

.As Engrossed: 3/11/91, 3/13/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Senator Pagan**

A BILL ACT 1234 OF 1991
SENATE BILL 716

For An Act To Be Entitled

8 "AN ACT TO AMEND SUBCHAPTER 1 OF TITLE 16, CHAPTER 17 OF
9 THE ARKANSAS CODE OF 1987, ANNOTATED, TO ADD A NEW SECTION
10 § 16-17-125 TO PROVIDE FOR THE PAYMENT OF A PRETRIAL
11 RELEASE ALTERNATIVE ADMINISTRATION FEE IN THE MUNICIPAL
12 COURTS OF THIS STATE; TO DECLARE AN EMERGENCY; AND FOR
13 OTHER PURPOSES."

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

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17 SECTION 1. Subchapter 1 of Title 16, Chapter 17 of the Arkansas Code of
18 1987, Annotated, is hereby amended to read as follows:

19 "16-17-125. Pretrial Release Alternative Administration Fee.

20 (a) *An administrative fee may be levied and collected, in municipal*
21 *court or city court, from each pretrial detainee charged with either a felony*
22 *or misdemeanor who is placed under the supervision of the court pending trial.*

23 (b) *The administrative fee authorized by this section may be levied*
24 *only by the municipal court or city court which places a pretrial detainee*
25 *under the supervision of the court pending trial.*

26 (c) *A municipal judge may impose such administrative fee for*
27 *supervision if the judge finds it necessary to impose conditions of release*
28 *requiring supervision of a criminal defendant pending trial, and the judge*
29 *does not require the posting of any bail that requires the defendant to pay a*
30 *bondsman or post any form of cash or security.*

31 (d) *Such supervised pretrial release program is optional for both the*
32 *court and the defendant and is an alternative to continued incarceration*
33 *pending trial or to posting bond set by the court. The court shall be solely*
34 *responsible for determining which defendants may be placed on the program.*
35 *The defendant must agree to be placed on the program as an alternative to*
36 *continued incarceration pending trial or to posting bond set by the court.*

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(e) All funds derived from the collection of such administrative fee shall be used by the municipality solely for the administration of justice.

(f) The administrative fee authorized by this section may be reduced or waived based on indigency."

SECTION 2. All provisions of this act of 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. If any provisions of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared to be severable.

SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 5. EMERGENCY. It is hereby found and determined by the Seventy-Eighth General Assembly of the State of Arkansas that an alternative to bail is desirable and necessary for pretrial detainees and that the alternative to bail would aid the administration of justice. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from the after its passage and approval.

/s/Pagan

APPROVED: 4-10-91