

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Beebe**

A Bill

SENATE BILL 42

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §5-4-303 TO ALLOW
9 THE COURT TO IMPOSE REASONABLE FEES OR ASSESSMENTS ON
10 DEFENDANTS WHO PARTICIPATE IN COMMUNITY-BASED
11 REHABILITATIVE PROGRAMS OR WORK-RELEASE PROGRAMS; AND FOR
12 OTHER PURPOSES."

Subtitle

14 "TO ALLOW COURTS TO IMPOSE FEES ON DEFENDANTS
16 PARTICIPATING IN REHABILITATIVE OR WORK-RELEASE PROGRAMS."

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

20 SECTION 1. Arkansas Code Annotated §5-4-303 is amended to read as
21 follows:

22 "5-4-303. Conditions.

23 (a) If the court suspends imposition of sentence on a defendant or
24 places him on probation, it shall attach such conditions as are reasonably
25 necessary to assist the defendant in leading a law-abiding life.

26 (b) The court shall provide as an express condition of every suspension
27 or probation that the defendant not commit an offense punishable by
28 imprisonment during the period of suspension or probation.

29 (c) If the court suspends imposition of sentence on a defendant or
30 places him on probation, it may, as a condition of its order, require that the
31 defendant:

32 (1) Support his dependents and meet his family responsibilities;

33 (2) Work faithfully at suitable employment;

34 (3) Pursue a prescribed secular course of study or vocational
35 training designed to equip him for suitable employment;

1 (4) Undergo available medical or psychiatric treatment, and enter
2 and remain in a specified institution, when required for that purpose;

3 (5) Participate in a community-based rehabilitative program or
4 work-release program *which meets the minimum state standards for certification*
5 *and for which the court may impose reasonable fees or assessments on the*
6 defendant to be used in support of said programs;

7 (6) Refrain from frequenting unlawful or designated places or
8 consorting with designated persons;

9 (7) Have no firearms in his possession;

10 (8) Make restitution or reparation to aggrieved parties, in an
11 amount he can afford to pay, for the actual loss or damage caused by his
12 offense;

13 (9) Post a bond, with or without surety, conditioned on the
14 performance of prescribed conditions;

15 (10) Satisfy any other conditions reasonably related to the
16 rehabilitation of the defendant and not unduly restrictive of his liberty or
17 incompatible with his freedom of conscience.

18 (d) If the court places a defendant on probation, it may, as a
19 condition of its order, require that the defendant:

20 (1) Report as directed to the court or probation officer and
21 permit the probation officer to visit him at his place of employment or
22 elsewhere;

23 (2) Remain within the jurisdiction of the court unless granted
24 permission to leave by the court or the probation officer;

25 (3) Answer all reasonable inquiries by the court or probation
26 officer and promptly notify the court or probation officer of any change in
27 address or employment.

28 (e) If the court suspends the imposition of sentence on a defendant or
29 places him on probation, the defendant shall be given a written statement
30 explicitly setting forth the conditions under which he is being released.

31 (f) If the court suspends the imposition of sentence on a defendant or
32 places him on probation conditioned upon his making restitution or reparation
33 under subsection (c)(8) of this section, the court shall, by concurrence of
34 the victim, defendant, and the prosecuting authority, determine the amount to
35 be paid as restitution. The court shall further, after considering the

1 assets, financial condition, and occupation of the defendant, determine
2 whether restitution shall be total or partial, the amounts to be paid if by
3 periodic payments, and if personal services are contemplated, the reasonable
4 value and rate of compensation for services rendered to the victim. If the
5 court has suspended the imposition of sentence or placed a defendant on
6 probation conditioned upon him making restitution or reparation and the
7 defendant has not satisfactorily made all his payments when the probation
8 period has ended, the court shall have the authority to continue to assert its
9 jurisdiction over the recalcitrant defendant and extend the probation period
10 as it deems necessary or revoke the defendant's suspended sentence.

11 (g) If the court suspends the imposition of sentence of a defendant or
12 places him on probation and if the defendant was determined to be indigent and
13 was appointed counsel, who was paid by the county, then the court, as a
14 condition thereof, may require the defendant to pay, in an amount he can
15 afford to pay, to the county the amount of any indigent attorney's fee
16 expended on his behalf. If the attorney's fees were paid from the county
17 general fund, they shall be returned to the county general fund. If the
18 attorney's fees were expended from the fund pursuant to §14-20-102, then the
19 money shall be placed back in that fund."

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

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25 SECTION 3. If any provision of this act or the application thereof to
26 any person or circumstance is held invalid, such invalidity shall not affect
27 other provisions or applications of the act which can be given effect without
28 the invalid provision or application, and to this end the provisions of this
29 act are declared to be severable.

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31 SECTION 4. All laws and parts of laws in conflict with this act are
32 hereby repealed.

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/s/ Senator Beebe

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