

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

A Bill

SENATE BILL 237

5 By: Senators Caldwell, Hill
6 By: Representatives Slape, Lynch, Evans
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE JAIL BOOKING AND ADMINISTRATION
10 FEE; TO CREATE THE LAW ENFORCEMENT TRAINING FUND; TO
11 PROVIDE FOR THE FUNDING OF LAW ENFORCEMENT TRAINING
12 AND OTHER LAW ENFORCEMENT PURPOSES; AND FOR OTHER
13 PURPOSES.
14
15

Subtitle

17 CONCERNING THE JAIL BOOKING AND
18 ADMINISTRATION FEE; TO CREATE THE LAW
19 ENFORCEMENT TRAINING FUND; AND TO PROVIDE
20 FOR THE FUNDING OF LAW ENFORCEMENT
21 TRAINING AND OTHER LAW ENFORCEMENT
22 PURPOSES.
23
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. Arkansas Code § 12-41-105 is amended to read as follows:

28 12-41-105. Commissions from prisoner telephone ~~service profits and~~
29 services and profits from prisoner commissary services.

30 (a)(1) Commissions derived from prisoner telephone services and
31 profits earned from prisoner commissary services provided in the various
32 county and regional detention facilities in the state shall be deposited with
33 the county treasurer of the county in which the county or regional detention
34 facility is located, and the county treasurer shall credit the funds to the
35 county sheriff's office fund.

36 (2)(A) The county sheriff's office fund is an agency fund



1 defined by the County Financial Management System as a fund used to account
 2 for funds held by the county treasurer as an agent for a governmental unit
 3 until transferred by check or county court order to the county sheriff or
 4 other governmental unit for the intended uses of the funds.

5 (B) ~~The county sheriff's office fund and the transfer of~~
 6 ~~funds under subdivision (a)(2)(A) of this section are~~ The transfer of funds
 7 to the county sheriff or other governmental unit under this subsection is not
 8 subject to an appropriation by the quorum court or to the county claims
 9 process.

10 (3) Arkansas Legislative Audit shall review actions described in
 11 this subsection for substantial compliance with this section.

12 (b)(1) Of the commissions and profits deposited into the county
 13 sheriff's office fund in each county under subsection (a) of this section,
 14 one hundred percent (100%) shall be credited to the county sheriff's office
 15 communications facility and equipment fund under § 21-6-307.

16 (2) Each county sheriff's office shall allocate for the
 17 maintenance and operation of the county jail up to seventy-five percent (75%)
 18 of the commissions and profits deposited into the county sheriff's office
 19 communications facility and equipment fund.

20 (c) This section does not apply to funds derived from prisoner
 21 telephone services or prisoner commissary services provided in Department of
 22 Correction facilities or Department of Community Correction facilities or in
 23 municipally owned detention facilities or in county detention facilities in
 24 counties with a population of one hundred seventy-five thousand (175,000) or
 25 more according to the latest federal decennial census.

26
 27 SECTION 2. Arkansas Code § 12-41-505 is amended to read as follows:

28 12-41-505. Expenses and support.

29 (a)(1) Every person who ~~may be~~ is committed to the common jail of the
 30 county by lawful authority for any criminal offense or misdemeanor, if he or
 31 she ~~shall be~~ is convicted, shall pay the expenses in carrying him or her to
 32 jail and also for his or her support from the day of his or her initial
 33 incarceration for the whole time he or she remains there.

34 (2) The expenses which accrue shall be paid as directed in the
 35 act regulating criminal proceedings.

36 (b)(1) A person convicted of a felony or a Class A misdemeanor shall

1 be assessed a booking and administration fee of ~~twenty dollars (\$20.00)~~ forty
2 dollars (\$40.00).

3 (2)(A) The booking and administration fee described in
4 subdivision (b)(1) of this section shall be assessed upon the conviction of a
5 defendant and included in the judgment of conviction entered by the court.

6 (B) If a court suspends imposition of sentence on a
7 defendant or places him or her on probation and does not enter a judgment of
8 conviction, the court shall impose the booking and administration fee as a
9 cost.

10 (3) The booking and administration fee assessed under
11 subdivision (b)(1) of this section shall be deposited into ~~a special fund~~
12 ~~within~~ the county treasury by the collecting officer to be credited and used
13 ~~exclusively for~~ in the following manner:

14 (A) Ten percent (10%) of each booking and administration
15 fee collected shall be deposited into or credited to the county sheriff's
16 office fund described in § 12-41-105 by the county treasurer, and then
17 transferred by check on a monthly basis using a uniform remittance form
18 provided by the Treasurer of State, to the Treasurer of State for the Law
19 Enforcement Training Fund; and

20 (B) The remaining funds shall be deposited into or
21 credited to a special revenue fund and used for the maintenance, operation,
22 and capital expenditures of a county jail or regional detention facility and
23 for certificate pay for law enforcement and jailer personnel.

24 (c) The property of the person shall be subject to the payment of the
25 expenses and the booking and administration fee.

26
27 SECTION 3. Arkansas Code § 19-6-301, concerning the enumeration of
28 special revenues, is amended to add an additional subdivision to read as
29 follows:

30 (263) Ten percent (10%) of each booking and administration fee
31 collected under § 12-41-505.

32
33 SECTION 4. Arkansas Code Title 19, Chapter 6, Subchapter 8, is amended
34 to add an additional section to read as follows:

35 19-6-840. Law Enforcement Training Fund.

36 (a) There is created on the books of the Treasurer of State, the

1 Auditor of State, and the Chief Fiscal Officer of the State a special revenue
2 fund to be known as the "Law Enforcement Training Fund".

3 (b) The fund shall consist of such revenues as may be collected under
4 § 12-41-505 or as otherwise authorized by law.

5 (c) The fund shall be used by the Arkansas Commission on Law
6 Enforcement Standards and Training to establish and conduct training for law
7 enforcement officers, personnel, jailers, 911 operators, or other persons
8 determined by the commission to qualify for the training.

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