

ARKANSAS SENTENCING COMMISSION

Enabling Laws

Act 283 of 2010
A.C.A. §16-90-801 - 16-90-804

History and Organization

"The purpose of the Arkansas Sentencing Commission is to establish, maintain and revise sentencing guidelines and to monitor and assess the effect of legislation and policy on correctional resources, and to educate the criminal justice community and the public regarding sentencing laws and policy."

As defined in Acts 532 and 550 of 1993, the Arkansas Sentencing Commission's powers and duties are:

- To adopt the initial sentencing standards grid and seriousness reference table within the new sentencing structure and to make any necessary revisions thereto;
- To establish transfer eligibility for the offenses at the seriousness levels with the more serious offenders serving one-half of their sentences and the less serious serving one-third;
- To monitor compliance with standards, assess impact on correctional resources and determine if the state sentencing policy is furthered;
- To make legislative recommendations on revisions to the target offense group, classifications of crimes, and appropriate changes to sentencing laws, policies and/or practices;
- "Strategic planning" with the Board of Correction to further the goals of equitable sentencing and rational use of correctional resources;
- Gather data relative to sentencing in coordination with the Administrative Office of the Courts, the Arkansas Crime Information Center, the circuit clerks of the State and the Departments of Correction and Community Correction;
- To develop a research and analysis system to determine the feasibility, impact on resources and budget consequences of proposed and existing legislation affecting sentence length.

The Commission is composed of nine voting members: three circuit judges, two prosecuting attorneys, two defense attorneys, and two members of the general public. The Commission currently has five full time staff positions. The Executive Director is responsible for compiling the work of the Commission and drafting suggested legislation. The Assistant Director and Legal Services Specialist are responsible for monitoring, data entry, data transference and analysis, impact studies and research on various sentencing practices. The Assistant Director also serves as the Agency Fiscal Officer. The Legal Services Specialist is also responsible for educational efforts, legal research and some

special projects. The Administrative Specialist III provides administrative, secretarial, and accounting support to the staff and commission. The Legal Support Specialist conducts data collection from judicial districts throughout the State and, under the direction of the Assistant Director, conducts legal research on special projects.

The Commission has adopted the initial sentencing grid and the seriousness reference table, and continues to establish transfer eligibility for all offenses created or modified by the General Assembly after each biennial legislative session, and also reviews and revises the guidelines as deemed necessary by the Commission.

The Commission also provides prison population projections and impact assessments for proposed legislation for the General Assembly during each biennial legislative session.

Data collection and analysis continues to be of great importance to the Commission. The lack of any standard form of reporting requires Commission staff to manually collect certain data by researching criminal case files in each of the State's seventy-five counties.

The Sentencing Commission continues to work with the Departments of Correction and Community Correction in developing a continuum of sanctions which will make the most efficient use of the correctional resources of the State.

The Sentencing Commission provides daily research assistance to judges, defense attorneys and prosecutors throughout the State. The Commission provides timely updates on new developments in criminal law to all criminal justice constituents.

The Commission provides monthly training for court personnel, clerks and administrative personnel in the prosecuting attorneys' offices who collect and distribute data. This training helps improve the accuracy of court data which is used by several different criminal justice agencies in the State.

The Commission also provides continuing legal education training for lawyers practicing in the criminal field. This training emphasizes all segments of the criminal justice system and the correctional resources of the State. This training also helps the Commission carry out its legislative mandate to work with the Board of Corrections in making the best use of the correctional resources of the State.

One of the training sessions includes segments on programs available at the Department of Correction (DOC), understanding the time computations on sentences and transfer eligibility, Parole Board procedures, and a tour of the local Department of Community Correction facility with an emphasis on the therapeutic community treatment model available for offenders with substance abuse behavior. Increased knowledge and understanding of the available alternative sanctions help divert nonviolent offenders from the more costly prison beds. This training is certified by the Arkansas Supreme Court for Continuing Legal Education credit.

The Commission works with the Departments of Correction and Community Correction in producing projections on the inmate, parole and probation populations of the State. Commission staff monitors these projections for accuracy on a monthly basis. The Commission also does extensive analysis and tracking of sentencing trends.



Agency Commentary

The Arkansas Sentencing Commission has submitted one Change Level request for the up-coming biennium. The Change Level request includes a \$3,677 net increase for fiscal year 2012 and \$677 for fiscal year 2013. The increases over Base Level are mainly for printing costs of publishing the sentencing guidelines bench book which is furnished to judges, prosecuting attorneys and defense attorneys throughout the State. This book is updated each biennium to include changes made to criminal laws during the previous legislative session. The majority of the costs are incurred during the first year of the biennium. The additional requests for in-state travel are to cover the increased cost of conducting data collection from circuit clerk's offices throughout the State. This information is needed for accurately monitoring sentencing practices and policies in the state's criminal courts and to aid in various legislative inquiries.

In keeping with the Governor's instructions, the agency has reallocated funds in order to offset part of the requested increases.

This biennium request represents a decrease in requested appropriation from the previous biennium.

Audit Findings

DIVISION OF LEGISLATIVE AUDIT
AUDIT OF :
ARKANSAS SENTENCING COMMISSION

Findings

A separate report for this Agency was not issued. However, financial activity for the Agency was included in the audit of the State's CAFR for the year ended June 30, 2009.

Recommendations

Employment Summary

	Male	Female	Total	%
White Employees	0	4	4	100 %
Black Employees	0	0	0	0 %

Other Racial Minorities	0	0	0	0 %
Total Minorities			0	0 %
Total Employees			4	100 %

Publications

A.C.A. 25-1-204

Name	Statutory Authorization	Required for		# of Copies	Reason(s) for Continued Publication and Distribution
		Governor	General Assembly		
Arkansas Sentencing Seminar Manual	N/A	N	N	300	Used in continuing legal education of attorney and judges on correctional resources of the State
ASC Administration Training Manual	N/A	N	N	300	Train criminal justice practitioners on justice system
Commission Biennial Report	ACA §16-90-802 (e)(2)(A)	N	Y	50	Legislative mandate and for information on commission activities and findings.
Departure Report Form	ACA §16-90-804	N	N	1,000	Court use when departing from the sentencing standards
Sentencing Standards Grid, Offenses Seriousness Rankings, and Related Material	ACA §16-90-802 et seq	N	N	1,250	Policy manual for sentencing standards used by criminal justice practitioners in criminal proceedings (also available on the Internet.)

Agency Position Usage Report

FY2008 - 2009						FY2009 - 2010						FY2010 - 2011					
Authorized in Act	Budgeted			Unbudgeted Total	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted Total	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted Total	% of Authorized Unused
	Filled	Unfilled	Total				Filled	Unfilled	Total				Filled	Unfilled	Total		
5	5	0	5	0	0.00 %	5	4	1	5	0	20.00 %	5	4	1	5	0	20.00 %

Analysis of Budget Request

Appropriation: 806 - Sentencing Commission State Operations

Funding Sources: HUA - Miscellaneous Agencies Fund

The Arkansas Sentencing Commission was established by Act 532 & 550 of 1993 as codified at Arkansas Code 16-90-801 - 16-90-804 for the purpose of instituting sentencing standards to ensure that sanctions imposed following conviction are proportional to the seriousness of the offense of conviction and the extent of the offender's criminal history. The Commission has developed the sentencing grid, the seriousness reference table and established transfer eligibility for all offenses. The Commission provides impact assessments of proposed legislation for the Governor and General Assembly through a professional service contract with the Institute on Crime, Justice and Correction. This contract also has provided training to the staff of the Sentencing Commission and the Department of Correction in the use of a software program that is utilized in data analysis of criminal justice laws, policies and procedures. The Commission consists of nine (9) Commissioners that are appointed by the Governor for a five-year term.

This is the operating appropriation of the Commission. It is funded entirely by General Revenue.

Base Level salaries and matching do not include appropriation for a Cost of Living Adjustment or Career Service Payments. The Base Level salary of the unclassified position reflects the FY11 line item maximum. The Base Level request for Regular Salaries does include board member stipend payments.

The Base Level Request is \$373,247 for both fiscal years of the 2011-2013 biennium.

The Change Level Requests submitted are \$3,677 in FY2012 and \$677 in FY2013. This change level request represents an increase in FY2012 of \$3,000 for printing and publishing the sentencing guidelines benchbook. This book is updated each biennium to include changes made to criminal laws made during the previous legislative session. Additionally, \$677 is needed for travel due to increased costs of collecting data from the circuit clerk's offices throughout the state.

The Executive Recommendation provides for Base Level.

Appropriation Summary

Appropriation: 806 - Sentencing Commission State Operations

Funding Sources: HUA - Miscellaneous Agencies Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item	2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	2011-2012			2012-2013		
				Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries 5010000	196,513	200,543	217,784	217,756	217,756	217,756	217,756	217,756	217,756
#Positions	5	5	5	5	5	5	5	5	5
Personal Services Matching 5010003	59,839	63,602	66,156	67,193	67,193	67,193	67,193	67,193	67,193
Operating Expenses 5020002	67,804	64,748	83,340	64,748	68,425	64,748	64,748	65,425	64,748
Conference & Travel Expenses 5050009	4,376	4,550	4,550	4,550	4,550	4,550	4,550	4,550	4,550
Professional Fees 5060010	16,000	19,000	19,000	19,000	19,000	19,000	19,000	19,000	19,000
Data Processing 5090012	0	0	0	0	0	0	0	0	0
Capital Outlay 5120011	0	0	0	0	0	0	0	0	0
Total	344,532	352,443	390,830	373,247	376,924	373,247	373,247	373,924	373,247
Funding Sources									
General Revenue 4000010	344,532	352,443		373,247	376,924	373,247	373,247	373,924	373,247
Total Funding	344,532	352,443		373,247	376,924	373,247	373,247	373,924	373,247
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
Grand Total	344,532	352,443		373,247	376,924	373,247	373,247	373,924	373,247

Change Level by Appropriation

Appropriation: 806 - Sentencing Commission State Operations
Funding Sources: HUA - Miscellaneous Agencies Fund

Agency Request

Change Level		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
BL	Base Level	373,247	5	373,247	100.0	373,247	5	373,247	100.0
C01	Existing Program	3,677	0	376,924	101.0	677	0	373,924	100.2

Executive Recommendation

Change Level		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
BL	Base Level	373,247	5	373,247	100.0	373,247	5	373,247	100.0
C01	Existing Program	0	0	373,247	100.0	0	0	373,247	100.0

Justification

C01	An increase in operating expenses is requested due to an increase in printing costs, \$3,000 for FY2012, and in-state travel expenses, \$677 for both FY2012 and FY2013. The printing costs cover publishing the sentencing guidelines benchbook that is furnished to judges, prosecuting attorneys and defense attorneys throughout the state. This book is updated each biennium to include changes made to criminal laws during the previous legislative session. The majority of the costs are incurred during the first year of the biennium. The increases in travel is due to the increased cost of conducting data collection from circuit clerk's offices throughout the state. This information is needed for accurately monitoring sentencing practices and policies in the state's criminal courts and to aide in various legislative inquiries.
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