

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

As Engrossed: H3/13/13

A Bill

HOUSE BILL 1822

5 By: Representatives Copenhaver, Baltz, Broadway, Hillman, Hobbs, Holcomb, Lenderman, Mayberry,
6 McGill, Ratliff, Richey, Wardlaw
7

For An Act To Be Entitled

9 AN ACT TO ALLOW A COUNTY SHERIFF TO ISSUE DEBIT CARDS
10 TO RELEASED INMATES IN ORDER TO CLEAR THE INMATE'S
11 COMMISSARY TRUST ACCOUNT; AND FOR OTHER PURPOSES.
12
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Subtitle

15 TO ALLOW A COUNTY SHERIFF TO ISSUE DEBIT
16 CARDS TO RELEASED INMATES IN ORDER TO
17 CLEAR THE INMATE'S COMMISSARY TRUST
18 ACCOUNT.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 14-25-104(a), concerning prenumbered checks
24 in the county accounting law, is amended to read as follows:

25 (a) All disbursements of county funds, except as noted in § 14-25-105,
26 which refers to petty cash funds, and § 14-25-112(b)(2), which refers to
27 debit cards issued for the balance of an inmate commissary trust account, are
28 to be made by prenumbered checks drawn upon the bank account of that county
29 official.
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31 SECTION 2. Arkansas Code § 14-25-112(b), concerning a sheriff's
32 accounting, is amended to read as follows:

33 (b)(1) Checks written shall be recorded in a cash disbursements
34 journal that indicates the date, payee, check number, and amount of each
35 check written.

36 (2)(A) A debit card may be issued to a released inmate rather



1 than a check for the balance in his or her account in order to dispose of the
2 inmate's commissary trust account.

3 (B) If a debit card is issued rather than a check, proper
4 accounting of the funds must still be maintained in compliance with the
5 written procedures established by the *Legislative Joint Auditing Committee*.

6 ~~(2)~~(3) The cash disbursements journal shall also contain the
7 classification of the disbursement.

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9 SECTION 3. Arkansas Code § 21-6-310 is amended to read as follows:

10 21-6-310. Officers and employees generally – Disposition of funds.

11 (a)(1) All fees, fines, penalties, and other moneys collected by any
12 county officer, deputy, or county employee shall be deposited with the county
13 treasurer on the first day of each month or within ~~five~~(5) ten (10) days
14 thereafter, and, unless otherwise provided by law, shall be placed in the
15 county general fund.

16 (2) Inmate commissary trust accounts held by the county sheriff
17 are not deemed county funds and are not subject to this section.

18 (b) The county treasurer shall keep a complete and accurate record of
19 the receipt of such moneys and shall provide a written receipt to the person
20 or office making such deposit.

21
22 SECTION 4. Arkansas Code § 26-39-201 is amended to read as follows:

23 26-39-201. Time for payment.

24 (a)(1) A county clerk, probate clerk, circuit clerk, county sheriff,
25 county collector, or any other county official shall pay over to the county
26 treasurer on the first of each month, or within ten (10) working days
27 thereafter, all funds in his or her possession belonging to the county or its
28 subdivisions that are by law required to be paid into the county treasury,
29 whether taxes, fines, or any moneys that are collected for any purpose by law
30 and belonging to the county.

31 ~~(2) The county collector shall pay to the Treasurer of State all~~
32 ~~moneys belonging to the State of Arkansas on the day mentioned in subdivision~~
33 ~~(a)(1) of this section~~ Inmate commissary trust accounts held by the county
34 sheriff are not deemed county funds and are not subject to this section.

35 (b)(1) This section does not mean that the county collector shall make
36 a distribution of taxes to all funds but that he or she shall settle with the

1 county treasurer in a lump sum, and the county treasurer shall credit it to
2 the county collector's unapportioned account.

3 (2) Upon the issuance of a certificate of the county clerk or
4 other county officer designated pursuant to § 26-28-102(a) that is issued on
5 or before the thirtieth day of each month, the county treasurer shall
6 transfer to the various funds ninety percent (90%) of the advance payments
7 made by the county collector during the collecting period and, upon final
8 settlement, the proper adjustments shall be made with the various accounts,
9 and the balance remaining in the unapportioned account shall be distributed
10 upon order of the county court approving the final settlement of the county
11 collector.

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16 /s/Copenhaver
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