

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4
5 By: Representative Petty
6 By: Senator J. Cooper
7

A Bill

HOUSE BILL 1235

For An Act To Be Entitled

9 AN ACT CONCERNING THE PAYMENT OF COSTS AND FEES
10 ORDERED BY A COURT; AND FOR OTHER PURPOSES.

Subtitle

14 CONCERNING THE PAYMENT OF COSTS AND FEES
15 ORDERED BY A COURT.

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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code § 5-4-907 is amended to read as follows:
21 5-4-907. Cost, fees, and restitution.

22 (a) The pre-adjudication probation program judge may order the
23 offender to pay:

- 24 (1) Court costs as provided in § 16-10-305;
- 25 (2) Any substance abuse treatment costs;
- 26 (3) Drug testing costs;
- 27 (4) Costs associated with mental health treatment;
- 28 (5) A pre-adjudication probation program user fee;
- 29 (6) Any restitution owed the victim of the charged criminal
30 offense;
- 31 (7) Necessary supervision fees;
- 32 (8) Any applicable residential treatment fees; and
- 33 (9) Tuition and other educational fees for vocational schools,
34 technical schools, community colleges, or two-year and four-year public
35 universities that are part of the pre-adjudication probation program for
36 which the offender is participating; ~~and~~



1 ~~(10) Any fees determined or authorized under § 12-27-~~
 2 ~~125(b)(17)(B) or § 16-93-104(a)(1), which are to be paid to the Department of~~
 3 ~~Community Correction.~~

4 (b) The pre-adjudication probation program judge shall order the
 5 offender to pay fees determined or authorized under § 12-27-125(b)(17)(B) or
 6 § 16-93-104(a)(1) to the Department of Community Correction.

7 ~~(b)(1)(c)(1)~~ The pre-adjudication probation program judge shall
 8 establish a schedule for the payment of costs, fees, and restitution.

9 (2) The cost for substance abuse treatment, mental health
 10 treatment, drug testing, and supervision shall be set by the treatment and
 11 supervision providers respectively and made part of the order of the pre-
 12 adjudication probation program judge for payment.

13 (3) Pre-adjudication probation program user fees shall be set by
 14 the pre-adjudication probation program judge.

15 (4) Treatment, drug testing, and supervision costs or fees shall
 16 be paid to the respective providers.

17 ~~(5) Fees determined or authorized under § 12-27-125(b)(17)(B) or~~
 18 ~~§ 16-93-104(a)(1) shall be paid to the Department of Community Correction.~~

19 ~~(6)(5)~~ Restitution to the victim shall be paid directly to the
 20 victim.

21 (c) Court orders for costs, fees, and restitution shall remain an
 22 obligation of the participant in the pre-adjudication probation program with
 23 court monitoring until fully paid.

24
 25 SECTION 2. Arkansas Code § 16-98-304 is amended to read as follows:
 26 16-98-304. Cost and fees.

27 (a) The adult or juvenile drug court judge may order the offender to
 28 pay:

- 29 (1) Court costs as provided in § 16-10-305;
- 30 (2) Treatment costs;
- 31 (3) Drug testing costs;
- 32 (4) A local program user fee;
- 33 (5) Necessary supervision fees, including any applicable
- 34 residential treatment fees;

35 ~~(6) Any fees determined or authorized under § 12-27-~~
 36 ~~125(b)(17)(B) or § 16-93-104(a)(1) that are to be paid to the Department of~~

1 ~~Community Correction;~~

2 ~~(7)(6)~~ Global Positioning System monitoring; and

3 ~~(8)(7)~~ Continuous alcohol monitoring fees.

4 (b) The adult or juvenile court judge shall order the offender to pay
 5 fees determined or authorized under § 12-27-125(b)(17)(B) or § 16-93-
 6 104(a)(1) to the Department of Community Correction.

7 ~~(b)(1)(c)(1)~~ The drug court judge shall establish a schedule for the
 8 payment of costs and fees.

9 (2) The cost for treatment, drug testing, continuous alcohol
 10 monitoring if ordered, and supervision shall be set by the treatment and
 11 supervision providers respectively and made part of the order of the drug
 12 court judge for payment.

13 (3) Program user fees shall be set by the drug court judge.

14 (4) Treatment, drug testing, continuous alcohol monitoring if
 15 ordered, and supervision costs or fees shall be paid to the respective
 16 providers.

17 ~~(5) Fees determined or authorized under § 12-27-125(b)(17)(B) or~~
 18 ~~§ 16-93-104(a)(1) shall be paid to the Department of Community Correction.~~

19 ~~(6)(A)(5)(A)~~ All court costs and program user fees assessed by
 20 the drug court judge shall be paid to the court clerk for remittance to the
 21 county treasury under § 14-14-1313.

22 (B) All installment payments shall initially be deemed to
 23 be collection of court costs under § 16-10-305 until the court costs have
 24 been collected in full with any remaining payments representing collections
 25 of other fees and costs as authorized in this section and shall be credited
 26 to the county administration of justice fund and distributed under § 16-10-
 27 307.

28 (C) Local program user fees shall be credited to a fund
 29 known as the “drug court program fund” and appropriated by the quorum court
 30 for the benefit and administration of the drug court program.

31 ~~(7)(6)~~ Court orders for costs and fees shall remain an
 32 obligation of the offender with court monitoring until fully paid.

33
 34 SECTION 3. Arkansas Code § 16-100-209 is amended to read as follows:
 35 16-100-209. Costs and fees.

36 (a) The mental health specialty court may order the mental health

1 specialty court program participant to pay:

- 2 (1) Court costs as provided in § 16-10-305;
- 3 (2) Healthcare and treatment costs not otherwise covered by the
- 4 health insurance of the mental health specialty court program participant;
- 5 (3) Drug testing costs;
- 6 (4) A mental health specialty court program user fee;
- 7 (5) Necessary supervision fees, including any applicable
- 8 residential treatment fees;

9 ~~(6) Any fees determined or authorized under § 12-27-~~
 10 ~~125(b)(17)(B) or § 16-93-104(a)(1) that are to be paid to the Department of~~
 11 ~~Community Correction;~~

- 12 ~~(7)(6)~~ Global Positioning System monitoring; and
- 13 ~~(8)(7)~~ Continual alcohol monitoring fees.

14 (b) The mental health specialty court shall order the offender to pay
 15 fees determined or authorized under § 12-27-125(b)(17)(B) or § 16-93-
 16 104(a)(1) to the Department of Community Correction.

17 ~~(b)(1)(c)(1)~~ The mental health specialty court shall establish a
 18 schedule for the payment of costs and fees.

19 (2) The cost for healthcare, treatment, drug testing, continual
 20 alcohol monitoring if ordered, and supervision shall be set by the treatment
 21 and supervision providers respectively and made part of the order for payment
 22 of the mental health specialty court.

23 (3) Mental health specialty court user fees shall be set by the
 24 mental health specialty court.

25 (4) Healthcare, treatment, drug testing, continual alcohol
 26 monitoring if ordered, and supervision costs or fees shall be paid to the
 27 respective providers.

28 ~~(5) Fees determined or authorized under § 12-27-125(b)(17)(B) or~~
 29 ~~§ 16-93-104(a)(1) shall be paid to the Department of Community Correction.~~

30 ~~(6)(A)(5)(A)~~ All court costs and mental health specialty court
 31 program user fees assessed by the mental health specialty court shall be paid
 32 to the circuit court clerk or district court clerk, as applicable, for
 33 remittance to the county treasury under § 14-14-1313.

34 (B) All installment payments shall initially be deemed to
 35 be collection of court costs under § 16-10-305 until the court costs have
 36 been collected in full with any remaining payments representing collections

1 of other fees and costs as authorized in this section and shall be credited
 2 to the county administration of justice fund and distributed under § 16-10-
 3 307.

4 (C) Mental health specialty court program user fees shall
 5 be credited to a fund to be known as the “mental health specialty court
 6 program fund” and appropriated by the quorum court for the county in which
 7 the mental health specialty court program participant committed the offense
 8 for which he or she is charged for the benefit and administration of the
 9 mental health specialty court program.

10 ~~(7)~~(6) Court orders for costs and fees shall remain an
 11 obligation of the mental health specialty court program participant with
 12 mental health specialty court monitoring until fully paid.

13 (c) All costs and fees under this section may be fully or partially
 14 waived by the mental health specialty court upon a showing of indigency.

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