

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

State of Arkansas
95th General Assembly
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As Engrossed: S4/3/25

A Bill

SENATE BILL 590

By: Senator Gilmore

By: Representative Beaty Jr.

For An Act To Be Entitled

AN ACT TO CREATE THE RECIDIVISM REDUCTION SYSTEM
WITHIN THE DEPARTMENT OF CORRECTIONS; TO DECLARE AN
EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE RECIDIVISM REDUCTION
SYSTEM WITHIN THE DEPARTMENT OF
CORRECTIONS; AND TO DECLARE AN
EMERGENCY.

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

SECTION 1. Arkansas Code Title 12, Chapter 29, is amended to add an additional subchapter to read as follows:

Subchapter 9. – Recidivism Reduction System

12-29-901. Legislative findings and intent.

(a) The General Assembly finds that:

(1) Recidivism rates reflect not just the behavior of a person after reentry into society, but the correctional system's response to that person's behavior during his or her term of incarceration; and

(2) The recidivism rate for the Department of Corrections for the 2019 cohort was forty-eight and three-tenths percent (48.3%), resulting in anticipated costs for reincarceration of over one hundred forty million dollars (\$140,000,000) annually.

(b) The General Assembly intends for the Department of Corrections to:

(1) Harness the opportunity of incarceration by beginning



reentry preparation for those incarcerated upon the first day of incarceration through the development and expansion of coordinated evidence-based programming, educational systems, and reentry services that support intended outcomes of incarceration, avert the costs of recidivism, and enhance public safety; and

(2) Embrace a correctional philosophy that reentry preparation must begin on the first day of incarceration and adopt policies and rules that result in reduction of the recidivism rate of people released from the Division of Correction and under the supervision of the Division of Community Correction.

12-29-902. Definitions.

As used in this subchapter:

(1) "Case plan" means an individualized plan developed by the Department of Corrections that identifies the available programs or meaningful activities that address the needs of an inmate and reduce an inmate's risk of recidivism;

(2) "Program or meaningful activity" means an evidence-based activity provided to an inmate to address factors that lead to recidivism.

(3) "Recidivism" means a criminal act that results in the rearrest, reconviction, or return to incarceration of a person with a new sentence or the revocation of parole or post-release supervision during a three-year-period following the person's release from custody; and

(4) "Validated risk and needs assessment" means a standardized evaluation process that quantifies an inmate's risk of recidivism.

12-29-903. Establishment.

(a)(1) There is established the Recidivism Reduction System within the Department of Corrections.

(2) The system shall be established at the cabinet level rather than within the Division of the Correction or Division of Community Corrections to address the factors that lead to recidivism.

(b) The Secretary of the Department of Corrections shall develop and implement the system so that the system:

(1) Includes a validated risk and needs assessment to be administered as part of the intake process, ensuring that the results

distinguish the different rates of failure;

(2) Assigns an inmate to appropriate programs or meaningful activities, through development of an individualized case plan;

(3) Provides for periodic reassessment of the recidivism risk of each inmate using an appropriate reassessment tool;

(4) Provides evidence-based programming; and

(5) Incorporates incentives and disincentives to encourage an inmate to participate in his or her case plan.

(c) The secretary may:

(1) Add components to the system beyond those required by this subchapter to further enhance the system and achieve the desired correctional outcomes; and

(2) Expand the effective programs or meaningful activities that are offered and add any new program or meaningful activity necessary to effectively implement this subchapter.

12-29-904. Risk and needs assessment – Case plan – Periodic reassessment.

(a) A validated risk and needs assessment shall be conducted at the time of intake for each inmate.

(b)(1) A case plan shall be developed for each inmate based on the findings of the validated risk and needs assessment to assign an inmate to appropriate programs or meaningful activities to reduce the inmate's risk of recidivism.

(2) The case plan shall:

(A) Serve as an individual road map tailored to an inmate's specific risks, needs, and time to serve including assigned programs or meaningful activities;

(B) Be developed to ensure that an inmate receives the appropriate services for his or her needs that are delivered with the intensity and frequency necessary to reduce the inmate's risk of recidivism; and

(C) Be updated after a reassessment under subsection (c) of this section to reassign the inmate to appropriate programs or meaningful activities based on the revised determination, the specific needs of the inmate, and the successful completion of programs or meaningful activities.

(3) An inmate's case plan shall be discussed with the inmate and a written or electronic copy of the results shall be made available to the inmate.

(c) An inmate's risk of recidivism shall be reassessed periodically using dynamic risk factors, indicators of progress, and indicators of regression, including without limitation newly acquired skills and changes in attitude and behavior over time.

12-29-905. Programming.

(a)(1) The Recidivism Reduction System shall include guidance on the kind and amount of programs or meaningful activities that should be assigned to an inmate.

(2) The guidance shall include protocols for the Department of Corrections to tailor placement in programs or meaningful activities to the specific needs of each inmate to most effectively reduce his or her individual risk of recidivism.

(b) An inmate shall be assigned to a program or meaningful activity that corresponds with the inmate's risk of recidivism in accordance with the inmate's needs such that the higher the inmate's risk of recidivism, the more programs or meaningful activities the inmate will be assigned.

(c) An inmate shall participate in programs or meaningful activities throughout the inmate's entire term of incarceration.

(d) The department shall produce, publish, and update annually a catalog containing an inventory of programs or meaningful activities offered at each institution including without limitation the following information for each program or meaningful activity:

(1) The title of the program or meaningful activity;

(2) A description of the program or meaningful activity;

(3) The facility or facilities at which a program or meaningful activity is offered;

(4) The risk and needs that the specific program or meaningful activity addresses;

(5) The program or meaningful activity delivery method such as in-person learning, digital or virtual learning, self-paced learning, instructor-led learning; and

(6) If the program or meaningful activity is led by an

instructor or provider, the minimum qualifications and title of the instructor or provider.

(e) The department shall provide programs or meaningful activities that include without limitation:

(1) Academic and career technical education including functional literacy, a general educational development program, a high school diploma program, post-secondary education, and opportunities for inmates with learning disabilities;

(2) Substance abuse and sex offender education and treatment;

(3) Self-improvement programs such as cognitive behavioral therapy and cognitive restructuring and reentry preparation;

(4) Family and faith-based programs; and

(5) Skills development opportunities through work assignments.

(f) Through the system and after accounting for institutional security and the safety of each inmate and member of staff at the facility, the department shall group and house together inmates with a similar risk of recidivism if practicable.

12-29-906. Incentive system.

(a)(1) The Recidivism Reduction System shall incorporate incentives and rewards for inmates to participate and complete assigned programs or meaningful activities.

(2) An inmate who is successfully participating in his or her assigned program or meaningful activity and demonstrates sustained prosocial behavior shall receive incentives which may include without limitation:

(A) Extended phone privileges;

(B) Extended time for in-person or video visitation;

(C) Increased commissary spending limits;

(D) Additional personal property;

(E) Preferential work assignments;

(F) Skilled work assignments; or

(G) Extended or additional recreation activities.

(3) Incentives under this section shall be in addition to any other rewards, incentives, and activities for which an inmate may be eligible.

(b)(1) The system shall incorporate disincentives for an inmate who

violates Department of Corrections rules or fails to meet the participation expectations for a program or meaningful activity.

(2) An inmate who refuses to attend an assigned program or meaningful activity included in his or her case plan after being offered the opportunity to participate shall be ineligible for incentives.

(3) An inmate who is enrolled in a program or meaningful activity included in his or her case plan and is subsequently removed for failure to maintain eligibility requirements or meet participation expectations shall be ineligible for incentives until being reenrolled in a program or meaningful activity in accordance with his or her case plan.

12-29-907. Partnerships.

(a) The Recidivism Reduction System shall include policies for the Department of Corrections to enter partnerships with:

(1) A nonprofit or other private organization that will deliver programs or meaningful activities on a volunteer basis, including without limitation faith-based, art-based, and community-based organizations;

(2) An institution of higher education that will provide instruction on a volunteer basis or through scholarships, Pell Grants, or other means not impacting the department's budget;

(3) Private entities that will:

(A) Deliver career technical education, vocational training, or certifications;

(B) Provide equipment to facilitate career technical education, vocational training, or employment opportunities for inmates; or

(C) Employ inmates or assist inmates in finding employment; and

(4) Industry-sponsored organizations that will deliver workforce development, apprenticeships, or training on a voluntary or no cost basis or for a licensure fee only.

(b) The department shall coordinate with the Chief Workforce Officer annually to ensure career technical education programs and other relevant programs align with community workforce opportunities upon reentry.

12-29-908. Programming priority ranking.

(a) An inmate shall be ranked for priority in program or meaningful

activity placement through a priority ranking report developed by the Department of Corrections.

(b) A priority ranking report shall be used for placement consideration by prioritizing those inmates with the highest risk of recidivism.

(c) Each inmate shall be prioritized to complete a specific program or meaningful activity during his or her incarceration.

(d) Programming priority shall:

(1) Be based on the results of an inmate's validated risk and needs assessment; and

(2) Take into consideration an inmate's sentence length and the time remaining for an inmate to serve.

(e) Subject to custody classification restrictions, personnel facilitating a program or meaningful activity shall utilize the priority ranking report to identify and place an inmate into a program or meaningful activity by his or her rank.

12-29-909. Inmate ineligibility.

An inmate shall not be eligible to participate in an educational program if he or she is:

(1) Housed in maximum custody or detention, except where a digital learning educational program is available;

(2) Sentenced to death;

(3)(A) A citizen or national of a foreign country that is legally present in the United States and subject to a detainer or a removal order.

(B) However, a citizen or national of a foreign country that is legally present in the United States without a detainer or removal order may be eligible for educational programming; or

(4) A citizen or national of a foreign country that is not legally present in the United States.

12-29-910. Reentry preparation and services.

(a)(1) There is created the position of Deputy Director of Reentry within the Department of Corrections.

(2) The deputy director shall:

(A) Identify the reentry needs of the inmate population and develop a reentry preparation program for the department to address the needs identified in accordance with this subchapter; and

(B) Develop and update annually a reentry handbook with relevant transition information.

(b) The department shall designate one (1) or more reentry coordinators at each correctional facility who is dedicated to and experienced in reentry preparation, including without limitation employment and housing counseling.

(c) A reentry coordinator shall develop, with the input of the inmate:

(1) A reentry plan for each inmate as described in § 12-29-112;

(2) A post-release housing plan; and

(3) A post-release employment plan.

(d) A reentry coordinator shall:

(1) Provide reentry preparation that includes without limitation in-person or digital learning modules that contain information pertinent to transitioning from incarceration to community and family reunification;

(2) Ensure that the inmate receives:

(A) The documentation required under § 12-29-112;

(B) Information regarding any fines, fees, or child support for which the inmate may be responsible upon release; and

(C) A copy of the reentry handbook described in subdivision (a)(2)(B) of this section;

(3) Coordinate with the Department of Health regarding benefits that are available to the inmate upon release;

(4) Coordinate with Division of Workforce Services and Chief Workforce Officer to help the inmate:

(A) Develop workforce connections;

(B) Craft an effective resume;

(C) Complete job applications; and

(D) Attend job fairs;

(5) Aid in establishing a relationship between the inmate and a medical provider and transfer medical records to the medical provider or to the inmate directly to ensure continuity of care;

(6) Coordinate with the Department of Veterans Affairs to ensure that an inmate who is a veteran is aware of and has access to any services

for which he or she is eligible upon release from incarceration; and

(7)(A) Ensure that an inmate who has been diagnosed with a serious mental illness, substance use disorder, or significant cognitive impairment, including without limitation an intellectual disability or traumatic brain injury, is able to engage in the appropriate health and behavioral health services upon release.

(B) For an inmate with a substance use disorder, subdivision (d)(7)(A) of this section includes without limitation a referral to a medicated-assisted-treatment center and a prescription for medication to treat an opioid use disorder.

(e) There is established a Reentry Hotline within the Department of Corrections that shall operate during business hours and be available to post-release inmates for assistance with information and referral to transition services.

12-29-911. Reporting.

The Board of Corrections shall include the following in the report required by § 12-27-104:

(1) A summary of the Department of Corrections' activities and accomplishments under this subchapter;

(2) A summary of the types of programs or meaningful activities that are available to inmates in each correctional facility;

(3) A summary of the effectiveness of the programs or meaningful activities that are available to inmates in each correctional facility;

(4) The capacity of the Arkansas Correctional School District and each program or meaningful activity at each correctional facility, including without limitation the enrollment and utilization, the rate of completion, and the number of apprenticeships, diplomas, certificates, and degrees conferred;

(5) A summary of any shortage of capacity or lack of utilization that the department has identified;

(5) The number of volunteer partnerships the department has entered;

(6) The number of employers that the department works with under this subchapter;

(7) The number of inmates participating in a work release

program and a list of the job titles or positions held;

(8) The number of inmates participating in digital or virtual education, programming, and literacy training and the number of hours completed for digital or virtual education, programming, and literacy training;

(9) A summary of a decrease in recidivism that may be attributed to implementation of the Recidivism Reduction System or the increase in programs or meaningful activities; and

(10) A summary of cost savings or cost avoidance that may be attributed to the Recidivism Reduction System or the increase in programs or meaningful activities.

12-29-912. Reclassification of correctional officer positions.

(a) The Secretary of the Department of Corrections shall reclassify up to one hundred fifty (150) vacant correctional officer positions to create an appropriate number of Recidivism Reentry System positions necessary to comply with this subchapter.

(b) If after reclassification, all vacant correctional officer positions are filled and the positions having been reclassified are determined necessary to fulfill the department's mission, the secretary may seek reestablishment of the reclassified correctional officer position through a legislative request for new funding appropriation to reestablish some or all the reclassified positions.

12-29-913. Audit.

(a) To ensure the Department of Corrections implements and operates the Recidivism Reduction System as required under this subchapter and any developed rules or policies, the Department of Inspector General shall conduct biennial audits to assess system utilization, adherence, and outcomes.

(b) The audits under subsection (a) of this section shall be provided to the Department of Corrections and the Charitable, Penal and Correctional Institutions Subcommittee of the Legislative Council and be published to the website of the Department of Corrections.

(c) If the Department of Inspector General identifies noncompliance in an audit under subsection (a) of this section, the Department of Corrections

shall provide a corrective action plan to the Department of Inspector General with date certain remedy which shall be reinspected by the Department of Inspector General to verify that the noncompliance has been remedied.

12-29-914. Rulemaking.

The Secretary of the Department of Corrections may promulgate rules to implement this subchapter.

SECTION 3. DO NOT CODIFY. Temporary language.

Within one hundred eighty (180) days of the effective date of this act, the Secretary of the Department of Corrections shall:

- (1) Develop and implement the Recidivism Reduction System;
- (2) Develop a plan for each current inmate in the custody of the Department of Corrections to be assessed under a validated risk and needs assessment by December 31, 2026; and
- (3) Ensure that each inmate in the custody of the department is ranked for placement in programs and meaningful activities through a priority ranking report.

SECTION 4. DO NOT CODIFY. Temporary language.

Prior to December 31, 2025, the Superintendent of the Arkansas Correctional School District, in coordination with the Department of Education, shall present to the Charitable, Penal and Correctional Institutions Subcommittee of the Legislative Council a feasibility study to implement, at minimum, the following improvements to correctional education:

- (1) Establish a year-round school calendar with at least two hundred eight (208) days of instructional time;
- (2) Establish a high school diploma program;
- (3) Establish a literacy program that ensures that an inmate testing below an eighth-grade literacy standard is enrolled in a minimum of fifteen (15) hour per week of literacy remediation until the inmate reaches an eighth-grade literacy standard; and
- (4) Analyze the cost-effectiveness of privatization of the general educational development program.

SECTION 5. EMERGENCY CLAUSE. It is found and determined by the

General Assembly of the State of Arkansas that a high rate of recidivism threatens the safety of the state; that the Recidivism Reduction System is designed to meaningfully address the current high rate of recidivism; and that this act is immediately necessary to begin implementing the Recidivism Reduction System and address the high rate of recidivism and the danger it poses to the people of the state. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/Gilmore