § 16-90-1404(1)(C)(i), concerning the definition of "completion of a person's sentence" under the Comprehensive Criminal Record Sealing Act of 2013 , is amended to read as follows:

(i) Has been discharged from probation, ~~or parole,~~
or post-release supervision;

SECTION 143. Arkansas Code § 16-90-1404(1)(C)(vii), concerning the definition of "completion of a person's sentence" under the Comprehensive Criminal Record Sealing Act of 2013, is amended to read as follows:

(vii) Completed any vocational or technical education or training program that was required as a condition of the person's parole, post-release supervision, or probation;

SECTION 144. The introductory language of Arkansas Code § 16-93-101(3)(D), concerning conduct that constitutes a "detriment to the community" in relation to the definitions applicable to community supervision, is amended to read as follows:

(D) During the three (3) calendar years before the person's parole or post-release supervision hearing:

SECTION 145. Arkansas Code § 16-93-101(5)(G), concerning options for "intermediate sanctions" in relation to the definitions applicable to community supervision, is amended to read as follows:

(G) Reporting requirements to ~~probation or parole~~
community supervision officers;

SECTION 146. Arkansas Code § 16-93-101(6), concerning the definitions applicable to community supervision, is amended to read as follows:

(6) "Jacket review" means the review of the file of a transfer-eligible inmate located at any correctional facility in the state by an individual staff member or team of staff members of the Division of Community Correction for purposes of preparing the inmate's application for parole or post-release supervision consideration by the ~~Parole~~ Post-Prison Transfer Board;

SECTION 147. Arkansas Code § 16-93-101(11) concerning the definitions applicable to community supervision, is amended to read as follows:

(11) "Serious conditions violation" means a violation of the conditions of a ~~parolee's parole or probationer's probation~~ community supervision that results from the ~~parolee's or probationer's~~ offender's absents 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~~ offender's community supervision, 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~~ community supervision;

(D) A misdemeanor offense of driving or boating while intoxicated, § 5-65-103, when the ~~probationer or parolee~~ offender on community supervision 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~~ community supervision;

SECTION 148. Arkansas Code § 16-93-101(12)(A), concerning the definition of "technical conditions violation" applicable to community supervision, is amended to read as follows:

(A) A violation of the conditions of a ~~parolee's parole or a probationer's probation~~ an offender's community supervision that results

from a noncriminal act or positive drug screen; or

SECTION 149. Arkansas Code § 16-93-101, concerning the definitions that are applicable to community supervision, is amended to add an additional subdivision to read as follows:

(15) "Community supervision" means a period of supervision of an offender in the community and includes without limitation probation, parole, and post-release supervision.

SECTION 150. Arkansas Code § 16-93-103, is amended to read as follows:

16-93-103. Authority of officers to make arrests and carry firearms.

(a) A probation officer appointed by a circuit court or district court, excluding a juvenile probation officer, and a ~~parole and probation~~ community supervision officer employed by the Division of Community Correction who is a currently certified law enforcement officer may execute, serve, and return all lawful warrants of arrest issued by the State of Arkansas or any political subdivision of the state and are otherwise authorized to make lawful arrests as is any law enforcement officer of the State of Arkansas.

(b) A ~~parole and probation~~ community supervision officer either employed by the division or another entity authorized to employ a ~~parole and probation~~ community supervision officer may carry a:

(1) Firearm during all hours in which he or she is actively engaged in the obligations and duties of the office to which he or she is appointed or employed, pursuant to selection and training requirements under §§ 12-9-104, 12-9-106, and 12-9-107; and

(2) Nonstate-issued firearm during all hours in which he or she is not actively pursuing the obligations and duties of the office to which he or she is appointed.

(c) A ~~parole and probation~~ community supervision officer employed by the division may also carry:

(1) A nonstate-issued firearm as a secondary weapon while actively engaged in the duties of the office to which he or she is appointed or employed; and

(2) A state-issued firearm during all hours in which he or she is not actively engaged in the duties of the office to which he or she is

appointed or employed, except that a ~~parole and probation~~ community supervision officer may not carry a firearm issued by the division while the ~~parole and probation~~ community supervision officer is actively working at employment other than for the division.

SECTION 151. Arkansas Code § 16-93-104(a)(1), concerning the supervision fee to be paid by offenders on release, is amended to read as follows:

(a)(1) An offender on probation, parole, post-release supervision, or transfer under supervision of the Division of Community Correction shall pay to the division a monthly supervision fee.

SECTION 152. Arkansas Code § 16-93-104(c), concerning the supervision fee to be paid by offenders on release, is amended to read as follows:

(c)(1) The offender on parole or post-release supervision may be imprisoned for violation of parole or post-release supervision if the offender is financially able to make the payments and if the payments are not made and the ~~Parole~~ Post-Prison Transfer Board so finds, subject to the limitations set out in this subsection.

(2) The offender shall not be imprisoned if the offender is financially unable to make the payments and states so under oath to the ~~Parole~~ Post-Prison Transfer Board in writing, and the ~~Parole~~ Post-Prison Transfer Board so finds.

SECTION 153. Arkansas Code § 16-93-106(a)(1), concerning the warrantless search of a person on probation or parole, is amended to read as follows:

(a)(1) A person who is placed on supervised probation or is released on parole or post-release supervision under this chapter is required to agree to a waiver as a condition of his or her supervised probation, ~~or parole, or~~ post-release supervision that allows any certified law enforcement officer or Division of Community Correction officer to conduct a warrantless search of his or her person, place of residence, ~~or motor vehicle, or other real or~~ personal property, including without limitation a cellular or electronic device under his or her control or possession, at any time, day or night, whenever requested by the certified law enforcement officer or division

officer.

SECTION 154. Arkansas Code § 16-93-106(b), concerning warrantless searches of offenders on community supervision, is amended to read as follows:

(b)(1) A person who will be placed on supervised probation, ~~or parole,~~ or post-release supervision and is required to agree to the waiver required by this section shall acknowledge and sign the waiver.

(2) If the person fails to acknowledge and sign the waiver required by this section, he or she is ineligible to be placed on supervised probation, ~~or parole,~~ or post-release supervision.

SECTION 155. Arkansas Code § 16-93-107(b), concerning Medicaid eligibility of offenders on community supervision, is amended to read as follows:

(b) If an inmate nearing release from incarceration, parolee, offender on post-release supervision, or probationer receives medical services, including substance abuse and mental health treatment, that meet criteria for Medicaid coverage, the ~~parole officer, probation~~ community supervision officer, or Division of Correction official or Division of Community Correction official may apply for Medicaid coverage for the inmate nearing release from incarceration, parolee, offender on post-release supervision, or probationer under this section.

SECTION 156. The introductory language of Arkansas Code § 16-93-107(c)(2), concerning Medicaid eligibility of offenders on community supervision, is amended to read as follows:

(2) However, the ~~parole officer, probation~~ community supervision officer, or Division of Correction official or Division of Community Correction official shall be the authorized representative for purposes of establishing and maintaining Medicaid eligibility under this subsection if:

SECTION 157. Arkansas Code § 16-93-107(e)(1), concerning Medicaid eligibility of offenders on community supervision, is amended to read as follows:

(e)(1) The ~~parole officer, probation~~ community supervision officer, or

Division of Correction official or Division of Community Correction official or the designee of the ~~parole officer, probation~~ community supervision officer, or Division of Correction official or Division of Community Correction official may access information necessary to determine if a Medicaid application has been filed on behalf of the inmate nearing release from incarceration, parolee, offender on post-release supervision, or probationer.

SECTION 158. Arkansas Code § 16-93-111, is amended to read as follows:
16-93-111. Parole or probation prohibitions for sex offenses.

A person required to register as a sex offender under the Sex Offender Registration Act of 1997, § 12-12-901 et seq., who is under felony probation or released on parole or post-release supervision shall have as a term and condition of his or her probation, ~~or parole, or post-release supervision~~ a prohibition against recording a person under fourteen (14) years of age under § 5-14-137 if he or she is assessed as a Level 3 or Level 4 offender.

SECTION 159. DO NOT CODIFY. As of the effective date of this act, the Parole Board shall be known as the Post-Prison Transfer Board.

SECTION 160. Arkansas Code § 16-93-201(a)(1), concerning the creation and makeup of the Post-Prison Transfer Board, is amended to read as follows:

(a)(1) There is created the ~~Parole~~ Post-Prison Transfer Board, to be composed of seven (7) members to be appointed from the state at large by the Governor and confirmed by the Senate.

SECTION 161. Arkansas Code § 16-93-201(a)(2)(A)(ii)(b), concerning the requirements for members of the Post-Prison Transfer Board, is amended to read as follows:

(b) A member may engage in employment that has a limited time commitment with approval from the Chair of the ~~Parole~~ Post-Prison Transfer Board.

SECTION 162. Arkansas Code § 16-93-201(a)(4)(A)(i), concerning experience required for members of the Post-Prison Transfer Board, is amended to read as follows:

(i) Parole or post-release supervision;

SECTION 163. Arkansas Code § 16-93-202(a), concerning the official seal of the Post-Prison Transfer Board, is amended to read as follows:

(a) The ~~Parole~~ Post-Prison Transfer Board shall adopt an official seal of which the courts shall take judicial notice.

SECTION 164. Arkansas Code § 16-93-202(c)(2), concerning reports required for the Post-Prison Transfer Board, is amended to read as follows:

(2) The report shall be directed to the Governor and to the General Assembly and shall contain statistical and other data concerning its work, including research studies which it may make on parole, post-release supervision, or related functions.

SECTION 165. Arkansas Code § 16-93-202(e)(1)(A), concerning access by the General Assembly to records of the Post-Prison Transfer Board, is amended to read as follows:

(e)(1)(A) Upon written request, a member of the General Assembly or an employee of the House of Representatives, the Senate, or the Bureau of Legislative Research acting on the member's behalf may view all classification, disciplinary, demographic, ~~and~~ parole, and post-release supervision hearing records of a current or former inmate, ~~or~~ parolee, or offender on post-release supervision who is currently or was formerly granted parole or post-release supervision by the board.

SECTION 166. Arkansas Code § 16-93-203(1), concerning the duty of corrections officials to cooperate with the Post-Prison Transfer Board, is amended to read as follows:

(1) Grant access at all reasonable times to any prisoner over whom the ~~Parole~~ Post-Prison Transfer Board has jurisdiction under this chapter to the members of the board or its properly accredited representatives;

SECTION 167. Arkansas Code § 16-93-204(a)(2) and (3), concerning executive clemency, are amended to read as follows:

(2) An applicant shall obtain and include with his or her

application a certified copy of the applicant's ~~judgment and commitment~~ sentencing order or comparable document.

(3) Applications shall be referred to the ~~Parole~~ Post-Prison Transfer Board for investigation.

SECTION 168. Arkansas Code § 16-93-205, is amended to read as follows:

16-93-205. Parole of Arkansas inmates in out-of-state prisons.

(a) The ~~Parole~~ Post-Prison Transfer Board may request the appropriate board or commission having jurisdiction over parole, post-release supervision, or transfer matters in other states or the United States Parole Commission to make recommendations concerning whether Arkansas inmates confined in prison systems of the other states or in federal prisons should be granted parole, post-release supervision, or transfer when eligible under Arkansas law.

(b) The ~~Parole~~ Post-Prison Transfer Board may take action at its option on the application of an inmate for parole, post-release supervision, or transfer, using as its criteria the recommendations received from the appropriate board or commission of the other states or the United States Parole Commission in lieu of the personal appearance before the ~~Parole~~ Post-Prison Transfer Board of the inmate seeking parole, post-release supervision, or transfer.

SECTION 169. Arkansas Code § 16-93-206, is amended to read as follows:

16-93-206. Parole revocation review – Jurisdiction.

(a) The ~~Parole~~ Post-Prison Transfer Board shall serve as the revocation review board for any person subject to either parole, post-release supervision, or transfer from prison.

(b) Revocation proceedings for either parole, post-release supervision, or transfer shall follow all legal requirements applicable to parole, post-release supervision, or transfer and shall be subject to any additional policies and rules set by the board.

SECTION 170. Arkansas Code § 16-93-207(b), concerning an application for pardon, commutation of sentence, and remission of fines and forfeitures, is amended to read as follows:

(b) If the Governor does not grant an application for pardon,

commutation of sentence, or remission of fine or forfeiture within two hundred forty (240) days of the Governor's receipt of the recommendation of the ~~Parole~~ Post-Prison Transfer Board regarding the application, the application shall be deemed denied by the Governor, and any pardon, commutation of sentence, or remission of fine or forfeiture granted after the two-hundred-forty-day period shall be null and void.

SECTION 171. Arkansas Code § 16-93-207(c)(1), concerning applications for pardon, commutation of sentence, and remission of fines and forfeitures, is amended to read as follows:

(c)(1)~~(A)~~ Except as provided in subdivision (c)(3) and subsection (d) of this section, if an application for pardon, commutation of sentence, or remission of fine or forfeiture is denied in writing by the Governor, the person filing the application shall not be eligible to file a new application for pardon, commutation of sentence, or remission of fine or forfeiture related to the same offense for a period of ~~four (4)~~ five (5) years from the date of ~~filing the application that was denied~~ the denial.

~~(B) Any person who made an application for pardon, commutation of sentence, or remission of fine or forfeiture that was denied on or after July 1, 2004, shall be eligible to file a new application four (4) years after the date of filing the application that was denied.~~

SECTION 172. Arkansas Code § 16-93-207(d)(1), concerning applications for pardon, commutation of sentence, and remission of fines and forfeitures, is amended to read as follows:

(d)(1) Except as provided in subdivision (d)(3) of this section, if an application for pardon, commutation of sentence, or remission of fine or forfeiture of a person sentenced to life imprisonment without parole is denied in writing by the Governor, the person filing the application shall not be eligible to file a new application for pardon, commutation of sentence, or remission of fine or forfeiture related to the same offense for a period of:

(A) ~~Six (6)~~ Seven (7) years from the date of the denial;

or

(B) ~~Eight (8)~~ Nine (9) years from the date of the denial if the applicant is serving a sentence of life without parole for capital

murder, § 5-10-101.

SECTION 173. Arkansas Code § 16-93-208, is amended to read as follows:
16-93-208. Services and equipment.

The Division of Correction and the Division of Community Correction may provide services, furnishings, equipment, and office space to assist the ~~Parole~~ Post-Prison Transfer Board in fulfilling the purposes for which the board was created by law.

SECTION 174. Arkansas Code § 16-93-210, is amended to read as follows:

16-93-210. Monthly performance report on parole and post-release supervision applications and outcome – Reports concerning administrative directives filed with Legislative Council.

(a)(1) The ~~Parole~~ Post-Prison Transfer 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 or post-release supervision and those who are granted or denied parole or post-release supervision 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 reason for each denial of parole or post-release supervision, the results of the risk-needs assessment, and the course of action that accompanies each denial pursuant to § 16-93-615(a)(2)(B)(ii).

(b) The ~~Parole~~ Post-Prison Transfer Board shall cooperate with and upon request make presentations and provide various reports, to the extent the ~~Parole~~ Post-Prison Transfer Board's budget will allow, to the Legislative Council concerning ~~Parole~~ Post-Prison Transfer Board policy and criteria on discretionary offender programs and services.

(c) The ~~Parole~~ Post-Prison Transfer Board shall file a report with the Legislative Council on a quarterly basis containing all new and revised administrative directives issued in the previous quarter by:

- (1) The ~~Parole~~ Post-Prison Transfer Board;
- (2) The Chair of the ~~Parole~~ Post-Prison Transfer Board; and

- (3) ~~The Administrative Services Manager of the Parole Board;~~
(4) ~~The Administrator of the Parole Board; and~~
(5) Staff of the Parole Post-Prison Transfer Board.

SECTION 175. Arkansas Code § 16-93-211(a)(1)(A), concerning early release to transitional housing facilities, is amended to read as follows:

(A) ~~Transferred or paroled~~ Paroled or transferred to post-release supervision from the Division of Correction by the ~~Parole~~ Post-Prison Transfer Board;

SECTION 176. Arkansas Code § 16-93-211(b)(1), concerning early release to transitional housing facilities, is amended to read as follows:

(b)(1) To assist an offender who will be eligible for parole, post-release supervision, 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.

SECTION 177. Arkansas Code § 16-93-212, is amended to read as follows:
16-93-212. Rulemaking authority.

The ~~Parole~~ Post-Prison Transfer Board may adopt rules to implement, administer, and enforce this subchapter.

SECTION 178. The introductory language of Arkansas Code § 16-93-213(a), concerning records to be posted on the website of the Post-Prison Transfer Board, is amended to read as follows:

(a) To the extent permitted by federal law, the ~~Parole~~ Post-Prison Transfer Board shall post on the board's website the following information concerning an inmate who is being considered for parole or post-release supervision no less than six (6) months before his or her transfer-eligibility or parole-eligibility date or post-release supervision eligibility date, or the date the board determines eligibility for parole or transfer or post-release supervision if the inmate is past his or her transfer-eligibility or parole-eligibility date or post-release supervision eligibility date:

SECTION 179. Arkansas Code § 16-93-213(a)(5), concerning records to be posted on the website of the Post-Prison Transfer Board, is amended to read as follows:

(5) The number of times, if any, probation, ~~or parole~~, or post-release supervision has been revoked from the inmate; and

SECTION 180. Arkansas Code § 16-93-213(b)(3), concerning removal of records posted on the website of the Post-Prison Transfer Board, is amended to read as follows:

(3) May be removed when the inmate has been either granted or denied parole or post-release supervision.

SECTION 181. Arkansas Code § 16-93-306(d)(2), concerning probation supervision, is amended to add an additional subdivision to read as follows:

(C) The intermediate sanctioning grid shall include:

(i) An assignment of point values to commonly occurring violations of terms of probation or criminal behavior;

(ii) An assignment of point values to behaviors that decrease the likelihood of recidivism, including without limitation:

(a) Education;

(b) Workforce development;

(c) Community service; and

(d) Behavioral health programming;

(iii) Details on the mechanisms by which points are accumulated and reduced; and

(iv) Guidance on which intermediate sanctions should be applied at which point thresholds.

SECTION 182. Arkansas Code § 16-93-306(d)(3)(E)(ii)(d), concerning probation supervision, is amended to read as follows:

(d) A probationer may not be incarcerated more than two (2) times as a probation sanction in a Division of Community Correction or Division of Correction facility during a two-year period.

SECTION 183. Arkansas Code § 16-93-310(c)(2)(A), concerning the revocation of probation, is amended to read as follows:

(2)(A) The court shall commit the eligible offender to the custody of the Division of Correction under this subchapter for judicial or administrative transfer to the Division of Community Correction subject to the following:

(i) That the sentence imposed provides that the offender shall serve no more than three (3) years of confinement, with credit for meritorious good time or earned release credits, with initial placement in a Division of Community Correction facility; and

(ii) That the initial placement in the Division of Community Correction is conditioned upon the offender's continuing eligibility for Division of Community Correction placement and the offender's compliance with all applicable rules established by the Board of Corrections for community correction programs.

SECTION 184. Arkansas Code § 16-93-601(a), concerning felonies committed before April 1, 1977, is amended to read as follows:

(a) Death Sentence. An individual under sentence of death is not eligible for release on parole or post-release supervision.

SECTION 185. Arkansas Code § 16-93-609 is amended to read as follows:

16-93-609. Effect of more than one conviction for certain felonies – Definition.

(a) Any person who commits murder in the first degree, § 5-10-102, rape, § 5-14-103, or aggravated robbery, § 5-12-103, subsequent to March 24, 1983, and who has previously been found guilty of or pleaded guilty or nolo contendere to murder in the first degree, § 5-10-102, rape, § 5-14-103, or aggravated robbery, § 5-12-103, shall not be eligible for release on parole by the ~~Parole~~ Post-Prison Transfer Board.

(b)(1) Any person who commits a violent felony offense or any felony sex offense subsequent to August 13, 2001, but before January 1, 2025, and who has previously been found guilty of or pleaded guilty or nolo contendere to any violent felony offense or any felony sex offense shall not be eligible for release on parole by the board.

(2) As used in this subsection, “a violent felony offense or any felony sex offense” means those offenses listed in § 5-4-501(d)(2).

(c) A person who commits the offense of possession of firearms by

certain persons, § 5-73-103, in which the offense is under § 5-73-103(c)(1), after April 27, 2021, is not eligible for parole.

(d)(1) Any person who commits a parole-ineligible felony on or after January 1, 2024, but before January 1, 2025, is not eligible for release on parole.

(2) As used in this subsection, "parole-ineligible felony" means the same as a felony ineligible to receive earned release credits as defined in § 16-93-1802.

SECTION 186. Arkansas Code § 16-93-612 is amended to read as follows:

16-93-612. Parole eligibility – Date of offense.

(a) A person's parole eligibility shall be determined by the laws in effect at the time of the offense for which he or she is sentenced to the Division of Correction.

(b) For an offender serving a sentence for a felony committed before April 1, 1977, § 16-93-601 governs that person's parole eligibility.

(c) For an offender serving a sentence for a felony committed between April 1, 1977, and April 1, 1983, § 16-93-604 governs that person's parole eligibility.

(d) For an offender serving a sentence for a felony committed on or after April 1, 1983, but before January 1, 1994, § 16-93-607 governs that person's parole eligibility.

(e) For an offender serving a sentence for a felony committed on or after January 1, 1994, but before January 1, 2025, § 16-93-614 governs that person's parole eligibility, unless otherwise noted and except:

(1) If the felony is murder in the first degree, § 5-10-102, kidnapping, if a Class Y felony, § 5-11-102(b)(1), aggravated robbery, § 5-12-103, rape, § 5-14-103, or causing a catastrophe, § 5-38-202(a), and the offense occurred after July 28, 1995, but before January 1, 2025, § 16-93-618 governs that person's parole eligibility;

(2) If the felony is manufacturing methamphetamine, § 5-64-423(a) or the former § 5-64-401, or possession of drug paraphernalia with the intent to manufacture methamphetamine, the former § 5-64-403(c)(5), and the offense occurred after April 9, 1999, but before January 1, 2025, § 16-93-618 governs that person's parole eligibility;

(3) If the felony is battery in the second degree, § 5-13-202,

aggravated assault, § 5-13-204, terroristic threatening, § 5-13-301, domestic battering in the second degree, § 5-26-304, or residential burglary, § 5-39-201(a), and the offense occurred on or after April 1, 2015, but before January 1, 2025, § 16-93-620 governs that person's parole eligibility; ~~or~~

(4) If the felony was committed by a person who was a minor at the time of the offense, he or she was committed to the former Department of Correction, or to the division, and the offense occurred before, on, or after March 20, 2017, § 16-93-621 governs the date on which that person's parole eligibility person becomes eligible for consideration for release;

(5) If the felony was committed prior to January 1, 2025, § 16-93-701 et seq. governs procedures for consideration for parole or transfer to the Division of Community Correction; and

(6) If the felony was committed on or after January 1, 2025, § 16-93-1901 et. seq., governs procedures for consideration for transfer to post-release supervision.

(f) For an offender serving a sentence for a felony committed on or after January 1, 1994, but before January 1, 2025, § 16-93-615 governs that person's parole eligibility procedures.

(g) Notwithstanding any law allowing the award of meritorious good time, earned release credits, or any other law to the contrary, if the felony is an offense that is subject to delayed release under § 5-4-405 and was committed on or after July 28, 2021, the person shall not be eligible for parole or community correction transfer until the person serves a minimum of eighty percent (80%) of the term of imprisonment to which the person is sentenced.

SECTION 187. Arkansas Code § 16-93-614(b)(3), concerning offenses committed after January 1, 1994, is amended to read as follows:

(3) A person who has committed a felony who is within a target group as currently defined under § 16-93-1202(10) and who is released on parole shall be eligible, pursuant to rules established by the ~~Parole Post-Prison Transfer~~ Board, for commitment to a community correction facility if he or she is found to be in violation of any of his or her parole conditions, unless the parole violation constitutes a nontarget felony offense.

SECTION 188. Arkansas Code § 16-93-615(a), concerning parole

eligibility procedures for offenses committed after January 1, 1994, is amended to read as follows:

(a)(1)(A) An inmate under sentence for any felony, except those listed in § 5-4-104(c)(2) or subsection (b) of this section, shall be transferred from the Division of Correction to the Division of Community Correction under this section and §§ 16-93-614, 16-93-616, and 16-93-617, subject to rules promulgated by the Board of Corrections or the ~~Parole~~ Post-Prison Transfer Board and conditions adopted by the ~~Parole~~ Post-Prison Transfer Board.

(B) The determination under subdivision (a)(1)(A) of this section shall be made by reviewing information such as the result of the risk-needs assessment to inform the decision of whether to release a person on parole by quantifying that person's risk to reoffend, and if parole is granted, this information shall be used to set conditions for supervision.

(C) The ~~Parole~~ Post-Prison Transfer Board shall begin transfer release proceedings or a preliminary review under this subchapter no later than six (6) months before a person's transfer eligibility date, and the ~~Parole~~ Post-Prison Transfer Board shall authorize jacket review procedures no later than six (6) months before a person's transfer eligibility at all institutions holding parole-eligible inmates to prepare parole applications.

(D) This review may be conducted without a hearing when the inmate has not received a major disciplinary report against him or her that resulted in the loss of good time, there has not been a request by a victim to have input on transfer conditions, and there is no indication in the risk-needs assessment review that special conditions need to be placed on the inmate.

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

(B) The ~~Parole~~ Post-Prison Transfer Board has two (2) options:

(i) To transfer the individual to the Division 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) 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~~ Post-Prison Transfer Board's concerns.

(C) Upon completion of the course of action determined by the ~~Parole~~ Post-Prison Transfer Board and after final review of the inmate's file to ensure successful completion, the ~~Parole~~ Post-Prison Transfer Board shall authorize the inmate's transfer to the Division 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.

(3) Should an inmate fail to fulfill the course of action outlined by the ~~Parole~~ Post-Prison Transfer Board to facilitate transfer to community correction, it shall be the responsibility of the inmate to petition the ~~Parole~~ Post-Prison Transfer Board for rehearing.

(4)(A) The ~~Parole~~ Post-Prison Transfer Board shall conduct open meetings and shall make public its findings for each eligible candidate for parole.

(B)(i) Open meetings held under subdivision (a)(2)(A) of this section may be conducted through video-conference technology if the person is housed at that time in a county jail and if the technology is available.

(ii) Open meetings utilizing video-conference technology shall be conducted in public.

(5) Inmate interviews and related deliberations may be closed to the public.

SECTION 189. The introductory language of Arkansas Code § 16-93-615(b)(1), concerning parole eligibility procedures for offenses committed after January 1, 1994, is amended to read as follows:

(b)(1) An inmate under sentence for one (1) of the following felonies is eligible for discretionary transfer to the Division of Community

Correction by the ~~Parole~~ Post-Prison Transfer Board after having served one-third ($\frac{1}{3}$) or one-half ($\frac{1}{2}$) of his or her sentence, with credit for meritorious good time, depending on the seriousness determination made by the Arkansas Sentencing Commission, or one-half ($\frac{1}{2}$) of the time to which his or her sentence is commuted by executive clemency, with credit for meritorious good time:

SECTION 190. Arkansas Code § 16-93-615(b)(3)-(6), concerning parole eligibility procedures for offenses committed after January 1, 1994, are amended to read as follows:

(3)(A) Review of an inmate convicted of the enumerated offenses in subdivision (b)(1) of this section shall be based upon policies and procedures adopted by the ~~Parole~~ Post-Prison Transfer Board for the review, and the ~~Parole~~ Post-Prison Transfer Board shall conduct a risk-needs assessment review.

(B) The policies and procedures shall include a provision for notification of the victim or victims that a hearing shall be held and records kept of the proceedings and that there be a listing of the criteria upon which a denial may be based.

(4) Any transfer of an offender specified in this subsection shall be issued upon an order, duly adopted, of the ~~Parole~~ Post-Prison Transfer Board in accordance with such policies and procedures.

(5) After the ~~Parole~~ Post-Prison Transfer Board has fully considered and denied the transfer of an offender sentenced for committing an offense listed in subdivision (b)(1) of this section, the ~~Parole~~ Post-Prison Transfer Board may delay any reconsideration of the transfer for a maximum period of two (2) years.

(6) Notification of the court, prosecutor, county sheriff, and the victim or the victim's next of kin for a person convicted of an offense listed in subdivision (b)(1) of this section shall follow the procedures set forth below:

(A)(i) Before the ~~Parole~~ Post-Prison Transfer Board shall grant any transfer, the ~~Parole~~ Post-Prison Transfer Board shall solicit the written or oral recommendations of the committing court, the prosecuting attorney, and the county sheriff of the county from which the inmate was committed.

(ii) If the person whose transfer is being considered by the ~~Parole~~ Post-Prison Transfer Board was convicted of one (1) of the offenses enumerated in subdivision (b)(1) of this section, the ~~Parole~~ Post-Prison Transfer Board shall also notify the victim of the crime or the victim's next of kin of the transfer hearing and shall solicit written or oral recommendations of the victim or his or her next of kin regarding the granting of the transfer unless the prosecuting attorney has notified the ~~Parole~~ Post-Prison Transfer Board at the time of commitment of the prisoner that the victim or his or her next of kin does not want to be notified of future transfer hearings.

(iii) The recommendations shall not be binding upon the ~~Parole~~ Post-Prison Transfer Board in the granting of any transfer but shall be maintained in the inmate's file.

(iv) When soliciting recommendations from a victim of a crime, the ~~Parole~~ Post-Prison Transfer Board shall notify the victim or his or her next of kin of the date, time, and place of the transfer hearing;

(B)(i) The ~~Parole~~ Post-Prison Transfer Board shall not schedule transfer hearings at which victims or relatives of victims of crimes are invited to appear at a facility wherein inmates are housed other than the Central Administration Building of the Division of Correction at Pine Bluff.

(ii) Nothing herein shall be construed as prohibiting the ~~Parole~~ Post-Prison Transfer Board from conducting transfer hearings in two (2) sessions, one (1) at the place of the inmate's incarceration for interviews with the inmate, the inmate's witnesses, and correctional personnel, and the second session for victims and relatives of victims as set out in subdivision (b)(6)(B)(i) of this section;

(C)(i) At the time that any person eligible under subdivision (c)(1) of this section is transferred by the ~~Parole~~ Post-Prison Transfer Board, the Division of Community Correction shall give written notice of the granting of the transfer to the county sheriff, the committing court, and the chief of police of each city of the first class of the county from which the person was sentenced.

(ii) If the person is transferred to a county other than that from which he or she was committed, the ~~Parole~~ Post-Prison Transfer Board shall give notice to the chief of police or marshal of the city to which he or she is transferred, to the chief of police of each city of the

first class and the county sheriff of the county to which he or she is transferred, and to the county sheriff of the county from which the person was committed; and

(D)(i) It shall be the responsibility of the prosecuting attorney of the county from which the inmate was committed to notify the Parole Post-Prison Transfer Board at the time of commitment of the desire of the victim or his or her next of kin to be notified of any future transfer hearings and to forward to the Parole Post-Prison Transfer Board the last known address and telephone number of the victim or his or her next of kin.

(ii) It shall be the responsibility of the victim or his or her next of kin to notify the Parole Post-Prison Transfer Board of any change in address or telephone number.

(iii) It shall be the responsibility of the victim or his or her next of kin to notify the Parole Post-Prison Transfer Board after the date of commitment of any change in regard to the desire to be notified of any future transfer hearings.

SECTION 191. Arkansas Code § 16-93-615(c)-(i), concerning parole eligibility procedures for offenses committed after January 1, 1994, are amended to read as follows:

(c)(1) In all other felonies committed before January 1, 2025, before the Parole Post-Prison Transfer Board sets conditions for transfer of an inmate to community correction, a victim, or his or her next of kin in cases in which the victim is unable to express his or her wishes, who has expressed the wish to be consulted by the Parole Post-Prison Transfer Board shall be notified of the date, time, and place of the transfer hearing.

(2)(A) A victim or his or her next of kin who wishes to be consulted by the Parole Post-Prison Transfer Board shall inform the Parole Post-Prison Transfer Board in writing at the time of sentencing.

(B) A victim or his or her next of kin who does not so inform the Parole Post-Prison Transfer Board shall not be notified by the Parole Post-Prison Transfer Board.

(3)(A) Victim input to the Parole Post-Prison Transfer Board shall be limited to oral or written recommendations on conditions relevant to the offender under review for transfer.

(B) The recommendations shall not be binding on the Parole

Post-Prison Transfer Board, but shall be given due consideration within the resources available for transfer.

(d)(1) The ~~Parole~~ Post-Prison Transfer Board shall approve a set of conditions that shall be applicable to all inmates transferred from the Division of Correction to the Division of Community Correction.

(2) The set of conditions is subject to periodic review and revision as the ~~Parole~~ Post-Prison Transfer Board deems necessary.

(e)(1) The course of action required by the ~~Parole~~ Post-Prison Transfer Board shall not be outside the current resources of the Division of Correction nor the conditions set be outside the current resources of the Division of Community Correction.

(2) However, the Division of Correction and Division of Community Correction shall strive to accommodate the actions required by the Board of Corrections or the ~~Parole~~ Post-Prison Transfer Board to the best of their abilities.

(f) Transfer is not an award of clemency, and it shall not be considered as a reduction of sentence or a pardon.

(g) Every inmate while on transfer status shall remain in the legal custody of the Division of Correction under the supervision of the Division of Community Correction and subject to the orders of the ~~Parole~~ Post-Prison Transfer Board.

(h) An inmate who is sentenced under the provisions of § 5-4-501(c) or § 5-4-501(d) for a serious violent felony or a felony involving violence may be considered eligible for parole or for community correction transfer upon reaching regular parole or transfer eligibility, but only after reaching a minimum age of fifty-five (55) years.

(i) Decisions on parole release, courses of action applicable prior to transfer, and transfer conditions to be set by the ~~Parole~~ Post-Prison Transfer Board shall be based on a reasoned and rational plan developed in conjunction with an accepted risk-needs assessment tool such that each decision is defensible based on preestablished criteria.

SECTION 192. Arkansas Code § 16-93-617(a), concerning revocation of transfer for offenses committed after January 1, 1994, is amended to read as follows:

(a) In the event an offender transferred under this section, §§ 16-93-

614 – 16-93-616, or § 16-93-618 violates the terms or conditions of his or her transfer, a hearing shall follow all applicable legal requirements and shall be subject to any additional policies and rules set by the ~~Parole~~ Post-Prison Transfer Board.

SECTION 193. The introductory language for Arkansas Code § 16-93-618(a)(1), concerning parole eligibility for Class Y felony offenses and certain methamphetamine offenses, is amended to read as follows:

(a)(1) Notwithstanding any law allowing the award of meritorious good time or any other law to the contrary, and subject to provisions requiring that an offender serve a greater percentage of his or her sentence in § 16-93-609 or delayed release under § 5-4-405, a person who is found guilty of or pleads guilty or nolo contendere to subdivisions (a)(1)(A)-(I) of this section for an offense committed before January 1, 2025, shall not be eligible for parole or community correction transfer, except as provided in subdivision (a)(3) of this section or subsection (c) of this section, until the person serves seventy percent (70%) of the term of imprisonment to which the person is sentenced, including a sentence prescribed under § 5-4-501:

SECTION 194. Arkansas Code § 16-93-619 is amended to read as follows:

16-93-619. Rulemaking authority.

The ~~Parole~~ Post-Prison Transfer Board may adopt rules to implement, administer, and enforce this subchapter.

SECTION 195. The introductory language of Arkansas Code § 16-93-620(a), concerning parole eligibility procedures for offenses committed after April 1, 2015, is amended to read as follows:

(a) An inmate sentenced for one (1) of the following felonies on or after April 1, 2015, is eligible for discretionary transfer to the ~~Department~~ Division of Community Correction by the ~~Parole~~ Post-Prison Transfer Board after having served one-third ($\frac{1}{3}$) or one-half ($\frac{1}{2}$) of his or her sentence, with credit for meritorious good time, depending on the seriousness determination made by the Arkansas Sentencing Commission, or one-half ($\frac{1}{2}$) of the time to which his or her sentence is commuted:

SECTION 196. Arkansas Code § 16-93-621, is amended to read as follows:

16-93-621. Parole or post-release supervision eligibility – A person who was a minor at the time of committing an offense that was committed before, on, or after March 20, 2017.

(a)(1)(A) A minor who was convicted and sentenced to the former Department of Correction or the Division of Correction for an offense committed before he or she was eighteen (18) years of age and in which the death of another person did not occur is eligible for release on parole or transfer to post-release supervision no later than after twenty (20) years of incarceration, including any applicable sentencing enhancements, and including an instance in which multiple sentences are to be served consecutively or concurrently, unless by law the minor is eligible for earlier parole or post-release supervision eligibility.

(B) Subdivision (a)(1)(A) of this section applies retroactively to a minor whose offense was committed before he or she was eighteen (18) years of age, including a minor serving a sentence of life, regardless of the original sentences that were imposed.

(2)(A) A minor who was convicted and sentenced to the department or the division for an offense committed before he or she was eighteen (18) years of age, in which the death of another person occurred, and that was committed before, on, or after March 20, 2017, is eligible for release on parole or transfer to post-release supervision no later than after twenty-five (25) years of incarceration if he or she was convicted of murder in the first degree, § 5-10-102, or no later than after thirty (30) years of incarceration if he or she was convicted of capital murder, § 5-10-101, including any applicable sentencing enhancements, unless by law the minor is eligible for earlier parole or post-release supervision eligibility.

(B) Subdivision (a)(2)(A) of this section applies retroactively to a minor whose offense was committed before he or she was eighteen (18) years of age, including minors serving sentences of life, regardless of the original sentences that were imposed.

(3) Credit for meritorious good time or earned release credits shall not be applied to calculations of time served under this subsection for minors convicted and sentenced for capital murder, § 5-10-101(c), or when a life sentence is imposed for murder in the first degree, § 5-10-102.

(4) The calculation of the time periods under this subsection shall include any applicable sentence enhancements to which the minor was

sentenced that accompany the sentence for the underlying offense.

(b)(1) The ~~Parole~~ Post-Prison Transfer Board shall ensure that a hearing to consider the parole or post-release supervision eligibility of a person who was a minor at the time of the offense that was committed before, on, or after March 20, 2017, takes into account how a minor offender is different from an adult offender and provides a person who was a minor at the time of the offense that was committed before, on, or after March 20, 2017, with a meaningful opportunity to be released on parole or post-release supervision based on demonstrated maturity and rehabilitation.

(2) During a parole eligibility or transfer hearing involving a person who was a minor at the time of the offense that was committed before, on, or after March 20, 2017, the board shall take into consideration in addition to other factors required by law to be considered by the board:

- (A) The diminished culpability of minors as compared to that of adults;
- (B) The hallmark features of youth;
- (C) Subsequent growth and increased maturity of the person during incarceration;
- (D) Age of the person at the time of the offense;
- (E) Immaturity of the person at the time of the offense;
- (F) The extent of the person's role in the offense and whether and to what extent an adult was involved in the offense;
- (G) The person's family and community circumstances at the time of the offense, including any history of abuse, trauma, and involvement in the child welfare system;
- (H) The person's participation in available rehabilitative and educational programs while in prison, if those programs have been made available, or use of self-study for self-improvement;
- (I) The results of comprehensive mental health evaluations conducted by an adolescent mental health professional licensed in the state at the time of sentencing and at the time the person becomes eligible for parole or transfer to post-release supervision under this section; and
- (J) Other factors the board deems relevant.

(3) A person eligible for parole or transfer to post-release supervision under this section may have an attorney present to represent him or her at the parole eligibility or transfer hearing.

(c)(1)(A) The board shall notify a victim of the crime before the board reviews parole or transfer eligibility under this section for an inmate convicted of the crime and provide information regarding victim input meetings, as well as state and national victim resource information.

(B) If the victim is incapacitated or deceased, the notice under subdivision (c)(1)(A) of this section shall be given to the victim's family.

(C) If the victim is less than eighteen (18) years of age, the notice under subdivision (c)(1)(A) of this section shall be given to the victim's parent or guardian.

(2) Victim notification under this subsection shall include:

(A) The location, date, and time of parole or transfer review; and

(B) The name and phone number of the individual to contact for additional information.

SECTION 197. Arkansas Code § 16-93-622, is amended to read as follows:
16-93-622. Parole discharge for offenders who are minors –
Reinstatement of rights.

(a) The ~~Parole~~ Post-Prison Transfer Board may discharge a person from parole or post-release supervision if:

(1) The person:

(A) Was released on parole or post-release supervision under § 16-93-621 for having committed an offense as a minor; and

(B) Has served at least five (5) years on parole or post-release supervision without a violation; and

(2) The prosecuting attorney in the county where the person was originally convicted has consented to the discharge of the person from parole or post-release supervision.

(b) Unless otherwise provided by Arkansas Constitution, Amendment 51, a person who has been discharged from parole or post-release supervision under subsection (a) of this section shall have his or her constitutional right to vote restored.

SECTION 198. Arkansas Code § 16-93-701(a)(1), concerning the authority of the Post-Prison Transfer Board to grant release, is amended to read as

follows:

(a)(1) The ~~Parole~~ Post-Prison Transfer Board may release on parole any eligible inmate who is confined in any correctional institution administered by the Division of Correction or the Division of Community Correction, when in the board's opinion there is a reasonable probability that the inmate can be released without detriment to the community or himself or herself and is able and willing to fulfill the obligations of a law-abiding citizen.

SECTION 199. Arkansas Code § 16-93-702(a), concerning recommendations solicited by the Post-Prison Transfer Board is amended to read as follows:

(a) Before the ~~Parole~~ Post-Prison Transfer Board shall grant any parole, the board shall solicit the written or oral recommendations of the committing court, the prosecuting attorney, and the county sheriff of the county from which the inmate was committed.

SECTION 200. Arkansas Code § 16-93-703(a), concerning place of hearing of the Post-Prison Transfer Board, is amended to read as follows:

(a) The ~~Parole~~ Post-Prison Transfer Board shall not schedule parole hearings at which victims or relatives of victims of crime are invited to appear at a facility wherein inmates are housed other than the Central Administration Building of the Division of Correction at Pine Bluff.

SECTION 201. Arkansas Code § 16-93-704(a), concerning notice to law enforcement personnel and the committing court before a hearing of the Post-Prison Transfer Board, is amended to read as follows:

(a) At the time that any person is paroled by the ~~Parole~~ Post-Prison Transfer Board, the board shall give written notice of the granting of the parole to the county sheriff, the committing court, and the chief of police of all cities of the first class of the county from which the person was sentenced.

SECTION 202. Arkansas Code § 16-93-705(a)(1)(A)(i), concerning procedures for parole revocation, is amended to read as follows:

(a)(1)(A)(i) At any time during a parolee's release on parole, the ~~Parole~~ Post-Prison Transfer Board may issue a warrant for the arrest of the parolee for violation of any conditions of parole or may issue a notice to

appear to answer a charge of a violation.

SECTION 203. Arkansas Code § 16-93-705(a)(4), concerning procedures for parole revocation, is amended to read as follows:

(4) Any ~~parole~~ community supervision officer may arrest a parolee without a warrant or may deputize any officer with power of arrest to arrest the parolee without a warrant by giving him or her a written statement setting forth that the parolee, in the judgment of the parole officer, violated conditions of his or her parole.

SECTION 204. Arkansas Code § 16-93-705(b)(5)-(8), concerning procedures for parole revocation, are amended to read as follows:

(5) If the ~~parole~~ revocation hearing judge finds that there is reasonable cause to believe that the parolee has violated a condition of parole, the ~~parole~~ revocation hearing judge may order the parolee returned to the nearest facility of the Division of Correction or Division of Community Correction where the parolee shall be placed in custody for a parole revocation hearing before the board.

(6) If the ~~parole~~ revocation hearing judge finds that there is reasonable cause to believe that the parolee has violated a condition of parole, the ~~parole~~ revocation hearing judge may return the parolee to parole supervision rather than to the custody of the Division of Correction and may impose additional supervision conditions in response to the violating conduct.

(7) If the ~~parole~~ revocation hearing judge does not find reasonable cause, he or she shall order the parolee released from custody, but that action shall not bar the board from holding a parole revocation hearing on the alleged violation of parole or from ordering the parolee to appear before the board.

(8) The ~~parole~~ revocation hearing judge shall prepare and furnish to the board and the parolee a summary of the parole revocation hearing, including the substance of the evidence and testimony considered along with the ruling or determination, within twenty-one (21) days from the date of the preliminary hearing, excluding a weekend, holiday, or delay caused by an act of nature.

SECTION 205. Arkansas Code § 16-93-705(d)(1), concerning procedures for parole revocation, is amended to read as follows:

(1) The parolee shall have the right to confront and cross-examine adverse witnesses unless the ~~parole~~ revocation hearing judge or the board or its designee specifically finds good cause for not allowing confrontation; and

SECTION 206. Arkansas Code § 16-93-706(a)(1), concerning the subpoena of witnesses and documents for a parole revocation hearing, is amended to read as follows:

(a)(1) The Chair of the ~~Parole~~ Post-Prison Transfer Board or his or her designee, the hearing officer presiding over any preliminary hearing with respect to an alleged parole violation, the administrator of the ~~Parole Post-Prison Transfer~~ Board, or any member of the board pursuant to the authority of the board to meet and determine whether to revoke parole shall have the power to issue oaths and to subpoena witnesses to appear and testify and bring before the hearing officer or the board any relevant books, papers, records, or documents.

SECTION 207. Arkansas Code § 16-93-708(b)(1)(A), concerning home detention as a parole alternative, is amended to read as follows:

(b)(1)(A) Subject to the provisions of subdivision (b)(2) of this section, a defendant convicted of a felony or misdemeanor and sentenced to imprisonment may be incarcerated in a home detention program when the Director of the ~~Department~~ Division of Correction or the Director of the ~~Department~~ Division of Community Correction communicates to the ~~Parole Post-Prison Transfer~~ Board when, in the independent opinions of either a ~~Department~~ Division of Correction physician or ~~Department~~ Division of Community Correction physician and a consultant physician in Arkansas, an inmate is either terminally ill, permanently incapacitated, or would be suitable for hospice care and should be considered for transfer to parole supervision.

SECTION 208. Arkansas Code § 16-93-708(b)(1)(B), concerning home detention as a parole alternative, is amended to read as follows:

(B) The Director of the ~~Department~~ Division of Correction

or the Director of the ~~Department~~ Division of Community Correction shall make the facts described in subdivision (b)(1)(A) of this section known to the ~~Parole~~ Post-Prison Transfer Board for consideration of early release to home detention.

SECTION 209. Arkansas Code § 16-93-709(a), concerning the prohibition on a sex offender residing with a minor, is amended to read as follows:

(a) Whenever an inmate in a facility of the Division of Correction who has been found guilty of or has pleaded guilty or nolo contendere to any sexual offense defined in § 5-14-101 et seq., or incest as defined by § 5-26-202, and the sexual offense or incest was perpetrated against a minor, becomes eligible for parole and makes application for release on parole, the ~~Parole~~ Post-Prison Transfer Board shall prohibit, as a condition of granting the parole, the parolee from residing upon parole in a residence with any minor, unless the board makes a specific finding that the inmate poses no danger to the minors residing in the residence.

SECTION 210. Arkansas Code § 16-93-710(a)(1), concerning parole for inmates who have served imprisonment in the county jail prior to being processed into the Division of Correction, is amended to read as follows:

(a)(1) Subject to conditions set by the ~~Parole~~ Post-Prison Transfer Board, an offender convicted of a felony and sentenced to a term of imprisonment of two (2) years or less in the Division of Correction, and who has served his or her term of imprisonment in a county jail prior to being processed into the Division of Correction, may be paroled from the Division of Correction county jail backup facility directly to the Division of Community Correction under parole supervision, and upon eligibility determination, processed for release by the board.

SECTION 211. Arkansas Code § 16-93-711(b)(1)(B), concerning electronic monitoring as a parole alternative, is amended to read as follows:

(B) The Director of the ~~Department~~ Division of Correction shall make the facts described in subdivision (b)(1)(A) of this section known to the ~~Parole~~ Post-Prison Transfer Board for consideration of electronic monitoring.

SECTION 212. Arkansas Code § 16-93-712(a)(1), concerning parole supervision, is amended to read as follows:

(a)(1) The ~~Parole~~ Post-Prison Transfer Board shall establish written policies and procedures governing the supervision of parolees designed to enhance public safety and to assist the parolees in reintegrating into society.

SECTION 213. The introductory language of Arkansas Code § 16-93-712(b), concerning parole supervision, is amended to read as follows:

(b) A ~~parole~~ community supervision officer shall:

SECTION 214. Arkansas Code § 16-93-712(b)(1), concerning the duties of a community supervision officer in relation to parole supervision, is amended to read as follows:

(1) Investigate each case referred to him or her by the Chair of the ~~Parole~~ Post-Prison Transfer Board, the Division of Community Correction, or the prosecuting attorney;

SECTION 215. Arkansas Code § 16-93-712(d)(2)(A)(i) and (ii), concerning the sanctioning grid required for parole supervision, are amended to read as follows:

(2)(A)(i) The Division of Community Correction shall develop an intermediate sanctions procedure and grid to guide a ~~parole~~ community supervision officer in determining the appropriate response to a violation of conditions of supervision.

(ii) The intermediate sanctions procedure shall include a requirement that the ~~parole~~ community supervision officer consider multiple factors when determining the sanction to be imposed, including previous violations and sanctions and the severity of the current and prior violation.

SECTION 216. Arkansas Code § 16-93-712(d)(2), concerning the sanctioning grid required for community supervision, is amended to add an additional subdivision to read as follows:

(C) The intermediate sanctioning grid shall include:

(i) An assignment of point values to commonly

occurring violations of terms of parole or criminal behavior;

(ii) An assignment of point values to behaviors that decrease the likelihood of recidivism, including without limitation:

(a) Education;

(b) Workforce development;

(c) Community service; and

(d) Behavioral health programming;

(iii) Details on the mechanisms by which points are accumulated and reduced; and

(iv) Guidance on which intermediate sanctions should be applied at which point thresholds.

SECTION 217. Arkansas Code § 16-93-712(d)(2)(B)(d), concerning sanctions permitted for parole supervision, is amended to read as follows:

(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 during a two-year period.

SECTION 218. Arkansas Code § 16-93-712(d)(3)(E)(ii)(b), concerning sanctions permitted for parole supervision, is amended to read as follows:

(b) A parolee shall accumulate no more than twenty-one (21) days' incarceration in a county jail or no more than 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~~ community supervision officer recommends a violation of the person's parole under § 16-93-706.

SECTION 219. Arkansas Code § 16-93-713, is amended to read as follows:
16-93-713. Rulemaking authority.

The ~~Parole~~ Post-Prison Transfer Board may adopt rules to implement, administer, and enforce this subchapter.

SECTION 220. Arkansas Code § 16-93-714, is amended to read as follows:
16-93-714. Denial of parole – Detriment to the community.

The ~~Parole~~ Post-Prison Transfer 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.

SECTION 221. Arkansas Code § 16-93-715(b)(2)(C), concerning revocation of parole after sanctions for technical violations, is amended to read as follows:

(C) A parolee is subject to having his or her parole revoked and being returned to the Division of Correction or the Division of Community Correction under this section without having been sanctioned for a period of confinement set out under § 16-93-712(d) or subdivision (a)(1) of this section if the ~~Parole~~ Post-Prison Transfer Board determines by a preponderance of the evidence that the parolee is engaging in or has engaged in behavior that poses a threat to the community.

SECTION 222. Arkansas Code § 16-93-1202(4), concerning the definitions to be used in relation to community correction, is amended to read as follows:

(4) "Division of Community Correction" means the administrative structure in place to oversee the development and operation of community correction facilities, programs, and services, including probation, ~~and parole, and post-release~~ supervision;

SECTION 223. Arkansas Code § 16-93-1202(8), concerning the definitions to be used in relation to community correction, is amended to read as follows:

(8) "Supervision" means direct supervision at varying levels of intensity by ~~either probation~~ community supervision officers in the case of sentences to probation with a condition of community correction, ~~or parole and post-prison supervision officers, in the case of~~ or offenders eligible for release on parole or offenders transferred to community correction or community supervision from the Division of Correction;

SECTION 224. Arkansas Code § 16-93-1202(10), concerning the definitions to be used in relation to community correction, is amended to read as follows:

(10)(A)(i) "Target group" means a group of offenders who have

committed one (1) or more of the following offenses without limitation:

~~(a) Terroristic threatening, § 5-13-301, if a firearm was not used or brandished during the commission of the offense;~~

~~(b)(a)~~ Endangering the welfare of a minor in the first degree, § 5-27-205;

~~(e)(b)~~ Theft, § 5-36-101 et seq.;

~~(d)(c)~~ Theft by receiving, § 5-36-106;

~~(e)(d)~~ Fraudulent use of a credit card or debit card, § 5-37-207;

~~(f)(e)~~ Violation of the Arkansas Hot Check Law, § 5-37-301 et seq.;

~~(g)(f)~~ Criminal mischief in the first degree, § 5-38-203, and criminal mischief in the second degree, § 5-38-204;

~~(h)(g)~~ Commercial burglary, § 5-39-201(b);

~~(i)(h)~~ Breaking or entering, § 5-39-202;

~~(j)(i)~~ Failure to appear, § 5-54-120;

~~(k)(j)~~ Drug paraphernalia, § 5-64-443;

~~(l)(k)~~ Driving or boating while intoxicated, § 5-65-103, fourth or subsequent offense;

~~(m)(l)~~ Leaving the scene of an accident resulting in death or injury, § 27-53-101;

~~(n)(m)~~ A Class B felony, Class C felony, or Class D felony that is not violent or sexual and that meets the eligibility criteria determined by the General Assembly to have significant impact on the use of correctional resources;

~~(o)(n)~~ A controlled substance felony, other than trafficking a controlled substance, § 5-64-440;

~~(p)(o)~~ An unclassified felony for which the prescribed limitations on the sentence do not exceed the prescribed limitations for a Class B felony and that is not violent or sexual; and

~~(q)(p)~~ Solicitation, attempt, or conspiracy to commit an offense listed in this subdivision (10)(A)(i).

(ii) As used in this subdivision (10)(A), “violent or sexual” includes:

(a) An offense against the person under § 5-10-101 et seq., § 5-11-101 et seq., § 5-12-101 et seq., § 5-13-201 et seq., § 5-13-

310, and § 5-14-101 et seq.; ~~and~~

(b) A felony ineligible to receive earned release credits or a restricted release felony, as defined in § 16-93-1802; and

~~(b)(c)~~ An offense containing as an element of the offense the use of physical force, the threatened use of serious physical force, the infliction of physical injury, or the creation of a substantial risk of serious physical injury, and an offense for which the offender is required to register as a sex offender under the Sex Offender Registration Act of 1997, § 12-12-901 et seq.

(iii) For the purpose of the sealing of a criminal record under § 16-93-1207, “target group” includes any misdemeanor conviction except a misdemeanor conviction for which the offender is required to register as a sex offender or a misdemeanor conviction for driving while intoxicated.

(B) Except for those offenders assigned to a technical violator program, only those offenders falling within the target group population may access community correction facilities whether by judicial transfer, administrative transfer, drug court sanction, or probation sanction.

(C) Final determination of eligibility for placement in any community correction center or program is the responsibility of the Division of Community Correction;

SECTION 225. Arkansas Code § 16-93-1208(a)(1)(A), concerning post-commitment transfer to community correction, is amended to read as follows:

(a)(1)(A) Upon commitment of an eligible offender to the Division of Correction, the Division of Correction will transfer the eligible offender to a community correction program, when he or she reaches his or her transfer date, in accordance with the rules promulgated by the Board of Corrections and conditions set by the ~~Parole~~ Post-Prison Transfer Board.

SECTION 226. Arkansas Code § 16-93-1208(a)(2), concerning post-commitment transfer to community correction, is amended to read as follows:

(2) A person eligible for release from incarceration on parole or post-release supervision may be placed in community correction programming while under parole supervision or post-release supervision upon the recommendation of the condition by the releasing authority.

SECTION 227. Arkansas Code § 16-93-1209, concerning post-commitment transfer to community correction, is amended to read as follows:

16-93-1209. Liability.

The Division of Correction, the Board of Corrections, the Division of Community Correction, the ~~Parole~~ Post-Prison Transfer Board, and all governmental agencies and units utilizing eligible offenders in community correction programs as defined in this subchapter are immune from liability and suit for damages, and no tort action shall lie against the Division of Correction, the Board of Corrections, the Division of Community Correction, the ~~Parole~~ Post-Prison Transfer Board, and any governmental agency or unit or any of their employees because of any acts of eligible offenders utilized under the provisions of this subchapter.

SECTION 228. Arkansas Code § 16-93-1401(2), concerning notification of offenders' acquired immune deficiency syndrome status and related definitions, is amended to read as follows:

(2) "~~Parole or probation~~ Community supervision officer" means a parole, post-release supervision, or probation officer of the ~~Department~~ Division of Community Correction.

SECTION 229. Arkansas Code § 16-93-1402(a), concerning notification of offenders' acquired immune deficiency syndrome status, is amended to read as follows:

(a) The purpose of this subchapter is to provide ~~parole or probation~~ community supervision officers with information so they can make informed programming decisions and direct offenders to autoimmune deficiency syndrome-related resources, including appropriate financial, housing, legal, medical, and counseling services.

SECTION 230. Arkansas Code § 16-93-1402(b), concerning notification of offenders' acquired immune deficiency syndrome status, is amended to read as follows:

(b) Upon the release of an offender from a correctional institution, a medical representative of the correctional institution shall notify the offender's ~~parole or probation~~ community supervision officer when the offender has tested positive for infection with human immunodeficiency virus

(HIV), or has been diagnosed as having acquired deficiency syndrome (AIDS) or acquired immune deficiency syndrome-related conditions.

SECTION 231. Arkansas Code § 16-93-1402(c), concerning notification of offenders' acquired immune deficiency syndrome status, is amended to read as follows:

(c) Information obtained by a ~~parole or probation~~ community supervision officer pursuant to this subchapter shall be confidential and shall not be disclosed except as specifically authorized by this subchapter.

SECTION 232. Arkansas Code § 16-93-1602(3)(A), concerning definitions related to transitional housing for offenders transferring from the Division of Correction, is amended to read as follows:

(3)(A) "Transitional housing" means a program that provides housing for one (1) or more offenders who either have been transferred or paroled from the Division of Correction by the ~~Parole~~ Post-Prison Transfer Board or placed on probation by a circuit court or district court.

SECTION 233. Arkansas Code § 16-93-1603(b)(1), concerning powers and duties of the Board of Corrections related to transitional housing for offenders transferring from the Division of Correction, is amended to read as follows:

(b)(1) The ~~Parole~~ Post-Prison Transfer Board, a district court, or a circuit court shall not release a transferee, parolee, or probationer to a transitional housing facility as a resident unless the transitional housing facility provides a copy of a current license issued by the Division of Community Correction under § 16-93-1604.

SECTION 234. Arkansas Code § 16-97-103(1), concerning relevant evidence related to sentencing, is amended to read as follows:

(1) The law applicable to parole, post-release supervision, meritorious good time, earned release credits, or transfer;

SECTION 235. Arkansas Code § 16-112-208(c)(2)(C), concerning actions a court may take upon finding that a person's assertion of actual innocence is false, is amended to read as follows:

(C) Forward the finding to the Board of Corrections for consideration in the awarding of meritorious good time or earned release credits to the person; or

SECTION 236. Arkansas Code § 16-112-208(c)(2)(D), concerning new evidence based on new deoxyribonucleic acid technology, is amended to read as follows:

(D) Forward the finding to the ~~Parole~~ Post-Prison Transfer Board for consideration in the granting of parole or post-release supervision to the person.

SECTION 237. Arkansas Code § 17-1-103(d)(1), concerning registration, certification, and licensing for criminal offenders and evidence of rehabilitation, is amended to read as follows:

(1) *Probation, ~~or~~ parole, or post-release supervision; and*

SECTION 238. Arkansas Code § 17-19-301(a), concerning premiums for bail bonds, is amended to read as follows:

(a)(1) ~~With the exception of other provisions of~~ Except as provided in this section, the premium or compensation for giving bond or depositing money or property as bail on any bond shall be ten percent (10%), except that the amount may be rounded up to the nearest five-dollar amount.

(2)(A) The premium or compensation under subdivision (a)(1) of this section shall be deposited in full prior to release.

(B) In no event shall all or a portion of the premium or compensation under subdivision (a)(1) of this section be deposited after release.

(3) If property is deposited as bail to meet the premium or compensation under subdivision (a)(1) of this section, appropriate documentation shall be submitted to the court verifying:

(A) The value of the property deposited as bail; and

(B) That title to the property has been transferred to the surety.

SECTION 239. Arkansas Code § 19-5-302(12)(B)(ii), concerning the Miscellaneous Agencies Fund Account that is part of the State General

Government Fund, is amended to read as follows:

(ii) Nonrevenue income derived from services provided by the probation, parole, post-release supervision, and community correction program; and

SECTION 240. Arkansas Code § 19-6-301(31), concerning enumerated special revenues, is amended to read as follows:

(31) Fees recovered from ex-offenders on probation, ~~or parole,~~ or post-release supervision from a facility of the Division of Community Correction, as enacted by Acts 1981, No. 70, and all laws amendatory thereto, § 16-93-104;

SECTION 241. Arkansas Code § 19-10-204(b)(5), concerning the jurisdiction of the Arkansas State Claims Commission, is amended to read as follows:

(5) Brought against the Division of Community Correction for acts committed by a person while that person is subject to conditions of parole, post-release supervision, or probation under Arkansas law;

SECTION 242. Arkansas Code § 20-13-1704(b), concerning immunity for seeking medical assistance related to a controlled substance, is amended to read as follows:

(b) A person shall not be subject to penalties for a violation of a permanent or temporary protective order or restraining order or sanctions for a violation of a condition of pretrial release, condition of probation, or condition of parole or post-release supervision based on the possession of a controlled substance in violation of § 5-64-419 if the penalties or sanctions are related to the seeking of medical assistance.

SECTION 243. Arkansas Code § 20-18-306 is amended to read as follows:
20-18-306. Fees for certified copies.

(a) ~~All~~ Except as provided in subsections (b) and (c) of this section, all fees for certified copies of vital records or vital reports under this chapter are listed in § 20-7-123.

(b)(1) ~~However, certified~~ Certified copies of the records shall be furnished to veterans or their dependents without costs when the Department

of Veterans Affairs requires certified copies of the records.

(2) Any veteran or his or her dependents shall make application and shall execute an unnotarized affidavit that he or she is a veteran or a dependent of a veteran in order to obtain the free certified copy of any vital record.

(3) Any person who falsely or fraudulently makes an application and unnotarized affidavit that he or she is a veteran or a dependent of a veteran when the person is not a veteran or a dependent of a veteran shall be guilty of a misdemeanor. Upon conviction, the person shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250) or imprisonment for not less than thirty (30) days nor more than six (6) months, or both fine and imprisonment.

(c) Certified copies of the records shall be furnished to the Department of Corrections on behalf on a state inmate without costs when requested as release documentation for the state inmate.

SECTION 244. Arkansas Code § 20-38-105(d)(3)(D), concerning exceptions to background checks and disqualification from employment, is amended to read as follows:

(D) The person has completed probation, ~~or~~ parole, or post-release supervision, paid all court-ordered fees or fines, including restitution, and fully complied with all court orders pertaining to the conviction or plea;

SECTION 245. Arkansas Code § 20-76-410(a)(6), concerning conduct that warrants a reduction in a grant of assistance, is amended to read as follows:

(6) The individual flees prosecution or custody or confinement following conviction or is in violation of the terms or conditions of parole, post-release supervision, or probation.

SECTION 246. Arkansas Code § 25-16-904(11), concerning state boards that may pay a stipend to members, is amended to read as follows:

(11) ~~Parole~~ Post-Prison Transfer Board;

SECTION 247. Arkansas Code § 25-43-402(a)(7), concerning state entities transferred to the Department of Corrections, is amended to read as

follows:

(7) The ~~Parole~~ Post-Prison Transfer Board, created under § 16-93-201;

SECTION 248. Arkansas Code § 25-43-403(c), concerning the Secretary of the Department of Corrections, is amended to read as follows:

(c) The secretary may perform all duties to administer the department, subject to Arkansas Constitution, Amendment 33, including without limitation:

(1) Delegate to the employees of the department any of the powers or duties of the department required to administer the:

(A) Statutory duties; or

(B) Rules, orders, or directives promulgated or issued by the state entities transferred to or established within the department;

(2) Hire department personnel; ~~and~~

(3) Perform or assign duties assigned to the department or to the employees of the department; and

(4)(A) Ensure compliance with the balanced correctional plan developed under § 16-90-802(d)(4) by reviewing the strategic plans of the state entities transferred to or established within the department.

(B) Review by the secretary under subdivision (c)(4)(A) of this section shall be conducted before the review and approval of the authority of a state entity that is required to develop a strategic plan.

SECTION 249. Arkansas Code § 27-16-816 is amended to read as follows:

27-16-816. Probationer and parolee restricted permits.

(a)(1) If a person is on probation, ~~or~~ parole, or post-release supervision, or is within ninety (90) days of release on probation, ~~or~~ parole, or post-release supervision, for an offense that did not involve the operation of a motor vehicle ~~and he or she has his or her license suspended for a reason not listed under § 27-16-915(b)(2)(C)~~, the person may be eligible for a restricted driving permit under this section that permits the holder to drive a motor vehicle directly to and directly home from:

(A) A place where he or she is employed;

(B) A place where he or she, or his or her minor child, attends school;

(C) A scheduled meeting with his or her ~~probation or~~

~~parole~~ community supervision officer; or

(D) Any place, location, or meeting that the person's ~~probation or parole~~ community supervision officer has directed the person on probation or parole to travel to or attend.

(2) This section does not apply to a person with an expired driver's license or a person who has failed to comply with license reinstatement requirements under § 5-65-115(a) and § 5-65-121.

(3) The Department of Corrections shall provide access to the programs required under § 5-65-115(a) and § 5-65-121 to inmates.

(b)(1)(A) The application for a restricted driving permit under this section by a person on probation, ~~or parole,~~ or post-release supervision may be submitted electronically to the Department of Finance and Administration by a ~~probation or parole~~ community supervision officer employed by the Division of Community Correction.

(B) The ~~department~~ Department of Finance and Administration shall determine whether the restricted driving permit that allows a person on probation, ~~or parole,~~ or post-release supervision to drive a motor vehicle to and from a place listed under subsection (a) of this section shall be issued.

(2)(A) A restricted driving permit issued under this section shall be a standardized permit, and the person possessing a restricted driving permit under this section shall have the restricted driving permit in his or her possession at all times when the person is operating a motor vehicle until the person's driver's license is no longer suspended.

(B)(i) A restricted driving permit shall include the address of the person's residence and the address of each location to and from where the person is permitted to drive under this section.

(ii) The person's name and address on a restricted driving permit under this section shall match the person's name and address as listed on a valid state-issued identification in the person's possession.

(3) The ~~department~~ Department of Finance and Administration may revoke a restricted driving permit under this section at any time and for any reason.

(c) A person who knowingly creates a fraudulent restricted driving permit, the purpose of which is to be used as a restricted driving permit under this section upon conviction is guilty of a Class A misdemeanor.

(d) A motor vehicle liability insurance carrier may provide liability insurance for a person issued a restricted driving permit under this section but is not required to issue an insurance policy for a person who has been issued a restricted driving permit under this section.

(e)(1) A person on probation, ~~or~~ parole, or post-release supervision who has been issued a restricted driving permit under this section shall continue to have his or her driver's license suspended until the person has satisfied all the requirements necessary to remove his or her driver's license from suspension.

(2) Once the person on probation, ~~or~~ parole, or post-release supervision has his or her driver's license removed from suspension, he or she shall be free from the restrictions placed on him or her under this section.

(f) A restricted driving permit issued under this section expires on the date on which the person is released from probation, ~~or~~ parole, or post-release supervision.

(g) The division and the ~~department~~ Department of Finance and Administration may promulgate rules to implement this section.

SECTION 250. TEMPORARY LANGUAGE. DO NOT CODIFY. Legislative Recidivism Reduction Task Force – Creation – Membership – Duties.

(a) There is created the Legislative Recidivism Reduction Task Force.

(b) The task force shall consist of the following nineteen (19) members:

(1) One (1) member appointed by the Chief Justice of the Supreme Court;

(2) Nine (9) members appointed by the Governor, as follows:

(A) One (1) member who is a county sheriff;

(B) One (1) member who is a representative of the Arkansas Public Defender Commission;

(C) One (1) member who is a public defender;

(D) One (1) member who is a prosecuting attorney;

(E) One (1) member who is a member of the executive board of the Arkansas Association of Chiefs of Police;

(F) One (1) member who is a victim of crime or an advocate for victims of crime;

(G) One (1) member who is a member of a community affected by crime and who may be a person with personal experience in the criminal justice system; and

(H) Two (2) at-large members who are representative of the racial, ethnic, gender, or geographical diversity of the state;

(3) Two (2) members of the Senate appointed by the President Pro Tempore of the Senate;

(4) Two (2) members of the House of Representatives appointed by the Speaker of the House of Representatives;

(5) The Chair of the Board of Corrections, or his or her designee;

(6) The Chair of the Arkansas Parole Board, or his or her designee;

(7) The Secretary of the Department of Corrections, or his or her designee;

(8) The Director of the Division of Community Correction, or his or her designee; and

(9) The Attorney General, or his or her designee.

(c) If a vacancy occurs on the task force, the vacancy shall be filled by the same process as the original appointment.

(d)(1) The Senate members appointed by the President Pro Tempore of the Senate shall call the first meeting of the task force no later than August 31, 2023.

(2) At the first meeting of the task force, the members of the task force shall elect from the membership a chair and other officers as needed for the transaction of its business.

(3) The task force shall meet at least quarterly at the call of the chair or a majority of the members of the task force.

(4) The task force shall meet at the State Capitol Building or in the legislative committee rooms in the Multi-Agency Complex on the State Capitol grounds.

(e)(1) The task force shall adopt rules and procedures for conducting its business.

(2) Nine (9) members of the task force shall constitute a quorum for transacting business.

(f) The purpose of the task force is to study and recommend

improvements to the criminal justice system outcomes in the State of Arkansas.

(g) To achieve this purpose, the task force, working with the support of the Council of State Governments Justice Center, shall:

(1) Conduct a comprehensive data analysis to identify the drivers of Arkansas's high recidivism rates;

(2) Examine the effectiveness of current supervision practices and responses to technical violations of supervision;

(3) Identify unnecessary barriers to successful reentry into society;

(4) Determine gaps in behavioral health treatment, workforce training, and other services for people on supervision and reentering society from incarceration;

(5) Use data to identify how recidivism contributes to overall crime and incarceration rates; and

(6) Develop data-driven recommendations for reducing recidivism and improving outcomes for people on supervision and reentering society from incarceration.

(h)(1) On or before December 31, 2023, the task force shall submit a preliminary report to the Legislative Council, the Governor, and the Chief Justice of the Supreme Court.

(2) On or before December 1, 2024, the task force shall submit its final report to the Legislative Council, the Governor, and the Chief Justice of the Supreme Court.

(3) The preliminary report and the final report shall include the task force's activities, findings, and recommendations, including without limitation:

(A) Recommendations for improvements to criminal justice system outcomes;

(B) A summary of projected savings to the State of Arkansas to be generated from adoption of the recommendations of the task force; and

(C) The projected impact on public safety in the state with adoption of the recommendations of the task force.

(i) The task force shall expire on December 31, 2024.

SECTION 251. DO NOT CODIFY. CORRECTION OF TECHNICAL ERRORS RELATED TO IMPLEMENTATION OF the "Protect Arkansas Act".

(a)(1) The General Assembly finds that:

(A) The implementation of this act involves a multitude of changes to existing Arkansas law;

(B) Many of the changes implicated by this act are highly technical and require careful study of the purpose and context of each Arkansas Code section, with the need for some of the changes not becoming apparent until the implementation of this act;

(C) When implementing revisions as large and comprehensive as the changes under this act, it is inevitable that certain sections of the Arkansas Code requiring technical changes to follow the intent of this act will be either omitted or amended in a manner that is later found to be erroneous and unintentional;

(D) It is likewise inevitable that other acts enacted by the Ninety-fourth General Assembly will not take into account the changes in this act, resulting in technical inconsistencies between newly passed laws; and

(E) If the correct statutory change to remedy an unintentional error or an inconsistency between this act and another act of the Ninety-fourth General Assembly is readily apparent and consistent with the intent of this act, the unintentional error or inconsistency should be corrected as part of the codification process due to the technical nature of the unintentional error or inconsistency.

(2) It is the intent of the General Assembly to empower the Arkansas Code Revision Commission to correct technical errors identified in the Arkansas Code during the implementation of this act to allow this act to be fully implemented.

(b)(1)(A) Any person or state entity identifying one (1) or more sections of the Arkansas Code that require revision to implement the intent of this act may notify the Director of the Bureau of Legislative Research or his or her designee of the section or sections at issue.

(B) If the Bureau of Legislative Research, while assisting the commission with the commission's powers and duties, becomes aware of one (1) or more sections of the Arkansas Code that require revision to implement the intent of this act for which it appears that the bureau and the

commission do not have authority to make the necessary revision under § 1-2-303(d), the bureau may notify the commission of the section or sections at issue.

(2) If the commission determines that the revision necessary to one (1) or more sections of the Arkansas Code under subdivision (b)(1) of this section is technical in nature, germane to the intent of this act, and consistent with this act's policy and purposes, the commission may make the revision to the Arkansas Code.

(3) The commission shall notify the publisher of the Arkansas Code of a revision to the Arkansas Code under subdivision (b)(2) of this section as soon as possible so that the revision may be reflected in the official hard copy version of the Arkansas Code and official electronic version of the Arkansas Code.

(4)(A) Except as provided in subdivision (b)(4)(B) of this section, when the commission approves a revision to the Arkansas Code under subdivision (b)(2) of this section, the commission shall notify the following of the revision within thirty (30) days:

- (i) The Speaker of the House of Representatives;
- (ii) The President Pro Tempore of the Senate; and
- (iii) The Legislative Council.

(B) The commission is not required to make a notification under subdivision (b)(4)(A) of this section if the revision is made under § 1-2-303(d).

(c) The authority granted to the commission under this section is supplemental to the commission's authority under § 1-2-303.

(d) This section shall expire on December 31, 2024.

SECTION 252. DO NOT CODIFY. CONSTRUCTION.

(a) Except as provided in subsection (b) of this section, to the extent that a conflict exists between an act of the regular session of the Ninety-Fourth General Assembly and this act:

- (1) Section 1-2-107 shall not apply; and
- (2) All of the enactments of each act shall be given effect except to the extent of irreconcilable conflicts, in which case the conflicting provision of this act shall prevail.

(b) This section shall not revive or re-enact any provision of the

Arkansas Code that has been repealed by an act of the regular session of the Ninety-Fourth General Assembly, including without limitation this act.

SECTION 253. DO NOT CODIFY. Severability.

As provided in § 1-2-117, the provisions of this act are severable, and, if any portion of this act is determined to be unconstitutional or invalid, the remaining portions of the act remain in effect.

SECTION 254. DO NOT CODIFY. Revisions to position classification titles.

(a) Any position classification title that is no longer appropriate in light of the changes to Arkansas law under this act may be revised as determined appropriate by the Office of Personnel Management, including without limitation the revision of position classification titles that reference the Parole Board to instead reference the Post-Prison Transfer Board.

(b) The authority under subsection (a) of this section does not allow for revisions to:

- (1) A pay grade;
- (2) A line item;
- (3) The number of authorized classifications; or
- (4) A job duty.

SECTION 255. DO NOT CODIFY. EFFECTIVE DATE.

Sections 1-249 of this act and sections 251-254 of this act are effective on and after January 1, 2024.

/s/Gilmore