

**From:** [William Bowman II \(DOC\)](#)  
**To:** [legalads@arkansasonline.com](mailto:legalads@arkansasonline.com)  
**Subject:** Legal notice advertisement request - Begin September 19, 2024  
**Date:** Tuesday, September 17, 2024 10:39:00 AM  
**Attachments:** [image001.png](#)

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Good afternoon, Please place the below advertisement in the legal notice section for (4) consecutive days beginning Thursday, September 19, 2024.

Billing invoice with proof of publication should be sent to [William.bowman@doc.arkansas.gov](mailto:William.bowman@doc.arkansas.gov). Please confirm receipt of this email.

The text of the advertisement is below in red:

**Public Notice**

The Department of Corrections is proposing to promulgate the following Administrative Rule:

**Earned Release Credit Committee**

Copies of this proposal are available for public inspection at DOC Headquarters, located at 1302 Pike Ave. North Little Rock, AR 72114. The proposal can also be accessed electronically at [doc.arkansas.gov/rule-filings/](http://doc.arkansas.gov/rule-filings/). Written comments can be emailed to [william.bowman@doc.arkansas.gov](mailto:william.bowman@doc.arkansas.gov) or mailed to 1302 Pike Ave. North Little Rock, AR 72114.

Comments should be received by October 19, 2024



**William T. Bowman II (Bo)**  
**Project Manager**  
**DOC Research and Planning**  
**Cell: 501-539-4565**  
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## PUBLIC NOTICE

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# ARKANSAS REGISTER

## Proposed Rule Cover Sheet



Secretary of State  
John Thurston  
500 Woodlane Street, Suite 026  
Little Rock, Arkansas 72201-1094  
(501) 682-5070  
[www.sos.arkansas.gov](http://www.sos.arkansas.gov)



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Name of Department \_\_\_\_\_

Agency or Division Name \_\_\_\_\_

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

Previous Agency Name, If Applicable \_\_\_\_\_

Contact Person \_\_\_\_\_

Contact E-mail \_\_\_\_\_

Contact Phone \_\_\_\_\_

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Name of Rule \_\_\_\_\_

Newspaper Name \_\_\_\_\_

Date of Publishing \_\_\_\_\_

Final Date for Public Comment \_\_\_\_\_

Location and Time of Public Meeting \_\_\_\_\_

 <div style="text-align: center;"> <b>ADMINISTRATIVE RULE</b>  <b>STATE OF ARKANSAS</b>  <b>BOARD OF CORRECTIONS</b> </div>	<b>Section Number:</b> ACC AR 9.4 ADC AR 811	<b>Page Number:</b>
	<b>Board Approval Date:</b>	
	<b>Supersedes:</b> New	<b>Dated:</b>
	<b>Reference:</b>	<b>Effective Date:</b>
<b>SUBJECT:</b> Earned Release Credits Committee		

**I. AUTHORITY:**

The authority to promulgate this administrative rule is vested in A.C.A. § 12-27-105.

**II. PURPOSE:**

To establish the Earned Release Credits Committee in accordance with Arkansas Law.

**III. APPLICABILITY:**

The Arkansas Department of Corrections (DOC).

**IV. POLICY:**

It shall be the policy of the Board of Corrections to establish an Earned Release Credits Committee.

**V. DEFINITIONS:**

- A. Earned Release Credits (ERC). Credits accrued by an inmate which can be used to reduce the period of confinement, but not the length of sentence, if awarded by the Post Prison Transfer Board.
- B. Earned Release Credits Committee. A committee established by the Board of Corrections to develop guidelines by which inmates may accrue Earned Release Credits as defined by A.C.A. § 12-29-703.

**VI. PROCEDURES FOR ERC COMMITTEE:**

- A. The committee shall meet as directed by the Board of Corrections, but no less than quarterly, to determine the rate at which credits may be accrued for work practices, job responsibilities, good behavior, and involvement in rehabilitative activities; or whenever a new program becomes active, to determine the amount of ERC to be accrued for program completion.
- B. The committee shall consist of seven (7) members who shall select a chairperson at the first meeting and annually thereafter.
  - 1. One (1) representative shall be selected by the Secretary, upon recommendation of Wardens and Supervisors of various units, facilities or centers of the divisions of the Department of Corrections, to represent the interests of the Post-Prison Transfer Board.

2. One (1) representative shall be selected by the Compliance Administrator, upon recommendation of Wardens and Supervisors of various units, facilities or centers of the divisions of the Department of Corrections, to represent the interests of the Board of Corrections.
3. One (1) representative shall be selected by the Secretary, upon recommendation of Wardens and Supervisors of various units, facilities or centers of the divisions of the Department of Corrections, to represent the legal section of the Department of Corrections.
4. One (1) representative shall be selected by the Secretary, upon recommendation of Wardens and Supervisors of various units, facilities or centers of the divisions of the Department of Corrections, to represent the quality improvement section of the Department of Corrections.
5. One (1) representative shall be selected by the Director of the Division of Community Correction, upon recommendation of Wardens and Supervisors of various units, facilities or centers of the divisions of the Department of Corrections, to represent the interests of the Division of Community Correction.
6. Two (2) representatives shall be selected by the Director of the Division of Correction, upon recommendation of Wardens and Supervisors of various units, facilities or centers of the divisions of the Department of Corrections, to represent the interests of the Division of Correction.

#### **VIII. REFERENCES:**

A.C.A. § 12-29-703.

**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY.**

**DEPARTMENT** Department Of Corrections

**BOARD/COMMISSION** Board of Corrections

**PERSON COMPLETING THIS STATEMENT** William Bowman

**TELEPHONE NO.** (501) 539-4565 **EMAIL** William.bowman@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** Earned Release Credit Committee

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.