

1 State of Arkansas *As Engrossed: S3/5/15, S3/16/15*

2 90th General Assembly

A Bill

3 Regular Session, 2015

SENATE BILL 424

4

5 By: Senator B. Johnson

6 By: Representative Tosh

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For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING THE COMMISSIONS
10 DERIVED FROM CERTAIN PRISONER SERVICES; AND FOR OTHER
11 PURPOSES.

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Subtitle

15 TO AMEND THE LAW CONCERNING THE
16 COMMISSIONS DERIVED FROM CERTAIN PRISONER
17 SERVICES.

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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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

23 12-41-105. Commissions from prisoner telephone service profits and
24 prisoner commissary services.

25 (a)(1) Commissions derived from prisoner telephone services and
26 profits earned from prisoner commissary services provided in the various
27 county and regional detention facilities in the state shall be deposited ~~into~~
28 ~~the county treasury~~ with the county treasurer of the county in which the
29 detention facility is located, and the county treasurer shall be credited
30 credit the funds to the county sheriff's office fund.

31 (2)(A) The county sheriff's office fund is an agency fund
32 defined by the County Financial Management System as a fund used to account
33 for funds held by the county treasurer as an agent for a governmental unit
34 until transferred by check or county court order to the county sheriff for
35 the intended uses of the funds.

36 (B) As an agency fund, the transfer of funds is not



1 subject to an appropriation by the quorum court or to the county claims
2 process.

3 (3) The Division of Legislative Audit shall review for
4 substantial compliance with this section.

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

9 (2) Each county sheriff's office ~~may~~ shall allocate for the
10 maintenance and operation of the county jail up to ~~fifty percent (50%)~~
11 seventy-five percent (75%) of the commissions and profits deposited into the
12 county sheriff's office communications facility and equipment fund.

13 (c) ~~The provisions of this~~ This section ~~do~~ does not apply to funds
14 derived from prisoner telephone services or prisoner commissary services
15 provided in Department of Correction facilities or Department of Community
16 Correction facilities or in municipally owned detention facilities or in
17 county detention facilities in counties with a population of one hundred
18 seventy-five thousand (175,000) or more according to the latest federal
19 decennial census.

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21 SECTION 2. Arkansas Code § 14-25-112, concerning accounting
22 responsibilities of a sheriff under the Arkansas County Accounting Law of
23 1973, is amended to add additional subsections to read as follows:

24 (f) The sheriff shall provide a copy of the reconciled cash
25 disbursements journal and a copy of the reconciled cash receipts journal to
26 the county treasurer by the tenth day of each calendar month for the county
27 sheriff's communications facility and equipment fund or other fund that may
28 not be on the books of the county treasurer.

29 (g) The Division of Legislative Audit shall review for substantial
30 compliance with this section.

31
32 SECTION 3. Arkansas Code § 21-6-307(b)(2)(C), concerning sheriff fees,
33 is amended to read as follows:

34 (C) All sums paid into the communications facility and
35 equipment fund by the sheriff may accumulate as to principal and interest
36 until such time as the deposits or a portion thereof are needed by the

1 *sheriff to:*

- 2 *(i) Train operations staff;*
- 3 *(ii) Operate, equip, repair, or replace existing*
- 4 *communications equipment;*
- 5 *(iii) Purchase additional communications equipment;*
- 6 ~~or~~
- 7 *(iv) Otherwise improve a communications facility or*
- 8 *system for the sheriff's department; or*
- 9 *(v) Purchase vehicles, weapons, or other equipment*
- 10 *for the sheriff's department.*

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13 *SECTION 4. Arkansas Code § 21-6-310(a)(2), concerning disposition of*
14 *funds, is amended to read as follows:*

15 *(2) Inmate commissary trust ~~accounts~~ account balances belonging*
16 *to the inmate and held by the county sheriff are not deemed county funds and*
17 *are not subject to this section.*

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19 *SECTION 5. Arkansas Code § 26-39-201(a)(2), concerning the time for*
20 *payment, is amended to read as follows:*

21 *(2) Inmate commissary trust ~~accounts~~ account balances belonging*
22 *to the inmate and held by the county sheriff are not deemed county funds and*
23 *are not subject to this section.*

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25 *SECTION 6. Effective date. This act is effective on and after January*
26 *1, 2016*

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28 */s/B. Johnson*

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31 **APPROVED: 03/27/2015**

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