

# ARKANSAS REGISTER

## Proposed Rule Cover Sheet



Secretary of State

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Name of Department Department of Corrections

Agency or Division Name Post-Prison Transfer Board

Other Subdivision or Department, If Applicable \_\_\_\_\_

Previous Agency Name, If Applicable Parole Board

Contact Person Kevin Smith

Contact E-mail kevin.smith@doc.arkansas.gov

Contact Phone 501-682-3850

Name of Rule Policy Manual

Newspaper Name Arkansas Democrat-Gazette

Date of Publishing October 11, 2025

Final Date for Public Comment November 10, 2025

Location and Time of Public Meeting N/A



**QUESTIONNAIRE FOR FILING PROPOSED RULES WITH  
THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT Department of Corrections  
BOARD/COMMISSION Post Prison Transfer Board  
BOARD/COMMISSION DIRECTOR Lona McCastlain  
CONTACT PERSON Kevin Smith  
ADDRESS 1302 Pike Ave. North Little Rock, AR 72114  
PHONE NO. (501) 682-3852 EMAIL Kevin.Smith@doc.arkansas.gov  
NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING  
Tawnie Rowell, Lona McCastlain, Kevin Smith  
PRESENTER EMAIL(S) Tawnie.Rowell@doc.arkansas.gov, Lona.McCastlain@doc.arkansas.gov, Kevin.Smith@doc.ar

**INSTRUCTIONS**

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, [miller-ricer@blr.arkansas.gov](mailto:miller-ricer@blr.arkansas.gov), for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, [garritym@blr.arkansas.gov](mailto:garritym@blr.arkansas.gov), for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

\*\*\*\*\*

1. What is the official title of this rule?  
16 CAR pt 20 - Policy Manual
2. What is the subject of the proposed rule? Policy Manual of the Post-Prison Transfer Board
3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes ☐ No ☒

*If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).*

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes ☐ No ☐



4. Is this rule being filed for permanent promulgation? Yes ☒ No ☐

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes ☐ No ☒

If yes, what was the effective date of the emergency rule? \_\_\_\_\_

On what date does the emergency rule expire? \_\_\_\_\_

5. Is this rule required to comply with a *federal* statute, rule, or regulation? Yes ☐ No ☒

If yes, please provide the federal statute, rule, and/or regulation citation.

6. Is this rule required to comply with a *state* statute or rule? Yes ☒ No ☒

If yes, please provide the state statute and/or rule citation.

7. Are two (2) rules being repealed in accord with Executive Order 23-02? Yes ☐ No ☒

If yes, please list the rules being repealed.

If no, please explain.

Governor exception requested. PPTB is replacing the existing Policy Manual, codified as 16 CAR pt. 20 with proposed rule, 16 CAR pt 23, Transfer to Parole or Post-Release Supervision.

8. Is this a new rule? Yes ☒ No ☒

Does this repeal an existing rule? Yes ☐ No ☒

If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? Yes ☒ No ☐

If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup.



9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s).

Arkansas Code §§ 16-93-619, 16-93-712(a)(1), 16-93-713, 16-93-1812, and 16-93-1911

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?  
Yes ☒ No ☒

If yes, please provide the year of the act(s) and act number(s).

11. What is the reason for this proposed rule? Why is it necessary?

The existing administrative rule, titled Board Manual, codified as 16 CAR pt 20, served as the omnibus administrative rule for multiple functions of the Post-Prison Transfer Board. It is being repealed and replaced by the proposed rule, Transfer to Parole and Post-Release Supervision to be codified as 16 CAR pt 23. The repeal of 16 CAR pt 20 accomplishes several additional needed updates, including the repeal of sections that:

- Do not meet the definition of an Administrative Rule defined in Arkansas Code § 25-15-202.
- Are being replaced due to outdated policies and procedures.
- Deal with sections of Arkansas Code that have been repealed and are no longer in effect.
- Will be replaced by the new proposed rule, 16 CAR pt 23.



12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).

<https://doc.arkansas.gov/rule-filings/>

13. Will a public hearing be held on this proposed rule? Yes ☐ No ☒

If yes, please complete the following:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Place: [TBD - Will be held if requested](#)

*Please be sure to advise Bureau Staff if this information changes for any reason.*

14. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. TBD

15. What is the proposed effective date for this rule? [10 Days after filing with SOS](#)

16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.

17. Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).

18. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.

[None anticipated](#)

19. Is the rule expected to be controversial? Yes ☐ No ☒

If yes, please explain.



**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY.**

**DEPARTMENT** Department of Corrections

**BOARD/COMMISSION** Post Prison Transfer Board

**PERSON COMPLETING THIS STATEMENT** Kevin Smith

**TELEPHONE NO.** (501) 682-3852 **EMAIL** Kevin.Smith@doc.arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

**TITLE OF THIS RULE** 16 CAR pt 20 - Policy Manual

1. Does this proposed, amended, or repealed rule have a financial impact?  
Yes ☐ No ☒
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?  
Yes ☒ No ☐
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes ☒ No ☐

If no, please explain:

(a) how the additional benefits of the more costly rule justify its additional cost;

(b) the reason for adoption of the more costly rule;

(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:
  - (a) What is the cost to implement the federal rule or regulation?



**Current Fiscal Year**

General Revenue \_\_\_\_\_  
 Federal Funds \_\_\_\_\_  
 Cash Funds \_\_\_\_\_  
 Special Revenue \_\_\_\_\_  
 Other (Identify) \_\_\_\_\_

Total \$0.00

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
 Federal Funds \_\_\_\_\_  
 Cash Funds \_\_\_\_\_  
 Special Revenue \_\_\_\_\_  
 Other (Identify) \_\_\_\_\_

Total \$0.00

(b) What is the additional cost of the state rule?

**Current Fiscal Year**

General Revenue \_\_\_\_\_  
 Federal Funds \_\_\_\_\_  
 Cash Funds \_\_\_\_\_  
 Special Revenue \_\_\_\_\_  
 Other (Identify) \_\_\_\_\_

Total \$0.00

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
 Federal Funds \_\_\_\_\_  
 Cash Funds \_\_\_\_\_  
 Special Revenue \_\_\_\_\_  
 Other (Identify) \_\_\_\_\_

Total \$0.00

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

**Current Fiscal Year**

\$ 0.00

**Next Fiscal Year**

\$ 0.00

6. What is the total estimated cost by fiscal year to a state, county, or municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

**Current Fiscal Year**

\$ 0.00

**Next Fiscal Year**

\$ 0.00



7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes ☐ No ☒

If yes, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
  - (a) justifies the agency's need for the proposed rule; and
  - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
  - (a) the rule is achieving the statutory objectives;
  - (b) the benefits of the rule continue to justify its costs; and
  - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.



# **Proposed Rulemaking**

**Title: Transfer to Parole or Post-Release Supervision**

**Promulgated by:  
Post-Prison Transfer Board**

**Title 16. Practice, Procedure, and Courts**

**Chapter III. Post-Prison Transfer Board, Department of Corrections**

**Subchapter A. Generally**

**Part 20.**

***[REPEALED]***

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# Proposed Rulemaking

## Title

Promulgated by:  
Post-Prison Transfer Board

### Title 16. Practice, Procedure, and Courts

#### Chapter III. Post-Prison Transfer Board, Department of Corrections

##### Subchapter A. Generally

##### Part 20. [REPEALED] Policy Manual

##### Subpart 1. Board Membership, Eligibility, Responsibility, Training, and Officers

##### ~~16 CAR § 20-101. Generally.~~

~~—(a)(1) The Post-Prison Transfer Board (“the board” or “board”) is composed of seven (7) full-time members appointed by the Governor and confirmed by the Senate.~~

~~—(2) Each member is appointed for a term of seven (7) years, except that the terms shall be staggered by the Governor so that the term of one (1) member expires each year.~~

~~—(3) If a vacancy should occur on the board prior to the expiration of a term, the Governor shall fill the vacancy for the remainder of the unexpired term, subject to confirmation by the Senate at its next regular session.~~

~~—(b)(1) The Governor may remove a board member, upon referral by the Chair of the Post-Prison Transfer Board, when that member has been determined to have been derelict in their performance or if they no longer meet the eligibility criteria prescribed by law.~~

~~—(2) A member referred to the Governor for removal shall be notified in writing, via United States Postal Service certified mail, of the referral.~~

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~~—————(3) The notification shall include at a minimum:~~

~~—————(A) A copy of the referral submitted to the Governor; and~~

~~—————(B) Any supporting documentation provided to the Governor.~~

~~—————(4) A referral to the Governor and the subsequent notice to the member, to include supporting documentation, shall be made a part of the member's personnel record and may not be disclosed prior to the final administrative resolution of the referral (i.e., retention, removal, suspension, or probation).~~

~~—————(5) Upon notification to the Governor the member of the board shall be allowed an opportunity to respond within seven (7) days.~~

~~——(c)(1) For those persons eligible for parole, the board has statutory authority to determine what persons will be placed on parole and to set the time and conditions of the parole.~~

~~—————(2) The board will conduct open meetings and make public its findings for each eligible candidate for parole.~~

~~—————(3) However, inmate interviews may be closed to the public at the request of the inmate.~~

~~—————(4) Subject to an order of the board to the contrary, related deliberations are closed to the public.~~

~~——(d) The board is also responsible for reviewing all pardon and commutation applications and making nonbinding recommendations to the Governor pursuant to Executive Clemency, 16 CAR pt. 21, hereby incorporated by reference herein.~~

~~——(e) Board members, parole revocation judges, and support staff are responsible for carrying out the board's mission and complying with:~~

~~—————(1) Applicable laws; and~~

~~—————(2) All policies within this part.~~

~~——(f)(1) Board members should not seek or hold public office that would represent a conflict of interest while on the board.~~

~~—————(2) Prior to seeking public office, the member should notify the chair of any potential conflicts of interest.~~



~~—(g)(1) No member of the board shall hold any outside employment for the duration of his or her appointment to the board.~~

~~—(2)(A) A member of the board may engage in employment that has a limited time commitment and has been approved, in writing, by the chair.~~

~~—(B) The determination of a “limited time commitment” shall be at the discretion of the chair and subject to revocation at any time.~~

~~—(4) A revocation of an employment waiver shall be provided in writing to the member by the chair.~~

~~—(5) Both the approval and any subsequent waivers shall be made a part of the member’s personnel record.~~

~~—(h)(1) State law requires that each member must have at least a bachelor’s degree from an accredited college or university, and should have no less than five (5) years of professional experience in a field listed below.~~

~~—(2) If a member does not have a bachelor’s degree from an accredited college or university, they must have (7) years of professional experience in one (1) of the fields listed below:~~

~~—(A) Parole supervision;~~

~~—(B) Probation supervision;~~

~~—(C) Corrections;~~

~~—(D) Criminal justice;~~

~~—(E) Law;~~

~~—(F) Law enforcement;~~

~~—(G) Psychology;~~

~~—(H) Psychiatry;~~

~~—(I) Sociology;~~

~~—(J) Social work; or~~

~~—(K) A related field.~~

~~—(i)(1) The American Correctional Association recommends that the racial makeup of the board should be representative of the diversity of the significant population under its jurisdiction.~~



~~—————(2) If the composition of the board does not meet this standard, the chair will bring this issue to the Governor’s attention during the selection process for a new board member.~~

~~——(j) Whether or not they have served on the board previously, a member appointed after July 1, 2011, shall complete a comprehensive training course developed in compliance with guidelines from the:~~

~~—————(1) National Institute of Corrections;~~

~~—————(2) Association of Paroling Authorities International; or~~

~~—————(3) American Probation and Parole Association.~~

~~——(k) All members shall complete annual training developed in compliance with guidelines from the:~~

~~—————(1) National Institute of Corrections;~~

~~—————(2) Association of Paroling Authorities International; or~~

~~—————(3) American Probation and Parole Association.~~

~~——(l) Training components shall include at a minimum an emphasis on the following subjects:~~

~~—————(1) Data-driven decision-making;~~

~~—————(2) Evidence-based practice;~~

~~—————(3) Stakeholder collaboration; and~~

~~—————(4) Recidivism reduction.~~

~~——(m) Parole revocation judges may be subject to the same training curriculum developed for members of the board.~~

~~——(n)(1) The Governor shall designate one (1) member as the chair of the board who shall serve at the Governor’s will.~~

~~—————(2) As set forth in state law, the chair shall serve as the chief executive, administrative, budgetary, and fiscal officer of the board.~~

~~—————(3) No rule or policy, to include administrative directives or memoranda, shall be interpreted to in any way limit the authority of the chair as prescribed by state law.~~

~~——(o)(1) The board shall elect, during the first regular meeting after February 1 of each year, a vice chair and a secretary to serve as officers for the upcoming year.~~



~~—————(2) If the office of vice chair or secretary becomes vacant in the interim, the board shall elect, at its next regular meeting, a member to serve in that office until the next regular election.~~

~~—————(3) A special election of officers may be called at any time at the request of five (5) members of the board.~~

~~—————(4) The vice chair and the secretary shall assume, in that order and with the consent of the Governor, the duties of chair in the case of extended absence, vacancy, or other similar disability of the chair until the Governor designates a new chair of the board.~~

~~—————(5) Prior to assuming the duties of chair, the vice chair or secretary shall notify the office of the Governor and provide a summary of the situation requiring the assumption of those duties.~~

#### ~~—————**16 CAR § 20-102. Quorum and general voting information.**~~

~~—————(a)(1) A quorum of four (4) members is required to hold a meeting of the Post-Prison Transfer Board.~~

~~—————(2) If a case that is discretionary fails to receive five (5) affirmative votes, the inmate shall be reconsidered for parole or transfer after one (1) year from the date of the board's vote.~~

~~—————(3) If a case that is nondiscretionary fails to receive five (5) affirmative votes, the inmate shall be reconsidered after six (6) months from the date of the board's vote.~~

~~—————(b)(1) All parole cases reviewed by a single member shall be reviewed by the full board for agreement prior to a final decision.~~

~~—————(2) The review shall consist of the single member.~~

#### ~~—————**16 CAR § 20-103. Recusal.**~~

~~—————(a) No member of the Post-Prison Transfer Board or a parole revocation judge should participate in the determination of any matter before them if they:~~

~~—————(1) Are closely related to the:~~

~~—————(A) Person;~~



~~\_\_\_\_\_ (B) Person's attorney; or~~

~~\_\_\_\_\_ (C) Victim;~~

~~\_\_\_\_\_ (2) Have had a personal or business relationship with the person, the person's family, the person's attorney, the victim, or the victim's family that would affect or reasonably give the appearance of affecting judgment in the matter;~~

~~\_\_\_\_\_ (3) Have served as counsel for either party in legal proceedings concerning the person; or~~

~~\_\_\_\_\_ (4) Have any other interest in the proceeding that would affect or reasonably give the appearance of affecting their judgment in the matter.~~

~~\_\_\_\_\_ (b)(1) Generally, the responsibility for determining the appropriateness of recusal under the guidelines established by this section shall be upon that member or parole revocation judge.~~

~~\_\_\_\_\_ (2) The Chair of the Post Prison Transfer Board may order that a member or parole revocation hearing judge recuse themselves from a case.~~

~~\_\_\_\_\_ (c)(1) In establishing these guidelines for recusal, it is not the intent of the board to create a right or basis to challenge the actions of this board, any member of the board, or parole revocation judge that is not otherwise provided by the laws or constitution of this state or the United States.~~

~~\_\_\_\_\_ (2) In the event a board member or parole revocation judge recuses, or is removed, from a parole, transfer, or revocation case, this action is final and cannot be reversed.~~

~~\_\_\_\_\_ (3) A member who recuses, or is removed, from a case shall be counted in determining whether a quorum exists or if a sufficient number of votes were made on the case.~~

## **~~Subpart 2. Consideration of Inmates Eligible for Parole/Transfer~~**

### **~~16 CAR § 20-201. General information.~~**

~~\_\_\_\_\_ (a)(1) "Parole" means the release of an inmate into the community prior to the expiration of the sentence, subject to:~~

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~~—————(A) Conditions imposed by the Post Prison Transfer Board; and~~

~~—————(B) Supervision.~~

~~—————(2) Supervision is accomplished on behalf of the board by parole/probation officers, also referred to as supervision officers, who work for the Division of Community Correction.~~

~~————(b) Depending on the date of the offense, some inmates are transfer eligible, some are parole eligible, and some inmates are not eligible for parole but may be considered for release under clemency laws.~~

~~————(c)(1) The Institutional Release Services of the Division of Community Correction staff will prepare case records for use by board members in conducting case reviews and hearings, as required by Arkansas law.~~

~~————(2) Preparation by Institutional Release Services for an inmate's review shall begin no later than six (6) months prior to that inmate's eligibility date.~~

~~————(3) Board staff will manage these case records to ensure timely review/hearings.~~

~~————(d)(1) All release hearings will be conducted by a member or members of the board.~~

~~————(2) However, in situations where there are staffing shortages or high workload, the Chair of the Post Prison Transfer Board may choose to designate parole revocation judges to conduct release hearings on an interim basis.~~

~~————**16 CAR § 20-202. Risk/needs assessments.**~~

~~————(a) The Post Prison Transfer Board shall consider the results of a validated risk/needs assessment tool as a part of all release decisions.~~

~~————(b) That same assessment will also influence any conditions of release.~~

~~————(c) The assessment will be administered by staff from the Division of Correction and/or the Division of Community Correction in a manner authorized by the board.~~

~~————**16 CAR § 20-203. Inmates with transfer eligible (TE) dates.**~~



~~—(a)(1) Arkansas Code §§ 16-93-614, 16-93-615, 16-93-616, and 16-93-617 allow for the transfer of inmates who have committed certain crimes on or after January 1, 1994, under the provisions of a transfer date, to be transferred to parole status by the Division of Correction subject to rules promulgated by the Board of Corrections and conditions set by the Post Prison Transfer Board.~~

~~—(2)(A) The electronic Offender Management Information System (eOMIS) assigns a transfer eligibility (TE) date to inmates who are in this “transfer eligible” category.~~

~~—(B) Other inmates who are eligible for parole are assigned a parole eligibility (PE) date.~~

~~—(b) When the Post Prison Transfer Board considers an inmate with a TE date the Post Prison Transfer Board will have only two (2) options:~~

~~—(1)(A) Transfer the inmate to the Division of Community Correction with specified conditions such as supervision level, programming requirements, and facility placement when appropriate.~~

~~—(B) Conditions must be within the current resources of the Division of Community Correction; or~~

~~—(2)(A) Deny transfer to the inmate, based on established criteria, until the inmate completes a course of action established by the Post Prison Transfer Board that would rectify the Post Prison Transfer Board’s concerns.~~

~~—(B) After the completion of the required course of action, which must be within the current resources of the Division of Correction, and final review of the inmate’s file to ensure successful completion, the Post Prison Transfer Board will be required to transfer the inmate to the Division of Community Correction in accordance with administrative policy and subject to conditions attached to the transfer.~~

~~—(C) Should an inmate fail to complete the course of action outlined by the Post Prison Transfer Board to facilitate their transfer to community supervision, it shall be the responsibility of the inmate to petition the Post Prison Transfer Board for a rehearing.~~

~~—(D) In these cases, there will not be an automatic rehearing.~~



~~——(c) This review may be conducted without a hearing when:~~

~~——(1) The inmate has not received a major disciplinary report that resulted in the loss of good time;~~

~~——(2) There has not been a request by a victim to have input on transfer conditions; and~~

~~——(3) There is no indication in the risk/needs assessment review that special conditions need to be placed on the inmate.~~

~~——(d)(1) A hearing should also be held if:~~

~~——(A) An inmate objects to special conditions set by the Post-Prison Transfer Board; or~~

~~——(B) The Post-Prison Transfer Board reverses a previous decision to release the inmate.~~

~~——(2) For cases that only require a review, a Post-Prison Transfer Board member may choose to hold a hearing if considered appropriate.~~

~~——(e)(1) The institutional release officers (IROs) will use eOMIS information and procedural guidance to determine whether:~~

~~——(A) The Post-Prison Transfer Board can screen an inmate's records and release the inmate without a hearing; or~~

~~——(B) A hearing is required.~~

~~——(2) The IRO advises the Post-Prison Transfer Board of the options in this regard.~~

~~——(f)(1) Inmates who are assigned to Varner SuperMax or who are in administrative segregation should be reviewed to determine class and the level of the Varner SuperMax program completion.~~

~~——(2) An inmate may be reviewed by a single member, but the file shall then be forwarded to the full Post-Prison Transfer Board for hearing and final determination.~~

~~——(3) Final determination is subject to review by the Post-Prison Transfer Board.~~

~~——(4) Unless otherwise determined by a of the Post-Prison Transfer Board, an inmate incarcerated at the Varner SuperMax Unit who has failed to attain Level 5 will~~



not be granted a rehearing by the Post-Prison Transfer Board unless and until such level has been attained.

~~16 CAR § 20-204. Discretionary transfer—Exceptions to transfer eligible dates.~~

~~(a)(1) The following classes of inmates shall be considered for discretionary transfer to the Division of Community Correction:~~

~~(A) Inmates who, after January 1, 1994, commit:~~

~~(i) Murder in the first degree;~~

~~(ii) Engaging in a continuing criminal enterprise; or~~

~~(iii) The following Class Y felonies:~~

~~(a) Kidnapping;~~

~~(b) Rape;~~

~~(c) Aggravated robbery; or~~

~~(d) Causing a catastrophe;~~

~~(B) Inmates who, on or after July 30, 1999, commit:~~

~~(i) Capital murder;~~

~~(ii) Murder in the second degree;~~

~~(iii) Manslaughter;~~

~~(iv) Negligent homicide;~~

~~(v) Sexual assault in the first degree;~~

~~(vi) Sexual assault in the second degree;~~

~~(vii) Sexual abuse in the first degree;~~

~~(viii) Battery in the first degree;~~

~~(ix) Domestic battering in the first degree; or~~

~~(x) Simultaneous possession of drugs and firearms;~~

~~(C) Inmates who, on or after February 20, 2013, commit an offense for which they are required upon release to register as a sex offender under the Sex Offender Registration Act of 1997, Arkansas Code § 12-12-901 et seq.;~~

~~(D) Inmates who, on or after August 16, 2013, commit:~~

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~~\_\_\_\_\_ (i) Attempted capital murder;~~  
~~\_\_\_\_\_ (ii) Attempted murder in the first degree;~~  
~~\_\_\_\_\_ (iii) Any offense listed under Arkansas Code § 5-54-201 et seq.,~~  
~~terrorism-related offenses; or~~  
~~\_\_\_\_\_ (iv) The following Class Y felonies:~~  
~~\_\_\_\_\_ (a) Attempted aggravated robbery;~~  
~~\_\_\_\_\_ (b) Terroristic act;~~  
~~\_\_\_\_\_ (c) Arson;~~  
~~\_\_\_\_\_ (d) Aggravated residential burglary; or~~  
~~\_\_\_\_\_ (e) Unlawful discharge of a firearm from a vehicle; and~~  
~~\_\_\_\_\_ (E) Inmates who, on or after April 2, 2015, commit:~~  
~~\_\_\_\_\_ (i) Battery in the second degree;~~  
~~\_\_\_\_\_ (ii) Aggravated assault;~~  
~~\_\_\_\_\_ (iii) Terroristic threatening;~~  
~~\_\_\_\_\_ (iv) Residential burglary; or~~  
~~\_\_\_\_\_ (v) Domestic battering in the second degree.~~  
~~\_\_\_\_\_ (2)(A) Discretionary transfer means the Post-Prison Transfer Board can deny~~  
~~parole with or without recommending a course of action to the inmate.~~  
~~\_\_\_\_\_ (B) Even if a course of action is recommended and completed, the board~~  
~~is not required to release the inmate to community supervision.~~  
~~\_\_\_\_\_ (b) The board will have the authority to transfer such an inmate at a time when,~~  
~~based on a combination of its members' opinion and a validated risk needs assessment~~  
~~tool, there is a reasonable probability that the inmate can be released without detriment~~  
~~to the community or the inmate.~~  
~~\_\_\_\_\_ (c) After the board has fully considered and denied the transfer of an offender~~  
~~sentenced for committing a discretionary offense, the board may delay any~~  
~~reconsideration of the transfer for a maximum period of two (2) years.~~  
~~\_\_\_\_\_ (d) **Note.** The same standard of review listed in this section shall apply to all~~  
~~inmates whose crimes were committed prior to January 1, 1994 (parole eligible).~~



~~— **16 CAR § 20-205. Inmates with parole eligible (PE) dates.**~~

~~— (a) For inmates with a PE date, the Post Prison Transfer Board has discretionary transfer authority.~~

~~— (b) A board discretionary transfer hearing will be conducted for all inmates with a parole eligible (PE) date, unless the inmate waives the hearing in writing.~~

~~— (c) Board members will use the release decision criteria listed in 16 CAR § 20-210 as a basis for deciding whether to approve a transfer.~~

~~— **16 CAR § 20-206. Inmates determined to be a detriment to the community.**~~

~~— (a) The Post Prison Transfer Board may deny parole to any otherwise eligible inmate, regardless of the sentence that he or she is serving, if five (5) members of the board determine that the inmate upon release would be a detriment to the community upon release as defined in Arkansas Code § 16-93-101.~~

~~— (b) A board member recommending a denial under this section must provide a written justification that the inmate meets the definition of a detriment to the community.~~

~~— (c) The written justification shall be made a part of the inmate's parole hearing record.~~

~~— **16 CAR § 20-207. Foreign nationals.**~~

~~— (a) Parole consideration must be the same for foreign nationals.~~

~~— (b) Their status or inability to return to their home country must not affect a parole decision.~~

~~— (c) A foreign national may be paroled to their home country when:~~

~~— (1) Informal arrangements can be made for the transfer; and~~

~~— (2) The inmate consents.~~

~~— (d) The Post Prison Transfer Board shall consider the placement of post-release conditions on offenders released to their home country or an immigration detainer.~~



~~—(e) The condition or conditions will take effect upon their reentry to the United States.~~

~~**16 CAR § 20-208. Time computation.**~~

~~—Within ninety (90) days of incarceration, the Division of Correction will provide inmates who have a TE or PE date with a time card that will provide at a minimum the following information:~~

~~—(1) Sentence length;~~

~~—(2) Offense;~~

~~—(3) Minimum required time to be served before transfer/parole eligibility;~~

~~—(4) Jail time credit;~~

~~—(5) Class status; and~~

~~—(6) Release dates.~~

~~**16 CAR § 20-209. Notification of officials.**~~

~~—(a) The Post Prison Transfer Board will use Form 153 (Attachment 1: Law Enforcement Response) to solicit the written or oral recommendations of the sentencing court, the prosecuting attorney, and the sheriff of the county from which the inmate was committed.~~

~~—(b) At the time that a person is paroled or transferred by the Post Prison Transfer Board, the Division of Community Correction shall give written notice of the granting of the release or transfer to the sheriff, the judge, and the chief or chiefs of police of all cities of the first class of the county from which the person was sentenced.~~

~~—(c) If a person is released to a county other than that from which he or she was committed, the division, or its designee, shall give notice to the:~~

~~—(1) Chief of police or marshal of all cities to which he or she is released; and~~

~~—(2) Sheriff of the county to which he or she is released.~~

~~**16 CAR § 20-210. Consideration and release of victim impact statements.**~~



~~—(a)(1) Before determining whether to release an inmate on parole, the Post Prison Transfer Board shall permit the victim to present a written victim impact statement at a victim impact hearing conducted by one (1) or more members of the board concerning the:~~

~~—————(A) Effects of the crime;~~

~~—————(B) Circumstances surrounding the crime;~~

~~—————(C) Manner in which the crime was perpetrated; and~~

~~—————(D) Reason or reasons for the victim's opposition to the inmate's potential parole.~~

~~—————(2) The board shall ensure that notification of this right is provided to all victims registered with the Division of Correction.~~

~~—————(3) If the victim has expressed a documented desire to not be notified of future parole hearings, no notification will be made.~~

~~—————(4) For those wishing, and eligible, to attend a victim impact hearing, it is the responsibility of the victim to:~~

~~—————(A) Express their desire to attend a victim impact hearing; and~~

~~—————(B) Provide current contact information to the board or its designee.~~

~~——(b) At the discretion of the board, a victim impact hearing may be conducted through the video conference technology.~~

~~——(c)(1) The board shall consider impact statements written by the victim.~~

~~—————(2) These written statements may be in lieu of, or in addition to, an oral victim impact statement.~~

~~—————(3)(A) An impact statement written by the victim of a sex crime as defined by Arkansas Code § 16-90-1101 or the Sex Offender Registration Act of 1997, Arkansas Code § 12-12-901 et seq., is privileged.~~

~~—————(B) It shall not be disclosed, directly or indirectly, to any person other than a member of the board, its authorized agents, a court, or other person, excluding the inmate, entitled under state law or board policy to receive the statement.~~

~~——(d) The board or a court of competent jurisdiction may order the disclosure of an impact statement written by the victim of a sex offense when the board finds that the~~



~~interests of the inmate outweigh the privacy and safety interests of the victim or to enhance the accuracy of the board's determination.~~

~~——(e)(1) An inmate eligible to receive an impact statement written by their victim shall only receive it upon a written request.~~

~~——(2) The inmate's request shall be submitted to the institutional release officer assigned to their unit.~~

~~——(3) The institutional release officer will in turn submit the request to the Division of Community Correction's Public Information Office and the board for fulfillment.~~

~~——(4) The board, or the Public Information Office, shall redact the following information from an impact statement written by a victim prior to releasing the statement to the inmate:~~

~~——(A) Any information protected by federal or state privacy laws;~~

~~——(B) The address of:~~

~~——(i) A victim;~~

~~——(ii) Their parent;~~

~~——(iii) Their legal guardian; and/or~~

~~——(iv) Their next of kin; and~~

~~——(C) Any information that could reasonably be used to determine the location of:~~

~~——(i) A victim;~~

~~——(ii) Their parent;~~

~~——(iii) Their legal guardian; and/or~~

~~——(iv) Their next of kin.~~

~~——(f)(1) The board shall ensure that a victim is notified of the release of an impact statement written by them.~~

~~——(2) The notification shall consist of:~~

~~——(A) The inmate's name and Division of Correction number;~~

~~——(B) The date the statement was released; and~~

~~——(C) A copy of the released statement.~~



~~—(g) No other information related to a victim may be released by the board or an agent of the board unless required by federal and/or state law.~~

~~—(h) For the purposes of this section, "victim" means someone who is the victim of:~~

~~——(1) A sex offense as defined by the Sex Offender Registration Act of 1997, Arkansas Code § 12-12-901 et seq.;~~

~~——(2) A sex offense as defined by Arkansas Code § 16-90-1101;~~

~~——(3) An offense involving the use of a deadly weapon, terroristic threatening in the first degree, Arkansas Code § 5-13-301(a), and stalking, as defined in Arkansas Code § 5-71-229;~~

~~——(4) An offense against a victim who is a minor;~~

~~——(5) A violent offense as defined by Arkansas Code § 5-4-501(d)(2);~~

~~——(6) An offense subject to the discretionary transfer authority of the board; or~~

~~——(7) An offense committed by an inmate previously determined to be a detriment to the community in accordance with Arkansas Code § 16-93-101.~~

~~—(i) For the purposes of this section, "offense against a victim who is a minor" means:~~

~~——(1) Kidnapping pursuant to Arkansas Code § 5-11-102(a)(4) when the victim is a minor and the offender is not the parent of the victim;~~

~~——(2) False imprisonment in the first degree pursuant to Arkansas Code § 5-11-103 when the victim is a minor and the offender is not the parent of the victim;~~

~~——(3) Permanent detention or restraint pursuant to Arkansas Code § 5-11-106 when the victim is a minor and the offender is not the parent of the victim;~~

~~——(4) Any sex offense when the victim is a minor;~~

~~——(5) An attempt, solicitation, or conspiracy to commit any of the offenses listed above;~~

~~——(6) An adjudication of guilt for an offense of the law of another state, for a federal offense, or for a military offense that is substantially equivalent to any of the offenses listed above; or~~

~~——(7) A violation of any former law of this state that is substantially equivalent to any of the offenses listed above.~~



~~——(j) If a victim has requested notification, notice will be provided once the board's decision on the case has been finalized.~~

~~——**16 CAR § 20-211. Release hearing preparation and guidelines.**~~

~~——(a)(1) The Post Prison Transfer Board requires that an inmate receive written notice of parole or transfer hearings at least fourteen (14) days prior to the hearing.~~

~~——(2) An inmate will be notified by the IRO located at their unit through a personal interview.~~

~~——(3) The five (5) objectives of the interview are to:~~

~~——(A) Notify the inmate whose hearing is being scheduled to meet the board;~~

~~——(B)(i) Obtain the inmate's signature acknowledging either:~~

~~——(a) The Notice of Hearing form;~~

~~——(b) A waiver of the hearing; or~~

~~——(c) A deferral of consideration.~~

~~——(ii) The original of the form is to be given to the inmate and the pink copy filed in the inmate's state file.~~

~~——(iii) A new form is required each time an inmate is scheduled for a hearing;~~

~~——(C) Obtain detailed information regarding the inmate's release plans if parole is granted;~~

~~——(D) Provide the inmate with copies of Form 153 statements from sheriffs, judges, and prosecuting attorneys, if any; and~~

~~——(E) Answer any questions the inmate may have regarding parole.~~

~~——(b)(1) Approximately fourteen (14) days before the hearing the Institutional Release Services of the Division of Community Correction staff will prepare, update, and verify a parole file for each inmate being considered for parole.~~

~~——(2) If there is any question as to the accuracy of the information gathered, the staff should verify the accuracy.~~



~~—————(3) If the accuracy cannot be verified, the information will be annotated to state this fact.~~

~~—————(4) The parole file will contain:~~

~~—————(A) A voting worksheet for the board members;~~

~~—————(B) A synopsis of the inmate's state file;~~

~~—————(C) A field report submitted by a parole/probation officer;~~

~~—————(D) Required legal notices;~~

~~—————(E) The results of a validated risk/needs assessment;~~

~~—————(F) Victim notification information if required;~~

~~—————(G) Form 153 responses from sheriffs, judges, and prosecuting attorneys;~~

~~—————(H) Support and protest correspondence, if any; and~~

~~—————(I) Prior boot camp or parole violation warrants, reports, transcripts, and parole plan.~~

~~—————(5) The file is delivered to the board about one (1) week before interviews at the unit in order for board members to review prior to the hearing and to refer to the file during the hearing if necessary.~~

~~——(c)(1) The Institutional Release Services staff will give the inmate copies of Form 153 responses from sheriffs, judges, and prosecuting attorneys so that the inmate will have information on which the parole decision will be made.~~

~~—————(2) If an inmate has requested a victim statement, the request will be forwarded to the Division of Community Correction's Public Relations Office for processing.~~

~~—————(3) State law prohibits staff from releasing state criminal justice records to inmates.~~

~~—————(4) The Institutional Release Services staff should advise the inmate that:~~

~~—————(A) Additional confidential information may be considered by the board, such as witness statements; and~~

~~—————(B) The board will consider the inmate's:~~

~~—————(i) Work;~~

~~—————(ii) Education; and~~



~~—————(iii) Disciplinary records.~~

~~—————(5) When the board member uses confidential information (that has not been provided to the inmate) as a basis for a decision, the board member should advise the inmate that confidential information is being used as a basis for the decision.~~

~~————(d)(1) Inmates shall be allowed to select and identify persons to appear before the board in support of his or her potential release on parole.~~

~~—————(2) These persons should be chosen for their ability to provide information to the board relevant to the inmate's potential release.~~

~~—————(3) The persons chosen by the inmate must meet the attendance criteria established by the Division of Correction.~~

~~—————(4)(A) Victims who arrive at a unit to attend the inmate's hearing will not be admitted to the hearing.~~

~~—————(B) Under Arkansas law, the victim is entitled to a separate hearing with the board.~~

#### ~~———— **16 CAR § 20-212. Parole hearing designee.**~~

~~————(a)(1) The Post Prison Transfer Board may designate a parole revocation judge or investigator employed by the board to interview inmates for possible parole or transfer.~~

~~—————(2) A parole revocation judge or investigator designated to conduct a hearing may only prepare a summary of the hearing and make a nonbinding recommendation to the board.~~

~~————(b) The board may also secure the assistance of professionals (i.e., a mental health or a language interpreter) to enhance in their ability to conduct a hearing.~~

#### ~~———— **16 CAR § 20-213. Transfer decision criteria for TE and PE inmates.**~~

~~————(a) Release or discretionary transfer may be granted to an eligible person by the Post Prison Transfer Board when, in its opinion, there is a reasonable probability that the person can be released without detriment to the community or himself or herself.~~

~~————(b) In making its determination regarding an inmate's release or discretionary transfer, the board must consider the following factors:~~



~~—————(1) Institutional adjustment in general, including the nature of any disciplinary actions;~~

~~—————(2) When considered necessary, an examination and opinion by a psychiatrist or psychologist can be requested and considered;~~

~~—————(3) The record of previous criminal offenses (misdemeanors and felonies), the frequency of such offenses, and the nature thereof;~~

~~—————(4) Conduct in any previous release program, such as:~~

~~—————(A) Probation;~~

~~—————(B) Parole;~~

~~—————(C) Work release;~~

~~—————(D) Boot camp; or~~

~~—————(E) Alternative service;~~

~~—————(5) Recommendations made by the judge, prosecuting attorney, and sheriff of the county from which a person was sentenced, or other interested persons;~~

~~—————(6) The nature of the release plan, including the type of community surroundings in the area the person plans to live and work;~~

~~—————(7) The possibility that the inmate poses a detriment to the community they will be released in to;~~

~~—————(8) The results of a validated risk/needs assessment;~~

~~—————(9) The inmate's employment record;~~

~~—————(10) The inmate's susceptibility to drugs or alcohol;~~

~~—————(11) The inmate's basic good physical and mental health;~~

~~—————(12) The inmate's participation in institutional activities, such as:~~

~~—————(A) Educational programs;~~

~~—————(B) Rehabilitation programs;~~

~~—————(C) Work programs; and~~

~~—————(D) Leisure time activities; and~~

~~—————(13)(A) When there is a detainer, the board must pursue the basis of any such detainer and only release the inmate to a detainer where appropriate.~~



~~—————(B) A detainer must not be considered an automatic reason for denying parole.~~

~~—————**16 CAR § 20-214. Conducting a release hearing.**~~

~~—————(a)(1) All hearings will be conducted in privacy unless the inmate requests otherwise in accordance with applicable state law and Division of Correction policy.~~

~~—————(2) All deliberations shall be closed to the public in accordance with applicable state law.~~

~~—————(3) Individual case information will be kept confidential to the extent allowed by Arkansas Code § 16-93-202.~~

~~—————(4) Prior to the hearing, Post-Prison Transfer Board members must review information available about:~~

~~—————(A) The offender's prior history;~~

~~—————(B) The current situation;~~

~~—————(C) Events in the case since any previous hearing;~~

~~—————(D) The offender's future plans; and~~

~~—————(E) Relevant conditions in the community.~~

~~—————(5) The board member conducting the hearing is responsible for making a record of the major issues and findings in a summary of interview.~~

~~—————(b)(1) The Chair of the Post-Prison Transfer Board, in consultation with board staff and staff from the Division of Correction and Division of Community Correction, will decide if video conferencing will be used at a given hearing and who will participate by way of video conferencing.~~

~~—————(2) Video conferencing is an appropriate option in certain circumstances, including the following:~~

~~—————(A) To meet urgent deadlines;~~

~~—————(B) When severe weather conditions prevent the safe travel of board members; or~~

~~—————(C) When it would be the most effective and efficient use of manpower and budgetary resources.~~



~~—(c)(1) In advance of the hearing, the inmate will be notified their hearing may be conducted via video.~~

~~—(2) If it is apparent that participating in a hearing conducted via video will create an undue hardship due to a documented disability, the chair will make arrangements for certain accommodations and/or ensure that an inmate is seen in person.~~

~~—(d)(1) The specific date of an inmate's release will be set by the inmate's unit of assignment.~~

~~—(2) The unit's institutional release officer is the designated party for conveying that date to the inmate.~~

~~**—16 CAR § 20-215. Parole consideration of out-of-state inmates—  
Interstate Compact, Acts 1983, No. 700.**~~

~~—(a) The Post-Prison Transfer Board will transfer or consider for parole those eligible persons serving sentences outside the state in the following manner.~~

~~—(b) When an inmate confined in the prison system of another state or the federal system becomes eligible for transfer or parole in Arkansas, as indicated by a certified copy of a judgment and commitment order from a court of this state, the appropriate records office of the Division of Correction shall notify the Institutional Release Services office of the Division of Community Correction.~~

~~—(c) Before taking action on a transfer or parole request by an out-of-state inmate, the Institutional Release Services office will request, in writing, that the corresponding board or commission in the jurisdiction where the person is incarcerated, provide the following information:~~

~~—(1) For all cases, a validated risk assessment evaluation; and~~

~~—(2) For cases with a PE date, a recommendation and supporting documentation as to whether the person should be released.~~

~~—(d)(1) The board will use the information provided in lieu of the person's personal appearance before the board.~~



~~—————(2) The board will also consider information about the person and his or her crime provided by:~~

~~—————(A) Parole staff;~~

~~—————(B) Law enforcement agencies;~~

~~—————(C) The victim or victims or the victim's or victims' next of kin;~~

~~—————(D) Public officials;~~

~~—————(E) The person being considered; and~~

~~—————(F) Other interested persons.~~

~~———(e) All other provisions of Arkansas law pertaining to transfer and/or the granting or denying of parole to persons held by the state shall apply.~~

~~———**16 CAR § 20-216. Processing and transmitting release decisions.**~~

~~———(a)(1) The Institutional Release Services office of the Division of Community Correction is the designated entity for processing all Post-Prison Transfer Board decisions relating to:~~

~~—————(A) Parole/transfer (grant, denial, or deferral); and~~

~~—————(B) Executive clemency (a recommendation of with or without merit).~~

~~—————(2) The board will record all votes and verify the accuracy of all records.~~

~~———(3) Once Institutional Release Services has been notified that voting is complete, a copy of the decision will be made available to each institutional release officer (IRO) at the various Division of Correction and Division of Community Correction units.~~

~~—————(4) The decision of the board will then be given to the inmate in a manner consistent with unit policy.~~

~~—————(5) Refer to 16 CAR § 20-217, release decision summary, for additional information.~~

~~———(b)(1) It is the responsibility of the IRO to contact the appropriate unit staff if an inmate is required to complete any programs prior to release.~~

~~—————(2) The IRO is also responsible for any other action requested regarding the board's decision.~~



~~— **16 CAR § 20-217. Release decision summary.**~~

~~— (a)(1) A person considered by the Post-Prison Transfer Board for release will be advised in writing of the board's decision within twenty-one (21) days from the date of the hearing.~~

~~— (2) The notification will include the board's action and the most significant reason or reasons for that action.~~

~~— (3) The needs for safety and security within each unit prescribe that no information concerning the vote on the possible release of an inmate will be made until such date determined by the board following the ratification of voting held at a regularly scheduled meeting of the board.~~

~~— (b) When used, interview worksheets shall be made available upon request following the release of the board's decision.~~

~~— **16 CAR § 20-218. Release of an inmate with an incurable illness, who is permanently incapacitated, or who is eligible for hospice care.**~~

~~— (a) When, in the independent opinions of a physician employed or contracted by the Division of Correction or Division of Community Correction and a consultant physician from the state at large, an inmate, who is not serving a sentence of life or life without parole, has an incurable illness that, on the average, will result in death within twenty-four (24) months, is permanently incapacitated, or would be a suitable candidate for hospice care, the Director of the Division of Correction or the Director of the Division of Community Correction shall make these facts known to the Post-Prison Transfer Board.~~

~~— (b)(1) The board shall request all such information that is germane to determining an inmate's suitability for parole supervision.~~

~~— (2) If the facts warrant and the inmate's physical condition no longer makes them a threat to public safety, the board may approve the inmate for immediate transfer to parole supervision.~~

~~— (c) An inmate is not eligible for parole under Arkansas Code § 12-29-404 if:~~



~~—————(1) The inmate is required to register as a sex offender under the Sex Offender Registration Act of 1997, Arkansas Code § 12-12-901 et seq., and has been assessed as a Level Three or Level Four for community notification; or~~

~~—————(2) A victim of one (1) or more of the inmate's sex offenses was fourteen (14) years of age or younger.~~

~~————(d)(1) The board may revoke an inmate's parole supervision granted under this section if, after notification, it is determined that the offender's medical condition improves to the point that they would initially not have been eligible under Arkansas Code § 16-93-708 or § 12-29-404.~~

~~—————(2) Revocation proceedings for an offender released under this section shall follow all legal requirements applicable to parole and shall be subject to any additional policies and rules set by the board.~~

~~———— **16 CAR § 20-219. Modified release guidelines for short-term offenders.**~~

~~————(a) Arkansas Code § 16-93-710 authorizes the Post-Prison Transfer Board to set modified hearing guidelines for offenders who:~~

~~—————(1) Have a sentence of two (2) years or less; and~~

~~—————(2) Become transfer eligible while in the county jail.~~

~~————(b)(1) Upon notification of an offender's eligibility by the Division of Correction, the Division of Community Correction shall immediately:~~

~~—————(A) Make all necessary notifications to law enforcement officials and victims (see 16 CAR § 20-209);~~

~~—————(B) Schedule the offender for a hearing; and~~

~~—————(C) Assemble the hearing file for the board's review.~~

~~—————(2) The Division of Correction shall expedite the intake of eligible offenders.~~

~~————(c)(1) The board shall consider the file as a screening.~~

~~—————(2) All other standard hearing processes shall be followed.~~

~~————(d)(1) At the discretion of the board, eligible offenders may be paroled directly from the County Jail Back-up List.~~



~~—————(2) If an offender is to be released directly from the County Jail Back-up List, their file must be reviewed by the board no later than six (6) months prior to their eligibility date.~~

~~—————(3) The board shall work collectively with both the Division of Correction and the Division of Community Correction to develop guidelines for these offenders.~~

~~———(c)(1) Any offender convicted under Arkansas Code § 5-4-501(c)(2) or of a Class Y felony shall be ineligible for release under this option.~~

~~—————(2) As determined by the county sheriff, an offender who has committed a violent or sexual act while incarcerated in a county jail facility shall be ineligible for release under this option.~~

~~———(f)(1) For offenders with a sentence greater than two (2) years, the board shall establish procedures sufficient to mitigate the risk of those offenders becoming transfer eligible while in the county jail.~~

~~—————(2) The Chair of the Post-Prison Transfer Board shall designate an employee of the board to regularly review the Division of Correction's County Jail Back-up List and compile the names of offenders whose intake needs to be expedited by the Division of Correction.~~

~~—————(3) This compiled list shall consist of those individuals who are within six (6) months of becoming transfer eligible but may be expanded in scope as the need arises.~~

~~—————(4) This list shall contain at a minimum the names, Division of Correction number, and county where these offenders are being held.~~

~~—————(5) Once this list is certified by the chair of the board or their designee, it shall be transmitted to the Division of Correction and they shall in turn schedule these offenders for intake.~~

~~———(g)(1) Once these individuals are brought in to the Division of Correction, the Division of Correction shall notify Institutional Release Services of the Division of Community Correction of their intake.~~

~~—————(2) The Division of Community Correction shall immediately begin the process of scheduling these offenders for the next upcoming board.~~



~~—————(3) Offenders with nondiscretionary convictions and those without an active conviction for a sexual offense shall be transmitted to the board as a screening.~~

~~—————(4) Offenders whose conviction is discretionary and those who have an active conviction for a sexual offense shall be scheduled for a hearing.~~

~~—————(5) Offenders convicted of failure to register on a discharged registerable offense shall be scheduled for a screening.~~

~~—————**16 CAR § 20-220. Electronic monitoring of offenders.**~~

~~—————(a)(1) Based on the preestablished criteria in Arkansas Code § 16-93-711, the Director of the Division of Correction or Director of the Division of Community Correction will request the Post Prison Transfer Board consider the release of certain inmates to electronic monitoring after they have served one hundred twenty (120) days of their sentence.~~

~~—————(2) The board will consider these offenders under the normal guidelines that apply to the screening process.~~

~~—————(b) Inmates released under this section shall remain on electronic monitoring for at least ninety (90) days or until their transfer eligibility date, whichever is sooner.~~

~~—————**16 CAR § 20-221. Early release programs for offenders to transitional housing facilities — Acts 2005, No. 679.**~~

~~—————(a)(1) Offenders held in the Division of Correction, other than those excluded below, shall be eligible for early release to a transitional housing facility, or an equivalent entity, licensed by the Division of Community Correction up to one (1) year prior to the offender's date of eligibility for parole or transfer.~~

~~—————(2) An offender's home or the residence of an offender's family member shall not be considered a transitional housing facility for the purposes of this program.~~

~~—————(b) Offenders released under this program must reside at an approved transitional housing facility until they reach their parole or transfer eligibility date.~~

~~—————(c)(1) It is determined that there is a reasonable probability that an offender within one (1) or more of the following categories cannot be placed in a transitional housing~~



~~facility under the provisions of this program without posing a detriment to the community or themselves.~~

~~—————(2) Therefore an offender is ineligible for this program if they have:~~

~~—————(A) Failed to maintain Class I or II status at the time of application or between the time of their hearing and release to the transitional housing facility;~~

~~—————(B)(i) Served less than six (6) months in the Division of Correction.~~

~~—————(ii) Time served in the county jail shall not be counted toward program eligibility;~~

~~—————(C) An active conviction for a felony involving violence, as defined under Arkansas Code § 5-4-501(d)(2);~~

~~—————(D) Ever been convicted of any offense requiring registration under Arkansas Code § 12-12-903 (Sex Offender Registration Act of 1997, Arkansas Code § 12-12-901 et seq.);~~

~~—————(E) An active conviction for, or documented criminal history of, any offense determined by the Post-Prison Transfer Board to, by its nature or definition, involve:~~

~~—————(i) Violence;~~

~~—————(ii) The threat of violence;~~

~~—————(iii) The potential threat of violence; or~~

~~—————(iv) The disregard for the safety of the lives of others;~~

~~—————(F) Ever received a disciplinary while incarcerated or conviction (Arkansas Code §§ 5-54-110—5-54-112) for behavior related to an escape or an attempted escape from the Division of Correction, Division of Community Correction, or another law enforcement agency; or~~

~~—————(G) An active detainer or felony warrant lodged against them by another law enforcement agency or jurisdiction.~~

~~———(d)(1) The board may, upon request by the Director of the Division of Community Correction or their designee, consider granting a waiver to an offender otherwise excluded by the program's eligibility rules.~~

~~—————(2) The request shall be based at minimum on the following factors:~~

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~~—————(A) The results of a validated risk needs assessment;~~

~~—————(B) The recommendation of field supervision staff, staff trained in area of offender reentry, and/or institutional or community-based treatment professionals; and~~

~~—————(C) The belief of the Director of the Division of Community Correction, or their designee, that placement in a transitional housing facility will not pose a detriment to the community or the offender.~~

~~——(e)(1) Prior to implementation of the above process, the Director of the Division of Community Correction shall provide the board with an outline of the procedures that will be utilized in making this determination.~~

~~————(2) The board shall, in an open meeting, adopt said procedures prior to their implementation.~~

~~————(3) The same process of notification and adoption shall be utilized for any subsequent changes in any procedure previously adopted by the board.~~

~~——(f)(1) Eligible offenders shall submit a written request to the board for consideration under this program through their unit institutional release officer (IRO).~~

~~————(2) The request shall at minimum be accompanied by confirmation that the offender has been accepted as a resident of a licensed transitional housing facility upon release.~~

~~————(3) Once a request has been received and the offender's eligibility has been determined, the offender shall be scheduled for an Acts 2005, No. 679, hearing before the board.~~

~~————(4) Offenders granted a waiver by the board based upon the request of the Director of the Division of Community Correction, or their designee, shall be scheduled once the unit IRO is notified of the decision by the Chair of the Post-Prison Transfer Board or their designee.~~

~~————(5) Hearings scheduled under this program shall follow the distribution of all applicable notices under Arkansas Code § 16-93-615 and all applicable policies established by the board pertaining to a parole/transfer hearing and by the Division of Community Correction pertaining to parole plan approval.~~



~~—(g)(1) Inmates released under this program shall be supervised by officers of the Division of Community Correction under the guidelines of the Acts 2005, No. 679, conditions of release established by the board (see the attachments of this part).~~

~~—(2) The conditions must be based on a reasoned, rational plan developed in conjunction with validated risk needs assessment and include, at minimum, a curfew requiring an offender placed in a transitional housing facility under this program to present themselves at a scheduled time to be confined in the transitional housing facility.~~

~~—(3) Prior to release, the Division of Community Correction shall require offenders to sign a statement acknowledging their:~~

~~—(A) Receipt and understanding of the Acts 2005, No. 679, conditions of release;~~

~~—(B) Receipt and understanding of, and willingness to adhere to, facility rules; and~~

~~—(C) Parole or transfer eligibility date.~~

~~—(h)(1) An offender who without permission leaves the custody of the transitional housing facility in which he or she is placed, prior to their parole or transfer eligibility date, may be subject to criminal prosecution for escape, Arkansas Code §§ 5-54-110—5-54-112.~~

~~—(2) Facilities receiving an offender released under this program shall be provided with information by the Division of Community Correction on reporting an offender who without permission leaves the custody of the facility prior to their eligibility date.~~

~~—(i) Revocation of placement in transitional housing must follow the revocation proceedings established in Arkansas Code § 16-93-705.~~

~~**—16 CAR § 20-222. Consideration of Acts 2015, No. 146, reentry program participants.**~~

~~—(a) In accordance with Arkansas Code § 12-27-127, the Post Prison Transfer Board may release from incarceration an inmate who has been:~~



~~———(1) Administratively transferred from the Division of Correction to the Division of Community Correction for the purpose of participating in a reentry program administered by the Division of Community Correction of at least six (6) months in length; and~~

~~———(2) Determined by the Division of Community Correction to have successfully completed its program.~~

~~——(b) At the request of the Division of Community Correction, the board may screen inmates prior to their administrative transfer from the Division of Correction in order to provide nonbinding guidance on their suitability for reentry programming.~~

~~——(c)(1) Sixty (60) days before their projected program completion date, an inmate participating in a reentry program administered by the Division of Community Correction shall be scheduled for a release screening.~~

~~———(2) In order for the board to determine the character of the inmate being considered for release, the scheduling of release screening shall be accompanied by a notice from the Institutional Release Services of the Division of Community Correction to the sentencing court, the prosecuting attorney, and the sheriff of the county from which the inmate was committed.~~

~~———(3) The notice shall solicit their oral or written recommendation relating to the inmate's potential release.~~

~~———(4) The scheduling of a release screening shall also be accompanied by the notification from Institutional Release Services to any registered victims, the victim's parent or legal guardian, or the victim's next of kin regarding the inmate's potential release and their right to provide a written or oral statement to the board in accordance with applicable state law and board policy.~~

~~——(d) When conducting a release screening for an inmate participating in a reentry program administered by the Division of Community Correction, the board shall only have the following options:~~

~~———(1) Order the inmate's release to community supervision upon program completion; or~~

~~———(2) Deny the inmate's release to community supervision.~~



~~—(e)(1) An inmate whose release is granted subject to program completion who then fails to complete the program shall have their release rescinded.~~

~~—(2) If the inmate's release is rescinded or denied, he or she shall be:~~

~~—(A) Administratively transferred back to the Division of Correction; and~~

~~—(B) Eligible to be considered by the board six (6) months prior to their PE/TE date.~~

~~—(f) A decision to deny or rescind the inmate's release to community supervision shall not be made public until the inmate has been returned to a secure facility administered or contracted by the Division of Correction.~~

#### ~~—16 CAR § 20-223. Discharge planning.~~

~~—(a) The Post-Prison Transfer Board shall engage in a coordinated program of discharge planning to ensure the effective and efficient reentry of inmates into society.~~

~~—(b) At least one hundred twenty (120) days before an inmate's anticipated release date, the board shall work with the Division of Correction and the Division of Community Correction to complete a prerelease assessment and reentry plan.~~

~~—(c) The Chair of the Post-Prison Transfer Board shall designate one (1) or more members of the board or support staff to monitor this process and ensure that all stipulated programs and conditions of release are made a part of the reentry plan.~~

#### ~~—16 CAR § 20-224. Supervision of parolees.~~

~~—(a)(1) Supervision of parolees is done on behalf of the Post-Prison Transfer Board by the Division of Community Correction.~~

~~—(2) In consultation with the board, the division is authorized to establish written policies and procedures for the supervision of parolees.~~

~~—(3) The supervision of parolees shall be based on evidence-based practices including a validated risk/needs assessment.~~

~~—(4) Decisions shall target the parolee's criminal risk factors with appropriate supervision and treatment designed to reduce the likelihood to reoffend.~~



~~—————(5) Further guidance for parole supervision can be found in Arkansas Code § 16-93-712.~~

~~—————(b)(1) Every parolee, while on release, shall be subject to the orders of the board.~~

~~—————(2) Failure to abide by any of the conditions as instructed may result in revocation of his or her conditional release.~~

~~—————(c)(1) Every inmate receives a written copy of his or her supervision conditions from the parole/probation officer and signs that they understand their release conditions.~~

~~—————(2) A parole/probation officer may request that a supervision condition be amended or removed entirely.~~

~~—————(3) All requests for the amending or removal of a condition must be made in writing to the board.~~

~~—————(4) Any request for exemption of a special condition must be approved by the board.~~

~~—————(d)(1) At any time during a parolee's conditional release, the board may issue a:~~

~~—————(A) Warrant for the arrest of the parolee for violation of any conditions of release; or~~

~~—————(B) Notice to appear to answer a charge of a violation.~~

~~—————(2) The board will not issue a notice to appear without an accompanying warrant.~~

~~—————(3) The warrant and notice shall be served personally upon the parolee.~~

~~—————(4) The warrant shall authorize all officers named therein to place the parolee in custody at any suitable detention facility pending a hearing.~~

~~—————(e)(1) Any division officer may arrest a parolee without a warrant or may deputize any officer with power of arrest to do so by giving the officer a written statement or white warrant setting forth that the parolee, in the judgment of the division officer, violated conditions of the parolee's release.~~

~~—————(2) The written statement or white warrant delivered with the parolee by the arresting officer to the official in charge of the detention facility to which the parolee is brought shall be sufficient warrant for detaining the parolee pending disposition.~~



~~— **16 CAR § 20-225. Appeal of board decision.**~~

~~— (a)(1) An inmate or his or her attorney may request reconsideration of any parole decision of the Post Prison Transfer Board within sixty (60) days of the official vote of the board.~~

~~— (2) The request must be made in writing.~~

~~— (b)(1) Requests for reconsideration may be submitted through the unit's IRO or to the board.~~

~~— (2) Only one (1) reconsideration request will be considered by the board per decision.~~

~~— (c) A request for reconsideration shall only be granted following the affirmative vote of no less than five (5) members of the board.~~

**Subpart 3. [repealed]**

**Subpart 4. Executive Clemency**

~~— **16 CAR § 20-401. Executive clemency.**~~

~~— Please see the Post Prison Transfer Board's Executive Clemency rule, 16 CAR pt. 21, hereby incorporated by reference herein and made a part hereof for all purposes as if fully set forth herein, effective upon adoption.~~

**Subpart 5. Board Management and Administration**

~~— **16 CAR § 20-501. Committees of the board.**~~

~~— (a)(1) In order to ensure effective oversight of agency operations, the Chair of the Post Prison Transfer Board may establish certain committees composed of members of the Post Prison Transfer Board, which shall monitor operational areas and/or address certain issues.~~



~~—————(2) Members of the board's support staff may be invited to provide information at the request of a committee.~~

~~—————(3) However, only members of the board shall have the ability to vote in a committee meeting.~~

~~———(b)(1) Committees of the board shall be designated as either "standing" or "special".~~

~~—————(2) The formation, scope, and membership of standing committees are established by the provisions of this part and may only be altered following the policy revision process outlined in 16 CAR § 20-502.~~

~~—————(3) The Chair of the Post Prison Transfer Board may refer issues to a standing committee not specially listed in its mission and/or scope but that are related to its subject matter.~~

~~—————(4) Appointments to standing committees shall occur during the same February meeting as the election of the vice chair and secretary.~~

~~—————(5) Special committees may be established at the discretion of the Chair of the Post Prison Transfer Board.~~

~~—————(6) The scope, duration, and membership of special committees shall be limited by the discretion of the Chair of the Post Prison Transfer Board.~~

~~———(c) The following are standing committees of the board:~~

~~—————(1) **Fiscal Committee.**~~

~~—————(A) This committee is responsible for:~~

~~—————(i) Monitoring the fiscal activities of the board; and~~

~~—————(ii) Ensuring that appropriate fiscal controls are in place.~~

~~—————(B) It is also responsible for making policy recommendations to the Chair of the Post Prison Transfer Board regarding:~~

~~—————(i) Budget;~~

~~—————(ii) Procurement;~~

~~—————(iii) Inventory control; and~~

~~—————(iv) Other related functions.~~



~~—————(C) Three (3) working days prior to the last board meeting in a calendar month, the board's fiscal officer, or another designated employee, shall file with the Chair of the Post Prison Transfer Board and Chair of the Fiscal Committee a report detailing the previous month's expenditures.~~

~~—————(D) That same report shall be presented at the upcoming board meeting.~~

~~—————(E) The report shall contain expenditures by general ledger code and provide the remaining fund balances at the end of the reporting period.~~

~~—————(F) The Chair of the Post Prison Transfer Board may also direct the Fiscal Committee to review budget requests prior to submission for executive and legislative approval.~~

~~—————(G)(i) Membership of the Fiscal Committee shall consist of no less than (3) three board members but no more than four (4) board members appointed by the Chair of the Post Prison Transfer Board.~~

~~—————(ii) One (1) of the members must be the vice chair of the board, who shall chair the Fiscal Committee; and~~

~~—————(2) **Personnel Committee.**~~

~~—————(A) This committee is responsible for reviewing and recommending changes to agency personnel policies to include but not be limited to changes in the board's employee manual and applicable administrative directives.~~

~~—————(B) The Chair of the Personnel Committee is responsible for coordinating an annual review of the employee manual and reporting the findings of that review to the Chair of the Post Prison Transfer Board.~~

~~—————(C) This committee may review applicants for vacant positions within the agency and make hiring/promotion recommendations to the Chair of the Post Prison Transfer Board.~~

~~—————(D) The Chair of the Post Prison Transfer Board may also direct the Personnel Committee to review personnel requests prior to submission for executive and legislative approval.~~



~~—————(E)(i) Membership of the Personnel Committee shall consist of no less than three (3) board members but no more than four (4) board members appointed by the Chair of the Post-Prison Transfer Board.~~

~~—————(ii) One (1) of the members must be the secretary of the board, who shall chair the Personnel Committee.~~

~~————(d)(1) The Chair of the Post-Prison Transfer Board may submit budget and personnel requests to the full board for review and approval prior to submission for executive and legislative approval, without first referring them to a committee.~~

~~————(2) However, nothing in this part, or a related policy, shall be interpreted to limit the ability of the Chair of the Post-Prison Transfer Board to submit budget and personnel requests for executive and legislative approval without the review and approval of the full board.~~

~~————(e)(1) All committees shall meet at the call of:~~

~~—————(A) The committee chair;~~

~~—————(B) The Chair of the Post-Prison Transfer Board; or~~

~~—————(C) A majority of the committee's membership.~~

~~————(2) Committee chairs are required to provide adequate notice to the Administrative Services Section of their committee's meeting schedule to allow for the required public notification.~~

~~————(3) Committee chairs are also responsible for filing a written summary of their meetings with the Administrative Services Section.~~

~~————(4) No committee action shall be considered final until it has been ratified by the Chair of the Post-Prison Transfer Board or full board in accordance with applicable state law and board policy.~~

~~————(f) The Chair of the Post-Prison Transfer Board shall serve as an ex officio member on all committees.~~

#### ~~———— **16 CAR § 20-502. Policy Manual availability and review.**~~

~~————(a) The Chair of the Post-Prison Transfer Board shall:~~



~~—————(1) Ensure that the Division of Correction and Division of Community Correction make this part readily available to:~~

~~—————(A) Inmates;~~

~~—————(B) Residents; and~~

~~—————(C) Parolees;~~

~~—————(2) Ensure that this part is readily available online to members and staff of the board, in addition to members of the general public;~~

~~—————(3) Initiate an annual review of this part, and all other board policies, by the full board and ensure that revisions and updates are undertaken when necessary; and~~

~~—————(4) Designate a single member of the board's support staff to maintain this part.~~

~~——(b)(1) Revisions to this part must receive the affirmative vote of no less than five (5) members of the board.~~

~~—————(2) Revisions shall not take effect until they have been through the review and approval process as prescribed by executive order and in state law.~~

#### ~~—— **16 CAR § 20-503. Access to persons and records.**~~

~~—— All Division of Correction and Division of Community Correction officials have a legal duty to:~~

~~—————(1) Grant to Post-Prison Transfer Board members, and properly accredited board representatives, access at all reasonable times to any person over whom the board has jurisdiction;~~

~~—————(2) Provide facilities for communicating with and observing such persons;~~

~~—————(3) Furnish the board such reports as the board shall require concerning the conduct and character of any person in the custody of the Division of Correction or Division of Community Correction; and~~

~~—————(4) Provide any information deemed pertinent by the board in determining whether a person shall be released.~~

#### ~~—— **16 CAR § 20-504. Legal assistance.**~~



~~—(a) Post Prison Transfer Board members may seek legal advice from the Division of Community Correction staff attorney or an assigned attorney at the Attorney General's office.~~

~~—(b) The Attorney General will represent the board when required.~~

~~— **16 CAR § 20-505. Inspection of records.**~~

~~—(a) **General instructions.** No member of the Post Prison Transfer Board or its support staff shall release information to inmates, members of the media, or the public unless authorized:~~

~~—(1) In this part; or~~

~~—(2) In writing by the Chair of the Post Prison Transfer Board or the designee of the chair.~~

~~—(b) **Inspection of parole and executive clemency files.**~~

~~—(1) Pursuant to the provisions of Arkansas Code § 16-93-202, the following portions of parole and clemency files will be provided by the chair or the designee of the chair for inspection upon request by a person having a proper interest therein and whenever the interests or welfare of the person involved make inspection desirable or helpful:~~

~~—(A) Form 153 law enforcement response forms;~~

~~—(B) Executive clemency (commutation and pardon) applications; and~~

~~—(C) Vote worksheets.~~

~~—(2) The release of any other information not restricted by law requires the expressed permission of the chair.~~

~~—(3) The chair or their designee may release any information to researchers and others involved in monitoring or studying the criminal justice system not restricted by law.~~

~~—(c) **Online inspection of records.**~~

~~—(1) To the extent permitted by federal law, the board shall cause to be posted on its website the following information concerning an inmate who is being considered for parole no less than six (6) months before his or her PE/TE date, or the date the~~



~~board or its designee determines eligibility for parole or transfer if the inmate is past their PE/TE date:~~

- ~~\_\_\_\_\_ (A) The inmate's name;~~
- ~~\_\_\_\_\_ (B) The inmate's Division of Correction identification number;~~
- ~~\_\_\_\_\_ (C) The inmate's projected hearing date;~~
- ~~\_\_\_\_\_ (D) The number of previous parole and/or probation revocations;~~
- ~~\_\_\_\_\_ (E) The most current photograph of the inmate provided by the Division of Correction or Division of Community Correction; and~~
- ~~\_\_\_\_\_ (F) A link to the inmate's demographic profile as required by Arkansas Code § 12-27-144.~~

~~\_\_\_\_\_ (2) The board shall ensure that the information posted is constantly updated and also instruct the victim of a crime, the victim's parent or legal guardian, or the victim's next of kin on how to contact the board and provide information on the inmate.~~

~~\_\_\_\_\_ (3) The information posted shall remain available online until the inmate's parole has been either granted or denied.~~

~~\_\_\_\_\_ (d) **Legislative inspection records.**~~

~~\_\_\_\_\_ (1) Pursuant to the provisions of Arkansas Code § 16-93-202(e), the board shall ensure that an employee assigned to one (1) or more of the following legislative committees has access to view all classification, disciplinary, demographic, and parole hearing records of a current or former inmate or parolee who is currently or was formerly granted parole by the board:~~

- ~~\_\_\_\_\_ (A) Senate Committee on Judiciary;~~
- ~~\_\_\_\_\_ (B) House Committee on Judiciary; or~~
- ~~\_\_\_\_\_ (C) The Charitable, Penal and Correctional Institutions Subcommittee of the Legislative Council.~~

~~\_\_\_\_\_ (2) Access shall be granted to the authorized employees through the state's electronic offender management information system (eOMIS).~~

~~\_\_\_\_\_ (3) Upon granting access, the board shall provide the employee with a statement that at minimum includes the following language:~~



~~— "You have been provided access to the State's electronic  
— offender management information system (eOMIS) for the  
— sole purpose of allowing a member of the General Assembly  
— or an employee of the House of Representatives, Senate, or  
— the Bureau of Legislative Research acting on the member's  
— behalf to view all classification, disciplinary, demographic,  
— and parole hearing records of a current or former inmate or  
— parolee is currently or was formally granted parole by the Board.  
— Unauthorized access or disclosure of data may result in  
— immediate denial of access.~~

~~— Any record requested to be viewed is privileged and confidential  
— and shall not be shown to any person not authorized to have  
— access to the record and shall not be used for any political  
— purpose including without limitation to political advertising,  
— fundraising, or campaigning."~~

~~— **16 CAR § 20-506. Expunging records — Acts 1975, No. 378, participants.**~~

~~— A person sentenced to the Division of Correction under Acts 1975, No. 378, as  
amended (Arkansas Code § 16-93-501 et seq. [repealed]), shall receive an  
expungement of his or her records by the following process:~~

~~— (1)(A) After the person discharges the entire sentence imposed by the court, a  
report will be submitted by the Division of Correction to the Chair of the Post-Prison  
Transfer Board.~~

~~— (B) After reviewing the information, the chair shall approve an  
expungement, if required by law;~~

~~— (2) Upon approval, the chair or their designee shall complete a Certificate of  
Expungement, which shall be forwarded to the person by the division's staff; and~~



~~—————(3)(A) The division’s staff will notify all pertinent law enforcement agencies and the circuit clerk’s office or circuit clerks’ offices that the person’s record has been expunged.~~

~~—————(B) The record will then be sealed and sequestered, to be made available only to law enforcement or judicial officials.~~

~~—————**16 CAR § 20-507. Participation of parolee in law enforcement undercover operations.**~~

~~—————(a) The Post Prison Transfer Board will not authorize a parolee to participate in any law enforcement undercover operation.~~

~~—————(b) However, the Director of the Division of Community Correction may authorize parolee participation in undercover investigations in a manner consistent with division policy.~~

~~—————**16 CAR § 20-508. Additional information about related activities accomplished by other agencies.**~~

~~—————(a) In addition to related tasks described elsewhere in this part, other agencies accomplish the following tasks in support of the Post Prison Transfer Board’s mission.~~

~~—————(b) The agency to which an offender is committed (Division of Correction or Division of Community Correction) will promptly inform every registered victim and next of kin of the offender’s estimated date of release from incarceration, as well as each of the following events:~~

~~—————(1) An escape from a correctional facility or community program;~~

~~—————(2) A recapture;~~

~~—————(3) A decision of the Governor to grant clemency;~~

~~—————(4) A release from incarceration and any conditions attached to the release;~~  
~~and~~

~~—————(5) The offender’s death.~~

~~—————**16 CAR § 20-509. Facilities and equipment.**~~

**DRAFT**



~~—The Chair of the Post Prison Transfer Board will ensure staff has adequate equipment and space with appropriate privacy as necessary for the effective and efficient processing of business.~~

~~—**16 CAR § 20-510. Planning, goals, objectives, and program coordination.**~~

~~—(a) The Chair of the Post Prison Transfer Board must accomplish the following:~~

~~———(1) Participate in Board of Corrections meetings to facilitate planning;~~

~~———(2) Meet at least annually with the Division of Correction and Division of Community Correction directors, and as necessary with the Arkansas Sentencing Commission to coordinate programs and facilitate joint statewide planning;~~

~~———(3) Meet at least semiannually with the director or directors of institutions from which parole is granted;~~

~~———(4) Ensure the Post Prison Transfer Board has written long-range goals and related objectives and that these are:~~

~~———(A) Reviewed;~~

~~———(B) Updated as needed; and~~

~~———(C) Evaluated for progress; and~~

~~———(5) Maintain regular liaison with appropriate legislative committees, during at least each regular session of the General Assembly, for the purposes of offering advice and opinions on appropriate legislative matters.~~

~~—(b) The chair or designee will meet at least annually with the administrative staff of the parole investigation and supervision agency to:~~

~~———(1) Ensure a means exists for coordinating efforts;~~

~~———(2) Undertake joint planning; and~~

~~———(3) Agree on means of implementing and evaluating such plans.~~

~~—(c) The chair or designee will meet at least annually with representatives of relevant criminal justice agencies, police, prosecution, and courts to:~~

~~———(1) Develop a means of coordinating programs;~~

~~———(2) Undertake joint planning; and~~

~~———(3) Agree on means of implementing and evaluating such plans.~~



~~—(d)(1) Each Post-Prison Transfer Board member will visit one (1) or more institutions and a representative sample of community facilities at least annually, specifically for the purpose of meeting with staff and inmates/residents to exchange information about:~~

~~—(A) Programs;~~

~~—(B) Institutional operations; and~~

~~—(C) Parole policies and procedures.~~

~~—(2) The chair, as the chief administrative officer of the Post-Prison Transfer Board, is exempted from this requirement.~~

~~—(3) Minutes or notes from such visits must be provided to the Accreditation Coordinator.~~

~~—(e) Post-Prison Transfer Board members and parole revocation judges must initiate ongoing interaction with the parole/probation services staff through such means as:~~

~~—(1) Conferences;~~

~~—(2) Seminars;~~

~~—(3) Training sessions; and~~

~~—(4) Visits to field offices.~~

#### ~~—16 CAR § 20-511. Financial processes and controls.~~

~~—(a) The Post-Prison Transfer Board must have a budget system that links continuing basis agency functions and activities to the costs necessary for their support.~~

~~—(b) There must be a clearly defined budget that provides for personnel, operating, and travel costs sufficient for the operation of the board.~~

~~—(c) The Chair of the Post-Prison Transfer Board must ensure the budgetary process includes:~~

~~—(1) Financial controls; and~~

~~—(2) Monitoring of expenses.~~

~~—(d) The chair must:~~

~~—(1) Ensure a detailed budget request is submitted; and~~

~~—(2) Participate in the legislative budget allocation process.~~



~~—(e) Pursuant to Arkansas Code § 16-93-201 the chair may permit the board to review and approve budget and personnel requests prior to submission for executive and legislative approval.~~

~~— **16 CAR § 20-512. Additional chair duties:**~~

~~—The Chair of the Post-Prison Transfer Board has the following additional administrative responsibilities:~~

~~—(1) Exercise general supervisory authority over the members and staff to include:~~

~~—(A) Organizing, controlling, and tracking the work of the Post-Prison Transfer Board's support staff;~~

~~—(B) Establishing and regulating board member work schedules and job assignments; and~~

~~—(C) Notifying the Governor that a member of the board has been derelict in his or her duties or no longer meets the eligibility requirements to serve on the board and providing written notice of the notification to the affected member;~~

~~—(2) Chair and approve agenda items for board meetings; and~~

~~—(3) Serve as the official spokesperson for the board, or appoint a designee to serve as a spokesperson, as long as the chair ensures that the designee fully understands the board's policies and positions on matters of public interest.~~

~~— **16 CAR § 20-513. Personnel and staffing guidelines:**~~

~~—(a)(1) The Chair of the Post-Prison Transfer Board will from time to time assess the staffing mix to determine it reasonably matches the local population in terms of racial mix, thereby meeting or exceeding the intent of the affirmative action program.~~

~~—(2) When necessary, deficiencies will be documented and an affirmative action plan will be put in place.~~

~~—(3) Pay rates will also be assessed to ensure they compare favorably with comparable positions in the community.~~



~~—(b)(1) Parole revocation judges must have a minimum of a juris doctorate unless there is documented justification of experience that can be reasonably substituted.~~

~~—(2) At least two thirds (2/3) of the parole revocation judges must have at least three (3) or more years' experience in a criminal justice or juvenile justice profession, or equivalent experience in a relevant profession.~~

#### ~~—16 CAR § 20-514. Data collection, research, analysis, and reports.~~

~~—(a)(1) The Post Prison Transfer Board will gather data throughout the year from such sources as eOMIS.~~

~~—(2) At least annually the Post Prison Transfer Board will review and analyze the parole decision-making, statistical, and research data.~~

~~—(b) Consistent with confidentiality requirements, the Chair of the Post Prison Transfer Board or his or her designee will collaborate with criminal justice and human service agencies on programs of information gathering, exchange, and standardization, including national data collection efforts.~~

~~—(c) Post Prison Transfer Board and staff members and external research professionals are encouraged to conduct research.~~

~~—(d) Post Prison Transfer Board members and designated staff will work with researchers in deciding:~~

~~—(1) Which questions should be addressed;~~

~~—(2) Which data should be gathered; and~~

~~—(3) How data should be presented.~~

~~—(e)(1) The Chair of the Post Prison Transfer Board must review and approve all research study plans before implementation.~~

~~—(2) This review should ensure the privacy interests of offenders and other parties for the cases under study are protected.~~

~~—(f) The Chair of the Post Prison Transfer Board and others involved in parole decision-making will use statistical and research data among other factors in making decisions and policy development.~~



~~—(g) The Post Prison Transfer Board and staff will use the eOMIS as a key element in their research and decision-making system.~~

~~—(h)(1) The Post Prison Transfer Board will collect data for outcome measures by using eOMIS or other means.~~

~~—(2) Outcome measures may be based on:~~

~~—(A) ACA recommendations;~~

~~—(B) The uniform parole reporting system; or~~

~~—(C) Internally developed data elements.~~

~~—(3) As part of this process, the Chair of the Post Prison Transfer Board or designated staff members will obtain information from eOMIS at least quarterly.~~

~~—(i) Custom reports, to display eOMIS data suitable for outcome measures and special studies, may be requested from the Research and Evaluation Section of the Division of Community Correction.~~

~~—(j)(1) The Chair of the Post Prison Transfer Board will ensure results of significant research projects are provided to the appropriate staff and others.~~

~~—(2) Additionally, copies will be made available to the public upon request.~~

~~—(k)(1) Beginning October 1, 2011, the Post Prison Transfer Board shall file, in an electronic format, a monthly report to the:~~

~~—(A) Chair of the House Committee on Judiciary;~~

~~—(B) Chair of the Senate Committee on Judiciary;~~

~~—(C) Legislative Council;~~

~~—(D) Board of Corrections;~~

~~—(E) Governor's office; and~~

~~—(F) Commission on Disparity in Sentencing.~~

~~—(2) This report shall contain:~~

~~—(A) The number of persons who make application for parole and those who are granted or denied parole during the previous month for each criminal offense classification;~~

~~—(B) A breakdown by race of all persons sentenced in each criminal offense classification;~~



~~—————(C) The reason for each denial of parole;~~  
~~—————(D) The results of the risk needs assessment; and~~  
~~—————(E) The course of action that accompanies each denial pursuant to~~  
~~Arkansas Code § 16-93-615(a)(2)(B)(ii).~~

~~—————(3) A copy of this report shall be provided to the Post Prison Transfer Board at~~  
~~its next regular meeting following the filing of the report.~~

~~———(l)(1) Beginning October 1, 2015, the Chair of the Post Prison Transfer Board, on~~  
~~behalf of the Post Prison Transfer Board, shall quarterly, and electronically, file with the~~  
~~Legislative Council a report containing all new and revised administrative directives~~  
~~issued in the previous quarter by the:~~

~~—————(A) Post Prison Transfer Board;~~  
~~—————(B) Chair of the Post Prison Transfer Board;~~  
~~—————(C) Administrative Manager of the Post Prison Transfer Board;~~  
~~—————(D) Administrator of the Post Prison Transfer Board; and~~  
~~—————(E) Staff of the Post Prison Transfer Board.~~

~~—————(2) A copy of this report shall be provided to the Post Prison Transfer Board at~~  
~~its next regular meeting following the filing of the report.~~

~~———(m)(1) The Post Prison Transfer Board will also file an annual report with the~~  
~~Governor's office and the General Assembly before February 1 of each year for the~~  
~~preceding year.~~

~~—————(2) Following its adoption by the Post Prison Transfer Board, the report shall~~  
~~be filed in an electronic format with the General Assembly and shall be submitted only~~  
~~to the:~~

~~—————(A) Speaker of the House of Representatives;~~  
~~—————(B) President Pro Tempore of the Senate;~~  
~~—————(C) Lead sponsor of the legislation authorizing preparation of the report;~~  
~~and~~  
~~—————(D) Director of the Bureau of Legislative Research.~~



~~—————(3) The report shall contain statistical and other data concerning the work of the Post Prison Transfer Board, including research studies that it may make on parole or related functions.~~

~~—————(4) A copy of the report shall be published to the Post Prison Transfer Board's website.~~

~~——(n)(1) The Post Prison Transfer Board shall cooperate with, and upon request make presentations and provide various reports, to the extent the Post Prison Transfer Board's budget will allow, to the General Assembly.~~

~~————(2) The presentations shall consist of a review of Post Prison Transfer Board policy and discretionary offender programs and services.~~

~~——(o) Presentations to the Legislative Criminal Justice Oversight Task Force shall be made as directed by the task force and include performance and outcome measures related to the implementation of Acts 2015, No. 895, or any other topic requested by the task force and within the power of the Post Prison Transfer Board to provide.~~

### **~~Appendix A. Form 153 – Law Enforcement Response~~**

**~~Link:~~**

**~~<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/395/16CARpt.20-Appendix-A.pdf>~~**

### **~~Appendix C. Conditions of Release~~**

**~~Link:~~**

**~~<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/396/16CARpt.20-Appendix-C.pdf>~~**

### **~~Appendix D. Act 679 Conditions of Release~~**



**Link:**

**<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/397/16CARpt.20-Appendix-D.pdf>**

#### **Appendix E. Minimum Length of Stay at Transitional Living Facilities**

**Link:**

**<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/398/16CARpt.20-Appendix-E.pdf>**

#### **Appendix F. Discretionary Offense List**

**Link:**

**<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/399/16CARpt.20-Appendix-F.pdf>**

#### **Appendix G. Act 1029 of 2013 Mandatory Hearing List**

**Link:**

**<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/400/16CARpt.20-Appendix-G.pdf>**

#### **Appendix H. Employee Acknowledgement of Board Policy Manual**

**Link:**

**<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/401/16CARpt.20-Appendix-H.pdf>**



**QUESTIONNAIRE FOR FILING PROPOSED RULES WITH  
THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT Department of Corrections  
BOARD/COMMISSION Post Prison Transfer Board  
BOARD/COMMISSION DIRECTOR Lona McCastlain  
CONTACT PERSON Kevin Smith  
ADDRESS 1302 Pike Ave. North Little Rock, AR 72114  
PHONE NO. (501) 682-3852 EMAIL Kevin.Smith@doc.arkansas.gov  
NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING  
Tawnie Rowell, Lona McCastlain, Kevin Smith  
PRESENTER EMAIL(S) Tawnie.Rowell@doc.arkansas.gov, Lona.McCastlain@doc.arkansas.gov, Kevin.Smith@doc.ar

**INSTRUCTIONS**

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, [miller-ricer@blr.arkansas.gov](mailto:miller-ricer@blr.arkansas.gov), for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, [garritym@blr.arkansas.gov](mailto:garritym@blr.arkansas.gov), for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

\*\*\*\*\*

1. What is the official title of this rule?  
16 CAR pt 20 - Policy Manual
2. What is the subject of the proposed rule? Policy Manual of the Post-Prison Transfer Board
3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes ☐ No ☒

*If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).*

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes ☐ No ☐



4. Is this rule being filed for permanent promulgation? Yes ☒ No ☐

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes ☐ No ☒

If yes, what was the effective date of the emergency rule? \_\_\_\_\_

On what date does the emergency rule expire? \_\_\_\_\_

5. Is this rule required to comply with a *federal* statute, rule, or regulation? Yes ☐ No ☒

If yes, please provide the federal statute, rule, and/or regulation citation.

6. Is this rule required to comply with a *state* statute or rule? Yes ☒ No ☒

If yes, please provide the state statute and/or rule citation.

7. Are two (2) rules being repealed in accord with Executive Order 23-02? Yes ☐ No ☒

If yes, please list the rules being repealed.

If no, please explain.

Governor exception requested. PPTB is replacing the existing Policy Manual, codified as 16 CAR pt. 20 with proposed rule, 16 CAR pt 23, Transfer to Parole or Post-Release Supervision.

8. Is this a new rule? Yes ☒ No ☒

Does this repeal an existing rule? Yes ☐ No ☒

If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? Yes ☒ No ☐

If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup.



9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s).

Arkansas Code §§ 16-93-619, 16-93-712(a)(1), 16-93-713, 16-93-1812, and 16-93-1911

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?  
Yes ☒ No ☒

If yes, please provide the year of the act(s) and act number(s).

11. What is the reason for this proposed rule? Why is it necessary?

The existing administrative rule, titled Board Manual, codified as 16 CAR pt 20, served as the omnibus administrative rule for multiple functions of the Post-Prison Transfer Board. It is being repealed and replaced by the proposed rule, Transfer to Parole and Post-Release Supervision to be codified as 16 CAR pt 23. The repeal of 16 CAR pt 20 accomplishes several additional needed updates, including the repeal of sections that:

- Do not meet the definition of an Administrative Rule defined in Arkansas Code § 25-15-202.
- Are being replaced due to outdated policies and procedures.
- Deal with sections of Arkansas Code that have been repealed and are no longer in effect.
- Will be replaced by the new proposed rule, 16 CAR pt 23.



12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).

<https://doc.arkansas.gov/rule-filings/>

13. Will a public hearing be held on this proposed rule? Yes ☐ No ☒

If yes, please complete the following:

Date: \_\_\_\_\_

Time: \_\_\_\_\_

Place: [TBD - Will be held if requested](#)

*Please be sure to advise Bureau Staff if this information changes for any reason.*

14. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. TBD

15. What is the proposed effective date for this rule? [10 Days after filing with SOS](#)

16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.

17. Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).

18. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.

[None anticipated](#)

19. Is the rule expected to be controversial? Yes ☐ No ☒

If yes, please explain.



**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY.**

**DEPARTMENT** Department of Corrections

**BOARD/COMMISSION** Post Prison Transfer Board

**PERSON COMPLETING THIS STATEMENT** Kevin Smith

**TELEPHONE NO.** (501) 682-3852 **EMAIL** Kevin.Smith@doc.arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

**TITLE OF THIS RULE** 16 CAR pt 20 - Policy Manual

1. Does this proposed, amended, or repealed rule have a financial impact?  
Yes ☐ No ☒
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?  
Yes ☒ No ☐
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes ☒ No ☐

If no, please explain:

(a) how the additional benefits of the more costly rule justify its additional cost;

(b) the reason for adoption of the more costly rule;

(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:
  - (a) What is the cost to implement the federal rule or regulation?



**Current Fiscal Year**

General Revenue \_\_\_\_\_  
 Federal Funds \_\_\_\_\_  
 Cash Funds \_\_\_\_\_  
 Special Revenue \_\_\_\_\_  
 Other (Identify) \_\_\_\_\_

Total \$0.00

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
 Federal Funds \_\_\_\_\_  
 Cash Funds \_\_\_\_\_  
 Special Revenue \_\_\_\_\_  
 Other (Identify) \_\_\_\_\_

Total \$0.00

(b) What is the additional cost of the state rule?

**Current Fiscal Year**

General Revenue \_\_\_\_\_  
 Federal Funds \_\_\_\_\_  
 Cash Funds \_\_\_\_\_  
 Special Revenue \_\_\_\_\_  
 Other (Identify) \_\_\_\_\_

Total \$0.00

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
 Federal Funds \_\_\_\_\_  
 Cash Funds \_\_\_\_\_  
 Special Revenue \_\_\_\_\_  
 Other (Identify) \_\_\_\_\_

Total \$0.00

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

**Current Fiscal Year**

\$ 0.00

**Next Fiscal Year**

\$ 0.00

6. What is the total estimated cost by fiscal year to a state, county, or municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

**Current Fiscal Year**

\$ 0.00

**Next Fiscal Year**

\$ 0.00



7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes ☐ No ☒

If yes, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
  - (a) justifies the agency's need for the proposed rule; and
  - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
  - (a) the rule is achieving the statutory objectives;
  - (b) the benefits of the rule continue to justify its costs; and
  - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.



## **Summary of Rule Changes – Repeal of Policy Manual**

Arkansas Post-Prison Transfer Board

16 CAR pt. 20 – Policy Manual

The existing administrative rule, titled Policy Manual, codified as 16 CAR pt 20, served as the omnibus administrative rule for multiple functions of the Post-Prison Transfer Board. It is being repealed and replaced by the proposed rule, Transfer to Parole and Post-Release Supervision to be codified as 16 CAR pt 23. Sections of 16 CAR pt 20 have already been repealed and replaced over the past months by the Executive Clemency rule, 16 CAR pt 21; Revocation of Parole and Post-Release Supervision rule, 16 CAR pt 22; and the proposed rule, Transfer to Parole or Post-Release Supervision, 16 CAR pt 23. The final repeal of 16 CAR pt 20 accomplishes several additional needed updates, including the repeal of sections that:

- Do not meet the definition of an Administrative Rule defined in Arkansas Code § 25-15-202.
- Are being replaced due to outdated policies and procedures.
- Deal with sections of Arkansas Code that have been repealed and are no longer in effect.
- Will be replaced by the new rule, 16 CAR pt 23.