

Department of Finance and Administration

Legislative Impact Statement

Bill: SB702

Bill Subtitle: CONCERNING THE ASSESSMENT OF AN ADDITIONAL FINE FOR CRIMINAL OFFENSES COMMITTED AGAINST OR IN THE PRESENCE OF A CHILD AND THE ASSESSMENT OF AN ADDITIONAL FINE FOR TRAFFIC VIOLATIONS COMMITTED IN THE PRESENCE OF A CHILD.

Basic Change :

Sponsor: Senators E. Williams

SB702 changes the definition of "child" to mean a person under 18 years of age and increases the additional fine for certain offenses committed against or in the presence of a child from \$25 to \$100. The bill adds to § 16-10-205(e) that law enforcement using the e-citations shall indicate whether or not there was a person under 18 years of age present at the time of the offense for which the electronic citation was issued.

The bill creates the Arkansas Children's Advocacy Center Fund to be used by the Arkansas Child Abuse/Rape/Domestic Violence Commission. The bill states the courts shall assess an additional fine of \$5 for Reckless Driving or Speeding in Excess of 20 miles per hour when a person under 18 years of age is a passenger in the motor vehicle. These additional fines are to be deposited by the court into this fund on or before the 15th day of the following month.

Revenue Impact :

Undetermined because it is unknown how many offenses are committed with a child present during the time of the offense.

Taxpayer Impact :

Taxpayers will pay additional fines if committing certain offenses with a child present at the time of the offense.

Resources Required :

None.

Time Required :

None.

Procedural Changes :

None.

Other Comments :

None.

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Legal Analysis :

SB702 changes the definition of "child" provided in § 5-4-701 from the current age of 16 years to mean a person under 18 years. The fine for committing an offense against a child or in the presence of a child is increased from \$25 to \$100 for an enumerated list of offenses in § 5-4-703(a). The bill, however, does modify the provided list of offenses by adding the offense of Reckless Driving. When a law enforcement agency uses an electronic citation, it shall indicate whether or not there was a person under 18 present at the time of the offense. The Arkansas Children's Advocacy Center Fund is created to be used by the Arkansas Child Abuse/Rape/Domestic Violence Commission. The sentencing court will be required to assess an additional fine of \$5 for speeding in excess of 20 mph if a person under 18 was a passenger in the motor vehicle. The additional fine shall be remitted to the Arkansas Children's Advocacy Center Fund.