

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

As Engrossed: S4/6/21 H4/19/21

# A Bill

SENATE BILL 353

5 By: Senator Irvin  
6 By: Representative Lundstrum  
7

## For An Act To Be Entitled

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

## Subtitle

18 TO ABATE OR ELIMINATE THE COLLECTION OF  
19 OUTSTANDING MISDEMEANOR FINES, FEES, AND  
20 COSTS ORDERED TO BE PAID BY A PERSON WHO  
21 IS IN THE CUSTODY OF THE DEPARTMENT OF  
22 CORRECTIONS; TO CREATE A TASK FORCE; AND  
23 TO DECLARE AN EMERGENCY.

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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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28 SECTION 1. Arkansas Code Title 16, Chapter 90, is amended to add an  
29 additional subchapter to read as follows:

30 Subchapter 15 – Inmate Misdemeanor Offense Reconciliation

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32 16-90-1501. Legislative intent.

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



1 Corrections to dispose of all pending misdemeanor offenses committed within  
2 this state and to have fines, fees, and costs resulting from those  
3 misdemeanor offenses abated due to the person's incarceration.

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5 16-90-1502. Compilation of pending misdemeanor offenses.

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

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

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14 16-90-1503. Option to resolve pending misdemeanor matters.

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

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

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

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

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33 16-90-1504. Remote pleading permitted.

34 (a) Subject to the rules of the judiciary and the local rules of the  
35 court, a person who has opted to resolve pending misdemeanor matters under  
36 this chapter may enter a plea of guilty or nolo contendere to any outstanding

1 or pending misdemeanor charges remotely from where he or she is incarcerated.

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

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5 16-90-1505. Negotiated pleas to run concurrent.

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

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

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12 SECTION 2. DO NOT CODIFY. TEMPORARY LEGISLATION.

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

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

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

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

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

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

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

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

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

1 (F) One (1) member representing the Association of  
2 Arkansas Counties;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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3 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
4 General Assembly of the State of Arkansas that the Criminal Justice Task  
5 Force on Offender Court Costs and Collections has a large task ahead of it  
6 concerning the study it is required to conduct and the report it is required  
7 to complete. Because of this, the task force needs to begin work in July of  
8 2021, before the normal effective date of this act. Therefore, an emergency  
9 is declared to exist with regard to Section 2 of this act, and Section 2 of  
10 this act being immediately necessary for the preservation of the public  
11 peace, health, and safety shall become effective on:

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

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

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

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20 /s/Irvin  
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