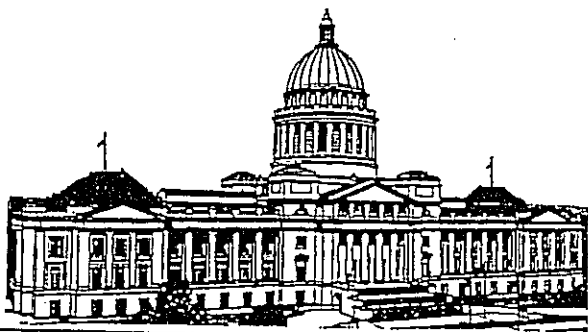


ARKANSAS REGISTER

Transmittal Sheet



Sharon Priest
Secretary of State
State Capitol Rm. 01
Little Rock, Arkansas 72201-1094

For Office Use Only: Effective Date 8/3/97 Code Number 004.00.97--001

Name of Agency Arkansas Department of Correction

Department of Correction

Contact Person Larry B. Norris, Director

Phone 247-6344

Statutory Authority for Promulgating Rules § 12-27-105 and 16-93-1203 (Miche Suppl. 1993)

AR812 - Temporary Release/Meritorious Furloughs

Intended Effective Date

Legal Notice Published

☐ Emergency

Final Date for Public Comment

☒ 10 Days After Filing

Filed With Legislative Council

☐ Other

Reviewed by Legislative Council

The effective Date for this AR is 8/3/97 Adopted by State Agency

6/27/97

6/15-21/97
6/11/97
PM 2:12
SHARON PRIEST
SECRETARY OF STATE
STATE OF ARKANSAS

CERTIFICATION OF AUTHORIZED OFFICER

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

Signature

870-247-1800

Phone Number

Director

Title

6/27/97

Date

DEPARTMENT of Correction

DIVISION of Information System

PERSON COMPLETING THIS STATEMENT Carl Dyer

TELEPHONE NO. 247-6345 FAX NO. 247-3700

FILED
AD. REGISTER DIV.
97 JUL 18 PM 2:13
SHARON PRIEST
SECRETARY OF STATE
STATE OF ARKANSAS

FINANCIAL IMPACT STATEMENT BY _____

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE: **AR812**

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes _____ No _____ N/A
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

1995-96 Fiscal Year

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4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation? N/A

1995-96 Fiscal Year

1996-97 Fiscal Year

5. What is the total estimated cost by fiscal year to the agency to implement this regulation? N/A

1995-96 Fiscal Year

1996-97 Fiscal Year

July 28, 1995



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
BOARD OF CORRECTION AND
COMMUNITY PUNISHMENT

Section Number:
812

Page Number:
1 of 6

Board Approval Date:
6/27/97

Supersedes:
812

Dated:
6/16/95

Reference:

Effective Date:
8/3/97

SUBJECT: Temporary Release/Meritorious Furloughs

I. AUTHORITY:

The authority of the Board of Correction and Community Punishment to promulgate this Administrative Regulation is vested in Arkansas Code Annotated § § 12-27-105 and Act 1191 of 1997.

II. PURPOSE:

To provide a mechanism for the temporary release of inmates which serves as an incentive program and assists in attaining a more normal and orderly transition from the Department of Correction into the community.

III. APPLICABILITY:

Board of Correction and Community Punishment, Deputy/Assistant Directors, Wardens/Center Supervisors, all employees involved in the approval/processing of furloughs; and inmates.

IV. DEFINITIONS:

A. Meritorious Furlough: The approved, temporary release of an inmate for a period not to exceed five calendar days.

B. Sponsor: Approved persons with whom the inmate resides while on meritorious furlough.

A sponsor shall be required to be already approved and listed on the inmate's visitation list at the time of furlough application.

V. POLICY:

It shall be the policy of the Department of Correction to grant meritorious furloughs pursuant to established requirements and conditions for approved inmates.



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8/3/97

SUBJECT: Temporary Release/Meritorious Furloughs

VI. PROCEDURES:

A. Requirements

A meritorious furlough may be granted for exemplary conduct on the part of an inmate.

1. All inmates who are serving a life sentence or a sentence of a term of years and who have achieved Class I-A or I-B, and who have continuously maintained that status for not less than one year may be eligible for meritorious furloughs if they meet all of the following requirements:

a. Have not been convicted of the following offenses:

- (1) Capital murder, Arkansas Code 5-10-101;
- (2) Kidnapping, Arkansas Code 5-11-102;
- (3) Rape, Arkansas Code 5-14-103;
- (4) Any other offense under Arkansas Code Title 5, Chapter 14, subchapter 1, concerning sexual offenses;
- (5) An offense concerning sexual exploitation of children, Arkansas Code 5-27-301 et seq.;
- (6) An offense concerning use of children in sexual performances, Arkansas Code 5-27-401 et seq.; or
- (7) Stalking, Arkansas Code 5-71-229.

- b. Have been an inmate in an institution of the Arkansas Department of Correction continuously for one year;



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- c. Have not been convicted of a major disciplinary violation for a period of not less than six months immediately prior to applying for such meritorious furlough;
 - d. Does not have any pending felony detainers;
 - e. The Sheriff and other appropriate law enforcement personnel of the county to which the inmate is furloughing approves;
 - f. An inmate serving a "life" sentence must have his or her application approved by the appropriate Deputy/Assistant Director, submitted through the Director prior to approval by the Board of Correction.
2. An inmate who has been sentenced to Death, or serving a sentence of Life Without Parole will not be eligible for meritorious furloughs under any conditions.
 3. All inmates must be approved by the Unit Classification Committee consisting of an assistant warden, classification officer, a chief security officer and a member of the treatment staff. Approval must be unanimous. The Unit Classification Committee will base their decision on:
 - a. The inmate does not have, presently, an abnormal propensity for violence.
 - b. The inmate does not constitute a security risk. (This criteria is made by the Classification Committee at the time the inmate is approved for Class I-B and again when reviewed for a furlough.)
 - c. The inmate is capable of abiding by the terms and conditions of such a furlough.
 - d. The inmate will not be endangered by such a temporary release.



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SUBJECT: Temporary Release/Meritorious Furloughs

- e. The inmate has not received a meritorious furlough during the preceding six months.
- f. The inmate must be favorably recommended by his or her immediate work supervisor.
- g. The inmate must have a sponsor willing to accept and transport the inmate.
- h. Once the inmate initially becomes eligible for a meritorious furlough, the sheriff and prosecuting attorney from the sentencing county shall be notified and their comments solicited.
- i. The sheriff and chief of police in the county and city where the inmate wishes to furlough must approve prior to the inmate's release on furlough.
- j. In the case of an inmate serving a life sentence, the victim or victim's family shall be notified of the impending meritorious furlough and the response will be available to the furlough committee as criteria on their making a final decision. This notification will allow the victim or the family the opportunity to comment.
- k. A certificate of furlough must be signed by the warden/center supervisor, inmate and sponsor. The inmate and warden/center supervisor shall also sign an agreement to return.
 - (1) Inmates serving a life sentence who are approved for a meritorious furlough shall be required to wear an electronic monitoring device.

B. Rules of Meritorious Furlough

Meritorious furloughs shall not begin nor end on a weekend or holiday.



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8/3/97

SUBJECT: Temporary Release/Meritorious Furloughs

Inmates released on meritorious furlough shall adhere to a daily reporting schedule while on furlough.

Inmates released on a meritorious furlough must abide by the following rules:

1. Not leave the state of Arkansas for any purpose or under any circumstances;
2. Not leave the county to which he or she was furloughed except for travel to the county and return travel to the institution, without the written consent and approval of the warden/center supervisor or appropriate assistant director;
3. Not possess or consume alcoholic beverages of any kind or drugs not specifically prescribed for him or her;
4. Not visit any place of business where alcoholic beverages are the major items offered for sale;
5. Not violate any laws of this state, the county or municipality, or the United States;
6. Not operate a motor vehicle of any kind.

Specific conditions for the inmate to abide by shall be listed in the appropriate Administrative Directive.

C. General

Specific guidelines to include but not be limited to sponsorship, departure and arrival times, medical screening, and contacts shall be included in the appropriate Administrative Directive.



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SUBJECT: Temporary Release/Meritorious Furloughs

VII. REFERENCES:

Act 1191 of 1997

DATE



DIRECTOR

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ARKANSAS REGISTER

FILED
AR. REGISTER DIV.

Transmittal Sheet

SHARON PRIEST
SECRETARY OF STATE
STATE OF ARKANSAS

BY _____

Sharon Priest
Secretary of State
State Capitol Rm. 01
Little Rock, Arkansas 72201-1094



For Office Use Only: Effective Date _____ Code Number _____

Name of Agency Arkansas Department of Correction

Department of Correction

Contact Person Larry B. Norris, Director Phone 247-6344

Statutory Authority for Promulgating Rules § 12-27-105 and 16-93-1203 (Miche Suppl. 1993)

AR812 - Temporary Release/Meritorious Furloughs

Intended Effective Date _____ Legal Notice Published _____ Date 6/15-21/97

☐ Emergency _____ Final Date for Public Comment _____ 6/11/97

☒ 10 Days After Filing _____ Filed With Legislative Council _____

☐ Other _____ Reviewed by Legislative Council _____

The effective Date for this AR is 8/3/97 Adopted by State Agency _____ 6/27/97

CERTIFICATION OF AUTHORIZED OFFICER

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

A handwritten signature in dark ink, appearing to read "Larry B. Norris", written over a horizontal line.

Signature

870-247-1800

Phone Number

Director

Title

6/27/97

Date

DEPARTMENT of Correction
DIVISION of Information System

PERSON COMPLETING THIS STATEMENT Carl Dyer
TELEPHONE NO. 247-6345 FAX NO. 247-3700

FILED
AR. REGISTER DIV.

97 JUL 18 PM 2: 14

SHARON PRIEST
SECRETARY OF STATE
STATE OF ARKANSAS

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BY _____

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1995-96 Fiscal Year

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July 28, 1995



ADMINISTRATIVE REGULATIONS
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