

**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 209 of the Regular Session**

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

# A Bill

HOUSE BILL 1382

5 By: Representatives Hyde, Allen, L. Cowling, T. Baker, Cook, Barnett, Blount, Cheatham, Cash, T.  
6 Bradford, J. Brown, Carroll, J. Burris, M. Martin, Word, Williams, Lowery, Lovell, King, Wells, Tyler,  
7 Webb, Kidd, Stewart, G. Smith, Kerr, Ingram, Adcock, Slinkard, D. Hutchinson, Hoyt, House, Sample,  
8 Saunders, Hawkins, Shelby, T. Rogers, J. Roebuck, Reep, Reynolds, Rice, Hardy, Greenberg, R. Green,  
9 George, Powers, English, Pennartz, Nix, Perry, Pierce, J. Edwards, Nickels, Moore, Maxwell, Davis, J.  
10 Dickinson, McLean  
11 By: Senators J. Jeffress, Broadway, Horn, D. Wyatt, Salmon, Madison, Teague, Lavery, Wilkinson, T.  
12 Smith, J. Key  
13  
14

## For An Act To Be Entitled

15 AN ACT TO INCREASE THE FINES FOR MISDEMEANOR  
16 OFFENSES AND VIOLATIONS; TO PROVIDE ADDITIONAL  
17 FUNDING FOR COUNTY JAILS; TO AUTHORIZE A LEVY TO  
18 DEFRAY THE COST OF INCARCERATING COUNTY  
19 PRISONERS; TO AUTHORIZE TEMPORARY DISTRIBUTION OF  
20 FUNDS RAISED BY INCREASED MISDEMEANOR AND  
21 VIOLATION FINES; AND FOR OTHER PURPOSES.  
22  
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## Subtitle

24 TO PROVIDE INCREASES OF FINES FOR  
25 MISDEMEANOR OFFENSES AND VIOLATIONS; TO  
26 PROVIDE ADDITIONAL FUNDING FOR COUNTY  
27 JAILS; TO AUTHORIZE A LEVY TO DEFRAY THE  
28 COST OF INCARCERATING COUNTY PRISONERS;  
29 AND TO AUTHORIZE DISTRIBUTION OF FUNDS.  
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33 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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35 SECTION 1. Arkansas Code § 5-4-201(b) and (c), regarding the fine



1 amounts for misdemeanors and violations, are amended to read as follows:

2 (b) A defendant convicted of a misdemeanor may be sentenced to pay a  
3 fine:

4 (1) Not exceeding ~~one thousand dollars (\$1,000)~~ two thousand  
5 five hundred dollars (\$2,500) if the conviction is of a Class A misdemeanor;

6 (2) Not exceeding ~~five hundred dollars (\$500)~~ one thousand  
7 dollars (\$1,000) if the conviction is of a Class B misdemeanor;

8 (3) Not exceeding ~~one hundred dollars (\$100)~~ five hundred  
9 dollars (\$500) if the conviction is of a Class C misdemeanor; or

10 (4) In accordance with a limitation of the statute defining the  
11 misdemeanor if the conviction is of an unclassified misdemeanor.

12 (c) A defendant convicted of a violation may be sentenced to pay a  
13 fine:

14 (1) Not exceeding one hundred dollars (\$100) if the violation is  
15 defined by the Arkansas Criminal Code or defined by a statute enacted  
16 subsequent to January 1, 1976, that does not prescribe a different limitation  
17 on the amount of the fine; or

18 (2) In accordance with a limitation of the statute defining the  
19 violation if that statute prescribes limitations on the amount of the fine.

20  
21 SECTION 2. Arkansas Code § 16-17-129 is amended to read as follows:

22 16-17-129. Levy to defray cost of incarcerating city and county  
23 prisoners.

24 (a)(1)(A) In addition to all fines now or as may hereafter be provided  
25 by law, the governing body of each town or city in which a district court is  
26 located may by ordinance levy and collect an additional fine not to exceed  
27 ~~five dollars (\$5.00)~~ twenty dollars (\$20.00) from each defendant upon each  
28 conviction, each plea of guilty or nolo contendere, or each bond forfeiture  
29 in all cases in the first class of accounting records as described in § 16-  
30 17-707.

31 (B) Except as provided in subdivision (a)(1)(C) of this  
32 section, all sums collected from the additional fine described in subdivision  
33 (a)(1)(A) of this section shall be paid into the town or city treasury to be  
34 deposited into a fund to be used exclusively to help defray the cost of  
35 incarcerating town or city prisoners, including the construction and  
36 maintenance of the town or city jail and payments to other entities for

1 incarcerating town or city prisoners.

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

8 (2)(A) In addition to all fines now or as may hereafter be  
 9 provided by law, the governing body of each town or city in which a city  
 10 court is located may by ordinance levy and collect an additional fine not to  
 11 exceed ~~five dollars (\$5.00)~~ twenty dollars (\$20.00) from each defendant upon  
 12 each conviction, each plea of guilty or nolo contendere, or each bond  
 13 forfeiture for any misdemeanor or traffic violation in the city court of the  
 14 city or town.

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

21 (b)(1) In addition to all fines now or as may hereafter be provided by  
 22 law, the quorum court of each county may by ordinance levy an additional fine  
 23 not to exceed ~~five dollars (\$5.00)~~ twenty dollars (\$20.00) to be collected  
 24 from each defendant upon each conviction, each plea of guilty or nolo  
 25 contendere, or each bond forfeiture in all cases in the first and second  
 26 class of accounting records as described in § 16-17-707. A county ordinance  
 27 enacted under this subdivision (b)(1) applies to all district courts in the  
 28 county.

29 (2) All sums collected from the additional fine described in  
 30 subdivision (b)(1) of this section as to cases in the first class shall be  
 31 paid into the county treasury to be deposited into a fund to be used  
 32 exclusively to help defray the cost of ~~incarcerating county prisoners,~~  
 33 ~~including the construction and maintenance of the county jail.:~~

34 (A) The construction, maintenance, and operation of the  
 35 city, county, or regional jail;

36 (B) Defraying the costs of incarcerating county prisoners

1 held by a county, a city, or any entity;

2 (C) The transportation and incarceration of city or county  
3 prisoners;

4 (D) The purchase and maintenance of equipment for the  
5 city, county, or regional jail; and

6 (E) Training, salaries, and certificate pay for jail  
7 personnel.

8 (3) All sums collected from the additional fine described in  
9 subdivision (b)(1) of this section as to cases of the second class shall be  
10 paid into the county treasury to be deposited into a fund to be used  
11 exclusively to help defray the cost of:

12 (A) The construction, maintenance, and operation of the  
13 city, county, or regional jail;

14 (B) Defraying the costs of incarcerating county prisoners  
15 held by a county, a city, or any entity;

16 (C) The transportation and incarceration of city or county  
17 prisoners;

18 (D) The purchase and maintenance of equipment for the city,  
19 county, or regional jail; and

20 (E) Training, salaries, and certificate pay for jailers and  
21 deputy sheriffs.

22 (c)(1) In counties having a county regional detention facility, the  
23 additional fine levied by the county under this section shall be deposited  
24 into a special fund within the county treasury.

25 (2) The revenues generated by the additional fine shall be used  
26 exclusively for maintenance, operation, and capital expenditures of the  
27 regional detention facility.

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

32 (e)(1) The additional fine authorized in subsection (a) of this  
33 section shall apply to each charge, count, violation, or offense that a  
34 defendant pleads guilty or nolo contendere to, is found guilty of, or  
35 forfeits bond for, including each misdemeanor or traffic violation.

36 (2) The fine may be imposed:

1 (A) By all courts within a city of the first class, city of  
2 the second class, incorporated town, or county in this state that has by  
3 ordinance levied the fine; and

4 (B) In all cases classified as county cases or city cases.  
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6 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the  
7 General Assembly of the State of Arkansas that the increasing costs of  
8 incarcerating or otherwise keeping prisoners in county jails creates an  
9 economic hardship; that maximum fines allowed by statute for convicted  
10 persons are too low; and that this act is immediately necessary because  
11 county jails are overcrowded. Therefore, an emergency is declared to exist,  
12 and this act being immediately necessary for the preservation of the public  
13 peace, health, and safety shall become effective on July 1, 2009.  
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15 **APPROVED: 2/20/2009**  
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