

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

A Bill

SENATE BILL 635

4
5 By: Senator Elliott

For An Act To Be Entitled

8 AN ACT TO PROVIDE FOR THIRD-PARTY ALTERNATIVE
9 TRANSITIONAL HOUSING FOR INMATES IN THE DEPARTMENT OF
10 CORRECTION WHO ARE ELIGIBLE FOR PAROLE BUT LACK A
11 RESIDENCE TO WHICH THE INMATE MAY BE RELEASED; AND
12 FOR OTHER PURPOSES.

Subtitle

16 TO PROVIDE FOR THIRD-PARTY ALTERNATIVE
17 TRANSITIONAL HOUSING FOR INMATES IN THE
18 DEPARTMENT OF CORRECTION WHO ARE ELIGIBLE
19 FOR PAROLE BUT LACK A RESIDENCE TO WHICH
20 THE INMATE MAY BE RELEASED.

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

25 SECTION 1. DO NOT CODIFY. Legislative findings.

26 The General Assembly finds that:

27 (1) The Department of Correction currently has in custody
28 hundreds of men and women who have been granted parole by the Parole Board
29 but are still being held in our prison system due to no suitable place,
30 family, or friends to which the person may be paroled. Some persons have
31 been eligible for parole release for years but are still being held in the
32 Department of Correction. While these persons in the Department of
33 Correction continue to be a tax burden on the state with increased costs of
34 incarceration, they could actually be contributing to the tax base if
35 alternative transitional housing were available for them to parole to, and
36 they were able to contribute to the workforce;



1 (2) Currently, there is only early release transitional housing
2 available under § 16-93-211, which states that persons held in the Department
3 of Correction shall be eligible for early release to a transitional housing
4 facility, or an equivalent entity, licensed by the Department of Community
5 Correction up to one year prior to the offenders date of eligibility for
6 parole or transfer. A person's home or the residence of a person's family
7 shall not be considered a transitional housing facility under this provision
8 for the purposes of the program. A person released under this program must
9 reside at an approved transitional housing facility until they reach their
10 parole or transfer eligibility date;

11 (3) When a person is granted parole, and his or her parole plan
12 is to parole to his or her residence, to the residence of a family member, or
13 to the residence of a friend, the person's area parole officer will inspect
14 the residence, the residence of the family member, or the residence of the
15 friend and will deny the residence as unsuitable if drugs, the appearance of
16 drugs, unlawful activities, weapons, or hazards that would not be conducive
17 to the person's successful parole conditional release are present;

18 (4) Alternatively, if the person's residence, the residence of a
19 family member, or the residence of a friend is part of an approved parole
20 plan, the person is oftentimes not introduced back into society with much
21 assistance in obtaining the necessary benefits to ease his or her transition
22 in a productive and meaningful way such as treatment, reentry programs,
23 assistance in obtaining a driver's license, assistance in obtaining a Social
24 Security card, mental health services, employment, training, structured
25 programming, education, clothing, and mentoring;

26 (5) This act provides the benefits of assistance with the
27 person's treatment, reentry programs, driver's licenses, Social Security
28 cards, mental health services, employment, training, structured programing,
29 education, clothing, curfew, and mentoring to these hundreds of persons who
30 have already been granted for parole but are still being held in by the
31 Department of Correction due to the lack of a suitable place or family or
32 friends to parole to; and

33 (6) The Department of Correction and the Department of Community
34 Correction cannot and have not assisted these eligible persons with locating
35 places to parole to, or helped them become productive citizens under the
36 current statutory and rule framework. Third-party alternative transitional

1 housing facilities would also ease overcrowding in our jails and prisons,
2 making it a huge benefit to tax payer dollars and save the state of Arkansas
3 millions of dollars annually.

4

5 SECTION 2. Arkansas Code § 16-93-211 is amended to read as follows:

6 16-93-211. Early release to transitional housing facilities –
7 Definition.

8 (a)(1) As used in this section, “transitional housing” means a program
9 that provides housing for one (1) or more offenders who have been:

10 (A) Transferred or paroled from the Department of
11 Correction by the Parole Board;

12 (B) Placed on probation by a circuit court or district
13 court; ~~or~~

14 (C) Administratively transferred from the Department of
15 Correction to the Department of Community Correction for participation in a
16 reentry program; or

17 (D) Paroled from the Department of Correction but lack a
18 suitable place to parole to due to their parole plans being denied.

19 (2) An offender’s home or the residence of an offender’s family
20 member shall not be considered a transitional housing facility for purposes
21 of this section.

22 (b)(1) To assist an offender who will be eligible for parole or
23 transfer to successfully reintegrate into the community, the board is
24 authorized to place the offender into approved transitional housing up to one
25 (1) year prior to the offender’s date of eligibility for parole or transfer.

26 (2) Subject to conditions of release and consistent with rules
27 promulgated by the board, placement in a transitional housing facility ~~must~~
28 shall be preceded by:

29 (A) The provision of all applicable notices under § 16-93-
30 615; and

31 (B) A hearing conducted by the board.

32 (c) The decision to place an offender in transitional housing and the
33 establishment of conditions of release by the board ~~must~~ shall be based on a
34 reasoned, rational plan developed in conjunction with an accepted risk-needs
35 assessment tool such that each placement decision is based on:

36 (1) Established criteria; and

1 (2) A determination that there is a reasonable probability that
 2 an offender can be placed in a transitional housing facility without
 3 detriment to:

- 4 (A) The community; or
- 5 (B) The offender.

6 (d) Conditions of release imposed by the board ~~must~~ shall at a minimum
 7 include a curfew requiring an offender placed in transitional housing to
 8 present himself or herself at a scheduled time to be confined in the
 9 transitional housing facility.

10 (e) An offender placed in transitional housing by the board will be
 11 supervised by officers of the Department of Community Correction.

12 (f) An offender who without permission leaves the custody of the
 13 transitional housing facility in which he or she is placed may be subject to
 14 criminal prosecution for first degree escape, § 5-54-110, second degree
 15 escape, § 5-54-111, and third degree escape, § 5-54-112.

16 (g) Revocation of placement in transitional housing ~~must~~ shall follow
 17 the revocation proceedings established in § 16-93-705.

18 (h) A third-party alternative transitional housing facility shall be
 19 considered and shall be used for a person eligible for parole but who does
 20 not have an approved parole plan due to the lack of a residence or other
 21 eligible housing to which the person may be released.

22
 23 SECTION 3. DO NOT CODIFY. Temporary legislation.

24 (a) The Board of Correction and the Parole Board shall consider third-
 25 party alternative transitional housing facilities to house persons otherwise
 26 eligible for parole but having no approved parole plan due to the lack of a
 27 residence or other eligible housing to which the persons may be released
 28 within ninety (90) days of the effective date of this act.

29 (b) When a third-party alternative transitional housing facility has
 30 been approved by the Board of Correction, the Parole Board shall begin the
 31 parole procedure for those persons who have been eligible for the longest
 32 periods of time but who are still housed in the Department of Correction or
 33 the Department of Community Correction, with the goal of releasing those
 34 persons to the approved third-party alternative transitional housing
 35 facility.