

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H1/30/19

A Bill

HOUSE BILL 1243

5 By: Representative Tosh
6 By: Senator Irvin
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE SUPERVISION FEE PAID BY A
10 PROBATIONER OR PAROLEE TO THE DEPARTMENT OF COMMUNITY
11 CORRECTION; AND FOR OTHER PURPOSES.
12
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Subtitle

15 CONCERNING THE SUPERVISION FEE PAID BY A
16 PROBATIONER OR PAROLEE TO THE DEPARTMENT
17 OF COMMUNITY CORRECTION.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 16-93-104 is amended to read as follows:
23 16-93-104. Supervision fee – Direct payment by offender – Failure to
24 pay.

25 (a)(1) Any offender on probation, parole, or transfer under
26 supervision of the Department of Community Correction shall pay to the
27 department a monthly fee of thirty-five dollars (\$35.00).

28 (2) The Director of the Department of Community Correction or
29 his or her designee shall deposit+

30 ~~(A) Twenty five dollars (\$25.00) of each payment received~~
31 ~~into the State Treasury as special revenues credited to the Community~~
32 ~~Correction Revolving Fund; and~~

33 ~~(B)(i) Ten dollars (\$10.00) of each payment received into~~
34 ~~the Best Practices Fund, § 19-5-1139, to ensure evidence-based programs and~~
35 ~~supervision practices are available to offenders supervised on either~~
36 ~~probation or parole.~~



1 ~~(ii) The Board of Corrections shall promulgate~~
2 ~~regulations for the accounting and distribution of the Best Practices Fund to~~
3 ~~ensure that:~~

4 ~~(a) No less than seventy five percent (75%) of~~
5 ~~the funds are used by the Department of Community Correction for direct~~
6 ~~services to the offender population it supervises that have been proven,~~
7 ~~through research, to reduce recidivism among the offender population served;~~

8 ~~(b) The direct services may be provided by the~~
9 ~~Department of Community Correction, the Department of Human Services, and~~
10 ~~community based vendors meeting these criteria and serving offenders being~~
11 ~~supervised by the Department of Community Correction; and~~

12 ~~(c) No more than ten percent (10%) of the~~
13 ~~funds are used to train staff managing the offender population in evidence-~~
14 ~~based practices.~~

15 (3) Expenditures from the Community Correction Revolving Fund
16 shall be used for continuation and expansion of community correction programs
17 and supervision as established and approved by the Board of Corrections.

18 (b)(1) When an offender on probation defaults in the payment of
19 supervision fees or any installment thereof, the court may require the
20 offender to show cause why he or she would not be imprisoned for nonpayment.

21 (2) The offender shall not be imprisoned if the offender is
22 financially unable to make the payments and states so to the court in
23 writing, under oath, and the court so finds.

24 (3) Unless the offender shows that his or her default was not
25 attributable to a purposeful refusal to obey the sentence of the court or to
26 a failure on his or her part to make a good faith effort to obtain the funds
27 required for payment, the court may order the defendant imprisoned until the
28 payments are made.

29 (4) If the court determines that the default in payment is not
30 attributable to the causes specified in subdivision (b)(3) of this section,
31 the court may enter an order allowing the offender additional time for
32 payment, reducing the amount of each installment, or revoking the fees or the
33 unpaid portion thereof in whole or in part.

34 (c)(1) The offender on parole may be imprisoned for violation of
35 parole if the offender is financially able to make the payments and if the
36 payments are not made and the Parole Board so finds, subject to the

1 limitations set out in this subsection.

2 (2) The offender shall not be imprisoned if the offender is
3 financially unable to make the payments and states so under oath to the
4 Parole Board in writing, and the Parole Board so finds.

5 (d) Court costs under § 16-10-305 shall be collected in full before
6 any fees are collected under this section.

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8 SECTION 2. Arkansas Code § 19-5-1139 is repealed.

9 ~~19-5-1139. Best Practices Fund.~~

10 ~~(a) There is created on the books of the Treasurer of State, the~~
11 ~~Auditor of State, and the Chief Fiscal Officer of the State a trust fund to~~
12 ~~be known as the "Best Practices Fund".~~

13 ~~(b) The Best Practices Fund may consist of the proceeds from the~~
14 ~~payment of parole or probation supervision fees under § 16-93-104(a).~~

15 ~~(c)(1) Expenditures from the Best Practices Fund shall be used to~~
16 ~~establish and maintain programs and services that implement practices that~~
17 ~~are proven to reduce the risk of having repeat offenders or recidivism,~~
18 ~~including programs that address treatment needs of offenders.~~

19 ~~(2) Programs funded by the Best Practices Fund, whether provided~~
20 ~~by the Department of Community Correction or another state agency or~~
21 ~~contracted with a private vendor, shall meet criteria promulgated in~~
22 ~~Department of Community Correction rules that establish evidence-based~~
23 ~~practices.~~

24 ~~(3)(A) The funds deposited into the Best Practices Fund~~
25 ~~supplement and do not replace the state and local resources that are~~
26 ~~currently directed toward offender rehabilitation programs through the~~
27 ~~Department of Community Correction, the Department of Human Services, or any~~
28 ~~other state agency.~~

29 ~~(B) An expenditure from the General Revenue Fund Account~~
30 ~~of the State Apportionment Fund or the Community Correction Revolving Fund~~
31 ~~shall not be reduced based on the availability of funds in the Best Practices~~
32 ~~Fund.~~

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34 /s/Tosh

35 APPROVED: 2/28/19