

Hall of the House of Representatives

86th General Assembly - Regular Session, 2007

Amendment Form

Subtitle of House Bill No. 2752

"TO PROVIDE ADDITIONAL FUNDING FOR COUNTY JAILS AND TO AUTHORIZE A
LEVY TO DEFRAY THE COST OF INCARCERATING COUNTY PRISONERS."

Amendment No. 1 to House Bill No. 2752.

Amend House Bill No. 2752 as originally introduced:

Page 1, line 27, delete "(a)(1)" and substitute "(a)(1)(A)"

AND

Page 1, delete lines 28 and 29, and substitute the following:

"law, the governing body of each town or city of the first class, city of the second class, incorporated town, and county in this state in which a district court is located may by ordinance levy and"

AND

Page 1, delete lines 31 through 36, and substitute the following:

"defendant who pleads guilty or nolo contendere to, is found guilty of, or forfeits bond for any misdemeanor or traffic violation in the city court of the city, town, or county, or in the district court for the district in which the city or town is located upon each conviction, each plea of guilty or nolo contendere, or each bond forfeiture in all cases in the first class of accounting records as described in § 16-17-707.

(B) Except as provided in subdivision (a)(1)(C) of this section, all sums collected from the additional fine described in subdivision (a)(1)(A) of this section shall be paid into the town or city treasury to be deposited into a fund to be used exclusively to help defray the cost of incarcerating town or city prisoners, including the construction and maintenance of the town or city jail and payments to other entities for incarcerating town or city prisoners.

(C) All sums collected from the additional fine described in subdivision (a)(1)(A) of this section in any district court that is funded solely by the county shall be paid into the county treasury to be deposited into a fund to be used exclusively to help defray the cost of incarcerating county prisoners, including the construction and maintenance of the county jail.

(2)(A) In addition to all fines now or as may hereafter be



provided by law, the governing body of each town or city in which a city court is located may by ordinance levy and collect an additional fine not to exceed five dollars (\$5.00) from each defendant upon each conviction, each plea of guilty or nolo contendere, or each bond forfeiture for any misdemeanor or traffic violation in the city court of the city or town.

(B) All sums collected from the additional fine described in subdivision (a)(2)(A) of this section shall be paid into the town or city treasury to be deposited into a fund to be used exclusively to help defray the cost of incarcerating town or city prisoners, including the construction and maintenance of the town or city jail and payments to other entities for incarcerating town or city prisoners.

SECTION 2. Arkansas Code § 16-17-129(b), concerning the use of the levy of the additional fine for each defendant who pleads guilty or nolo contendere to, is found guilty of, or forfeits bond for any misdemeanor or traffic violation in the city court of the city, town, or county, or in the district court for the district in which the city or town is located, is amended to read as follows:

~~(b)(1) The funds generated by the additional fine shall be used exclusively to help defray the cost of incarcerating city and county prisoners, including the construction and maintenance of the city jail and county jail and payments to other entities for incarcerating city prisoners or county prisoners~~ In addition to all fines now or as may hereafter be provided by law, the quorum court of each county may by ordinance levy an additional fine not to exceed five dollars (\$5.00) to be collected from each defendant upon each conviction, each plea of guilty or nolo contendere, or each bond forfeiture in all cases in the first and second class of accounting records as described in § 16-17-707. A county ordinance enacted under this section applies to all district courts in the county.

(2) All sums collected from the additional fine described in subdivision (b)(1) of this section shall be paid into the county treasury to be deposited into a fund to be used exclusively to help defray the cost of incarcerating county prisoners, including the construction and maintenance of the county jail."

AND

Page 2, delete lines 1 through 4

The Amendment was read _____
By: Representative Hyde
GRH/YTC - 03-19-2007 15:29
GRH350

Chief Clerk