

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.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003

A Bill

HOUSE BILL 2430

4
5 By: Representative Lamoureux
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For An Act To Be Entitled

8
9 AN ACT CONCERNING THE COLLECTION OF COURT FINES;
10 AND FOR OTHER PURPOSES.
11

Subtitle

12
13 AN ACT CONCERNING THE COLLECTION OF
14 COURT FINES.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 5-4-303(i), concerning public defender
21 attorney fees, is amended to read as follows:

22 (i)(1) In cases where counsel has been appointed to represent a
23 defendant due to his indigency and the court suspends the imposition of
24 sentence or places a defendant on probation at the time of disposition, the
25 court shall revisit the issue of the defendant's indigency.

26 (2)(A)(i) Where appropriate and where the defendant is
27 financially able to do so, the court may assess an attorney's fee to be paid
28 by the defendant as part of his suspended or probated sentence.

29 (ii) The amount of the fee assessed should be
30 commensurate with the defendant's ability to pay.

31 (B) The fee assessed shall be paid to the state as a means
32 of partial reimbursement for providing appointed counsel.

33 (C) In no event shall failure to pay the assessed
34 attorney's fee, standing alone, be grounds for the revocation of the
35 suspended sentence or probated sentence.

36 ~~(D) Any money collected pursuant to subdivision (i)(2) of~~



1 ~~this section shall be remitted on or before the tenth day of the month~~
2 ~~following the month of collection to the State Treasury to the credit of the~~
3 ~~State Central Services Fund Account, there to be put into a separate account~~
4 ~~entitled "Public Defender Attorney Fees" to be used solely to defray costs~~
5 ~~for the Arkansas Public Defender Commission.~~

6 (D)(i) The fee assessed under subdivision (i)(2) of this
7 section shall be collected by the county or city official, agency, or
8 department designated under § 16-13-709 as primarily responsible for the
9 collection of fines assessed in the circuit courts and district courts of
10 this state who shall, on or before the tenth day of each month, remit all of
11 the fees collected to the Arkansas Public Defender Commission on forms
12 provided by the commission.

13 (ii) The commission shall deposit the money
14 collected into a separate account with State Central Services entitled
15 "Public Defender Attorney Fees" to be used solely to defray costs for the
16 Arkansas Public Defender Commission.

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18 SECTION 2. Arkansas Code § 5-4-322 is amended to read as follows:

19 5-4-322. Fine and probation fee or public service work fee authorized.

20 (a) ~~A municipal court,~~ district court, city court, or police court may
21 place a person on probation or sentence him or her to public service work,
22 and, as a condition of its order, may require the defendant to pay a fine in
23 one (1) or several sums, and in addition may require the person to pay a
24 probation fee or pay a public service work supervisory fee in an amount to be
25 established by the court.

26 (b)(1) This section regarding probation and probation fees shall not
27 apply in instances where the defendant is charged with violating the Omnibus
28 DWI Act, § 5-65-101 et seq.

29 (2) In instances where the defendant is charged with violating
30 the Omnibus DWI Act, § 5-65-101 et seq., the court may require the defendant
31 to pay a public service work supervisory fee in an amount to be established
32 by the court if the court orders public service in lieu of jail pursuant to §
33 5-65-111.

34 (c) This section is supplemental to all other laws allowing a
35 ~~municipal court,~~ district court, city court, or police court to attach
36 conditions on an order of probation.

1 (d)(1) Except as provided in subsection (e) of this section, no court
2 may impose probation fees in any case in which the only sentence available is
3 a monetary fine, court costs or, if applicable, restitution.

4 (2) In those cases, a defendant may be given time to make those
5 payments and the installment payment fee in §16-13-704 shall be the only fee
6 authorized for administering those accounts.

7 (3) If the sentence available includes incarceration, probation
8 and probation fees may be ordered in lieu of incarceration.

9 (e) If a fine is an authorized sentence, the fine may be suspended and
10 probation and probation fees may be ordered in lieu of the fine.

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