

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

ACT 193 OF 1993
SENATE BILL 126

4 **By: Senators Harriman and Beebe**

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For An Act To Be Entitled

8 "AN ACT TO REQUIRE RESTITUTION FOR THEFT OF PUBLIC
9 PROPERTY; TO REQUIRE THE PAYMENT OF INTEREST FOR TIME-
10 PAYMENTS; TO PROVIDE FOR A LIEN UPON PROPERTY OF THE
11 DEFENDANT; AND FOR OTHER PURPOSES."

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Subtitle

14 "AN ACT TO REQUIRE RESTITUTION FOR THEFT OF PUBLIC
15 PROPERTY."

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

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19 SECTION 1. RESTITUTION FOR THEFT OF PUBLIC PROPERTY. (a). When any
20 defendant pleads guilty, is found guilty, or pleads nolo contendere for theft
21 or any other offense affecting property held by or belonging to the state or
22 any political subdivision thereof, the court shall require, as part of the
23 sentence, the payment of restitution for the benefit of the state or the
24 applicable political subdivision.

25 (b). The court shall set the amount of restitution based on reliable
26 and probative evidence. Any amounts received by the state or a political
27 subdivision from the Self-Insured Fidelity Bond Program or other third party
28 bonds as a result of the defendant_s actions shall not reduce the amount of
29 restitution required to be paid by the defendant.

30 (c). If payments are made by the Self-Insured Fidelity Bond Program to
31 reimburse the state or political subdivision for losses incurred as a result
32 of the actions of the defendant, the Self-Insured Fidelity Bond Program is
33 entitled to receive priority to any restitution ordered and received by the
34 court up to the amount paid by the Self-Insured Fidelity Bond Program to the
35 state or political subdivision.

36 (d). The Self-Insured Fidelity Bond Program, as codified at Subchapter

1 7 of Title 21 of the Arkansas Code Annotated, is subrogated to any right of
2 the state or political subdivision to the extent of any proceeds paid by the
3 Self-Insured Fidelity Bond Program.

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5 SECTION 2. PAYMENT OF INTEREST. If restitution is allowed to be made
6 over a period of time, the court shall also require the payment of interest on
7 the amount of outstanding restitution. Interest shall begin to accrue from
8 the date the court ordered restitution is filed with the court clerk. The
9 court shall determine the rate of interest to be assessed.

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11 SECTION 3. LIEN ON PROPERTY. (a). When any defendant pleads guilty,
12 is found guilty, or pleads nolo contendere for theft or any other offense
13 affecting property held by or belonging to the state or any political
14 subdivision thereof, the court shall order a lien upon any and all property,
15 refunds, or any other items, in which the defendant may have a vested
16 interest.

17 (b). The purpose of the lien is to secure the payment of any
18 restitution, fines, court costs, or other payments that may be ordered by the
19 court. The lien shall have the same effect as any other civil judgment. The
20 state or the applicable political subdivision may execute upon the judgment in
21 any manner provided by law. Notwithstanding any other provisions of law, the
22 state or any political subdivision may execute upon any funds held by a state
23 public retirement system, or any state agency or political subdivision in
24 which the defendant may have a vested interest. Upon satisfaction of all
25 payments ordered by the court, the court shall order that these liens be
26 released.

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28 SECTION 4. RESTITUTION NO BAR TO CIVIL ACTION. An order of restitution
29 for the benefit of the state or any political subdivision pursuant to the
30 provisions of this Act does not bar any civil remedy that may also be
31 available under law.

32 SECTION 5. All provisions of this act of a general and permanent nature
33 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
34 Revision Commission shall incorporate the same in the Code.

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1 SECTION 6. If any provision of this act or the application thereof to
2 any person or circumstance is held invalid, such invalidity shall not affect
3 other provisions or applications of the act which can be given effect without
4 the invalid provision or application, and to this end the provisions of this
5 act are declared to be severable.

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7 SECTION 7. All laws and parts of laws in conflict with this act are
8 hereby repealed.

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APPROVED: 2/24/93

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