

INTERIM STUDY PROPOSAL 2019-010

1  
2 State of Arkansas  
3 92nd General Assembly  
4 Regular Session, 2019  
5

**A Bill**

HOUSE BILL 1770

6 By: Representatives Boyd, Vaught  
7 By: Senator M. Pitsch

8 Filed with: House Committee on Judiciary  
9 pursuant to A.C.A. §10-3-217.

**For An Act To Be Entitled**

11 AN ACT TO BE KNOWN AS THE "FRESH START ACT OF 2019";  
12 TO REQUIRE THE ATTEMPTED DISPOSITION OF CERTAIN  
13 PENDING MISDEMEANOR AND NONVIOLENT FELONY OFFENSES  
14 WHILE A PERSON IS INCARCERATED IN THE DEPARTMENT OF  
15 CORRECTION; CONCERNING A PERSON'S SENTENCE FOR A  
16 CRIMINAL OFFENSE; AND FOR OTHER PURPOSES.

**Subtitle**

19 TO BE KNOWN AS THE "FRESH START ACT OF  
20 2019"; AND TO ATTEMPT DISPOSITION OF  
21 CERTAIN PENDING MISDEMEANOR AND  
22 NONVIOLENT FELONY OFFENSES WHILE THE  
23 PERSON IS INCARCERATED IN THE DEPARTMENT  
24 OF CORRECTION.  
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28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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30 SECTION 1. Arkansas Code Title 16, is amended to add an additional  
31 chapter to read as follows:

Chapter 101

Fresh Start Act of 2019

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34  
35 16-101-101. Title.

1           This chapter may be known as and cited as the "Fresh Start Act of  
2 2019".

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4           16-101-102. Legislative intent.

5           (a) It is the intent of the General Assembly to create a framework,  
6 consistent with Arkansas Constitution, Amendment 80, and the constitutional  
7 prerogatives of the state's prosecuting attorneys and judges, to enable  
8 persons who are incarcerated or who will soon be incarcerated in the  
9 Department of Correction to dispose of all pending misdemeanor and nonviolent  
10 felony offenses committed within this state and, if found guilty of those  
11 offenses, to run those sentences concurrently with the sentence for which the  
12 person is already serving or will be serving.

13           (b) Unless the person still has to answer for a violent felony offense  
14 after he or she is released from the department, a framework of this nature  
15 would give the person a fresh start upon his or her parole and reintegration  
16 into society, one that hopefully leads to full employment and a return to  
17 being a productive member of society.

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19           16-101-103. Definitions.

20           As used in this chapter, "felony involving violence" means the same as  
21 defined in § 5-4-501(d)(2).

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23           16-101-104. Compilation of pending criminal offenses.

24           (a) A person who is currently incarcerated in the Department of  
25 Correction may request, and a person who will be incarcerated in the  
26 department after the effective date of this act shall be provided, a complete  
27 compilation of all outstanding arrest warrants, criminal summons, pending  
28 misdemeanor cases, and pending cases for any felony involving violence.

29           (b) The department shall compile this information in cooperation with  
30 the Arkansas Crime Information Center and the Administrative Office of the  
31 Courts.

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33           16-101-105. Option to resolve pending criminal matters.

34           (a)(1) A person incarcerated in the Department of Correction, with the  
35 assistance of the department, may petition a court for a quick resolution of

1 an offense pending in the court as long as the offense is not a felony  
2 involving violence.

3 (2) The person may also request to be served with any  
4 outstanding arrest warrants in order to begin the process of resolving the  
5 arrest warrant.

6 (b) The department shall make available means of communication between  
7 the person, the prosecuting attorney, the court, local law enforcement  
8 agencies, and the person's attorney, if applicable, to help facilitate the  
9 entry of pleas remotely from the department, addressing outstanding arrest  
10 warrants, and, when required by the court, attendance at the court for the  
11 purposes of entry of pleas, hearings, or trials.

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

15  
16 16-101-106. Remote pleading permitted.

17 (a) Subject to the rules of the judiciary and the local rules of the  
18 court, the person may enter a plea of guilty or nolo contendere to the  
19 charges remotely from where he or she is incarcerated.

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

22  
23 16-101-107. Negotiated pleas to run concurrent.

24 (a) When the court permits, a negotiated plea entered into between the  
25 state and the person using the procedures under this chapter shall run  
26 concurrent with the sentence for which the person is currently serving.

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

29  
30 16-101-108. Rescinding or eliminating outstanding fines, fees, and  
31 costs.

32 (a) A person may also petition a court before which the person still  
33 has outstanding fines, fees, or costs associated with a prior conviction to  
34 request that the court rescind the assessment of the fine, fee, or cost, or  
35 to show that the person is indigent and that the person is no longer required  
36 to pay the fine, fee, or cost.

1           (b) The court is encouraged to eliminate the fines, fees, or costs  
2 which the person was assessed due to the person's current incarceration in  
3 the department.

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5           16-101-109. Notice to prosecuting attorney.

6           The prosecuting attorney shall be served with a petition under this  
7 chapter by the court in which the petition is filed and may answer the  
8 petition as well as object to any request made by the person in the petition.

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11 Referred requested by the Arkansas House of Representatives

12 Prepared by: BPG/VJF

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