

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021

A Bill

HOUSE BILL 1792

4
5 By: Representatives Slape, A. Collins
6 By: Senator Irvin

For An Act To Be Entitled

9 AN ACT CONCERNING THE COLLECTION OF FINES ORDERED TO
10 BE PAID BY A PERSON CONVICTED OF A FELONY; AND FOR
11 OTHER PURPOSES.

Subtitle

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14 CONCERNING THE COLLECTION OF FINES
15 ORDERED TO BE PAID BY A PERSON CONVICTED
16 OF A FELONY.
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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 § 5-4-101, concerning definitions used in
23 regard to disposition of offenders, is amended to add an additional
24 subdivision to read as follows:

25 (7) "Delinquent" means the defendant:

26 (A) Has failed to pay his or her fines and costs that
27 resulted from his or her felony conviction; and

28 (B) Has not paid his or her installment for three (3)
29 consecutive months if the defendant is on an installment payment plan.

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31 SECTION 2. Arkansas Code Title 5, Chapter 4, Subchapter 2, is amended
32 to add an additional section to read as follows:

33 5-4-207. Installment payments – Request for temporary acceptance.

34 (a)(1) If a defendant is paying a fine or costs as the result of a
35 felony conviction in installments as authorized under § 5-4-202(b), the
36 defendant may contact the entity with the responsibility to collect the fines



1 or costs and request that the entity permit a lower installment payment based
2 upon a demonstration of hardship.

3 (2)(A) Lower installment payments may be accepted by the entity
4 with the responsibility to collect the fines or costs under subdivision
5 (a)(1) of this section for no more than three (3) consecutive months.

6 (B) A request for and acceptance of lower installment
7 payments in excess of or more than three (3) months shall be made by order of
8 the circuit court.

9 (b)(1) A defendant shall not request permission under subsection (a)
10 of this section if the defendant's failure to pay is attributable to the
11 defendant's:

12 (A) Purposeful refusal to obey the sentence of the court;
13 or

14 (B) Refusal or failure to make a good-faith effort to
15 obtain the funds required for payment.

16 (2)(A) If a defendant becomes delinquent in his or her
17 installment payments and a warrant is issued for the defendant's arrest, the
18 bond amount set by the court shall not exceed ten percent (10%) of the amount
19 of the defendant's arrearage.

20 (B) However, a defendant is not delinquent during a period
21 in which he or she:

22 (i) Has had his or her installment payment amount
23 lowered as provided under subsection (a) of this section; and

24 (ii) Is making installment payments in accordance
25 with the lower payments as temporarily authorized under subsection (a) of
26 this section.

27 (c)(1) An inmate in the Department of Corrections upon request is
28 permitted to file in the circuit court in which the inmate has outstanding
29 fines, court costs, fees, or restitution obligations notice to the circuit
30 court of his or her incarceration and to seek temporary abatement or the
31 imposition of reduced installment payments during the period of his or her
32 incarceration.

33 (2) An inmate in the department upon request may be allowed to
34 make arrangements during the time period six (6) months or less before his or
35 her release from custody to file in the circuit court in which the inmate has
36 outstanding fines, court costs, fees, or restitution obligations notice to

1 the circuit court of his or her impending release from incarceration and to
2 seek temporary abatement or the imposition of reduced installment payments
3 during the six-month period immediately following the scheduled release from
4 incarceration.

5 (d)(1) If the circuit court determines that a hearing is necessary, a
6 hearing under this subsection may be conducted.

7 (2) The preferred method to conduct the hearing is by telephone,
8 video conference, or other electronic means.

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