

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 83rd General Assembly  
3 Regular Session, 2001

# A Bill

HOUSE BILL 1999

4  
5 By: Representatives Salmon, Magnus, Napper, Bond

## For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 16-17-129 TO AUTHORIZE  
10 COUNTIES TO LEVY AN ADDITIONAL FINE NOT TO EXCEED FIVE  
11 DOLLARS (\$5.00) TO HELP DEFRAY THE COST OF  
12 INCARCERATION IN COUNTY JAILS; TO EXPAND 16-17-129 TO  
13 APPLY TO ALL CITIES; AND FOR OTHER PURPOSES.

## Subtitle

16 TO AMEND ARKANSAS CODE 16-17-129 TO  
17 AUTHORIZE COUNTIES TO LEVY AN ADDITIONAL  
18 FINE NOT TO EXCEED FIVE DOLLARS (\$5.00)  
19 TO HELP DEFRAY THE COST OF INCARCERATION  
20 IN COUNTY JAILS; TO EXPAND 16-17-129 TO  
21 APPLY TO ALL CITIES.

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

26 SECTION 1. Arkansas Code 16-17-129 is amended to read as follows:  
27 16-17-129. Levy to defray cost of incarcerating city and county  
28 prisoners.

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

36 (2) The additional court fine authorized by this section shall be

1 levied by ordinance of the governing body of the municipality or county  
2 wherein the municipal court or city court is located.

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

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

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

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21 SECTION 2. It is hereby found and determined by the General Assembly  
22 that counties are in desperate need of additional revenues to maintain  
23 criminal detention facilities; that this act provides a mechanism of  
24 generating additional revenues for those purposes; and that until this act  
25 goes into effect those additional revenues will not be available to the  
26 counties. Therefore, an emergency is declared to exist and this act being  
27 immediately necessary for the preservation of the public peace, health and  
28 safety shall become effective on the date of its approval by the Governor. If  
29 the bill is neither approved nor vetoed by the Governor, it shall become  
30 effective on the expiration of the period of time during which the Governor  
31 may veto the bill. If the bill is vetoed by the Governor and the veto is  
32 overridden, it shall become effective on the date the last house overrides the  
33 veto.