

As Engrossed: 3/11/91

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

A Bill

SENATE BILL 394

For An Act To Be Entitled

8 "AN ACT TO AMEND SUBCHAPTER 4 OF CHAPTER 64 OF TITLE 5,
9 ARKANSAS CODE ANNOTATED BY ADDING A NEW SECTION TO PROVIDE
10 FOR THE ASSESSMENT OF A FEE FOR EACH CONVICTION AND FOR
11 EACH PROBATION PLACEMENT TO BE USED FOR DRUG ABUSE
12 PREVENTION, EDUCATION AND TREATMENT; AND FOR OTHER
13 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 4 of Chapter 64 of Title 5, Arkansas Code
18 Annotated, is amended by adding a new section as follows:

19 "5-64-416. (a) *Any person convicted or found guilty of or pleading*
20 *guilty or nolo contendere to a violation under subchapters 1 - 6 of this*
21 *chapter, and any person placed on probation under §5-64-407, shall be assessed*
22 *for each offense a penalty fixed at:*

23 (1) two hundred-fifty dollars (\$250) in the case of a felony;

24 (2) one hundred dollars (\$100) in the case of a misdemeanor.

25 The assessment is in addition to and not in lieu of any fine, restitution,
26 other assessment, or forfeiture authorized or required by law.

27 (b) The assessment provided for in this section shall be collected by
28 the clerk as provided for collection of costs in §16-90-113 and shall be
29 forwarded to the appropriate state agency as provided in subsection (c) of
30 this section.

31 (c) From each assessment, twenty-five dollars (\$25.00) shall be
32 forwarded to the Prosecutor Coordinator's Office of the State for deposit in
33 the law enforcement and prosecutor drug enforcement training fund. The
34 remaining monies from each assessment, seventy-five dollars (\$75.00) for
35 misdemeanors and two hundred twenty-five dollars (\$225) for felonies, shall be

1 forwarded to the Division of Alcohol and Drug Abuse Prevention for deposit in
2 the drug abuse prevention and treatment fund. *The funds are subject to audit*
3 *by the Division of Legislative Audit.*

4 (d) The above state agencies shall administer expenditures from their
5 respective funds. Monies in the law enforcement and prosecutor training fund
6 shall be used solely for law enforcement and prosecutorial purposes. Monies
7 in the drug abuse education and treatment fund shall be used solely for drug
8 abuse education, prevention, and treatment services. *The Prosecution*
9 *Coordination Commission shall review and approve the expenditures of the first*
10 *twenty-five thousand dollars (\$25,000) each fiscal year from its law*
11 *enforcement and prosecutor training fund. All remaining expenditures from the*
12 *training fund and the expenditures in the drug prevention and treatment fund*
13 *shall be reviewed and approved by the Alcohol and Drug Abuse Coordinating*
14 *Council. The Commission and Council shall keep each other informed of their*
15 *projects.*

16 (e) Notwithstanding other provisions of law which may be to the
17 contrary, neither the city nor the county of residence of any person required
18 to pay the additional costs imposed in subsection (a) of this section nor the
19 city or county of the court in which such costs are imposed shall be liable to
20 pay to the State of Arkansas the additional costs imposed by subsection (a) of
21 this section."

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23 SECTION 2. It is the express intent of this act to authorize penalties
24 to be assessed in drug related cases to be used to fund drug abuse education,
25 prevention and treatment programs, as well as drug enforcement training.

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27 SECTION 3. All provisions of this act of a general and permanent nature
28 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
29 Revision Commission shall incorporate the same in the Code.

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31 SECTION 4. If any provision of this act or the application thereof to
32 any person or circumstance is held invalid, such invalidity shall not affect
33 other provisions or applications of the act which can be given effect without
34 the invalid provision or application, and to this end the provisions of this
35 act are declared to be severable.

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SECTION 5. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 6. EMERGENCY. It is hereby found and determined by the Seventy-Eighth General Assembly that current funding for drug abuse prevention programs is inadequate, and that the offenders causing the problem are the most appropriate members of society to fund drug education, prevention and treatment efforts. Therefore, an emergency is hereby declared to exist and this act, being necessary for the preservation of the public peace, health and safety, shall become effective immediately upon passage.

/s/Harriman