

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Beebe**

A Bill

ACT 119 OF 1993
SENATE BILL 42

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §5-4-303 TO ALLOW
9 THE COURT TO IMPOSE REASONABLE FEES OR ASSESSMENTS ON
10 DEFENDANTS WHO PARTICIPATE IN COMMUNITY-BASED
11 REHABILITATIVE PROGRAMS OR WORK-RELEASE PROGRAMS; AND FOR
12 OTHER PURPOSES."

Subtitle

14 **"TO ALLOW COURTS TO IMPOSE FEES ON DEFENDANTS**
15 **PARTICIPATING IN REHABILITATIVE OR WORK-RELEASE**
16 **PROGRAMS."**

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

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21 **SECTION 1. Arkansas Code Annotated §5-4-303 is amended to read as follows:**

22 **"5-4-303. Conditions.**

23 **(a) If the court suspends imposition of sentence on a defendant or places him on**
24 **probation, it shall attach such conditions as are reasonably necessary to assist the defendant in**
25 **leading a law-abiding life.**

26 **(b) The court shall provide as an express condition of every suspension or probation**
27 **that the defendant not commit an offense punishable by imprisonment during the period of**
28 **suspension or probation.**

29 **(c) If the court suspends imposition of sentence on a defendant or places him on**
30 **probation, it may, as a condition of its order, require that the defendant:**

31 **(1) Support his dependents and meet his family responsibilities;**

32 **(2) Work faithfully at suitable employment;**

33 **(3) Pursue a prescribed secular course of study or vocational training designed**
34 **to equip him for suitable employment;**

35 **(4) Undergo available medical or psychiatric treatment, and enter and remain**
36 **in a specified institution, when required for that purpose;**

1 **(5) Participate in a community-based rehabilitative program or work-release**
2 **program which meets the minimum state standards for certification and for which the court**
3 **may impose reasonable fees or assessments on the defendant to be used in support of said**
4 **programs;**

5 **(6) Refrain from frequenting unlawful or designated places or consorting with**
6 **designated persons;**

7 **(7) Have no firearms in his possession;**

8 **(8) Make restitution or reparation to aggrieved parties, in an amount he can**
9 **afford to pay, for the actual loss or damage caused by his offense;**

10 **(9) Post a bond, with or without surety, conditioned on the performance of**
11 **prescribed conditions;**

12 **(10) Satisfy any other conditions reasonably related to the rehabilitation of the**
13 **defendant and not unduly restrictive of his liberty or incompatible with his freedom of**
14 **conscience.**

15 **(d) If the court places a defendant on probation, it may, as a condition of its order,**
16 **require that the defendant:**

17 **(1) Report as directed to the court or probation officer and permit the**
18 **probation officer to visit him at his place of employment or elsewhere;**

19 **(2) Remain within the jurisdiction of the court unless granted permission to**
20 **leave by the court or the probation officer;**

21 **(3) Answer all reasonable inquiries by the court or probation officer and**
22 **promptly notify the court or probation officer of any change in address or employment.**

23 **(e) If the court suspends the imposition of sentence on a defendant or places him on**
24 **probation, the defendant shall be given a written statement explicitly setting forth the**
25 **conditions under which he is being released.**

26 **(f) If the court suspends the imposition of sentence on a defendant or places him on**
27 **probation conditioned upon his making restitution or reparation under subsection (c)(8) of**
28 **this section, the court shall, by concurrence of the victim, defendant, and the prosecuting**
29 **authority, determine the amount to be paid as restitution. The court shall further, after**
30 **considering the assets, financial condition, and occupation of the defendant, determine**
31 **whether restitution shall be total or partial, the amounts to be paid if by periodic payments,**
32 **and if personal services are contemplated, the reasonable value and rate of compensation for**
33 **services rendered to the victim. If the court has suspended the imposition of sentence or**
34 **placed a defendant on probation conditioned upon him making restitution or reparation and**
35 **the defendant has not satisfactorily made all his payments when the probation period has**

1 ended, the court shall have the authority to continue to assert its jurisdiction over the
2 recalcitrant defendant and extend the probation period as it deems necessary or revoke the
3 defendant's suspended sentence.

4 (g) If the court suspends the imposition of sentence of a defendant or places him on
5 probation and if the defendant was determined to be indigent and was appointed counsel, who
6 was paid by the county, then the court, as a condition thereof, may require the defendant to pay,
7 in an amount he can afford to pay, to the county the amount of any indigent attorney's fee
8 expended on his behalf. If the attorney's fees were paid from the county general fund, they
9 shall be returned to the county general fund. If the attorney's fees were expended from the fund
10 pursuant to §14-20-102, then the money shall be placed back in that fund."

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12 **SECTION 2.** All provisions of this act of a general and permanent nature are
13 amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision
14 Commission shall incorporate the same in the Code.

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16 **SECTION 3.** If any provision of this act or the application thereof to any person or
17 circumstance is held invalid, such invalidity shall not affect other provisions or applications of
18 the act which can be given effect without the invalid provision or application, and to this end
19 the provisions of this act are declared to be severable.

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21 **SECTION 4.** All laws and parts of laws in conflict with this act are hereby repealed.

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23 */s/ Senator Beebe*

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25 **APPROVED: 02/15/93**

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