

State of Arkansas

87th General Assembly

Regular Session, 2009

# A Bill

HOUSE BILL 1382

By: Representatives Hyde, Allen, L. Cowling, T. Baker, Cook, Barnett, Blount, Cheatham, Cash, T. Bradford, J. Brown, Carroll, J. Burris, M. Martin, Word, Williams, Lowery, Lovell, King, Wells, Tyler, Webb, Kidd, Stewart, G. Smith, Kerr, Ingram, Adcock, Slinkard, D. Hutchinson, Hoyt, House, Sample, Saunders, Hawkins, Shelby, T. Rogers, J. Roebuck, Reep, Reynolds, Rice, Hardy, Greenberg, R. Green, George, Powers, English, Pennartz, Nix, Perry, Pierce, J. Edwards, Nickels, Moore, Maxwell, Davis, J. Dickinson, McLean

By: Senators J. Jeffress, Broadway, Horn, D. Wyatt, Salmon, Madison, Teague, Lavery, Wilkinson, T. Smith, J. Key

## For An Act To Be Entitled

AN ACT TO INCREASE THE FINES FOR MISDEMEANOR  
OFFENSES AND VIOLATIONS; TO PROVIDE ADDITIONAL  
FUNDING FOR COUNTY JAILS; TO AUTHORIZE A LEVY TO  
DEFRAY THE COST OF INCARCERATING COUNTY  
PRISONERS; TO AUTHORIZE TEMPORARY DISTRIBUTION OF  
FUNDS RAISED BY INCREASED MISDEMEANOR AND  
VIOLATION FINES; AND FOR OTHER PURPOSES.

## Subtitle

TO PROVIDE INCREASES OF FINES FOR  
MISDEMEANOR OFFENSES AND VIOLATIONS; TO  
PROVIDE ADDITIONAL FUNDING FOR COUNTY  
JAILS; TO AUTHORIZE A LEVY TO DEFRAY THE  
COST OF INCARCERATING COUNTY PRISONERS;  
AND TO AUTHORIZE DISTRIBUTION OF FUNDS.

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

SECTION 1. Arkansas Code § 5-4-201(b) and (c), regarding the fine amounts for misdemeanors and violations, are amended to read as follows:



(b) A defendant convicted of a misdemeanor may be sentenced to pay a fine:

(1) Not exceeding ~~one thousand dollars (\$1,000)~~ two thousand five hundred dollars (\$2,500) if the conviction is of a Class A misdemeanor;

(2) Not exceeding ~~five hundred dollars (\$500)~~ one thousand dollars (\$1,000) if the conviction is of a Class B misdemeanor;

(3) Not exceeding ~~one hundred dollars (\$100)~~ five hundred dollars (\$500) if the conviction is of a Class C misdemeanor; or

(4) In accordance with a limitation of the statute defining the misdemeanor if the conviction is of an unclassified misdemeanor.

(c) A defendant convicted of a violation may be sentenced to pay a fine:

(1) Not exceeding one hundred dollars (\$100) if the violation is defined by the Arkansas Criminal Code or defined by a statute enacted subsequent to January 1, 1976, that does not prescribe a different limitation on the amount of the fine; or

(2) In accordance with a limitation of the statute defining the violation if that statute prescribes limitations on the amount of the fine.

SECTION 2. Arkansas Code § 16-17-129 is amended to read as follows:

16-17-129. Levy to defray cost of incarcerating city and county prisoners.

(a)(1)(A) In addition to all fines now or as may hereafter be provided by law, the governing body of each town or city in which a district court is located may by ordinance levy and collect an additional fine not to exceed ~~five dollars (\$5.00)~~ twenty dollars (\$20.00) from each defendant upon each conviction, each plea of guilty or nolo contendere, or each bond forfeiture in all cases in the first class of accounting records as described in § 16-17-707.

(B) Except as provided in subdivision (a)(1)(C) of this section, all sums collected from the additional fine described in subdivision (a)(1)(A) of this section shall be paid into the town or city treasury to be deposited into a fund to be used exclusively to help defray the cost of incarcerating town or city prisoners, including the construction and maintenance of the town or city jail and payments to other entities for incarcerating town or city prisoners.

(C) All sums collected from the additional fine described in subdivision (a)(1)(A) of this section in any district court that is funded solely by the county shall be paid into the county treasury to be deposited into a fund to be used exclusively to help defray the cost of incarcerating county prisoners, including the construction and maintenance of the county jail.

(2)(A) In addition to all fines now or as may hereafter be provided by law, the governing body of each town or city in which a city court is located may by ordinance levy and collect an additional fine not to exceed ~~five dollars (\$5.00)~~ twenty dollars (\$20.00) from each defendant upon each conviction, each plea of guilty or nolo contendere, or each bond forfeiture for any misdemeanor or traffic violation in the city court of the city or town.

(B) All sums collected from the additional fine described in subdivision (a)(2)(A) of this section shall be paid into the town or city treasury to be deposited into a fund to be used exclusively to help defray the cost of incarcerating town or city prisoners, including the construction and maintenance of the town or city jail and payments to other entities for incarcerating town or city prisoners.

(b)(1) In addition to all fines now or as may hereafter be provided by law, the quorum court of each county may by ordinance levy an additional fine not to exceed ~~five dollars (\$5.00)~~ twenty dollars (\$20.00) to be collected from each defendant upon each conviction, each plea of guilty or nolo contendere, or each bond forfeiture in all cases in the first and second class of accounting records as described in § 16-17-707. A county ordinance enacted under this subdivision (b)(1) applies to all district courts in the county.

(2) All sums collected from the additional fine described in subdivision (b)(1) of this section as to cases in the first class shall be paid into the county treasury to be deposited into a fund to be used exclusively to help defray the cost of ~~incarcerating county prisoners, including the construction and maintenance of the county jail;~~

(A) The construction, maintenance, and operation of the city, county, or regional jail;

(B) Defraying the costs of incarcerating county prisoners held by a county, a city, or any entity;

(C) The transportation and incarceration of city or county prisoners;

(D) The purchase and maintenance of equipment for the city, county, or regional jail; and

(E) Training, salaries, and certificate pay for jail personnel.

(3) All sums collected from the additional fine described in subdivision (b)(1) of this section as to cases of the second class shall be paid into the county treasury to be deposited into a fund to be used exclusively to help defray the cost of:

(A) The construction, maintenance, and operation of the city, county, or regional jail;

(B) Defraying the costs of incarcerating county prisoners held by a county, a city, or any entity;

(C) The transportation and incarceration of city or county prisoners;

(D) The purchase and maintenance of equipment for the city, county, or regional jail; and

(E) Training, salaries, and certificate pay for jailers and deputy sheriffs.

(c)(1) In counties having a county regional detention facility, the additional fine levied by the county under this section shall be deposited into a special fund within the county treasury.

(2) The revenues generated by the additional fine shall be used exclusively for maintenance, operation, and capital expenditures of the regional detention facility.

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

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

(2) The fine may be imposed:

(A) By all courts within a city of the first class, city of

the second class, incorporated town, or county in this state that has by ordinance levied the fine; and

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

SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the increasing costs of incarcerating or otherwise keeping prisoners in county jails creates an economic hardship; that maximum fines allowed by statute for convicted persons are too low; and that this act is immediately necessary because county jails are overcrowded. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2009.