

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

A Bill

SENATE BILL 544

5 By: Senators Rice, G. Stubblefield, Flippo
6

For An Act To Be Entitled

8 AN ACT REQUIRING A PERSON IN THE CUSTODY OF A
9 CORRECTIONAL FACILITY TO USE FUNDS FROM FEDERAL
10 RELIEF OR STIMULUS PROGRAMS TO FIRST PAY OUTSTANDING
11 FINES, FEES, COSTS, OR RESTITUTION; TO DECLARE AN
12 EMERGENCY; AND FOR OTHER PURPOSES.
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Subtitle

15 REQUIRING A PERSON IN THE CUSTODY OF A
16 CORRECTIONAL FACILITY TO USE FUNDS FROM
17 FEDERAL RELIEF OR STIMULUS PROGRAMS TO
18 FIRST PAY OUTSTANDING FINES, FEES, COSTS,
19 OR RESTITUTION; AND TO DECLARE AN
20 EMERGENCY.
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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 12, Chapter 29, Subchapter 1, is
27 amended to add an additional section to read as follows:

28 12-29-119. Use of federal financial stimulus or relief funds to pay
29 outstanding court obligations.

30 Unless prohibited by federal law, a person who is in the custody of the
31 Department of Corrections for an offense committed in the state that receives
32 any federal relief or stimulus funds from the United States Government is
33 required to first use the federal financial stimulus or relief funds to pay
34 off existing court fines, fees, costs, or restitution before he or she may
35 use the federal financial relief or stimulus funds for any other purpose.
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1 SECTION 2. Arkansas Code Title 12, Chapter 41, Subchapter 1, is
2 amended to add an additional section to read as follows:

3 12-41-109. Use of federal financial stimulus or relief funds to pay
4 outstanding court obligations.

5 Unless prohibited by federal law, a person who is in the custody of a
6 local or regional correctional facility for an offense committed in the state
7 that receives any federal relief or stimulus funds from the United States
8 Government is required to first use the federal financial stimulus or relief
9 funds to pay off existing court fines, fees, costs, or restitution before he
10 or she may use the federal financial relief or stimulus funds for any other
11 purpose.

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13 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
14 General Assembly of the State of Arkansas that many persons currently in
15 custody for convictions are set to receive or have already received federal
16 relief funds related to coronavirus 2019 (COVID-19) recovery; that many of
17 these persons in custody still have outstanding fines, fees, costs, and
18 restitution ordered to be paid by a sentencing court; that a person in
19 custody has a responsibility to the state and any victim of his or her
20 offense to pay off these obligations as soon as possible; that the state
21 needs to act quickly to ensure the federal relief funds paid to these persons
22 in custody are not spent or otherwise diverted to other things before the
23 person's obligations to the state, the court, and any victim are satisfied.
24 Therefore, an emergency is declared to exist, and this act being immediately
25 necessary for the preservation of the public peace, health, and safety shall
26 become effective on:

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

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

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