

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Representative Luker**

A Bill

ACT 1116 OF 1995
HOUSE BILL 1828

For An Act To Be Entitled

8 "AN ACT TO AMEND ARK. CODE § 5-4-203 TO PROVIDE FOR THE
9 SUSPENSION OF ANY DRIVER'S LICENSE HELD BY CRIMINAL
10 DEFENDANTS WHEN THE DEFENDANTS ARE SENTENCED TO PAY A FINE
11 OR COSTS AS PART OF A SENTENCE AND DEFAULT IN THE PAYMENT;
12 AND FOR OTHER PURPOSES."

Subtitle

15 "TO PROVIDE FOR SUSPENSION OF DRIVERS
16 LICENSES WHEN CRIMINAL DEFENDANTS
17 DEFAULT ON FINES IMPOSED AS PART OF A
18 SENTENCE."

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

21
22 SECTION 1. Arkansas Code Annotated § 5-4-203 is amended to read as
23 follows:

24 "5-4-203. Consequences of nonpayment.

25 (a) (1) When a defendant sentenced to pay a fine or costs defaults in
26 the payment thereof or of any installment, the court, upon its own motion or
27 that of the prosecuting attorney, may require him to show cause why he should
28 not be imprisoned for nonpayment.

29 (2) The court may issue a warrant of arrest or summons for his
30 appearance.

31 (3) Unless the defendant shows that his default was not
32 attributable to a purposeful refusal to obey the sentence of the court, or to
33 a failure on his part to make a good faith effort to obtain the funds required
34 for payment, the court may order the defendant imprisoned in the county jail
35 or other authorized institution designated by the court until the fine or
36 costs or specified part thereof is paid. The period of imprisonment shall not

1 exceed one (1) day for each ten dollars (\$10.00) of the fine or costs, thirty
2 (30) days if the fine or costs were imposed upon conviction of a misdemeanor,
3 or one (1) year if the fine or costs were imposed upon conviction of a felony,
4 whichever is the shorter period.

5 (4) If the court determines that the default in payment of fine or
6 costs is not attributable to the causes specified in subsection (a)(3) of this
7 section, the court may enter an order allowing the defendant additional time
8 for payment, reducing the amount of each installment, or revoking the fine or
9 costs or the unpaid portion thereof in whole or in part.

10 (b)(1) When a defendant sentenced to pay a fine or costs defaults in
11 the payment thereof or of any installment, the clerk of the court where
12 payment is due shall notify the Department of Finance and Administration,
13 along with the last known address provided to the court by the defendant, to
14 suspend any driver's license held by the defendant.

15 (2) Upon receipt of such notification, the Department of Finance
16 and Administration shall notify the defendant that his driver's license will
17 be suspended thirty (30) days from the date of notice.

18 (3) Notice from the department shall be sufficient if mailed to
19 the defendant at either the last known address provided to the court by the
20 defendant or to the address used by the defendant on any driver's license.

21 (4) Except as notified otherwise by the clerk of the court, the
22 department shall suspend any driver's license held by the defendant as
23 provided in this subsection.

24 (5) The defendant shall be entitled to retain or regain any
25 driver's license when:

26 (A) The default is cured; and

27 (B) The clerk of the court notifies the Department of
28 Finance and Administration to cancel or release the suspension; or

29 (C) The court orders reinstatement.

30 (c) When a corporation is sentenced to pay a fine or costs, it is the
31 duty of the person authorized to make disbursements from the assets of the
32 corporation to pay the fine or costs. If such disbursements require approval
33 of the board of directors, it is the duty of the board to authorize
34 disbursements to pay the fine or costs. Failure to comply with the duties
35 imposed by this subsection shall render the person or directors subject to

1

2