

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

As Engrossed: S4/6/21

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; TO CREATE A TASK FORCE; TO DECLARE AN
13 EMERGENCY; AND FOR OTHER PURPOSES.
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Subtitle

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17 TO ABATE OR ELIMINATE THE COLLECTION OF
18 OUTSTANDING MISDEMEANOR FINES, FEES, AND
19 COSTS ORDERED TO BE PAID BY A PERSON WHO
20 IS IN THE CUSTODY OF THE DEPARTMENT OF
21 CORRECTIONS; TO CREATE A TASK FORCE; AND
22 TO DECLARE AN EMERGENCY.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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27 SECTION 1. Arkansas Code Title 16, Chapter 90, is amended to add an
28 additional subchapter to read as follows:

29 Subchapter 15 – Inmate Misdemeanor Offense Reconciliation

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31 16-90-1501. Legislative intent.

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.

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4 16-90-1502. 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 of the department and shall be
7 provided by the department a complete compilation of all outstanding arrest
8 warrants, criminal summons, and pending misdemeanor cases for that person.

9 (b) The department shall provide information under subsection (a) of
10 this section from information made available to the Arkansas Crime
11 Information Center and the Administrative Office of the Courts.

12
13 16-90-1503. Option to resolve pending misdemeanor matters.

14 (a) As used in this section, "assistance" means the Department of
15 Corrections shall make available means of communication between a person, the
16 prosecuting attorney, the court, local law enforcement agencies, and the
17 person's attorney, if applicable, to help facilitate the entry of pleas
18 remotely from the department, addressing outstanding misdemeanor arrest
19 warrants, and, when required by the court, attendance at the court for the
20 purposes of entry of pleas, hearings, or trials.

21 (b)(1) A person incarcerated in the department, with the assistance of
22 the department, or a person who has been sentenced to be incarcerated in the
23 department may petition a court for a quick resolution of a misdemeanor
24 offense pending in the court.

25 (2) The person may also request to be served with any
26 outstanding misdemeanor arrest warrant in order to begin the process of
27 resolving the misdemeanor arrest warrant.

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

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32 16-90-1504. Remote pleading permitted.

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

1 (b) A remote plea may be given only through a real-time medium with
2 both an audio and visual feed.

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4 16-90-1505. Negotiated pleas to run concurrent.

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

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

10
11 SECTION 2. DO NOT CODIFY. TEMPORARY LEGISLATION.

12 (a) There is created the Criminal Justice Task Force on Offender Court
13 Costs and Collections.

14 (b) The purpose of this task force is to study the methods used to
15 collect and record fines, fees, restitution, and other financial obligations
16 of persons in the criminal justice system.

17 (c) The task force shall study the feasibility of notice to outside
18 entities in the event that a person with financial obligations to a court
19 wins a lottery prize, sells property, or is being released from parole or
20 probation early.

21 (d)(1) The task force shall be composed of the following members:

22 (A) Two (2) citizen representatives to be appointed by the
23 Governor;

24 (B) Two (2) members of the Senate, one (1) member to be
25 appointed by the President Pro Tempore of the Senate and one (1) member to be
26 appointed by the Chair of the Senate Judiciary Committee;

27 (C) Two (2) members of the House of Representatives, one
28 (1) member to be appointed by the Speaker of the House of Representatives and
29 one (1) member to be appointed by the Chair of the House Committee on
30 Judiciary;

31 (D) Two (2) members appointed by the Chief Justice of the
32 Supreme Court, one (1) of whom is a circuit court judge and one (1) of whom
33 is a district court judge;

34 (E) Two (2) members to be appointed by the Secretary of
35 the Department of Corrections;

36 (F) One (1) member representing the Association of

1 Arkansas Counties;

2 (G) One (1) member to be appointed by the Director of the
3 Administrative Office of the Courts;

4 (H) One (1) member of the Board of Corrections to be
5 appointed by the Chair of the Board of Corrections;

6 (I) One (1) member representing the Arkansas Sheriffs'
7 Association;

8 (J) One (1) member representing the Office of the
9 Prosecutor Coordinator; and

10 (K) One (1) member to be appointed by the Director of the
11 Arkansas Crime Information Center.

12 (2) If a vacancy occurs on the task force, the vacancy shall be
13 filled by the same process as the original appointment.

14 (e)(1) The legislative members of the task force shall be paid per
15 diem and mileage as authorized by law for attendance at meetings of interim
16 committees of the General Assembly.

17 (2) Nonlegislative members of the task force shall not be
18 compensated but may be reimbursed under § 25-16-901 et seq. for expenses
19 actually incurred in the performance of their duties.

20 (f) The task force shall establish rules and procedures for conducting
21 its business.

22 (g)(1) Ten (10) members of the task force shall constitute a quorum
23 for transacting business of the task force.

24 (2) An affirmative vote of a majority of a quorum present shall
25 be required for the passage of a motion or other task force action.

26 (h) The Department of Corrections shall provide staff, meeting space,
27 and materials for the task force.

28 (i) The task force shall meet on or before July 15, 2021, at the call
29 of the member appointed by the President Pro Tempore of the Senate, and
30 organize itself by electing one (1) of its members as chair and other
31 officers as the task force may consider necessary.

32 (j) The task force shall prepare and submit a report of its findings
33 to the Cochairs of the Legislative Council and the Chair of the House
34 Committee on Judiciary and the Chair of the Senate Judiciary Committee.

35 (k) The report is due by October 31, 2022.

36 (l) The task force shall expire on December 31, 2022.

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SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the Criminal Justice Task Force on Offender Court Costs and Collections has a large task ahead of it concerning the study it is required to conduct and the report it is required to complete. Because of this, the task force needs to begin work in July of 2021, before the normal effective date of this act. Therefore, an emergency is declared to exist with regard to Section 2 of this act, and Section 2 of this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/ Irvin