

AR SENTENCING COMMISSION

Enabling Laws

Act 455 of 2003

A.C.A. §§ 16-90-801 - 16-90-804.

History and Organization

"The purpose of the Arkansas Sentencing Commission is to establish a sentencing standard and to monitor and assess impact of practice on policy and existing laws on the correctional resources of the State."

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

1. To adopt the initial sentencing standards grid and seriousness reference table within the new sentencing structure and to make any necessary revisions thereto;
2. 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;
3. To monitor compliance with standards, assess impact on correctional resources and determine if the state sentencing policy is furthered;
4. To make legislative recommendations on revisions to the target offense group, classifications of crimes, and appropriate changes to sentencing laws, policies and/or practices;
5. "Strategic planning" with the Board of Correction to further the goals of equitable sentencing and rational use of correctional resources.
6. 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;
7. 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. There are two advisory members appointed by the respective chairs of the Senate and House Judiciary Committees. 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 research coordinator and program coordinator are responsible for monitoring, data entry, data transference and analysis, impact studies and research on various sentencing practices. The research coordinator also serves as the agency fiscal officer. The administrative assistant is responsible for educational efforts, agency liaison, special projects and some administrative duties. The business controller provides administrative, secretarial, and accounting support to the staff and commission.

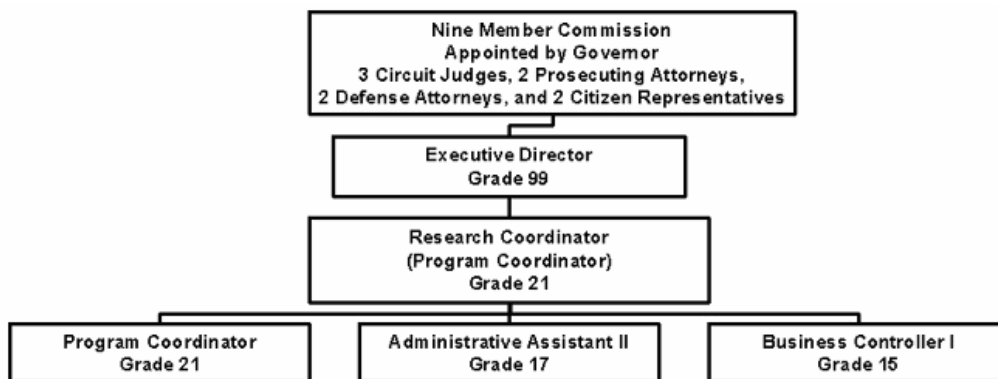
The Commission has adopted the sentencing grid and the seriousness reference table, and established transfer eligibility for all offenses. The Commission has provided prison population projections and impact assessments for proposed legislation for the General Assembly.

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 data by researching criminal case files in each of the State's seventy-five counties. The Sentencing Commission continues to be active in the Integrated Justice Information Systems Coordinating Council. Through its activities with the Council, the Commission is assisting in developing common data standards, which will be used across the criminal justice community and should aid in the flow of data, from arrest to disposition, throughout the state.

In addition to the Integrated Justice Information Systems Coordination Council, the executive director of the Commission has served on several other committees. These have included the Task Force on Disparity created by Act 1755 of 2001, which studied the disparity in sentencing for persons convicted of non-violent crimes and the Criminal Code Revision Commission created by Act 1077 of 2003.

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. 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.



Agency Commentary

The Arkansas Sentencing Commission has submitted two Change Level requests for the coming biennium. Change Level C01 includes \$13,000 increase for fiscal year 2006 and \$10,250 for fiscal year 2007. These increases include expenses to replenish general office supplies that have been depleted due to budget cuts in the previous biennium. It also includes an increase to the Base Level for printing costs. This will cover the cost of publishing the sentencing guidelines bench book 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. Other publishing costs include training materials for sentencing seminars for courtroom practitioners. This training includes information on sentencing issues, and on the correctional resources available, including

programs from both the Department of Correction and the Department of Community Correction. This training is certified by the Supreme Court for continuing legal education credit. It is also an important objective in the agency's strategic plan.

Another part of the strategic plan and part of the agency legislative mandate is to gather and evaluate data relative to sentencing laws, policies and practices in the State and to study their impact on the correctional resources of the State. In order to accomplish this mandate, the commission uses court data collected by the Administrative Office of the Courts. However, data elements essential to the sentencing guidelines and the accuracy of this research are not consistently reported to AOC. Therefore, commission staff must manually collect this data from circuit court files throughout the State. Increases in staff travel expenses that have been included in the changes requested are necessary to complete this task. Keeping abreast of national research issues which affect the State is also important in completing this mandate. Increases in conference travel expenses have been included to cover conferences for the National Association of Sentencing Commissions attended by a commissioner and the director or staff member, the National Criminal Justice Association attended by the director, and the Justice Research and Statistics Association attended by the director or the research coordinator.

The Commission members are mandated to meet at least quarterly. The commission is composed of nine members from all parts of the state. Increases in travel expenses are requested due to increased fuel costs.

Change Level C08 covers information technology improvements for the agency and is for \$16,800 in fiscal year 2006 and \$18,000 in fiscal year 2007. This includes replacement of obsolete data processing equipment. The current equipment is six to seven years old with operating systems that are becoming incompatible with state standards. This request would replace three desktop computers in the first year of the biennium and two desktop computers and one laptop computer in the second year of the biennium. This request also includes updating the Microsoft Office software and anti-virus software on each of these computers with the service pack recommended by the Department of Information Services. Also included are costs for changing the agency from a dial-up Internet access to a 384k direct access line that will provide the security necessary for AASIS access and access to eOMIS, the correctional department's database. Access to these programs will greatly enhance the agency's ability to fulfill its mission. The addition of this secure line will also allow data storage on the DIS mainframe for backup and disaster recovery. Also included in the software changes is the cost of an online subscription to LOISLAW, a legal research service. The agency currently has a quarterly service subscription. Recent Supreme Court decisions in the criminal justice field have made it apparent that it is imperative that the Commission have access to decisions on a more current basis than the quarterly updates provide.

The Commission is mandated to monitor the uses of the correctional resources of the State. One of the methods used to accomplish this task is to provide prison population projections on sentencing practices and impact assessments on proposed legislation. The current projection model includes the population for the prison. The increase in professional services is to cover the cost of adding population projections for parole and probation offenders. These increases are due to software development needed to make these modifications to the projection model. These changes will enable the agency to more effectively meet strategic planning goals and objectives.

Audit Findings

DIVISION OF LEGISLATIVE AUDIT
AUDIT OF :
ARKANSAS SENTENCING COMMISSION
FOR THE YEAR ENDED JUNE 30, 2003

Findings	Recommendations
None	None

Employment Summary

	Male	Female	Total	%
White Employees	0	3	3	75 %
Black Employees	0	1	1	25 %
Other Racial Minorities	0	0	0	0 %
Total Minorities			1	25 %
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		
Ar 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	4,000	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	750	Policy manual for sentencing standards used by criminal justice practitioners in criminal proceedings (also available on the Internet.)

Analysis of Budget Request

Appropriation / Program: 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 primary operating appropriation of the Commission. It is funded entirely by General Revenue.

The Base Level for this appropriation includes a graduated salary increase of 3.0% to 1.5% each year over the FY05 salary levels, along with related Personal Services Matching cost for 5 Base Level positions. This includes a \$600 minimum increase for employees earning \$20,000 or below. Included in Personal Services Matching is a \$40 increase in the monthly contribution for State employee's health insurance for a total State contribution of \$320 per month per budgeted employee.

The Base Level Request is \$304,831 in FY06 and \$311,227 in FY07.

The Change Level Requests submitted are \$ 29,800 in FY06 and \$ 28,250 in FY07 and are summarized as follows:

1. Operating Expenses of \$11,450 in FY06 and \$ 8,700 in FY07 for increases in postage, office supplies, copy paper, printing sentencing and bench book guidelines, and Commissioners' travel expenses to attend meetings.
2. Information Technology needs in Operating Expenses of \$12,800 in FY06 and \$14,000 in FY07. This includes replacement of five desktop computers and one laptop and the latest Microsoft Office and anti-virus software. Switching the Agency from a dial-up to an internet access will allow the Agency access to AASIS and DOC's eOMIS database, and LOISLAW, and DIS file storage as a backup system.
3. Conference Fees & Travel of \$ 1,550 each year respectively to attend training seminars and the National Association of Sentencing Commissions, the National Criminal Justice Association, and the Justice Research and Statistics Association Conferences.

4. Professional Fees and Services of \$ 4,000 each year respectively for cost associated with The Institute of Crime, Justice and Correction contract.

The Executive Recommendation provides for Base Level and total Change Level requests of \$25,800 in FY06 and \$24,250 in FY07 in appropriation. The recommendation Change Levels provide additional Operating Expenses and Conference Fees and Travel for the Agency. The recommendation for General Revenue Funding is Base Level plus \$16,000 in FY06 and \$14,000 in FY07.

Appropriation / Program Summary

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

Commitment Item	Historical Data			Agency Request and Executive Recommendation					
	2003-2004 Actual	2004-2005 Budget	2004-2005 Authorized	2005-2006			2006-2007		
				Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries 5010000	178,778	182,986	183,201	188,233	188,233	188,233	193,616	193,616	193,616
#Positions	5	5	5	5	5	5	5	5	5
Personal Services Matching 5010003	48,363	51,183	49,245	54,587	54,587	54,587	55,600	55,600	55,600
Operating Expenses 5020002	51,633	47,011	61,783	47,011	71,261	71,261	47,011	69,711	69,711
Travel-Conference Fees 5050009	6,055	2,000	6,500	2,000	3,550	3,550	2,000	3,550	3,550
Professional Fees and Services 5060010	8,000	13,000	15,000	13,000	17,000	13,000	13,000	17,000	13,000
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	292,829	296,180	315,729	304,831	334,631	330,631	311,227	339,477	335,477
Funding Sources									
General Revenue 4000010	287,017	287,183		304,831	334,631	320,831	311,227	339,477	325,227
Merit Adjustment Fund 4000055	5,812	8,997		0	0	0	0	0	0
Total Funding	292,829	296,180		304,831	334,631	320,831	311,227	339,477	325,227
Excess Appropriation/(Funding)	0	0		0	0	9,800	0	0	10,250
Grand Total	292,829	296,180		304,831	334,631	330,631	311,227	339,477	335,477

The FY05 Budgeted amount in Personal Services Matching exceeds the authorized amount due to matching rate adjustments during the 2003-05 biennium.

Change Level by Appropriation

Appropriation / Program: 806-Sentencing Commission State Operations

Funding Sources: HUA-Miscellaneous Agencies Fund

Agency Request

Change Level		2005-2006	Pos	Cumulative	% of BL	2006-2007	Pos	Cumulative	% of BL
BL	Base Level	304,831	5	304,831	100.0	311,227	5	311,227	100.0
C01	Existing Program	13,000	0	317,831	104.2	10,250	0	321,477	103.2
C08	Technology	16,800	0	334,631	109.7	18,000	0	339,477	109.0

Executive Recommendation

Change Level		2005-2006	Pos	Cumulative	% of BL	2006-2007	Pos	Cumulative	% of BL
BL	Base Level	304,831	5	304,831	100.0	311,227	5	311,227	100.0
C01	Existing Program	13,000	0	317,831	104.2	10,250	0	321,477	103.2
C08	Technology	12,800	0	330,631	108.4	14,000	0	335,477	107.7

Justification

C01	<p>This change level request is to restock office supplies, prepaid postage, copy paper, etc. which have been depleted due to budget cuts in the previous biennium. It also includes an increase to the base level for printing costs. This will cover the cost of publishing the sentencing guidelines bench book 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. Increases in O2 mileage and lodging are to cover the costs of data collection used in preparing legislatively mandated reports. The Commission uses court data collected by the Administrative Office of the Courts, however, data elements essential to the sentencing guidelines are not consistently reported to AOC. Therefore, commission staff must manually collect this data from circuit court files throughout the state. Increases in commissioner's travel expenses are due to increased mileage allowance due to fuel costs. Increases in publications expenses are necessary due to the increased cost of updating the Arkansas Code Annotated books. Conference travel expenses are to cover conferences for the National Association of Sentencing Commissions attended by a commissioner and the director or staff member, the National Criminal Justice Association attended by the director, and the Justice Research and Statistics Association attended by the director or the research coordinator. These conferences provide information that is valuable to the commission in fulfilling its goals and objectives stated in the strategic plan.</p>
C08	<p>This change request covers the replacement of obsolete data processing equipment. The current equipment is six to seven years old with operating systems that are becoming incompatible with state standards. This request would replace three desktop computers in the first year of the biennium and two desktop computers and one laptop computer in the second year of the biennium. This request also includes updating the Microsoft Office software and anti-virus software on each of these computers with the service pack recommended by the Department of Information Services. Also included are costs for changing the agency from a dial-up Internet access to a 384k line that will provide the security necessary for AASIS access and access to eOMIS, the correctional department's database. Also included in the software changes is the cost of an online subscription to LOISLAW, a legal research service. The agency currently has a quarterly service. Recent Supreme Court decisions have made it apparent that it is imperative that the commission has access to decisions on a more current basis than the quarterly updates provide. This request also includes increased costs in telephone service. The increase in professional services is to cover the cost of adding population projections for parole and probation offenders. The current population projection model includes only the prison population. These increases are due to software development needed to make these modifications to the projection model. This change will help the agency in fulfilling its legislative to make the most effective use of the state's correctional resources. It also provides for DIS storage for backup capabilities. These changes will enable the agency to more effectively meet strategic planning goals and objectives.</p>