

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.

Act 1417 of the Regular Session

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007  
4

As Engrossed: H3/26/07

A Bill

HOUSE BILL 2752

5 By: Representative Hyde  
6  
7

8 **For An Act To Be Entitled**

9 AN ACT TO PROVIDE ADDITIONAL FUNDING FOR COUNTY  
10 JAILS; TO AUTHORIZE A LEVY TO DEFRAY THE COST OF  
11 INCARCERATING COUNTY PRISONERS; AND FOR OTHER  
12 PURPOSES.  
13

14 **Subtitle**

15 TO PROVIDE ADDITIONAL FUNDING FOR COUNTY  
16 JAILS AND TO AUTHORIZE A LEVY TO DEFRAY  
17 THE COST OF INCARCERATING COUNTY  
18 PRISONERS.  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22  
23

24 SECTION 1. Arkansas Code § 16-17-129(a), concerning the levy to defray  
25 the cost of incarcerating city and county prisoners, is amended to read as  
26 follows:

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



1 each bond forfeiture in all cases in the first class of accounting records as  
2 described in § 16-17-707.

3 (B) Except as provided in subdivision (a)(1)(C) of this  
4 section, all sums collected from the additional fine described in subdivision  
5 (a)(1)(A) of this section shall be paid into the town or city treasury to be  
6 deposited into a fund to be used exclusively to help defray the cost of  
7 incarcerating town or city prisoners, including the construction and  
8 maintenance of the town or city jail and payments to other entities for  
9 incarcerating town or city prisoners.

10 (C) All sums collected from the additional fine described  
11 in subdivision (a)(1)(A) of this section in any district court that is funded  
12 solely by the county shall be paid into the county treasury to be deposited  
13 into a fund to be used exclusively to help defray the cost of incarcerating  
14 county prisoners, including the construction and maintenance of the county  
15 jail.

16 (2)(A) In addition to all fines now or as may hereafter be  
17 provided by law, the governing body of each town or city in which a city  
18 court is located may by ordinance levy and collect an additional fine not to  
19 exceed five dollars (\$5.00) from each defendant upon each conviction, each  
20 plea of guilty or nolo contendere, or each bond forfeiture for any  
21 misdemeanor or traffic violation in the city court of the city or town.

22 (B) All sums collected from the additional fine described  
23 in subdivision (a)(2)(A) of this section shall be paid into the town or city  
24 treasury to be deposited into a fund to be used exclusively to help defray  
25 the cost of incarcerating town or city prisoners, including the construction  
26 and maintenance of the town or city jail and payments to other entities for  
27 incarcerating town or city prisoners.

28  
29 SECTION 2. Arkansas Code § 16-17-129(b), concerning the use of the  
30 levy of the additional fine for each defendant who pleads guilty or nolo  
31 contendere to, is found guilty of, or forfeits bond for any misdemeanor or  
32 traffic violation in the city court of the city, town, or county, or in the  
33 district court for the district in which the city or town is located, is  
34 amended to read as follows:

35 ~~(b)(1) The funds generated by the additional fine shall be used~~  
36 ~~exclusively to help defray the cost of incarcerating city and county~~

1 ~~prisoners, including the construction and maintenance of the city jail and~~  
 2 ~~county jail and payments to other entities for incarcerating city prisoners~~  
 3 ~~or county prisoners~~ In addition to all fines now or as may hereafter be  
 4 provided by law, the quorum court of each county may by ordinance levy an  
 5 additional fine not to exceed five dollars (\$5.00) to be collected from each  
 6 defendant upon each conviction, each plea of guilty or nolo contendere, or  
 7 each bond forfeiture in all cases in the first and second class of accounting  
 8 records as described in § 16-17-707. A county ordinance enacted under this  
 9 section applies to all district courts in the county.

10 (2) All sums collected from the additional fine described in  
 11 subdivision (b)(1) of this section shall be paid into the county treasury to  
 12 be deposited into a fund to be used exclusively to help defray the cost of  
 13 incarcerating county prisoners, including the construction and maintenance of  
 14 the county jail.

15  
16 /s/ Hyde

17  
18 APPROVED: 4/5/2007  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36