

# ARKANSAS REGISTER

## Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

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For Office

Use Only:

Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency \_\_\_\_\_

Department \_\_\_\_\_

Contact \_\_\_\_\_ E-mail \_\_\_\_\_ Phone \_\_\_\_\_

Statutory Authority for Promulgating Rules \_\_\_\_\_

Rule Title: \_\_\_\_\_

### Intended Effective Date

(Check One)

Date

☐ Emergency (ACA 25-15-204) Legal Notice Published ..... \_\_\_\_\_

☐ 10 Days After Filing (ACA 25-15-204) Final Date for Public Comment ..... \_\_\_\_\_

☐ Other \_\_\_\_\_ Reviewed by Legislative Council ..... \_\_\_\_\_  
(Must be more than 10 days after filing date.)

Adopted by State Agency ..... \_\_\_\_\_

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Contact Person

E-mail Address

Date

## CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)


Signature

Phone Number

E-mail Address

Title

Date

 <p style="text-align: center;"><b>ADMINISTRATIVE RULES</b></p> <p style="text-align: center;"><b>STATE OF ARKANSAS</b></p> <p style="text-align: center;"><b>BOARD OF CORRECTIONS</b></p>	<b>Section Number:</b>	<b>Page Number:</b>
	<b>1315</b>	<b>1 of 2</b>
	<b>Board Approval Date:</b>	
	<b>9/24/91</b>	
	<b>Supersedes:</b>	<b>Dated:</b>
	<b>Reference:</b>	<b>Effective Date:</b>
<b>9/26/91</b>		
<b>SUBJECT: Emergency Powers Act</b>		

**I. AUTHORITY:**

The authority of the Board of Correction to promulgate this Administrative Rule is vested in Act 50 of 1968, First Extraordinary Session, as amended; Act 418 of 1987, Regular Session; Act 684 of 1991, Regular Session; and A.C.A. 12-28-601 - 12-28-606.

**II. PURPOSE:**

To establish the policy by which the Board of Correction may, when the prison population exceeds 98% of the rated capacity, release inmates from the Department of Correction prior to their normal release date. This policy also allows for the 98% factor to be applied separately to the male and female prison population.

**III. APPLICABILITY:**

To the Board of Correction; all departmental employees, especially those involved in release processing; and all inmates.

**IV. DEFINITIONS:**

- A. Rated Capacity: The cumulative total of inmates which may be housed by the Department as determined by court order or the Board of Correction.
- B. Discharge: The unconditional release of an inmate or person on release supervision upon the expiration of a sentenced term of years pursuant to Arkansas codes.

**V. POLICY:**

It shall be the policy of the Department of Correction and the Board of Correction to review the inmate population of the Department and, at the Board's discretion, invoke the Emergency Powers Act for the male segment of the population, the female segment of the population, or both, depending upon the segment(s) of the population exceeding 98% of the rated capacity.

**VI. PROCEDURES:**

At such time the male population, the female population, or the combined total population of the Department reach or exceed 98% of rated capacity, the Director of the Department of Correction will cause a list of those inmates eligible for release within a period of time, not to exceed 90 days, to be presented to the Board of Correction for their consideration.

The Board of Correction may invoke the Emergency Powers Act to affect those inmates of the male population, female population or both.

The Board of Correction may also specify the number of days affected by the Act (not to exceed 90 days) and whether inmates eligible for parole or inmates eligible for discharge are affected.

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