



ARKANSAS SENTENCING COMMISSION

A Division of the Arkansas Department of Corrections

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Commission Meeting
Central Arkansas Community Correction Center
February 14, 2020
10:00 A.M.

MEMBERS PRESENT

Judge Gordon Webb
Mr. Keith Rutledge
Mr. Daniel Shue

Mr. Brent Standridge
Judge Mack McCain

Mr. Bob Balfe
Mr. Pat Roberts

MEMBERS EXCUSED

Judge Shannon Blatt

Mr. Michael Robbins

Mr. Nathan Smith

STAFF PRESENT

Lindsay Wallace

Tawnie Rowell

VISITORS PRESENT

Solomon Graves (Secretary)
Wendy Kelley (Secretary's office)
Amber Schubert (ACC)

Jerry Bradshaw (ACC)
Joe West (AG's Office)

Jimmy Banks (ACC)
Bryan Sexton (DPA)

Judge Gordon Webb declared that a quorum was present and called the meeting to order.

Keith Rutledge moved and Judge Mack McCain seconded the motion to approve the minutes from the last meeting. The motion was approved.

Daniel Shue moved and Bob Balfe seconded the motion to approve the quarterly expense report. The motion was approved.

The Commission considered the audit report. There were no reportable instances.

The Commission considered the Population Monitoring Report. Solomon Graves elaborated that the increase in female population is attributable to drug offenses. He also detailed new bed openings at ADC and ACC units and an expansion of medication-assisted treatment.

Lindsay Wallace gave the director's report. Judge Robbin Carrol has resigned as an advisory member of the Sentencing Commission. There is currently no replacement appointed. New benchbooks have been printed and mailed out. Staff has conducted a substantial amount of training and will continue with considerable amounts of training in the upcoming weeks. The offices of the Commission will be moving to Timex upon completion, which is currently targeted for August. The staff of Jail Standard will also be moving into current office space in order to consolidate some resources.

Lindsay Wallace presented an issue with current legislation regarding Criminal History scoring. The language, as currently written, is ambiguous as to whether offenses committed and disposed of on or after the date of the offense being scored are counted when calculating criminal history. The Commission expressed their experiences in making this determination, which varied. Judge Webb requested that the staff put together draft legislation to clarify the language. Secretary Wendy Kelley suggested getting an opinion from the Attorney General's office. Daniel Shue moved and Bob Balfe seconded the motion to request an opinion on the criminal history language found in legislation. The motion was approved. Judges Webb and McCain expressed that staff should still move forward in considering clarifying language in the interim.

Secretary Kelley discussed the legal mechanisms by which an offender is assigned to a Community Corrections Center. As the law currently exists, the Department of Corrections cannot transfer an offender between divisions unless the box on the sentencing order allowing for administrative transfer is checked. The Department would like further flexibility in assigning offenders between divisions. In order to accomplish this, Secretary Kelley proposed "flipping the box." Under current law, an offender cannot be transferred between divisions unless a box is checked specifically allowing transfer. Under Secretary Kelley's proposal, an offender could be transferred between divisions unless a box is checked that specifically disallows the transfer. After discussion confirming that members would not be expected to testify in support of the bill, Judge McCain moved and Bob Balfe seconded the motion to support legislation modifying the boxes on the Sentencing Order to require an affirmative designation that an offender is "not eligible" for administrative transfer, otherwise allowing the Department of Corrections to determine where an offender will serve his or her sentence. The motion was approved. Bryan Sexton, who served as proxy for Nathan Smith, and Daniel Shue abstained from voting.

The next meeting date will be set after date conflicts are considered.

Daniel Shue moved and Bob Balfe seconded the motion to adjourn. The motion was approved. Meeting adjourned.