

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

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: S4/3/25

A Bill

SENATE BILL 485

By: Senators C. Tucker, Gilmore
By: Representatives Gazaway, Dalby

For An Act To Be Entitled

AN ACT TO REDUCE RECIDIVISM; TO AMEND THE LAW
CONCERNING THE SUSPENDED IMPOSITION OF A SENTENCE,
PROBATION, PAROLE, AND POST-RELEASE SUPERVISION; AND
FOR OTHER PURPOSES.

Subtitle

TO REDUCE RECIDIVISM; AND TO AMEND THE
LAW CONCERNING THE SUSPENDED IMPOSITION
OF A SENTENCE, PROBATION, PAROLE, AND
POST-RELEASE SUPERVISION.

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

SECTION 1. Arkansas Code § 5-4-101, concerning definitions with respect to the disposition of offenders, is amended to add an additional subdivision to read as follows:

(8) "Criminogenic" means those factors which are static and dynamic personal and situational characteristics that increase the risk of criminality and reoffending.

SECTION 2. Arkansas Code § 5-4-303(a), concerning the requirements that a court shall attach as conditions of the suspension of a sentence or probation, is amended to read as follows:

(a)(1) If a court suspends imposition of sentence on a defendant or places him or her on probation, the court shall attach such conditions as are reasonably necessary to assist the defendant in leading a law-abiding life.

(2) Conditions attached by the court shall be narrowly tailored:



(A) To account for the rehabilitation of the defendant and for public safety; and

(B) To the criminogenic risks and needs of the defendant.

(3)(A) If a presentence investigation has been conducted under § 5-4-102, the court shall take into consideration the findings of the presentence investigation when determining the conditions of the defendant's probation.

(B) If the court does not order a presentence investigation, the court shall rely on all available information before the court in determining the conditions of probation.

SECTION 3. Arkansas Code § 5-4-303(c), concerning the requirements that a court may attach as conditions of the suspension of a sentence or probation, is amended to read as follows:

(c) If the court suspends imposition of sentence on a defendant or places him or her on probation, as a condition of its order the court may require that the defendant:

(1) Support his or her dependents and meet his or her family responsibilities;

(2) Undergo available medical or psychiatric treatment and enter and remain in a specified institution when required for medical or psychiatric treatment;

(3) Participate in a community-based rehabilitative program or work-release program that uses practices proven to reduce recidivism and for which the court may impose a reasonable fee or assessment on the defendant to be used in support of the community-based rehabilitative program or work-release program;

(4)(A) Refrain from frequenting an unlawful or designated place or consorting with a designated person.

(B) A designated person may be a specific individual or a specific class of persons, but only when reasons for such designation are set forth in the order;

(5) Have no firearm in his or her possession;

(6) Make restitution to an aggrieved party in an amount the defendant can afford to pay for the actual loss or damage caused by his or her offense;

(7) Post a bond, with or without surety, conditioned on the performance of a prescribed condition; and

(8) Satisfy any other condition reasonably related to the rehabilitation of the defendant and not unduly restrictive of his or her liberty or incompatible with his or her freedom of conscience.

SECTION 4. Arkansas Code § 5-4-306 is amended to read as follows:

5-4-306. Time period generally.

If a court suspends imposition of sentence on a defendant or places him or her on probation, the period of suspension or probation shall be for a definite period of time not to exceed the maximum jail or prison sentence allowable for the offense charged taking into account the recommended periods of suspension or probation as adopted by the Arkansas Sentencing Commission.

SECTION 5. Arkansas Code § 12-27-103(b)(18), concerning the functions, power, and duties of the Division of Correction, is amended to read as follows:

(18) The Department of Corrections shall establish the Evidence-based Practices and Quality Assurance Unit that conducts programs of research, evaluation, statistics, audit, and planning, including studies and evaluation of the performance of various functions and activities of the department and studies affecting the treatment of offenders and information about other programs; and

SECTION 6. Arkansas Code § 12-27-126(d), concerning the duties of the Director of the Division of Community Correction, is amended to read as follows:

(d) Subject to the rules, policies, and procedures prescribed by the Board of Corrections, the director shall:

(1) Administer the Division of Community Correction and supervise the administration of all facilities, programs, and services under the Division of Community Correction's jurisdiction;

(2) Employ such personnel as are required in the administration of the provisions of this ~~act~~ subchapter, provided that the employment of personnel shall be in accordance with the applicable laws and personnel rules of the state;

(3) Institute programs for the training and development of personnel within the Division of Community Correction and have authority to suspend, discharge, or otherwise discipline personnel in accordance with policies prescribed by the Board of Corrections;

(4) Make an annual report to the Board of Corrections, which will be forwarded to the Governor and the General Assembly, on the work of the Division of Community Correction, including statistics and other data, income derived from fee collection, a summary of expenditures of the Division of Community Correction, and progress reports regarding internal issues such as offender success, programming development, bed space utilization, and future needs; ~~and~~

(5) Cooperate with the Division of Correction, the 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; and

(6) In consultation with the Evidence-based Practices and Quality Assurance Unit, develop a system for evaluating and promoting a community supervision officer based on dimensions that include without limitation the community supervision officer's ability to:

(A) Accurately complete risk and needs assessments;

(B) Develop evidence-based supervision case plans based on the results of the risk and needs assessment; and

(C) Engage and encourage a person to participate in the rehabilitation-oriented case plan and to change his or her behaviors.

SECTION 7. Arkansas Code § 12-27-127(a), concerning the transfer of an inmate to the Division of Community Correction, is amended to add an additional subdivision to read as follows:

(3) When the committing court designates that a statutorily eligible inmate may not be administratively transferred to a community correction center, the committing court shall include in the sentencing order under subdivision (a)(2) of this section a written explanation of how the committing court determined that the inmate should not be administratively transferred.

SECTION 8. Arkansas Code § 12-29-112, concerning the discharge or release of an inmate from a state facility, is amended to add additional subsections to read as follows:

(f) To the extent that an inmate is engaging in prosocial activities while incarcerated, the inmate's reentry plan shall prioritize the continuation of those activities, including without limitation continued employment and continued participation in mental health treatment or substance abuse treatment, or both.

(g) As used in this section, "prosocial" means positive behaviors, activities, efforts, and attitudes that, according to current research, encourage an individual to adhere to societal norms and avoid criminal behavior.

SECTION 9. Arkansas Code § 16-10-103, concerning the training and education of court personnel, is amended to add an additional subsection to read as follows:

(c) The Administrative Office of the Courts shall consult with the Department of Corrections to develop training and judicial education on the use of evidence-based practices to reduce recidivism, including without limitation the use of risk and needs assessment tools.

SECTION 10. Arkansas Code § 16-13-703(c)(2), concerning imprisonment credit for a period of imprisonment for nonpayment of a fine, is amended to read as follows:

(2)(A) The period of imprisonment shall not exceed one (1) day for each ~~forty dollars (\$40.00)~~ one hundred dollars (\$100) of the fine, thirty (30) days if the fine was imposed upon conviction of a misdemeanor, or one (1) year if the fine was imposed upon conviction of a felony, whichever is the shorter period.

(B)(i) The For a defendant who was eligible to be represented by a public defender, the total amount of fines owed shall ~~not~~ automatically be reduced by the period of imprisonment, ~~but the court may~~ with a credit ~~forty dollars (\$40.00)~~ of one hundred dollars (\$100) for each day of imprisonment against the total fine, excluding any amount owed for restitution, the defendant has been sentenced to pay.

(ii) A defendant who was not eligible to be

represented by a public defender may petition the court for the relief provided under subdivision (c)(2)(B)(i) of this section.

SECTION 11. Arkansas Code § 16-90-102, concerning presentence officers appointed by the judicial district to prepare presentence reports, is amended to add an additional subsection to read as follows:

(d) Notwithstanding subsections (a) through (c) of this section and subject to funding by the General Assembly, the Administrative Office of the Courts shall develop a pilot program to expand the number of presentence officers dedicated to preparing presentence reports with a validated risk and needs assessment component.

SECTION 12. Arkansas Code § 16-90-802(d)(1), concerning the powers and duties of the Arkansas Sentencing Commission, is amended to read as follows:

(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 before January 1, 1994.

(B) The commission shall also set:

(i) ~~the~~ The percentage of time within parameters set by law to be served for offenses at each seriousness level before any type of transfer or release; and

(ii) Guidelines for presumptive periods of suspension or probation;

SECTION 13. Arkansas Code § 16-90-802(d)(11), concerning the powers and duties of the Arkansas Sentencing Commission, is amended to read as follows:

(11) Coordinate with the 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~~ maximizes the use of beds in nontraditional correctional facilities, including without limitation community correction centers, work release centers, and reentry facilities; and

SECTION 14. Arkansas Code § 16-90-1304(b), concerning the application

of earned discharge and completion of sentence, is amended to read as follows:

(b)(1) ~~No less~~ If the Division of Community Correction proposes to discharge the sentence of a person under community supervision under this subchapter, no fewer than forty-five (45) days before the discharge date, the Division of Community Correction division shall submit notice to:

- (A) The prosecuting attorney; and
- (B) The Post-Prison Transfer Board.

(2)(A) Within thirty (30) days of receipt of the earned discharge notice under subdivision (b)(1) of this section, the prosecuting attorney or the board may submit to the division ~~in writing~~ any reasonable objection to early discharge under this subchapter warranting the forfeiture of earned-discharge credit.

(B) An objection submitted under subdivision (b)(2)(A) of this section shall be in writing and state the reason for the objection.

(3) If an objection under subdivision (b)(2) of this section is lodged, the division shall immediately suspend the discharge of the sentence.

(4) The parolee or probationer may file a petition for review in the sentencing court.

(5) A review shall be conducted in the sentencing court within fourteen (14) days of the filing of the petition.

(6)(A) The sentencing court shall consider the objections against the person based solely on the information contained in the petition.

(B) The sentencing court shall determine, based on a preponderance of the evidence, whether the person should not be discharged from the sentence because, if the information contained in the petition had been known to the division, the division would have ordered the forfeiture of any of the discharge credit earned to that point or if insufficient evidence exists that would warrant the forfeiture of discharge credit.

(C) If the sentencing court finds sufficient evidence warranting a forfeiture of discharge credits, the division shall make the necessary forfeiture of earned discharge credit appropriate for the type of misconduct asserted in the objection.

(D)(i) If the sentencing court does not find sufficient evidence exists that warrants forfeiture of discharge credits, the division shall discharge the person immediately if the date upon which the completion

of the sentence occurred has passed.

(ii) If the date for completion of the sentence has not occurred, the person shall return to the status held at the point the objection was filed.

SECTION 15. Arkansas Code § 16-93-101, concerning definitions with respect to probation and parole, is amended to add additional subdivisions to read as follows:

(16) "Criminogenic" means those factors which are static and dynamic personal and situational characteristics that increase the risk of criminality and reoffending; and

(17) "Prosocial" means positive behaviors, activities, efforts, and attitudes that, according to current research, encourage an individual to adhere to societal norms and avoid criminal behavior.

SECTION 16. Arkansas Code § 16-93-306(c), concerning probation supervision generally, is amended to read as follows:

(c)(1) The Division of Community Correction shall allocate resources, including the assignment of probation officers, to focus on moderate-risk and high-risk offenders as determined by the actuarial assessment provided in subdivision (b)(6) of this section.

(2) The Division of Community Correction shall require public and private treatment and service providers that receive state funds for the treatment of or service for probationers to use evidence-based programs and practices.

(3) The Department of Corrections shall:

(A) Develop a process for annually evaluating each provider under subdivision (c)(2) of this section; and

(B) Establish a clear policy disqualifying a noncompliant provider from receiving public funds until the provider demonstrates the ability to comply with the requirements of subdivision (c)(2) of this section.

(4) In addition to the requirements in § 12-27-104, the Board of Corrections shall include in its annual report the results of annual evaluations under subdivision (c)(3)(A) of this section, listing each provider determined to be noncompliant.

(5) The Division of Community Correction shall develop a feedback system that routinely provides the Division of Community Correction with process and aggregated outcome data.

SECTION 17. Arkansas Code § 16-93-306(d)(2), concerning administrative sanctions while on probation supervision, is amended to read as follows:

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

(B) ~~Intermediate sanctions~~ Sanctions administered by the Division of Community Correction are required to conform to the incentives and sanctioning grid.

(C) The ~~intermediate incentives and~~ 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 and suitable rewards for behaviors that demonstrate prosocial effort or decrease the likelihood of recidivism, including without limitation:

(a) Education;

(b) Workforce development;

(c) Community service; ~~and~~

(d) Behavioral health programming; and

(e) Prosocial activity;

(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;

(v) Rewards that are attainable and meaningful at each risk level to motivate individuals throughout stages of supervision, including without limitation achieving individualized goals, milestones, and accomplishments; and

(vi) Guidance on the appropriate motivational ratio of rewards to sanctions.

SECTION 18. Arkansas Code § 16-93-712(a), concerning parole supervision, is amended to read as follows:

(a)(1) *The 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.*

(2)(A) *The supervision of parolees shall be based on evidence-based practices based on current research, including a validated risk-needs assessment.*

(B) *Decisions shall target the parolee's criminal risk factors with appropriate supervision and treatment designed to reduce the likelihood of reoffense.*

(C) Conditions of supervision shall be narrowly tailored to:

(i) Account for the rehabilitation of the parolee and for public safety; and

(ii) The criminogenic risks and needs of the individual parolee.

SECTION 19. Arkansas Code § 16-93-712(c), concerning the services provided to people under parole supervision, is amended to add an additional subdivision to read as follows:

(3) The Department of Corrections shall:

(A) Develop a process for annually evaluating each provider under subdivision (c)(2) of this section; and

(B) Establish a clear policy disqualifying a noncompliant provider from receiving public funds until the provider demonstrates the ability to comply with the requirements under subdivision (c)(2) of this section.

(4) In addition to the requirements in § 12-27-104, the Board of Corrections shall include in the annual report the results of annual evaluations under subdivision (c)(3)(A) of this section, listing each provider determined to be noncompliant.

SECTION 20. Arkansas Code § 16-93-712(d)(2), concerning administrative sanctions while on parole, is amended to read as follows:

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

(ii) The ~~intermediate~~ incentives and sanctions procedure shall include a requirement that the community supervision officer consider multiple factors when determining the sanction to be imposed, including risk level, previous violations and sanctions, and the severity of the current and prior violation.

(B) ~~Intermediate~~ Incentives and sanctions administered by the Division of Community Correction are required to conform to the incentives and sanctioning grid.

(C) The ~~intermediate~~ incentives and 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 and suitable rewards for behaviors that demonstrate prosocial effort or decrease the likelihood of recidivism, including without limitation:

(a) Education;

(b) Workforce development;

(c) Community service; ~~and~~

(d) Behavioral health programming; and

(e) Prosocial activity;

(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;

(v) Rewards that are attainable and meaningful at each risk level to encourage individuals throughout the stages of supervision, including without limitation achieving individualized goals, milestones, and accomplishments; and

(vi) Guidance on the appropriate motivational ratio of rewards to sanctions.

SECTION 21. Arkansas Code § 16-93-1202(6), concerning the definition

of "eligibility" or "eligible offender" with respect to community correction, is amended to read as follows:

(6) "Eligibility" or "eligible offender" means any person convicted of a felony who is by law eligible for such sentence or who is otherwise under the supervision of the Division of Community Correction ~~and~~ who:

(A) ~~who falls~~ Falls within the population targeted by the General Assembly for inclusion in community correction facilities;

(B) ~~and who has~~ Has not been subject to a disciplinary violation for a violent act or for sexual misconduct while in the custody of a jail or correctional facility; and

(C) ~~does~~ Does not have a current or previous conviction for a violent or sexual offense listed under subdivision (10)(A)(ii) of this section unless the previous conviction:

(i) Was more than five (5) years before the instant offense; and

(ii) Resulted in a sentence that has expired;

SECTION 22. Arkansas Code § 16-93-1906(a)(3), concerning post-release supervision, is amended to add an additional subdivision to read as follows:

(C) Conditions of post-release supervision shall be narrowly tailored to:

(i) Account for the rehabilitation of the offender and for public safety; and

(ii) The criminogenic risks and needs of the offender.

SECTION 23. Arkansas Code § 16-93-1906(c), concerning the services provided people who are under post-release supervision, is amended to add additional subdivisions to read as follows:

(3) The Department of Corrections shall:

(A) Develop a process for annually evaluating each provider under subdivision (c)(2) of this section; and

(B) Establish a clear policy disqualifying a noncompliant provider from receiving public funds until the provider demonstrates the ability to comply with the requirements of subdivision (c)(2) of this

section.

(4) In addition to the requirements in § 12-27-104, the Board of Corrections shall include in the annual report the results of annual evaluations under subdivision (c)(3)(A) of this section, listing each provider determined to be noncompliant.

SECTION 24. Arkansas Code § 16-93-1907(a)(2), concerning administrative sanctions while on post-release supervision, is amended to read as follows:

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

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

(C) The ~~intermediate~~ incentives and 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 and suitable rewards for behaviors that demonstrate prosocial effort or decrease the likelihood of recidivism including without limitation:

(a) Education;

(b) Workforce development;

(c) Community service; ~~and~~

(d) Behavioral health programming; and

(e) Prosocial activity;

(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~~ point thresholds;

(v) Rewards that are attainable and meaningful at each risk level to encourage individuals throughout the stages of

supervision, including without limitation achieving individualized goals, milestones, and accomplishments; and

(vi) Guidance on the appropriate motivational ratio of rewards to sanctions.

/s/C. Tucker