

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

As Engrossed: S3/20/03
A Bill

Act 1188 of 2003
SENATE BILL 714

5 By: Senator Salmon
6 *By: Representative S. Prater*
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9 **For An Act To Be Entitled**

10 AN ACT TO AUTHORIZE ALL CITY AND COUNTY
11 GOVERNMENTS TO LEVY AN ADDITIONAL FINE UP TO FIVE
12 DOLLARS (\$5.00) TO HELP DEFRAY THE EXPENSE OF
13 INCARCERATION OF PRISONERS IN CITY AND COUNTY
14 JAILS; TO DECLARE AN EMERGENCY; AND FOR OTHER
15 PURPOSES.

16
17 **Subtitle**

18 TO AUTHORIZE ALL CITY AND COUNTY
19 GOVERNMENTS TO LEVY AN ADDITIONAL FINE
20 UP TO FIVE DOLLARS (\$5.00) TO HELP
21 DEFRAY THE EXPENSE OF INCARCERATING
22 PRISONERS IN CITY AND COUNTY JAILS.
23

24
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code § 16-17-129 is amended to read as follows:
28 16-17-129. Levy to defray cost of incarcerating city and county
29 prisoners.

30 (a)(1) In addition to all fines now or as may hereafter be provided by
31 law, each city of the first class, city of the second class, ~~and~~ incorporated
32 town, and county in this state may levy and collect an additional fine not to
33 exceed five dollars (\$5.00) from each defendant who pleads guilty or nolo
34 contendere to, is found guilty of, or forfeits bond for any misdemeanor or
35 traffic violation in the municipal court or city court of the city, ~~or town,~~
36 or county.



1 (2) The additional court fine authorized by this section shall be
2 levied by ordinance of the governing body of the municipality or county
3 wherein the municipal court or city court is located.

4 (b) The funds generated by the additional fine shall be used
5 exclusively to help defray the cost of incarcerating city and county
6 prisoners, including the construction and maintenance of the city jail and
7 county jail and payments to other entities for incarcerating city prisoners
8 or county prisoners.

9 (c) ~~The provisions of this section do not apply to any city with a~~
10 ~~population in excess of one hundred thousand (100,000) persons according to~~
11 ~~the most recent federal decennial census.~~ In counties having a county
12 regional detention facility, the additional fine levied by the county under
13 this section shall be deposited into a special fund within the county
14 treasury, and the revenues generated by the additional fine shall be used
15 exclusively for maintenance, operation, and capital expenditures of the
16 regional detention facility.

17 (d) It is the intention of the General Assembly that the revenues
18 derived from the additional fines levied under this section shall not offset
19 or reduce funding from other sources for the maintenance, operation, and
20 capital expenditures of the detention facilities.

21
22 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
23 General Assembly of the State of Arkansas that for over six (6) months the
24 Arkansas Department of Correction has failed to pay county governments
25 millions of dollars for state prisoners backlogged into the county jails;
26 that counties are in desperate need of additional revenues to maintain
27 criminal detention facilities; that without additional revenues, the county
28 criminal detention facilities will begin to release dangerous prisoners from
29 custody and threaten the public safety; and that unless this act goes into
30 effect immediately those additional revenues will not be available to the
31 county governments. Therefore, an emergency is declared to exist and this
32 act being immediately necessary for the preservation of the public peace,
33 health and safety shall become effective on:

34 (1) The date of its approval by the Governor;

35 (2) If the bill is neither approved nor vetoed by the Governor, the
36 expiration of the period of time during which the Governor may veto the bill;

1 or

2 (3) If the bill is vetoed by the Governor and the veto is overridden,
3 the date the last house overrides the veto.

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5 */s/ Salmon*

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APPROVED: 4/9/2003

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