

**Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.
Act 1373 of the Regular Session**

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

A Bill

SENATE BILL 961

5 By: Senator Madison
6 By: Representative Edwards
7

For An Act To Be Entitled

10 AN ACT TO CLARIFY THAT THE LEVY OF THE ADDITIONAL
11 FINE AUTHORIZED BY ARKANSAS CODE § 16-17-129 MAY
12 BE IMPOSED FOR EACH OFFENSE INVOLVED IN THE CASE
13 OF A DEFENDANT; AND FOR OTHER PURPOSES.
14

Subtitle

15 AN ACT TO CLARIFY THAT THE LEVY OF THE
16 ADDITIONAL FINE AUTHORIZED BY ARKANSAS
17 CODE § 16-17-129 MAY BE IMPOSED FOR EACH
18 OFFENSE INVOLVED IN THE CASE OF A
19 DEFENDANT.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 16-17-129 is amended to read as follows:
26 16-17-129. Levy to defray cost of incarcerating city and county
27 prisoners.

28 (a) In addition to all fines now or as may hereafter be provided by
29 law, the governing body of each city of the first class, city of the second
30 class, incorporated town, and county in this state may by ordinance levy and
31 collect an additional fine not to exceed five dollars (\$5.00) from each
32 defendant who pleads guilty or nolo contendere to, is found guilty of, or
33 forfeits bond for any misdemeanor or traffic violation in the city court of
34 the city, town, or county, or in the district court for the district in which
35 the city or town is located.



1 (b) The funds generated by the additional fine shall be used
2 exclusively to help defray the cost of incarcerating city and county
3 prisoners, including the construction and maintenance of the city jail and
4 county jail and payments to other entities for incarcerating city prisoners
5 or county prisoners.

6 (c) In counties having a county regional detention facility, the
7 additional fine levied by the county under this section shall be deposited
8 into a special fund within the county treasury, and the revenues generated by
9 the additional fine shall be used exclusively for maintenance, operation, and
10 capital expenditures of the regional detention facility.

11 (d) It is the intention of the General Assembly that the revenues
12 derived from the additional fines levied under this section shall not offset
13 or reduce funding from other sources for the maintenance, operation, and
14 capital expenditures of the detention facilities.

15 (e)(1) The additional fine authorized in subsection (a) of this
16 section shall apply to each charge, count, violation, or offense that a
17 defendant pleads guilty or nolo contendere to, is found guilty of, or
18 forfeits bond for, including each misdemeanor or traffic violation.

19 (2) The fine may be imposed:

20 (A) By all courts within a city of the first class, city
21 of the second class, incorporated town, or county in this state that has by
22 ordinance levied the fine; and

23 (B) In all cases classified as "county cases" or "city
24 cases".

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26 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
27 General Assembly of the State of Arkansas that questions have arisen
28 regarding the interpretation of Act 1188 of 2003; that the fiscal burdens of
29 incarcerating prisoners in city and county jails are increasing; and that
30 this act is immediately necessary in order to provide financial relief to
31 defray the cost of city and county prisoners. Therefore, an emergency is
32 declared to exist and this act being immediately necessary for the
33 preservation of the public peace, health, and safety shall become effective
34 on:

35 (1) The date of its approval by the Governor;

36 (2) If the bill is neither approved nor vetoed by the Governor,

1 the expiration of the period of time during which the Governor may veto the
2 bill; or

3 (3) If the bill is vetoed by the Governor and the veto is
4 overridden, the date the last house overrides the veto.

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7 APPROVED: 3/29/2005
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