

Department of Finance and Administration

Legislative Impact Statement

Bill: HB1107

Bill Subtitle: TO PROVIDE FOR REASONABLE CHILD SUPPORT FOR ANY SURVIVING DEPENDENT CHILD OF A HOMICIDE VICTIM WHEN THE DEFENDANT WAS DRIVING OR BOATING WHILE INTOXICATED WHEN THE HOMICIDE OFFENSE OCCURRED.

Basic Change :

Sponsors: Rep. Rye and Sen. Wallace

HB1107 creates a new section in the Arkansas Code, § 5-4-208, to provide for restitution from a person convicted of a homicide offense under § 5-10-101 et seq. and who was driving or boating while intoxicated under § 5-65-103 at the time of the event for the financial support of a dependent child, including an adopted child or stepchild, of the homicide victim until the child is 20 years old. Restitution may be ordered if sought as part of the information or indictment in the homicide charge. The amount of financial support to be provided would be based on various factors related to the needs and resources of the child and surviving parent or guardian. Payment would be made through the circuit court clerk for remittance to the surviving parent or guardian. If the person convicted of homicide were incarcerated and unable to pay, he or she would have up to one year after release to begin payment and enter into a payment plan for any arrearage. If a surviving parent or guardian were awarded civil damages against the person convicted, restitution under the section would not be awarded or, if already ordered, would be offset by the amount of the monetary award.

Revenue Impact :

None.

Taxpayer Impact :

The parent or guardians of a dependent child whose other parent was killed in an impaired driving or boating incident would have an avenue to obtain financial support for the children from the person convicted of the homicide.

Resources Required :

None.

Time Required :

None.

Procedural Changes :

None.

Other Comments :

None.

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Legal Analysis :

The financial support proposed in HB1107 is restitution and not child support under domestic relations law. As such, collections tools and resources, including the services of the Office of Child Support Enforcement, used to collect child support from a parent in a domestic relations case would not generally be available to collect an obligation resulting from an order under the bill if enacted.