

# Law Officials Await Results From Act 570

By Hicham Raache TIMES RECORD • HRAACHE@SWTIMES.COM | Posted: Sunday, November 27, 2011 10:32 am

Act 570, designed to ease overcrowding in Arkansas prisons, has yet to make a drastic difference in decreasing the inmate population in some area jails, according to officials.

"(Inmates now) spend less time in our jail than they used to," said Sebastian County Sheriff Bill Hollenbeck. "There's quicker turnaround."

However, Hollenbeck attributes this change in large part to policies implemented to reduce the Sebastian County Detention Center's inmate population.

"With this act and what we're doing, they complement each other," Hollenbeck said.

Act 570, which went into effect Aug. 1, reduced sentences for most nonviolent and nonsexual Class C and D felonies, enabling those convicted under such felonies to achieve early parole from prison.

The act also changed what constitutes a felony in regards to certain types of crimes. Specifically, Act 570:

- Increased the presumptive minimum amount of drugs to qualify as possession with intent to deliver versus simple possession, with increasing punishment for possessing increasing amounts.

For example, under the previous law, possession of more than 1 gram of cocaine or methamphetamine could be charged as possession with intent to deliver, a Class Y felony punishable by 10 to 40 years or life in prison. Under the new law, the presumptive weight to charge a person with possession with intent to deliver is increased to 2 grams.

Also under the new law, the penalty for less than 2 grams is a Class D felony, with a maximum six-year prison term. Simple possession is a Class C felony, punishable by three to 10 years in prison.

- Increased the felony threshold from \$500

to \$1,000 for theft, fraudulent use of a credit/debit card and overdraft, and reclassified those felonies as Class D.

Crawford County Sheriff Ron Brown said the new law has only affected a specific segment of the Crawford County Detention Center inmate population.

"The only thing we've noticed is there's a reduction in our state-held inmates," Brown said. "I support the bill, but I think it's going to put a little more emphasis on county jails. They've reduced some laws that were felonies to misdemeanors; that puts more emphasis on parole violators going to county jail rather than Department of Correction."

Brown said he foresees the result being a spike in the inmate population of county jails.

"It's still really early (to tell)," Brown said.

Hollenbeck said his jail contains 353 beds for inmates and the jail is averaging 300 inmates. Hollenbeck said that number is a far cry from the almost 500 inmates the Detention Center detained in recent years.

Hollenbeck said hiring a director of inmate management, as well as collaborating with the courts to reduce sentences, made the difference in inmate numbers.

"(John Devane's) task has been to look at nonviolent misdemeanor offenders and look at the situations why they are in jail and expedite their stay in the Detention Center," Hollenbeck

said. "(And) we work with judges and prosecutors to lower the bond so we can get (misdemeanor offenders) out of jail and make room for violent offenders."

Hollenbeck said his administration has been taking such measures to expedite misdemeanor offenders' stay in the Detention Center since he took office in January, months before Act 570 passed.

Brown said the Crawford County Detention Center does not detain misdemeanor inmates because of the jail's limited supply of beds, 88 to be specific.

Currently, the Detention Center is about 20 inmates over capacity.

"I feel more obligated to hold the felons than those who have not paid a traffic ticket fine," Brown said.