

 <p style="text-align: center;">ADMINISTRATIVE RULES</p> <p style="text-align: center;">STATE OF ARKANSAS</p> <p style="text-align: center;">BOARD OF CORRECTIONS</p>	Section Number:	Page Number:
	1316	1 of 2
	Board Approval Date:	
	7/11/2003	
	Supersedes:	Dated:
	Reference:	Effective Date:
		7/25/03
SUBJECT: Emergency Powers Act – County Jail Backlog		

I. AUTHORITY:

The authority of the Board of Corrections to promulgate this Administrative Rule is vested in Act 50 of 1968, First Extraordinary Session, as amended; Act 418 of 1987, Regular Session; Act 684 of 1991, Regular Session; Act 1721 of 2003, Regular Session, and A.C.A. 12-28-601 - 12-28-606.

II. PURPOSE:

To establish the policy by which the Board of Corrections may, when the county jail backlog exceeds 500 inmates, release eligible inmates from the Department of Correction prior to their normal release date.

III. APPLICABILITY:

The Board of Corrections; all departmental employees, especially those involved in release processing; and all inmates.

IV. DEFINITIONS:

- A. County backlog: Inmates sentenced to the Arkansas Department of Correction that is being housed in the county jails until space is available in the prison.
- B. Discharge: The unconditional release of an inmate or person on release supervision upon the expiration of a sentenced term of years pursuant to Arkansas codes.
- C. Eligible Inmate: Class I or Class II inmates, convicted of non-violent offenses, who are eligible for parole, transfer or discharge and not serving a legislatively mandated 70% or more sentences, who have been incarcerated in a Department of Correction facility for a minimum of six (6) months.

V. POLICY:

It shall be the policy of the Department of Correction and the Board of Corrections to review the inmate population of the Department and, at the Board's discretion, invoke the Emergency Powers Act based on a county backlog exceeding 500.

VI. PROCEDURES:

Overcrowding based on county jail backlog.

- A. When the board declares a prison overcrowding state of emergency due to the county jail backlog exceeding five hundred (500) inmates and notifies the Director of the Department of Correction of the emergency as authorized, the director shall certify to the board a list of those eligible inmates who are in Class I or Class II status who have been incarcerated in a Department of Correction facility for a minimum of six (6) months and are serving a sentence for a nonviolent offense as established by the Board of Corrections and the director shall indicate which eligible inmates he or she recommends.
- B. The listed inmates shall be those who, if authorized, would have their parole eligibility, transfer eligibility, or discharge dates moved up to a point where they would immediately be eligible for parole, transfer, or discharge.
- C. Upon the receipt of the list of eligible inmates certified by the director, the board is authorized to move up the projected parole eligibility, transfer eligibility, or discharge dates of any or all eligible inmates on the list by up to one (1) year.

AR1316
(051203c wd)