

ARKANSAS REGISTER

Transmittal Sheet

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



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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;">ADMINISTRATIVE RULES</p> <p style="text-align: center;">STATE OF ARKANSAS</p> <p style="text-align: center;">BOARD OF CORRECTIONS</p>	Section Number: DOC 1301 DCP 8.1	Page Number: 1 of 2
	Board Approval Date: 10-18-02	
	Supersedes: DOC 1301 DCP 8.1	Dated: 1/1/94
	Reference:	Effective Date: 12/01/02
SUBJECT: Transfer Eligibility To Community Punishment		

I. AUTHORITY:

The authority to promulgate this rule is vested in Act 549 of 1993, Regular Session, and Act 534/555 of 1993, Regular Session; and A.C.A. 16-93-1301 -- 1304.

II. PURPOSE:

To establish criteria for inmate transfer eligibility from the Department of Correction to the Department of Community Punishment in accordance with conditions established by the Post Prison Transfer Board.

III. APPLICABILITY:

To employees of the Department of Correction and the Department of Community Punishment, especially those involved in the transfer of inmates from the Department of Correction to the Department of Community Punishment and may include but not be limited to wardens/center supervisors, records staff, and institutional parole officers; and inmates.

IV. DEFINITIONS:

- A. Inmates - persons sentenced to the Department of Correction or persons sentenced to the Department of Correction but judicially transferred to the Department of Community Punishment.

V. POLICY:

It shall be the policy of the Board of Correction and Community Punishment to transfer inmates upon their parole or transfer eligibility date from the Department of Correction to the Department of Community Punishment subject to approval and conditions set by the Post Prison Transfer Board.

VI. PROCEDURES:

- A. Transfer Provisions

1. Persons who commit felonies prior to January 1, 1994, and who were convicted and incarcerated for those felonies, shall be eligible for release on parole in accordance with the parole eligibility law in effect at the time the crime was committed.

2. Persons who commit felonies on or after January 1, 1994, and who are convicted and incarcerated for those felonies, shall be eligible for transfer to Community Punishment as follows:
 - a. Inmates under sentence of death or life imprisonment without parole shall not be eligible for transfer but may be pardoned or have their sentence commuted to a term of years.
 - b. Inmates convicted of a target offense under the Community Punishment Act may be committed to the Department of Correction and judicially transferred to the Department of Community Punishment as stated on the court commitment.
 - (1) A copy of the commitment shall be forwarded to the Department of Correction.
 - (2) The Department of Community Punishment shall take over supervision of the inmate in accordance with the court order.
3. All other inmates who are incarcerated shall be eligible for transfer to Community Punishment after having served one-third or one-half, with credit for good time, of their sentence depending on the seriousness determination made by the Arkansas Sentencing Commission; or one-half with credit for meritorious good time, of the time to which their sentence is commuted by executive clemency.
4. Specific guidelines used in computing an inmate's parole or transfer eligibility date shall be included in the appropriate administrative directive(s) and or records manual.

B. Transfer Procedures

1. The Department of Correction or the Department of Community Punishment shall provide designated representatives of the Post Prison Transfer Board information regarding an inmate's transfer eligibility date and disciplinary record; and when appropriate, notice from the victim or next-of-kin requesting input on transfer conditions.
2. Every inmate while on transfer status shall remain in the legal custody of the Department of Correction, under the supervision of the Department of Community Punishment, and subject to the orders of the Post Prison Transfer Board.
3. The appropriate administrative directive(s) and/or operating manuals shall include specific eligibility criteria for transfer review.

C. Revocation of Transfer

In the event an inmate violates terms or conditions of the transfer, revocation procedures shall follow all legal requirements applicable to parole and shall be subject to any additional policies, rules, and rules set by the Post Prison Transfer Board.

VII. A.C.A. REFERENCES: