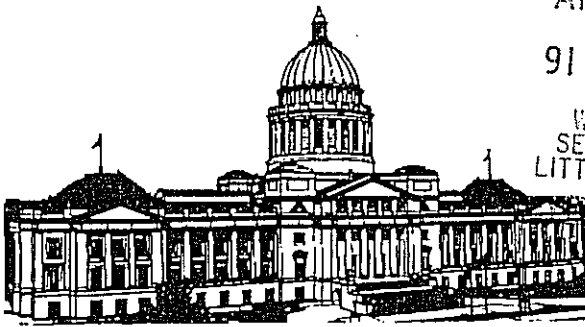


ARKANSAS REGISTER

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91 SEP 26 PM 3:56

Transmittal Sheet



W.J. "BILL" McCuen
SECRETARY OF STATE
LITTLE ROCK, ARKANSAS

W.J. "Bill" McCuen

Secretary of State

State Capitol Rm. 010

Little Rock, Arkansas 72201-1094

For Office

Use Only:

Effective Date _____

Code Number

004.00.91--022

Name of Agency Arkansas Department of Correction

Department of Correction

Contact Person A. L. Lockhart, Director

Statutory Authority for Promulgating Rules Act 50 of 1968, First Extraordinary Session,
as amended

Intended Effective Date

☐ Emergency

☐ 20 Days After Filing

☒ Other

Please use October 16, 1991
as the effective date

Administrative Regulation 1315-Emergency Powers Act Date

Legal Notice Published 8/4-10/91

Final Date for Public Comment August 25, 1991

Filed With Legislative Council 8/1/91

Reviewed by Legislative Council 9/5/91

Adopted by State Agency 9/24/91

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 As Amended.

Signature

Director

Title

September 24, 1991

Date



ADMINISTRATIVE REGULATIONS

STATE OF ARKANSAS

DEPARTMENT OF CORRECTION

BY _____

FILED

CLERK OF SUPER DIV.

SEP 26 PM 3:56

W. L. "BILLY" MCCUEN
SECRETARY OF STATE
LITTLE ROCK, ARKANSAS

Section Number

1315

Page Number

1 of 2

Board of Correction Approval Date:

9/24/91

Supersedes:

Dated:

Attorney General
Review Date:

9/24/91

Date Filed
Secy. of State:

9/26/91

SUBJECT: Emergency Powers Act

I. AUTHORITY:

The authority of the Board of Correction to promulgate this Administrative Regulation 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. 12-68-601 - 12-68-606.

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



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
DEPARTMENT OF CORRECTION

Section Number

1315

Page Number

2 of 2

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9/24/91

Date Filed
Secy. of State:

9/26/91

SUBJECT: Emergency Powers Act

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.

AR1315