

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 Arkansas Department of Corrections

Department Division of Community Correction

Contact Russ Carter E-mail Russ.Carter@Arkansas.gov Phone 501-682-9572

Statutory Authority for Promulgating Rules Arkansas Code sections 12-27-105, 16-93-1203 and 16-93-1205

Rule Title:

Resident Publications

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 9/15/02
(Must be more than 10 days after filing date.)

Reviewed by Legislative Council _____

Adopted by State Agency _____

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

Russ Carter

Russ.Carter@Arkansas.gov

12/31/2019

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

870.643.1922

Solomon.Graves@Arkansas.gov


Phone Number

E-mail Address


Chief of Staff

Title

Date

	<div>ADMINISTRATIVE RULE</div> <div>STATE OF ARKANSAS</div> <div>BOARD OF CORRECTIONS</div>	Section Number: AR 7.23	Page Number: 1
		Board Approval Date: 5/30/02	
		Supersedes: AR 7.23	Dated: 4/29/94
		Reference:	Effective Date: 9/15/02
SUBJECT: RESIDENT PUBLICATIONS			

- I. AUTHORITY.** The Board of Corrections is vested with the authority to promulgate this rule by Ark. Code Ann. §§12-27-105, 16-93-1203, and 16-93-1205.
- II. APPLICABILITY.** All Department of Community Correction (DCC) staff and residents.
- III. POLICY.** It is Board policy that residents may receive publications from recognized commercial or charitable outlets. All publications are subject to inspection and may be rejected if found to be detrimental to the security, discipline, or good order of the center or if they propose, condone, or provide information likely to facilitate criminal activity.
- IV. DEFINITIONS.**
- A. Publications.** Printed or electronic media such as books, magazines, catalogs, advertising brochures, religious tracts, or newspapers.
 - B. Commercial Outlet.** Organizations such as a publisher, bookstore, educational, or vocational institute.
 - C. Charitable Outlet.** An incorporated nonprofit organization established to promote literacy or to provide literature for indigent residents, or a religious group.
- V. GUIDELINES.**
- A.** The Center Supervisor shall designate staff to review incoming publications.
 - B.** All publications are subject to inspection and may be rejected if found to be detrimental to the security, discipline, or good order of the center or if they propose, condone, or provide information likely to facilitate criminal activity or if they are not from recognized commercial or charitable outlets.
 - 1. Examples of material which would cause publications to be rejected are materials which:
 - a. provide instructions for devising weapons or for combat techniques which would endanger center security or safety;
 - b. encourage or describe methods of escape;

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- c. provide instructions for production of alcohol or other drugs;
 - d. promote illegal discrimination, violence, verbal or sexual abuse or inflammatory attitudes toward any race, sex, age, handicap, or other individuals or group(s).
 - e. encourage or instruct in the commission of criminal activity, or depict in graphic and provocative fashion, illicit actions including illegal sexual behavior;
2. Publications recommended for rejection will be referred to the Assistant Center Supervisor who will review and make a determination within 10 days. The Assistant Center Supervisor's decision can be appealed to the Center Supervisor. Decisions must be made on the contents of an individual publication, not on the basis of a list of approved publications or previous issues.
- C.** The Center Supervisor must approve or reject the publication within 10 days of receipt. If the publication is rejected the resident must be notified, in writing, of any decision to reject and the basis for rejection of the publication. The resident is also notified of appeal procedure and options for disposing of the publication. The resident must sign that the notice of rejection has been received and has 15 days from notification to appeal the decision. Should the resident refuse to sign, an employee will attest to the fact that the resident was duly notified.
- D.** The decision to reject a publication may be appealed further to the Deputy Director of Residential Services. This appeal must also be initiated within ten (10) days of receipt of the Center Supervisor's decision.
- E.** Any rejected publication will be held safe by the Center Supervisor until the appeal process has been completed, or until the 15-day period for filing an appeal has expired.
- F.** Options for disposing of a rejected publication are as follows:
1. Destruction,
 2. Return of the publication to the sender at the expense of the resident unless return postage is guaranteed,
 3. Mailing the publication to a third party at the expense of the resident.