
	ADMINISTRATIVE REGULATION STATE OF ARKANSAS BOARD OF CORRECTIONS	Section Number: DCC 7.12 ADC 1317	Page Number: 1
		Board Approval Date: 11/29/2011	
		Supersedes: N/A	Dated: N/A
		Reference: Sec. of State 159.	Effective Date: 1/31/2013
SUBJECT: Electronic Monitoring After 120 Days Served			

- I. AUTHORITY.** The Board of Corrections is vested with the authority to promulgate this administrative regulation by Ark. Code Ann. §§ 12-27-105, 16-93-1203 and 16-93-1205.
- II. POLICY.** It shall be the policy of the Department of Correction (ADC) to implement a process and/or procedures for identifying and certifying (to the Parole Board) eligible ADC inmates to be considered for release to electronic monitoring (EM) after serving 120 days of a sentence.
- III. APPLICABILITY.** This policy applies to ADC and DCC employees and ADC inmates.
- IV. GUIDELINES.**
- A. Eligibility Criteria.** Community Correction Center residents are not eligible for EM-120 release. An inmate serving a sentence in the ADC may be approved for EM-120 release if the
1. offense for which the offender is incarcerated was committed on or after July 27, 2011;
 2. sentence was not the result of a jury or bench verdict;
 3. inmate has served one hundred twenty (120) days of his/her sentence;
 4. inmate has an approved parole plan;
 5. inmate was sentenced from a cell in the sentencing guidelines that does not include incarceration in the presumptive range;
 6. conviction is for a Class C or D felony;
 7. conviction is not for a crime of violence, regardless of felony level;
 8. conviction is not for a sex offense, regardless of felony level;
 9. conviction is not for manufacturing methamphetamine, §5-64-423(a) or the former §5-64-401;
 10. conviction is not for possession of drug paraphernalia with the purpose to manufacture methamphetamine, § 5-64-443, if the conviction is a Class C felony or higher;
 11. conviction is not a crime involving the threat of violence or bodily harm;
 12. conviction is not for a crime that resulted in a death;
 13. inmate has not previously failed a drug court program;
 14. inmate has not been transferred from the Dept. of Community Correction (DCC) to ADC as a result of disciplinary action; and,
 15. inmate does not have an active detainer.

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- B. Notice.** The ADC Director will provide notice to the Parole Board of eligible inmates for EM-120 release and subsequent notice to the Institutional Release Office if approved for such release.
- C. Supervision.** Offenders approved for EM-120 release will be supervised by DCC through electronic monitoring (home detention) until the offender's transfer eligibility date or for at least ninety (90) days of full compliance by the offender, whichever is sooner. Home detention will be tailored and defined by the parole/probation supervision officer for each program participant (e.g. curfew, authorized for school/work, practice religion). The term of electronic monitoring shall not exceed the maximum number of years of imprisonment or supervision to which the offender could be sentenced.
- D. Funding for Services.** Eligible offenders will pay the cost of their electronic monitoring service and associated equipment directly to the EM company providing the service. DCC is authorized to use all types of electronic monitoring devices for monitoring the presence of an offender in his/her home in a manner consistent with the law.
- E. Discharge Credit.** An eligible offender approved for EM-120 release may earn discharge credits against his/her sentence.