

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

A Bill

Act 1088 of 2003
SENATE BILL 500

5 By: Senator Malone
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For An Act To Be Entitled

8 AN ACT CONCERNING FEES COLLECTED FOR VIOLATIONS
9 OF THE ARKANSAS HOT CHECK LAW; AND FOR OTHER
10 PURPOSES.
11

Subtitle

12 AN ACT CONCERNING FEES COLLECTED FOR
13 VIOLATIONS OF THE ARKANSAS HOT CHECK
14 LAW.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 21-6-411 is amended to read as follows:

22 21-6-411. Prosecuting attorneys - Certain checks, orders, ~~or~~ drafts,
23 or other forms of presentment involving the transmission of account
24 information.

25 (a) A prosecuting attorney may collect a fee if his office collects
26 and processes a check, order, ~~or~~ draft, or other form of presentment
27 involving the transmission of account information if the check, order, ~~or~~
28 draft, or other form of presentment involving the transmission of account
29 information has been issued or passed in a manner which makes the issuance or
30 passing an offense under:

- 31 (1) The Arkansas Criminal Code, § 5-1-101 et seq.; or
32 (2) The Arkansas Hot Check Law, §§ 5-37-301 - 5-37-306; or
33 (3) Ark. Code Ann. § 5-37-307.

34 (b) A prosecuting attorney may collect a fee from any person issuing a
35 bad check as described in subsection (a) of this section. The amount of the
36 fee shall not exceed:



1 (1) ~~Five dollars (\$5.00) if the face amount of the check, order,~~
 2 ~~or draft does not exceed ten dollars (\$10.00)~~ Fifteen dollars (\$15.00) if the
 3 face amount of the check, order, draft, or other form of presentment
 4 involving the transmission of account information does not exceed one hundred
 5 dollars (\$100);

6 ~~(2) Ten dollars (\$10.00) if the face amount of the check, order,~~
 7 ~~or draft is greater than ten dollars (\$10.00) but does not exceed one hundred~~
 8 ~~dollars (\$100);~~

9 ~~(3)~~(2) Thirty dollars (\$30.00) if the face amount of the check,
 10 order, ~~or~~ draft, or other form of presentment involving the transmission of
 11 account information is greater than one hundred dollars (\$100) but does not
 12 exceed three hundred dollars (\$300);

13 ~~(4)~~(3) Fifty dollars (\$50.00) if the face amount of the check,
 14 order, ~~or~~ draft, or other form of presentment involving the transmission of
 15 account information is greater than three hundred dollars (\$300) but does not
 16 exceed five hundred dollars (\$500); and

17 ~~(5)~~(4) Seventy-five dollars (\$75.00) if the face amount of the
 18 check, order, ~~or~~ draft, or other form of presentment involving the
 19 transmission of account information is greater than five hundred dollars
 20 (\$500).

21 (c) If the person from whom the fee is collected was a party to the
 22 offense of forgery, under §§ 5-37-101 and 5-37-201 - 5-37-214, by altering
 23 the face amount of the check, order, ~~or~~ draft, or other form of presentment
 24 involving the transmission of account information, the face amount as altered
 25 governs for purposes of determining the amount of the fee.

26 (d) Fees collected under this section shall be deposited in a special
 27 fund to be administered by the prosecuting attorney.

28 (e)(1) In those counties in which the sheriff is operating a hot check
 29 program and the prosecuting attorney is not operating such program on
 30 September 20, 1985, the sheriff shall be entitled to continue the program as
 31 long as he elects to do so and the prosecuting attorney shall not initiate
 32 any such program in the county unless the sheriff in the county discontinues
 33 his program.

34 (2) In those counties in which the sheriff operates a hot check
 35 program, then the sheriff's office shall be entitled to the same fees as
 36 provided in this section, but all fees shall be paid into an account for the

1 sheriff's office and shall be subject to appropriation by the quorum court to
2 be used to defray the cost of the hot check program and other costs of the
3 sheriff's office.

4 (f) This section is cumulative to all other acts and shall not repeal
5 any other act.

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APPROVED: 4/4/2003