

ARKANSAS SENTENCING COMMISSION

Enabling Laws

Act 1791 of 2005

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 Program Coordinator is also responsible for educational efforts, legal research and some special projects. The Administrative Assistant provides administrative, secretarial, and accounting support to the staff and commission. The grade 15 Business Controller position conducts data collection from judicial districts throughout the State and, under the direction of the Research Coordinator, conducts legal research on special projects.

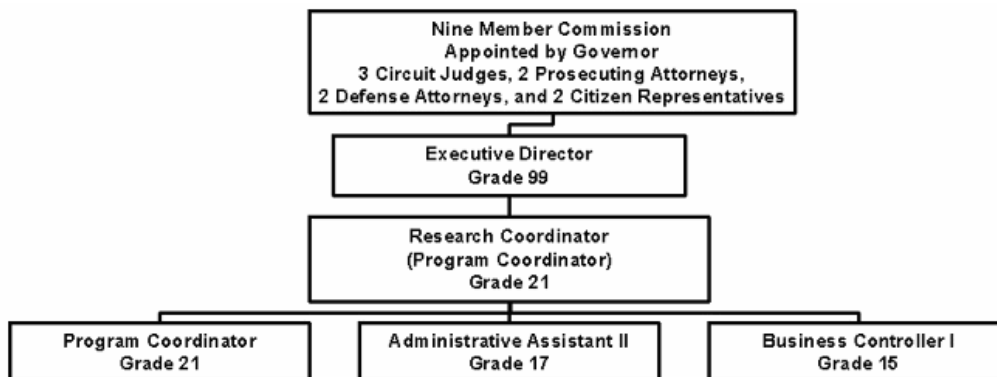
The Commission has adopted the sentencing grid and the seriousness reference table, and

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 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. 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. It also helps improve the accuracy of court data which is used by several different criminal justice agencies in 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.



Agency Commentary

The Arkansas Sentencing Commission has submitted two Change Level requests for the coming biennium. Change Level C01 includes \$14,600 increase for fiscal year 2008 and \$12,600 for fiscal year 2009. These increases include expenses to cover increase in rent for office space and copy machine lease. It also includes an increase to the Base Level for printing and postage 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 and increases in office supplies include the costs of training materials for sentencing seminars for courtroom practitioners.

The Commission currently offers two training seminars. Both of these seminars are certified by the Supreme Court for continuing legal education credit and are important objectives in the Agency's strategic plan. The first is a seminar on sentencing and the correctional process. One segment pertains to the Department of Correction and addresses such issues as time computation, available programs and transfer eligibility. This is of particular interest to courtroom practitioners in developing plea negotiations. A second segment includes information on Parole Board procedures. A third segment is on legal ethics and is required by the Supreme Court for certification purposes. The final segment of this seminar is on the Department of Community Correction and the programs offered at its facilities. A tour of the local Community Correctional Center is included in this segment. The knowledge and understanding of available alternative sanctions has helped divert nonviolent offenders from the more costly prison beds.

The second class is offered to prosecuting attorneys and their staff and primarily addresses the completion of the paperwork necessary for the disposition of criminal cases. Accurate information on the judgment and commitment forms reduces errors for all state agencies which use the Administrative Office of the Courts data. This includes the Arkansas Sentencing Commission, the Arkansas Crime Information Center, both correctional departments and eventually all law enforcement agencies in the State.

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. The increase in publication expenses is necessary due to the increased cost of updating the Arkansas Code Annotate books. It also includes research material on various criminal justice issues needed to facilitate the production of impact assessments on proposed legislation. As the State of Arkansas struggles with crime issues such as child sex offenders and various computer crimes, keeping abreast of national research issues 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. These conferences provide information that is valuable to the commission in making the best use of the correctional resources of the State.

Change Level C08 covers information technology improvements for the agency and is for \$9,000 in fiscal year 2008 and \$8,500 in fiscal year 2009. This includes replacement of obsolete printers. The current equipment consists of an HP LaserJet III which was inherited from the Corrections Resources Commission in 1993 and three Laser Jet IVs which are nine to ten years old and replacement parts are becoming unavailable. This request also includes updating the Microsoft Office software and anti-virus software on agency computers with the service pack recommended by the Department of Information Services (DIS) and is necessary to comply with DIS security policies. Software changes

also include the cost of an online subscription to LOISLAW, a legal research service. It is important for the commission to have access to current court decisions and statutory laws from other states in order to produce impact assessments on proposed criminal justice legislation. Also included are costs for DIS telephone service and data storage on the DIS mainframe for backup and disaster recovery.

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, probation and parole population. The increase in professional services is to cover the cost of adding population projections for offenders in the Department of Community Correction technical violator facility and to further develop the parole and probation projections. 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, 2005

Findings	Recommendations
None	None

Employment Summary

	Male	Female	Total	%
White Employees	0	4	4	80 %
Black Employees	0	1	1	20 %
Other Racial Minorities	0	0	0	0 %
Total Minorities			1	20%
Total Employees			5	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	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.)

Agency Position Usage Report

FY2004-2005						FY2005-2006						FY2006-2007					
Authorized in Act	Budgeted			Unbudgeted	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted	% of Authorized Unused
	Filled	Unfilled	Total	Total			Filled	Unfilled	Total	Total			Filled	Unfilled	Total	Total	
5	4	1	5	0	20.00%	5	5	0	5	0	0.00%	5	5	0	5	0	0.00%

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 services 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.

A cost of living increase is not incorporated in Base Level pending the outcome of the Classification and Compensation Study. FY07 salary levels have been held flat each year for all incumbents. Personal Services Matching may reflect increases in the Base Level due to the Social Security Tax maximum income limit and certain increases in Worker's Compensation and Unemployment Tax rates. Personal Services Matching also includes a \$30 increase in the monthly contribution for State employee's health insurance for a total State match per budgeted employee of \$350 per month.

This is the primary operating appropriation of the Commission. It is funded entirely by general revenue. The Base Level Request is \$327,571 in both FY08 and FY09.

The Change Level Requests submitted are \$ 23,600 in FY08 and \$ 21,100 in FY09 and are summarized as follows:

1. Operating Expenses of \$12,350 in FY08 and \$ 10,350 in FY09 for increases in postage, office rent, office supplies, parking printing sentencing and bench book guidelines, and Commissioners' travel expenses to attend meetings.
2. Information Technology needs in Operating Expenses of \$5,000 in FY08 and \$4,500 in FY09. This includes replacement of outdated obsolete laser jet printers and the latest Microsoft Office and anti-virus software. Agency access to a legal research service with an on line subscription to LOISLAW, and DIS file storage as a backup system.
3. Conference Fees & Travel of \$ 2,250 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 \$19,000 in FY08 and \$16,000 in FY09 in general revenue funding and appropriation. The recommended Change Levels provide additional Operating Expenses and Professional Fees & Services for the Agency with no increase in Conference and Travel Expenses.

Appropriation

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

Historical Data

Agency Request and Executive Recommendation

Commitment Item	2005-2006	2006-2007	2006-2007	2007-2008			2008-2009		
	Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries 5010000	183,426	188,474	193,616	188,474	188,474	188,474	188,474	188,474	188,474
#Positions	5	5	5	5	5	5	5	5	5
Personal Services Matching 5010003	55,395	57,186	55,600	59,037	59,037	59,037	59,037	59,037	59,037
Operating Expenses 5020002	71,259	63,510	69,711	63,510	80,860	78,510	63,510	78,360	75,510
Conference & Travel Expenses 5050009	3,530	3,550	3,550	3,550	5,800	3,550	3,550	5,800	3,550
Professional Fees 5060010	13,000	13,000	13,000	13,000	17,000	17,000	13,000	17,000	17,000
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	326,610	325,720	335,477	327,571	351,171	346,571	327,571	348,671	343,571
Funding Sources									
General Revenue 4000010	320,831	325,227		327,571	351,171	346,571	327,571	348,671	343,571
Merit Adjustment Fund 4000055	5,779	493		0	0	0	0	0	0
Total Funding	326,610	325,720		327,571	351,171	346,571	327,571	348,671	343,571
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
Grand Total	326,610	325,720		327,571	351,171	346,571	327,571	348,671	343,571

The FY07 Budgeted amount in Personal Services Matching exceeds the authorized amount due to matching rate adjustments during the 2005-2007 beinnium.

Change Level by Appropriation

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

Agency Request

Change Level		2007-2008	Pos	Cumulative	% of BL	2008-2009	Pos	Cumulative	% of BL
BL	Base Level	327,571	5	327,571	100.0	327,571	5	327,571	100.0
C01	Existing Program	14,600	0	342,171	104.4	12,600	0	340,171	103.8
C08	Technology	9,000	0	351,171	107.2	8,500	0	348,671	106.4

Executive Recommendation

Change Level		2007-2008	Pos	Cumulative	% of BL	2008-2009	Pos	Cumulative	% of BL
BL	Base Level	327,571	5	327,571	100.0	327,571	5	327,571	100.0
C01	Existing Program	10,850	0	338,421	103.3	8,350	0	335,921	102.5
C08	Technology	8,150	0	346,571	105.8	7,650	0	343,571	104.8

Justification

C01	This Change Level request is to cover increase in rent for office space and copy machine lease. It also includes an increase to the Base Level for printing and postage costs. These increases 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 publications expenses are necessary due to the increased cost of updating the Arkansas Code Annotated books. The change in office supplies is to restock office supplies needed to produce training materials used in the sentencing seminars. Conference travel expenses are to cover conferences for the National Association of Sentencing Commission attended by commission members 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. These conferences provide information that is valuable to the commission in fulfilling its goals and objectives.
C08	This change request covers the replacement of obsolete printers. The current equipment is an HP LaserJet III which was inherited from the Corrections Resources Commission in 1993 and three LaserJet IVs which are nine to ten years old and replacement parts are becoming unavailable. The request also includes updating software and anti-virus software in order to comply with DIS security policies. Software changes also include the cost of an online subscription to LOISLAW, a legal research service. It is important for the commission to have access to current court decisions and statutory laws from other states in order to produce impact assessments on proposed criminal justice legislation. Also included are costs for DIS telephone service and mainframe connection which will provide more secure backup procedures. Increases in professional services will cover the increased costs of producing prison, probation and parole population projections and impact assessments of proposed criminal justice legislation. These are necessary to complete the commission's mandate to work with the Department of Correction and the Department of Community Correction to make the best use of the correctional resources of the State.