

**ARKANSAS SENATE**  
93rd General Assembly - Regular Session, 2021  
**Amendment Form**

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**Subtitle of Senate Bill No. 455**

TO AMEND THE LAW CONCERNING CERTAIN FEES, EXPENSES, AND OTHER COSTS IMPOSED ON A  
JUVENILE OR THE PARENT, GUARDIAN, OR CUSTODIAN OF A JUVENILE.

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**Amendment No. 1 to Senate Bill 455**

Amend Senate Bill No. 455 as originally introduced:

Page 1, delete line 23, and substitute the following:

"SECTION 1. Arkansas Code § 6-18-222(a)(5), concerning the penalty for unexcused absences and the revocation of driving privileges, is repealed.

~~(5)(A) When a student exceeds the number of unexcused absences provided for in the district's or the Career Education and Workforce Development Board's student attendance policy, or when a student has violated the conditions of an agreement granting special arrangements under subdivision (a)(4)(D) of this section, the school district or the adult education program shall notify the prosecuting authority and the community truancy board, if a community truancy board has been created, and the student's parent, guardian, or person in loco parentis shall be subject to a civil penalty through a family in need of services action in circuit court, as authorized under subdivision (a)(6)(A) of this section, but not to exceed five hundred dollars (\$500) plus costs of court and any reasonable fees assessed by the court.~~

~~(B) The penalty shall be forwarded by the court to the school or the adult education program attended by the student.~~

SECTION 2. Arkansas Code § 9-27-303(33), concerning the definition of is amended to read as follows:"

AND

Page 13, delete line 6, and substitute the following:

~~"contempt sanctions.~~

SECTION 16. Arkansas Code § 9-27-339(f)(1), concerning probation and probation revocation under the Arkansas Juvenile Code of 1989, is amended to read as follows:

(f)(1) Nonpayment of restitution, fines, or court costs may constitute a violation of probation, unless the juvenile shows that his or her default



was not attributable to a purposeful refusal to obey the sentence of the court or was not due to a failure on his or her part to make a good faith effort to obtain the funds required for payment.

SECTION 17. Arkansas Code § 9-27-339(f)(3), concerning probation and probation revocation under the Arkansas Juvenile Code of 1989, is amended to read as follows:

(3) If the court determines that the default in payment of a ~~fine, costs, or~~ restitution is excusable under subdivision (f)(1) of this section, the court may enter an order allowing the juvenile additional time for payment, reducing the amount of each installment, or revoking the ~~fine, costs, or~~ restitution or unpaid portion thereof in whole or in part."

AND

Page 14, delete line 2, and substitute the following:

~~"enter such an order for payment pursuant to § 9-27-333(e)."~~

SECTION 20. Arkansas Code § 9-27-367 is amended to read as follows:  
9-27-367. Court costs, fees, and fines.

~~(a) The juvenile division of the circuit court may order the following court costs, fees, and fines to be paid by adjudicated defendants to the circuit court juvenile division fund as provided for in § 16-13-326:~~

~~(1) The court may assess an adjudicated delinquent court costs not to exceed thirty five dollars (\$35.00) as provided under § 9-27-330(a)(6);~~

~~(2) The court may assess an adjudicated family in need of services court costs not to exceed thirty five dollars (\$35.00) as provided under § 9-27-332(a)(8);~~

~~(3) The court may order a probation fee for juveniles adjudicated delinquent not to exceed twenty dollars (\$20.00) per month as provided under § 9-27-330(a)(5);~~

~~(4) The court may order a juvenile service fee for an adjudicated family in need of services not to exceed twenty dollars (\$20.00) per month as provided under § 9-27-332(a)(9);~~

~~(5) The court may order a fine for adjudicated delinquents of not more than five hundred dollars (\$500) as provided under § 9-27-330(a)(8);~~

~~(6) The court may order a fine for an adjudicated family in need of services of not more than five hundred dollars (\$500) as provided under § 9-27-332(a)(7); and~~

~~(7) A juvenile intake or probation officer may charge a diversion fee limited to no more than twenty dollars (\$20.00) per month as provided under § 9-27-323.~~

~~(b) The court shall direct that the juvenile division court costs and fees be collected, maintained, and accounted for in the same manner as juvenile probation and juvenile services fees as provided for in § 16-13-326.~~

In relation to a matter involving a juvenile, the juvenile and the parent, guardian, or custodian of the juvenile shall not be ordered to pay fines, fees, costs, or a combination of fines, fees, and costs as described in §§ 5-2-331, 5-4-201, 5-4-204, 5-4-303, 5-4-322, 5-4-703, 5-4-706, 5-4-905, 5-4-907, 5-27-222, § 5-36-103(c)(3)(A)(i), § 5-36-123(d)(2)(A)(i), § 5-65-

119(a)(1), § 5-65-304(d)(1)(A), § 5-65-310(f)(1)(A), § 12-27-125(b)(17)(B), §§ 12-41-505, 16-13-506, 16-91-108, 16-92-101, 16-92-102, 16-98-304, 21-6-201, 21-6-202, 21-6-307, 21-6-308, 21-6-402, 21-6-403, 21-6-406, 21-6-413, 21-6-415, 27-16-508, and 27-16-808.

SECTION 21. Arkansas Code § 16-10-305, concerning court costs, is amended to add an additional subsection to read as follows:

(i) The authority to assess court costs under this section does not apply to:

- (1) A person who is a juvenile at the time of the commission of the delinquent act;
- (2) A person who is a juvenile at the time the circuit court, county court, or district court renders a judgment;
- (3) A juvenile; or
- (4) The parent, guardian, or custodian of a juvenile in relation to the juvenile's delinquent act.

SECTION 22. Arkansas Code § 16-13-701 is amended to read as follows:  
16-13-701. Scope – Definition.

~~(a) The procedures established by this subchapter shall apply to the assessment and collection of all fines, however designated, imposed by circuit courts and district courts for criminal convictions, traffic convictions, civil violations, and juvenile delinquency adjudications and shall be utilized to obtain prompt and full payment of all fines.~~

~~(b)~~ As used in this subchapter, "fine" means a monetary penalty imposed by a court, including without limitation:

- (1) A monetary fine;
- (2) Court costs;
- (3) Court-ordered restitution;
- (4) Probation fees;
- (5) Supervision fees;
- (6) Public service supervisory fees; and
- (7) Other court-ordered fees.

(b) The procedures established by this subchapter shall apply to the assessment and collection of all fines, however designated, imposed by circuit courts and district courts for criminal convictions, traffic convictions, civil violations, and juvenile delinquency adjudications and shall be utilized to obtain prompt and full payment of all fines.

(c) Except in the case of court-ordered restitution, the procedures established under this subchapter shall not apply to the assessment and collection of fines, however designated, imposed by a circuit court and district court for a case in which a defendant is:

- (1) A person who is a juvenile at the time of the commission of the delinquent act;
- (2) A person who is a juvenile at the time the circuit court, county court, or district court renders a judgment;
- (3) A juvenile; or
- (4) The parent, guardian, or custodian of a juvenile in relation to the juvenile's delinquent act."

AND

Page 16, delete line 19, and substitute the following:  
"a juvenile matter.

SECTION 30. Arkansas Code § 16-93-104, concerning supervision fees paid by an offender and the failure to pay supervision fees, is amended to add an additional subsection to read as follows:

(e) This section does not apply to:

- (1) A person who is a juvenile at the time of the commission of the delinquent act;
- (2) A person who is a juvenile at the time the circuit court, county court, or district court renders a judgment;
- (3) A juvenile; or
- (4) The parent, guardian, or custodian of a juvenile in relation the juvenile's delinquent act.

SECTION 31. Arkansas Code § 16-98-304(a), concerning cost and fees under the Arkansas Drug Court Act, is amended to read as follows:

(a) The adult ~~or juvenile~~ drug court judge may order the offender to pay:

- (1) Court costs as provided in § 16-10-305;
- (2) Treatment costs;
- (3) Drug testing costs;
- (4) A local program user fee;
- (5) Necessary supervision fees, including any applicable residential treatment fees;
- (6) Any fees determined or authorized under § 12-27-125(b)(17)(B) or § 16-93-104(a)(1) that are to be paid to the Department of Community Correction;
- (7) Global Positioning System monitoring; and
- (8) Continuous alcohol monitoring fees."

AND

Page 17, line 4, delete "costs or fees" and substitute "costs, fees, or both costs and fees"

AND

Page 17, delete lines 18 through 24, and substitute the following:

"(b) An unpaid or outstanding balance of a county-assessed cost, court-ordered cost, or other state cost imposed against a juvenile, the parent, guardian, or custodian of a juvenile, or another person liable for the support of a juvenile under §§ 5-2-331, 5-4-201, 5-4-204, 5-4-303, 5-4-322, 5-4-703, 5-4-706, 5-4-905, 5-4-907, 5-27-222, § 5-36-103(c)(3)(A)(i), § 5-36-123(d)(2)(A)(i), § 5-65-119(a)(1), § 5-65-304(d)(1)(A), § 5-65-310(f)(1)(A), §§ 6-18-222, 9-27-316, 9-27-323, 9-27-330-9-27-332, 9-27-339, 9-27-357, 9-27-367, 9-27-602, § 12-27-125(b)(17)(B), §§ 12-41-505, 16-10-305, 16-13-506, 16-13-701, 16-87-213, 16-87-217, 16-87-218, 16-91-108, 16-92-101, 16-92-102, 16-93-104, 16-98-304, 16-100-209, 21-6-201, 21-6-202, 21-6-307, 21-6-308, 21-6-402, 21-6-403, 21-6-406, 21-6-413, 21-6-415, 27-16-508, and

27-16-808 and before the effective date of this act is vacated, unenforceable, uncollectable, and void."

AND

Page 17, delete lines 30 through 32, and substitute the following:

"(a) The Arkansas Code Revision Commission shall rename Chapter 27 of Title 9 of the Arkansas Code concerning Family Law "Proceedings Involving Juveniles".

(b) The Bureau of Legislative Research shall rename Chapter 27 of Title 9 of the Arkansas Code concerning Family Law "Proceedings Involving Juveniles" in the Code of Arkansas Rules."

AND

Appropriately renumber the sections of the bill

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator A. Clark

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Secretary