

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

A Bill

SENATE BILL

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

1 of the actions of the defendant, the Self-Insured Fidelity Bond Program is
2 entitled to receive priority to any restitution ordered and received by the
3 court up to the amount paid by the Self-Insured Fidelity Bond Program to the
4 state or political subdivision.

5 (d). The Self-Insured Fidelity Bond Program, as codified at Subchapter
6 7 of Title 21 of the Arkansas Code Annotated, is subrogated to any right of
7 the state or political subdivision to the extent of any proceeds paid by the
8 Self-Insured Fidelity Bond Program.

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

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

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

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33 SECTION 4. RESTITUTION NO BAR TO CIVIL ACTION. An order of restitution
34 for the benefit of the state or any political subdivision pursuant to the
35 provisions of this Act does not bar any civil remedy that may also be

1 available under law.

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

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

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

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