

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 353

5 By: Senator Irvin
6

For An Act To Be Entitled

8 AN ACT ELIMINATING DEBTORS' PRISONS; TO ABATE OR
9 ELIMINATE THE COLLECTION OF OUTSTANDING MISDEMEANOR
10 FINES, FEES, AND COSTS ORDERED TO BE PAID BY A PERSON
11 WHO IS IN THE CUSTODY OF THE DEPARTMENT OF
12 CORRECTIONS; AND FOR OTHER PURPOSES.
13

Subtitle

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16 ELIMINATING DEBTORS' PRISONS; TO ABATE OR
17 ELIMINATE THE COLLECTION OF OUTSTANDING
18 MISDEMEANOR FINES, FEES, AND COSTS
19 ORDERED TO BE PAID BY A PERSON WHO IS IN
20 THE CUSTODY OF THE DEPARTMENT OF
21 CORRECTIONS.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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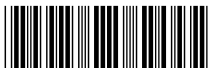
26 SECTION 1. Arkansas Code Title 16, is amended to add an additional
27 chapter to read as follows:

Chapter 101

Inmate Misdemeanor Offense Reconciliation

16-101-101. Legislative intent.

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32 The General Assembly intends to create a framework, consistent with
33 Arkansas Constitution, Amendment 80, and the constitutional prerogatives of
34 the state's prosecuting attorneys and judges, to enable persons who are
35 incarcerated or who will soon be incarcerated in the Department of
36 Corrections to dispose of all pending misdemeanor offenses committed within



1 this state and to have fines, fees, and costs resulting from those
2 misdemeanor offenses abated due to the person's incarceration.

3
4 16-101-102. Compilation of pending misdemeanor offenses.

5 (a) A person who is currently or has been sentenced to be incarcerated
6 in the Department of Corrections may request and shall be provided a complete
7 compilation of all outstanding arrest warrants, criminal summons, and pending
8 misdemeanor cases for that person.

9 (b) The department shall compile the requested information in
10 cooperation with the Arkansas Crime Information Center and the Administrative
11 Office of the Courts.

12
13 16-101-103. Option to resolve pending misdemeanor matters.

14 (a)(1) A person incarcerated in the Department of Corrections, with
15 the assistance of the department, or a person who has been sentenced to be
16 incarcerated in the department may petition a court for a quick resolution of
17 an offense pending in the court as long as the offense is a misdemeanor.

18 (2) The person may also request to be served with any
19 outstanding misdemeanor arrest warrants in order to begin the process of
20 resolving the misdemeanor arrest warrant.

21 (b) The department shall make available means of communication between
22 the person, the prosecuting attorney, the court, local law enforcement
23 agencies, and the person's attorney, if applicable, to help facilitate the
24 entry of pleas remotely from the department, addressing outstanding
25 misdemeanor arrest warrants, and, when required by the court, attendance at
26 the court for the purposes of entry of pleas, hearings, or trials.

27 (c) Local law enforcement agencies shall also help facilitate
28 transportation of the person to and from the department to the court or local
29 law enforcement agency when the court requires it.

30
31 16-101-104. Remote pleading permitted.

32 (a) Subject to the rules of the judiciary and the local rules of the
33 court, a person who has opted to resolve pending misdemeanor matters under
34 this chapter may enter a plea of guilty or nolo contendere to any outstanding
35 or pending misdemeanor charges remotely from where he or she is incarcerated.

36 (b) A remote plea may be given only through a real-time medium with

1 both an audio and visual feed.

2
3 16-101-105. Negotiated pleas to run concurrent.

4 (a) When the court permits, a negotiated plea entered into between the
5 state and a person using the procedures under this chapter shall run
6 concurrent with the sentence that the person is currently serving.

7 (b) The court is also encouraged to refrain from fining a person and
8 instead sentencing the person to a period of incarceration only.

9
10 16-101-106. Rescinding or eliminating outstanding fines, fees, and
11 costs.

12 (a) A person may petition a court before which the person still owes
13 outstanding fines, fees, or costs associated with a prior conviction to
14 request that the court rescind the assessment of the fine, fee, or cost or to
15 show that the person is indigent and that the person is no longer required to
16 pay the fine, fee, or cost.

17 (b) The court is encouraged to eliminate the fines, fees, or costs
18 that the person was assessed due to the person's current incarceration in the
19 Department of Corrections.

20
21 16-101-107. Notice to prosecuting attorney.

22 The prosecuting attorney shall be served with a petition under this
23 chapter by the clerk of the court in which the petition is filed and may
24 answer the petition as well as object to any request made by the person in
25 the petition.