

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: S3/24/15

A Bill

SENATE BILL 1042

5 By: Senator J. Woods
6

For An Act To Be Entitled

8 AN ACT CONCERNING PRISON OVERCROWDING; CONCERNING
9 PAROLE AND PAROLE ELIGIBILITY AND PROCEDURES;
10 CONCERNING PROBATION AND PROBATION ELIGIBILITY AND
11 PROCEDURES; CONCERNING CRIMINAL JUSTICE AND PUBLIC
12 SAFETY; TO DECLARE AN EMERGENCY; AND FOR OTHER
13 PURPOSES.
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Subtitle

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17 *CONCERNING PRISON OVERCROWDING;*
18 *CONCERNING PAROLE AND PAROLE ELIGIBILITY*
19 *AND PROCEDURES; CONCERNING CRIMINAL*
20 *JUSTICE AND PUBLIC SAFETY; AND TO DECLARE*
21 *AN EMERGENCY.*
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 *SECTION 1. Arkansas Code § 16-93-201, as amended by SB472 of 2015, is*
27 *amended to read as follows:*

28 *16-93-201. Creation – Members – Qualifications and training.*

29 *(a)(1) There is created the Parole Board, to be composed of seven (7)*
30 *members to be appointed from the state at large by the Governor and confirmed*
31 *by the Senate.*

32 *(2)(A)(i) A member of the board shall be a full-time official of*
33 *this state and shall not have any other employment for the duration of his or*
34 *her appointment to the board.*

35 *(ii)(a) A member of the board who is currently*
36 *-serving as of the effective date of this act shall terminate any other*



1 *employment that has not been approved as required by subdivision*
2 *(a)(2)(A)(ii)(b) of this section.*

3 *(b) A member may engage in employment that has*
4 *a limited time commitment with approval from the Chair of the Parole Board.*

5 *(B)(i) The Governor shall appoint one (1) member as the*
6 *chair who shall be the chief executive, administrative, budgetary, and fiscal*
7 *officer of the board and the chair shall serve at the will of the Governor.*

8 *(ii) The chair shall have general supervisory duties*
9 *over the members and staff of the board but may not remove a member of the*
10 *board except as provided under subsection (e) of this section.*

11 *(iii) The board may review and approve budget and*
12 *personnel requests prior to submission for executive and legislative*
13 *approval.*

14 *(C) The board shall elect from its membership a vice chair*
15 *and a secretary who shall assume, in that order and with the consent of the*
16 *Governor, the duties of the chair in the case of extended absence, vacancy,*
17 *or other similar disability of the chair until the Governor designates a new*
18 *chair of the board.*

19 *(3) Each member shall serve a seven-year term, except that the*
20 *terms shall be staggered by the Governor so that the term of one (1) member*
21 *expires each year.*

22 *(4)(A) A member shall have at least a bachelor's degree from an*
23 *accredited college or university, and the member should have no less than*
24 *five (5) years' professional experience in one (1) or more of the following*
25 *fields:*

26 *(i) Parole supervision;*

27 *(ii) Probation supervision;*

28 *(iii) Corrections;*

29 *(iv) Criminal justice;*

30 *(v) Law;*

31 *(vi) Law enforcement;*

32 *(vii) Psychology;*

33 *(viii) Psychiatry;*

34 *(ix) Sociology;*

35 *(x) Social work; or*

36 *(xi) Other related field.*

1 (B) If the member does not have at least a bachelor's
2 degree from an accredited college or university, he or she shall have no less
3 than seven (7) years' experience in a field listed in subdivision (a)(4)(A)
4 of this section.

5 (5)(A) A member appointed after July 1, 2011, whether or not he
6 or she has served on the board previously, shall complete a comprehensive
7 training course developed in compliance with guidelines from the National
8 Institute of Corrections, the Association of Paroling Authorities
9 International, Inc., or the American Probation and Parole Association.

10 (B) All members shall complete annual training developed
11 in compliance with guidelines from the National Institute of Corrections, the
12 Association of Paroling Authorities International, Inc., or the American
13 Probation and Parole Association.

14 (C) Training components under this subdivision (a)(5)
15 shall include an emphasis on the following subjects:

16 (i) Data-driven decision making;

17 (ii)(a) Evidence-based practice.

18 (b) As used in this section, "evidence-based
19 practice" means practices proven through research to reduce recidivism;

20 (iii) Stakeholder collaboration; and

21 (iv) Recidivism reduction.

22 (b) If any vacancy occurs on the board prior to the expiration of a
23 term, the Governor shall fill the vacancy for the remainder of the unexpired
24 term, subject to confirmation by the Senate at its next regular session.

25 (c) The members of the board may receive expense reimbursement and
26 stipends in accordance with § 25-16-901 et seq.

27 (d)(1) Four (4) members of the board shall constitute a quorum for the
28 purpose of holding an official meeting.

29 (2) However, the affirmative vote of at least five (5) of the
30 members of the board is required for any action by the board.

31 (e)(1) A member of the board may be removed by the Governor after the
32 Governor has received notification from the chair that the member:

33 (A) Has been derelict in his or her duties as a member of
34 the board; or

35 (B) No longer meets the eligibility requirements to serve
36 as a member of the board.

1 (2) The member of the board who has been reported to the
2 Governor under subdivision (e)(1) of this section shall receive written
3 notice of the notification by the chair to the Governor and the member of the
4 board shall be allowed an opportunity to respond within seven (7) days.

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6 SECTION 2. DO NOT CODIFY. Contingent effectivness – Retroactiveness.
7 Section 1 of this act is not effective unless SB472 of 2015 becomes an
8 act. If SB472 of 2015 becomes an act, Section 1 of this act is effective
9 retroactively to the effective date of the act which SB472 becomes.

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11 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
12 General Assembly of the State of Arkansas that SB472 of 2015 contains a
13 number of changes to the criminal justice system, including changes to the
14 Parole Board; that an error in the bill inadvertently deletes some of the
15 requirements for a member of the board; and that this act is immediately
16 necessary because it replaces the inadvertently deleted language. Therefore,
17 an emergency is declared to exist, and this act being immediately necessary
18 for the preservation of the public peace, health, and safety shall become
19 effective on:

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

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

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

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27 /s/J. Woods

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30 **APPROVED: 04/08/2015**