



ADMINISTRATIVE REGULATION
STATE OF ARKANSAS
BOARD OF CORRECTIONS

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DCC AR 8.1

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12/30/93

**Effective
Date:**
12/01/02

SUBJECT: TRANSFER ELIGIBILITY TO COMMUNITY CORRECTION

I. AUTHORITY. The Board of Corrections is vested with the authority to promulgate this regulation by Arkansas Code Annotated §§12-27-105, 16-93-1203, 16-93-1205, and 16-93-1301 et seq.

II. APPLICABILITY. To offenders and employees of the Arkansas Department of Correction (ADC) and the Department of Community Correction (DCC), especially those involved in the transfer of offenders from the ADC to the DCC.

III. POLICY. Eligible ADC offenders will be transferred upon sentencing or, subject to approval and conditions set by the Post Prison Transfer Board (PPTB), their parole or transfer eligibility date to the DCC.

IV. DEFINITIONS.

A. Offenders. Persons sentenced to the ADC including judicial transfers to the DCC.

B. Target Offense. An offense listed in the “target group” for community punishment as defined in Arkansas Code Annotated §§16-93-1201 et seq.

C. Transfer Eligibility Date. The earliest date on which an offender is eligible for transfer from the ADC to the DCC.

V. PROCEDURES.

A. Eligibility for Transfer

1. Persons who committed felonies prior to January 1, 1994, and who were convicted and incarcerated for those felonies, shall be eligible for release on parole in accordance with the parole eligibility law in effect at the time the crime was committed.
2. Persons who commit target offenses on or after January 1, 1994, and who shall be convicted and incarcerated for those felonies, may be committed to the ADC and judicially transferred to the DCC by specific provision in the commitment that the trial court orders such a transfer.
3. Parolees who committed a target offense are eligible (pursuant to rules and regulations established by the Post Prison Transfer Board) for commitment to a community correction facility for violating the terms and conditions of parole unless the parole violation constitutes a felony offense.

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4. Unless convicted and incarcerated under sentence of death or life without parole, all other offenders shall be eligible for transfer to DCC after having served one-third or one-half, with credit for good time, of their sentence depending on the seriousness determination made by the Arkansas Sentencing Commission; or one-half with credit for meritorious good time, of the time to which their sentence is commuted by executive clemency or in accordance with the applicable sentencing and parole/transfers laws.

B. Transfer Procedures

1. The ADC or the DCC shall provide PPTB representatives information regarding an offender's transfer eligibility date, disciplinary record, and when appropriate, notice

from the victim or next-of-kin requesting input on transfer conditions.

2. Every offender on transfer status shall remain in the legal custody of the ADC, under the supervision of the DCC, and subject to PPTB orders (except boot camp releases).
3. Appropriate agency guidance must include specific eligibility criteria for computing an offender's parole or transfer eligibility date and for transfer review.

C. Revocation of Transfer

1. In the event an offender violates terms or conditions of the transfer, revocation procedures shall follow all legal requirements and shall be subject to any additional policies, rules, and regulations.
2. An offender who is transferred back to the ADC for disciplinary reasons may be considered for transfer to DCC supervision after earning good-time credit equal to one-half of the remainder of his/her sentence.
3. An offender who is transferred back to the ADC for administrative reasons may be considered for transfer to DCC supervision after earning good-time credit equal to one-half of his/her sentence.