

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

A BILL ACT 396 OF 1991
HOUSE BILL 1613

For An Act To Be Entitled

8 "AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE
9 REGARDING THE CRIME VICTIMS REPARATIONS BOARD TO PROVIDE
10 FOR REIMBURSEMENT TO MEDICAL FACILITIES; TO MAKE THE
11 PROGRAM ELIGIBLE FOR FEDERAL MATCHING FUNDS; TO REVISE THE
12 FEE ASSESSMENT PROCEDURE; AND FOR OTHER PURPOSES."

13
14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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16 SECTION 1. Ark. Code Ann. §12-12-404 (a) is hereby amended to read as
17 follows:

18 "12-12-404. Reimbursement of medical facility - Rules and regulations.

19
20 (a) The Arkansas Crime Victims Reparations Board may reimburse any
21 medical facility that provides the services outlined in this subchapter for
22 the reasonable cost for such services."

23 (b) *The Arkansas Crime Victims Reparations Board is empowered to*
24 *prescribe minimum standards, rules and regulations necessary to implement this*
25 *subchapter. These shall include, but not be limited to, a cost ceiling for*
26 *each claim and the determination of reasonable cost."*

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28 SECTION 2. Ark. Code Ann. §16-90-703 (2) is hereby amended to read as
29 follows:

30 "(2) 'Victim' means a person who suffers personal injury or death as a
31 result of criminally injurious conduct committed either within the State of
32 Arkansas or against any Arkansas resident who suffers personal injury as the
33 result of criminally injurious conduct which occurs in states presently not
34 having crime victims reparations programs for which the victim is eligible;"

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1 SECTION 3. Ark. Code Ann. §16-90-703 (7) is hereby amended to read as
2 follows:

3 "(7) 'Allowable expense' means charges incurred for needed products,
4 services, and accommodations including, but not limited to, medical care,
5 rehabilitation, rehabilitative occupational training, and other remedial
6 treatment and care. It also includes a reasonable and necessary amount for
7 expenses related to funeral, cremation, or burial;"

8
9 SECTION 4. Ark. Code Ann. §16-90-717 is hereby amended to read as
10 follows:

11 "16-90-717. Crime Victims Reparations Revolving Fund.

12 There is created in the State Treasury a revolving fund for the Crime
13 Victims Reparations Board to be designated the 'Crime Victims Reparations
14 Revolving Fund'. The fund shall be a continuing fund, not subject to fiscal
15 year limitations, and shall consist of all moneys received by the Crime
16 Victims Reparations Board from any source including moneys applied for and
17 received from any state, federal or private source. All interest earned as a
18 result of investing moneys in the Crime Victims Reparations Revolving Fund
19 shall be paid into the fund and not into the general revenues of this state.
20 All moneys accruing to the credit of the fund are appropriated and may be
21 budgeted and expended by the board for the purpose of implementing the
22 provisions of this *subchapter and the provisions of the sexual assault*
23 *statutes, A.C.A. §§ 12-12-401 through 12-12-404.*"

24
25 SECTION 5. Ark. Code Ann. §16-90-718 is hereby amended to read as
26 follows:

27 "16-90-718. Additional assessments - Disposition of moneys.

28 (a) In addition to the imposition of any costs, penalties, or fines
29 imposed pursuant to law, any person convicted or pleading guilty or nolo
30 contendere in a felony or misdemeanor offense, not including traffic offenses,
31 of this section, the court shall levy a victim reparations assessment of
32 twenty dollars (\$20.00) for each felony and ten dollars (\$10.00) for each
33 misdemeanor upon every fine, penalty, and forfeiture imposed and collected.
34 When a cash bond is posted for any offense included in this subsection, the
35 bond shall also include a sufficient amount to cover the victim reparations

1 assessment.

2 (b) All moneys collected pursuant to this section shall be forwarded at
3 least quarterly by the court clerk to the Director of the Department of
4 Finance and Administration to be deposited in the Crime Victims Reparations
5 Revolving Fund."

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7 SECTION 6. All provisions of this act of a general and permanent nature
8 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
9 Revision Commission shall incorporate the same in the Code.

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11 SECTION 7. If any provision of this act or the application thereof to
12 any person or circumstance is held invalid, such invalidity shall not affect
13 other provisions or applications of the act which can be given effect without
14 the invalid provision or application, and to this end the provisions of this
15 act are declared to be severable.

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17 SECTION 8. *Subsection (c) (1) of Arkansas Code 12-12-403 is hereby*
18 *repealed.*

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20 SECTION 9. All laws and parts of laws in conflict with this act are
21 hereby repealed.

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23 SECTION 10. EMERGENCY. It is hereby found and determined by the
24 General Assembly that certain provisions of previous enactments of the General
25 Assembly providing for reparations to crime victims failed to provide
26 sufficient assessments to adequately fund the Crime Victims Reparations Fund
27 and that it is therefore necessary to increase the amounts assessed to
28 compensate and assist victims of criminal acts who suffer personal injury or
29 death. Therefore, an emergency is hereby declared to exist and this act being
30 necessary for the immediate preservation of the public peace, health and
31 safety, shall be in full force and effect from and after its passage and
32 approval.

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/s/ Bob Fairchild

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APPROVED: 3-7-91