

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: S3/4/19 S3/6/19

A Bill

SENATE BILL 313

5 By: Senator Elliott
6 By: Representative Scott
7

For An Act To Be Entitled

9 AN ACT REQUIRING THE PAROLE BOARD TO ISSUE AND
10 RELEASE FINDINGS OF FACT WHEN IT DENIES PAROLE OR
11 TRANSFER TO A PERSON OTHERWISE ELIGIBLE FOR RELEASE
12 ON PAROLE OR TRANSFER FROM THE DEPARTMENT OF
13 CORRECTION; AND FOR OTHER PURPOSES.
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Subtitle

17 REQUIRING THE PAROLE BOARD TO ISSUE AND
18 RELEASE FINDINGS OF FACT WHEN IT DENIES
19 PAROLE OR TRANSFER TO A PERSON OTHERWISE
20 ELIGIBLE FOR RELEASE ON PAROLE OR
21 TRANSFER FROM THE DEPARTMENT OF
22 CORRECTION.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 *SECTION 1. Arkansas Code § 16-93-210(a), concerning the monthly report*
28 *by the Parole Board to the legislature and the Governor concerning the grant*
29 *and denial of parole, is amended to read as follows:*

30 *(a)(1) The Parole Board shall submit a monthly report to the chairs of*
31 *the House Committee on Judiciary and the Senate Committee on Judiciary, the*
32 *Legislative Council, the Board of Corrections, and the Governor, showing the*
33 *number of persons who make application for parole and those who are granted*
34 *or denied parole during the previous month for each criminal offense*
35 *classification.*

36 *(2) The report shall include a breakdown by race of all persons*



1 sentenced in each criminal offense classification.

2 (3) The report shall include ~~the~~ a detailed reason for each
3 denial of parole, including a detailed finding of fact upon which the board
4 relied to deny parole to the otherwise eligible person, the results of the
5 risk-needs assessment, and the course of action that accompanies each denial
6 ~~pursuant to~~ under § 16-93-615(a)(2)(B)(ii).

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8 SECTION 2. Arkansas Code § 16-93-615(a)(2), concerning the Parole
9 Board's procedure to transfer an inmate of the Department of Correction to
10 the Department of Community Correction, is amended to read as follows:

11 (2)(A) When one (1) or more of the circumstances in subdivision
12 (a)(1) of this section are present, the Parole Board shall conduct a hearing
13 to determine the appropriateness of the inmate for transfer.

14 (B) The Parole Board has two (2) options:

15 (i) To transfer the individual to the Department of
16 Community Correction accompanied by notice of conditions of the transfer,
17 including without limitation:

18 (a) Supervision levels;

19 (b) Economic fee sanction;

20 (c) Treatment program;

21 (d) Programming requirements; and

22 (e) Facility placement when appropriate; or

23 (ii)(a) To deny transfer based on a set of
24 established criteria and to accompany the denial with a prescribed course of
25 action to be undertaken by the inmate to rectify the Parole Board's concerns.

26 (b) If the Parole Board denies a transfer
27 under this subdivision (a)(2)(B)(ii), the Parole Board shall detail the
28 findings of fact that the Parole Board relied upon to deny transfer to the
29 inmate.

30 (C) Upon completion of the course of action determined by
31 the Parole Board and after final review of the inmate's file to ensure
32 successful completion, the Parole Board shall authorize the inmate's transfer
33 to the Department of Community Correction under this section and §§ 16-93-
34 614, 16-93-616, and 16-93-617, in accordance with administrative policies and
35 procedures governing the transfer and subject to conditions attached to the
36 transfer.

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*SECTION 3. Arkansas Code § 16-93-714 is amended to read as follows:
16-93-714. Denial of parole – Detriment to the community.*

(a) The Parole 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.

(b)(1) However, if the board denies parole to an otherwise eligible person under this section, the board shall issue to the otherwise eligible person and the otherwise eligible person’s attorney, if applicable, and make available to the public the detailed findings of fact that the board relied upon to deny parole to the otherwise eligible person.

(2) For detailed findings of fact made available to the public, if there is a law that specifically prohibits the disclosure of the detailed findings of fact required under this subsection, the board shall redact those detailed findings of fact and make available to the public the remaining detailed findings of fact.

/s/Elliott