

Act 96 of the 1989 Regular Session.

Act 96

HB1041

By: Representative Jordan

"AN ACT TO AMEND ARK. CODE ANN. 12-41-617 TO PROVIDE THAT REVENUES DERIVED FROM ADDITIONAL COURT COSTS AUTHORIZED BY THE COUNTY JAIL REVENUE BOND ACT MAY BE DEPOSITED INTO THE COUNTY GENERAL FUND TO BE USED FOR CONSTRUCTION OF COUNTY JAILS IN ADDITION TO FURNISHING, REPAIR, MAINTENANCE AND OPERATION OF COUNTY JAILS; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Ark. Code Ann. 12-41-617 is hereby amended to read as follows:

"12-41-617. Fees and costs - Disposition. (a)(1) In addition to the fees and costs now provided by law, any county adopting an ordinance providing for the establishment of a county jail board and authorizing the board to issue county jail revenue bonds as authorized in this subchapter may levy a fee as a part of the cost to be paid by all persons convicted of felonies or misdemeanors, or any person committed to the county jail in the circuit, chancery, probate, municipal courts, city courts, police courts, and mayor's courts in the county, in an amount to be determined by the quorum court but not to exceed ten dollars (\$10.00) per conviction.

(2) Except as provided in subsection (f), all fees so collected shall be remitted to and deposited by the county treasurer in one (1) or more banks doing business in the county, to the credit of a county jail revenue bond fund to be used solely for the purposes as provided in this subchapter.

(b) Any person charged with a felony or misdemeanor who posts bond and forfeits it upon failure to appear on the date set for trial shall equally be charged the fee imposed in this subchapter. This fee shall be deposited in the county jail revenue bond fund as provided in this subchapter.

(c) Except as provided in subsection (f), all fee revenues collected under the provisions of this subchapter are declared to be cash funds and shall not be deposited in the county treasury but shall be deposited in a bank or banks selected by the board.

(d) The fee revenue shall be collected and applied as provided in this subchapter until the principal of, premiums, if any, and interest on all bonds issued under this subchapter, with trustee's and paying agent's fees, shall be paid or adequate provision made for their payment.

(e) However, particular fees may be varied as to amount or new fees substituted or added so long as there is no reduction in the gross fee revenues that would have been collected had there been no such change, substitution, or addition, and the term "fees revenues" includes the revenues derived from all such fees.

(f) Until such time as bonds are issued under this subchapter, the revenues derived from additional court costs authorized by this subchapter may be deposited into the county general fund, to be used exclusively for furnishing, repair, maintenance, operation and construction of the county jail.

(g) Any county levying the additional court costs authorized by this section may in lieu of issuing bonds deposit the revenues into the county general fund to be used exclusively for furnishing, repairing, maintenance

operation and construction of the county jail."

SECTION 2. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this act are hereby repealed.

APPROVED: February 20, 1989
