

# Arkansas Criminal Justice Task Force on Offender Costs and Collections

as established by  
Act 1048 of 2021

October 31, 2022



# Criminal Justice Task Force on Offender Court Costs & Collections

As Established by Act 1048 of 2021

## Introduction

Act 1048 of 2021 created the Criminal Justice Task Force on Offender Court Costs and Collections (hereinafter referred to as the Task Force). Pursuant to Act 1048 of 2021, the stated purpose of the Task Force is two-fold: (1) to study the methods used to assess, collect, and record fines, fees, restitution, and other financial obligations of persons in the criminal justice system, and (2) to study the feasibility of notice to outside entities in the event that a person with financial obligations to a court wins a lottery prize, sells property, or is being released from parole or probation early.

## Task Force Composition

The Task Force is composed of sixteen (16) members representing various entities related to the criminal justice system. The Department of Corrections provided administrative staff, meeting space and materials for all meetings of the Task Force. Committee members appointed pursuant to Act 1048 are as follows:

Appointed by	Member	Appointed by	Member
Governor	Lorie Mason Jordan	Board of Corrections	Mr. Benny Magness
Governor	Ateca Foreman	(BOC Alternate)	Mr. John Felts
Senate Pro Tempore	Sen. Clarke Tucker <sup>1</sup>	DOC Secretary	Ms. Robin White
Chair of Senate Judiciary	Sen. Bob Ballinger	DOC Secretary	Ms. Elizabeth Taylor
Speaker of the House	Rep. Robin Lundstrum <sup>2</sup>	ACIC Director	Mr. Rick Stallings
Chair of House Judiciary	Rep. Keith Slape <sup>3</sup>	Office of the Prosecutor Coordinator	Mr. Bob McMahan
Chief Justice of the AR Supreme Court	Circuit Judge Hamilton Singleton	Sheriffs Association	Sheriff John Montgomery
Chief Justice of the AR Supreme Court	District Judge Tommy Fowler	Association of Counties	Circuit Clerk Debbie Wise
Administrative Office of the Courts	Kristin Clark		

## Report

The Task Force is required to prepare and submit a report of its findings to the Cochairs of the Legislative Council, the Chair of the House Judiciary, and the Chair of the Senate Judiciary by October 31, 2022. This document, along with the compilation of accompanying exhibits, shall serve as the report required by Act 1048.

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<sup>1</sup> Vice Chair of the Task Force

<sup>2</sup> Chair of the Task Force

<sup>3</sup> Secretary of the Task Force

## **The Criminal Justice Task Force on Offender Court Costs and Collections**

### **created by Act 1048 of 2021**

**Purpose:** The purpose of the Task Force is to study the financial obligations of offenders in the criminal justice system and to submit a report detailing the findings and recommend possible solutions to the failure to pay and the complete lack of accountability in the system as a whole.

**Findings:** There is not a statewide integrated system into which all counties can participate to manage the assessment, collection and settlement of court ordered fines, fees, and expenses. The lack of an integrated system results in:

- Restitution, fees, and penalties not being paid,
- Being paid but not reported in multiple jurisdictions, and
- Adjudicated defendants being rearrested for assessments that have been paid but are not visible to other jurisdictions.

Currently, each county operates its own system for the assessment, management, and collection of court fees. This disparate mix precludes multi-jurisdictional visibility by all parties and is not functional in a digital world. For example, a defendant or probationer/parolee must travel to the county where the crime was adjudicated to make payments on the debt owed or trust the postal service and keep up with the receipts. Neither course is an option that makes sense. Both allow for unnecessary errors, burdens, and abuse. It makes sense that restitution, fines, and fees can be paid in a timely fashion on-line at anytime from anywhere.

A great example of our broken system is recently a Northwest Arkansas executive from a Fortune 500 company was pulled over for speeding and arrested due to outstanding fines, fees and penalties that he was completely unaware of from the time he had spent in prison well over ten years ago. This individual had been told he had paid his debt to society and all the restitution had been paid. Because more than one county had been involved, none of the counties had communicated with each other or inputted the information into a central database. The end result was a man arrested and jailed. Police officers wasted valuable time and serious embarrassment was caused to a gentleman who had moved on with his life to have only now to call his employer from jail and start the process all over again.

Our system has caused law enforcement and the judicial system, victims and those probationers/parolees who try to pay restitution, grief, time wasted and the loss of money to the victims, courts, and state that can never be recovered.

**Recommendations:** After review, the Task Force recommends the following:

1. All sheriffs, circuit clerks, courts, and other persons or agencies that collect fines, fees, or restitution should be required to use either "Tracy Smith" or Business Information Systems "BIS" database system to manage the assessment, collection and settlement of court ordered fines, fees, and expenses until such time as the new statewide case management system developed by the Administrative Office of the Courts is operational. The contact information for these two vendors is:
  - Tracy Smith: 1-501-231-0113
  - Business Information Systems (BIS): Brandon Parker 1-423-383-8814
2. All law enforcement, courts, clerks, victims, the public, and probationers/parolees should be allowed access to whatever system is implemented.
3. The State of Arkansas provide funding for counties to apply for matching grants to purchase programing and mandate that by 2024 all counties must be compliant.
4. An alert must be sent to law enforcement, probation/parole officers and the courts when failure to pay restitution, fines and fees reaches a pre-set amount in the system.
5. Online payments should be allowed from any computer or mobile device.
6. Once payment is completed, a certificate of completion is issued by the State.
7. The Arkansas General Assembly set aside funds for the Information Technology Department to set up the system and in the form of a matching grant system for counties to apply for and mandate that each county purchase one of the two systems identified above and that they be merged and held in the State Information and Technology Department and managed so that all entities are able to utilize the system at any time.
8. Consistent with current garnishment law, include court mandated garnishment of wages until all debts are paid with the defendant agreeing to garnishment at the time of sentencing.
9. Include court mandated collection of any state tax returns or lottery winnings to be applied to restitution first then court costs.

**Subcommittee Recommendations:** A subcommittee of the Task Force convened to review the fines and fees imposed by the State of Arkansas on those in the justice system. The subcommittee consisted of Ms. Kristin Clark, Mr. Bob McMahan, Ms. Robin White, Judge Hamilton Singleton, Senator Clarke Tucker, and Circuit Clerk Debbie Wise.

The subcommittee feels that the large number of fines and fees that exist, as well as the size and the circumstances for the fines and fees, is an area of state law that the General Assembly should intently review and scrutinize. Of all the fines and fees that exist, however, the subcommittee identified the installment fees established in Ark. Code Ann. § 16-13-704 as those most in need of urgent action. Specifically, Ark. Code Ann. § 16-13-704(b)(1) creates an installment fee of five dollars (\$5.00) per month and provides that this fee shall accrue in each month in which a defendant has not paid their fine or fee in full. Further, Ark Code Ann. § 16-13-704(b)(3)(E)(i) and (ii) provide for the assessment of an additional five-dollar (\$5.00) installment fee for defendants in circuit court and district court, respectively.

Thus, all defendants, whether they appear in circuit or district court, accrue an additional ten dollars (\$10.00) in debt for each month, and one hundred twenty dollars (\$120.00) for each year, that they do not pay their fines and fees in full. The subcommittee finds that the accrual of this additional debt on top of the principal balance of fines and fees frequently overwhelms defendants and their financial ability to pay, thereby precluding them from moving forward with productive lives once their debt to society has been paid. In many, if not most, cases, defendants end up paying more in total dollars on their installment fees than they do on their original principal balance of fines and fees. It seems unlikely that this is what the General Assembly intended when creating the installment fees. For these reasons, the subcommittee strongly recommends that the General Assembly promptly reduce and ultimately eliminate the installment fees established in Ark. Code Ann. § 16-13-704, so long as the General Assembly funds the services currently funded by the payment of these fees.

Specifically, the subcommittee feels compelled to mention that the revenue generated by the payment of the installment fees funds important aspects of the judicial branch of government. The subcommittee does not recommend cutting the funding for these essential functions of the judiciary. As part of its recommendation, therefore, the subcommittee encourages the General Assembly to identify other revenue sources to fund these aspects of the judiciary so that they do not become underfunded as the revenue from the installment fees is reduced and eventually eliminated.

The committee would like to recognize Melissa Rangel and Lindsay Wallace with the Department of Corrections for their work in guiding this committee during this process

State of Arkansas      *As Engrossed: S4/6/21 H4/19/21 H4/21/21*  
93rd General Assembly  
Regular Session, 2021

# A Bill

SENATE BILL 353

By: Senator Irvin  
By: Representative Lundstrum

## For An Act To Be Entitled

AN ACT ELIMINATING DEBTORS' PRISONS; TO ENCOURAGE THE  
COLLECTION OF ALL OUTSTANDING RESTITUTION, FINES,  
FEES, AND COURT COSTS; TO ENABLE INCARCERATED PERSONS  
TO RESOLVE PENDING MISDEMEANOR OFFENSES COMMITTED  
WITHIN THE STATE AND AVOID EXCESSIVE FINES, FEES, AND  
COURT COSTS; TO CREATE A TASK FORCE; TO DECLARE AN  
EMERGENCY; AND FOR OTHER PURPOSES.

## Subtitle

TO ENCOURAGE THE COLLECTION OF ALL  
OUTSTANDING RESTITUTION, FINES, FEES, AND  
COURT COSTS OWED BY INCARCERATED PERSONS;  
TO CREATE A TASK FORCE; AND TO DECLARE AN  
EMERGENCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 16, Chapter 90, is amended to add an  
additional subchapter to read as follows:

### Subchapter 15 – Inmate Misdemeanor Offense Reconciliation

#### 16-90-1501. Legislative findings and intent.

##### (a) The General Assembly finds that:

(1) Arkansas law requires offenders to pay legal financial  
obligations to the state, cities, and counties imposed by various courts and  
law enforcement agencies;



1           (2) Missed payments for fines and fees may lead to charges in  
2 court for failure to pay, failure to appear, and contempt, all of which  
3 result in additional fines and penalties; and

4           (3) It is in the state's interest to study the efficacy of  
5 streamlining the assessment and collection of financial obligations for  
6 incarcerated or formerly incarcerated individuals.

7           (b) The General Assembly intends to create a framework, consistent  
8 with Arkansas Constitution, Amendment 80, and the constitutional prerogatives  
9 of the state's prosecuting attorneys and judges, to enable persons who are  
10 incarcerated in the Department of Corrections to resolve all pending  
11 misdemeanor offenses committed within this state and assist in the  
12 identification of corresponding fines, fees, and costs resulting from those  
13 misdemeanor offenses.

14           (c) This subchapter does not limit a court's ability to impose a  
15 financial obligation against any person who has been convicted of an offense.

16  
17           16-90-1502. Compilation of pending misdemeanor offenses.

18           (a) A person who is incarcerated in the Department of Corrections may  
19 request of the department and shall be provided by the department a complete  
20 compilation of all outstanding arrest warrants, criminal summons, and pending  
21 misdemeanor cases for that person.

22           (b) The department shall provide information under subsection (a) of  
23 this section from information made available to the Arkansas Crime  
24 Information Center and the Administrative Office of the Courts.

25  
26           16-90-1503. Option to resolve pending misdemeanor matters.

27           (a) As used in this section, "assistance" means the Department of  
28 Corrections shall make available means of communication between a person, the  
29 prosecuting attorney, the court, local law enforcement agencies, and the  
30 person's attorney, if applicable, to help facilitate the entry of pleas  
31 remotely from the department, addressing outstanding misdemeanor arrest  
32 warrants, and, when required by the court, attendance at the court for the  
33 purposes of entry of pleas, hearings, or trials.

34           (b)(1) A person incarcerated in the department, with the assistance of  
35 the department, may petition a court for a quick resolution of a misdemeanor  
36 offense pending in the court.

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

4           (3) Upon request to the court with jurisdiction over the  
5           outstanding misdemeanor offense, the court may require the misdemeanor arrest  
6           warrant to be served by the staff of the department.

7           (c) Local law enforcement agencies with jurisdiction over the  
8           outstanding misdemeanor offense shall also help facilitate transportation of  
9           the person to and from the department to the court when the court requires it  
10          for trial.

11  
12          16-90-1504. Remote pleading permitted.

13          (a) Subject to the rules of the judiciary and the local rules of the  
14          court, a person who has opted to resolve pending misdemeanor matters under  
15          this subchapter may still be permitted to enter remotely a plea of guilty or  
16          nolo contendere to any outstanding or pending misdemeanor charges from where  
17          he or she is incarcerated.

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

20  
21          16-90-1505. Negotiated pleas to run concurrent.

22          (a) A negotiated plea entered into between the state and a person may  
23          be imposed using the procedures under § 5-4-403.

24          (b)(1) The court is also encouraged to refrain from fining a person  
25          and instead sentence the person to a period of incarceration only.

26          (2) This subchapter does not limit a court's ability to impose a  
27          financial obligation against any person who has been convicted of an offense.

28  
29          SECTION 2. DO NOT CODIFY. TEMPORARY LEGISLATION.

30          (a) There is created the Criminal Justice Task Force on Offender Court  
31          Costs and Collections.

32          (b) The purpose of the task force is to study the methods used to  
33          assess, collect, and record fines, fees, restitution, and other financial  
34          obligations of persons in the criminal justice system.

35          (c) The task force shall study the feasibility of notice to outside  
36          entities in the event that a person with financial obligations to a court



1 wins a lottery prize, sells property, or is being released from parole or  
2 probation early.

3 (d)(1) The task force shall be composed of the following members:

4 (A) Two (2) citizen representatives to be appointed by the  
5 Governor;

6 (B) Two (2) members of the Senate, one (1) member to be  
7 appointed by the President Pro Tempore of the Senate and one (1) member to be  
8 appointed by the Chair of the Senate Judiciary Committee;

9 (C) Two (2) members of the House of Representatives, one  
10 (1) member to be appointed by the Speaker of the House of Representatives and  
11 one (1) member to be appointed by the Chair of the House Committee on  
12 Judiciary;

13 (D) Two (2) members appointed by the Chief Justice of the  
14 Supreme Court, one (1) of whom is a circuit court judge and one (1) of whom  
15 is a district court judge;

16 (E) Two (2) members to be appointed by the Secretary of  
17 the Department of Corrections;

18 (F) One (1) member representing the Association of  
19 Arkansas Counties;

20 (G) One (1) member to be appointed by the Director of the  
21 Administrative Office of the Courts;

22 (H) One (1) member of the Board of Corrections to be  
23 appointed by the Chair of the Board of Corrections;

24 (I) One (1) member representing the Arkansas Sheriffs'  
25 Association;

26 (J) One (1) member representing the Office of the  
27 Prosecutor Coordinator; and

28 (K) One (1) member to be appointed by the Director of the  
29 Arkansas Crime Information Center.

30 (2) If a vacancy occurs on the task force, the vacancy shall be  
31 filled by the same process as the original appointment.

32 (e)(1) The legislative members of the task force shall be paid per  
33 diem and mileage as authorized by law for attendance at meetings of interim  
34 committees of the General Assembly.

35 (2) Nonlegislative members of the task force shall not be  
36 compensated but may be reimbursed under § 25-16-901 et seq. for expenses

1 actually incurred in the performance of their duties.

2 (f) The task force shall establish rules and procedures for conducting  
3 its business.

4 (g)(1) Ten (10) members of the task force shall constitute a quorum  
5 for transacting business of the task force.

6 (2) An affirmative vote of a majority of a quorum present shall  
7 be required for the passage of a motion or other task force action.

8 (h) The Department of Corrections shall provide staff, meeting space,  
9 and materials for the task force.

10 (i) The task force shall meet on or before July 15, 2021, at the call  
11 of the member appointed by the President Pro Tempore of the Senate, and  
12 organize itself by electing one (1) of its legislative members as chair and  
13 other officers as the task force may consider necessary.

14 (j) The task force shall prepare and submit a report of its findings  
15 to the Cochairs of the Legislative Council and the Chair of the House  
16 Committee on Judiciary and the Chair of the Senate Judiciary Committee.

17 (k) The report is due by October 31, 2022.

18 (l) The task force shall expire on December 31, 2022.

19  
20 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
21 General Assembly of the State of Arkansas that the Criminal Justice Task  
22 Force on Offender Court Costs and Collections has a large task ahead of it  
23 concerning the study it is required to conduct and the report it is required  
24 to complete. Because of this, the task force needs to begin work in July of  
25 2021, before the normal effective date of this act. Therefore, an emergency  
26 is declared to exist with regard to Section 2 of this act, and Section 2 of  
27 this act being immediately necessary for the preservation of the public  
28 peace, health, and safety shall become effective on:

29 (1) The date of its approval by the Governor;

30 (2) If the bill is neither approved nor vetoed by the Governor,  
31 the expiration of the period of time during which the Governor may veto the  
32 bill; or

33 (3) If the bill is vetoed by the Governor and the veto is  
34 overridden, the date the last house overrides the veto.

*/s/ Irvin*

**APPROVED: 4/29/21**

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# **RULES OF THE**

## **Criminal Justice Task Force on Offender Court Costs & Collections**

### **As Established by Act 1048 of 2021**

- 1. Purpose.** The purpose of these Rules is to form a basis for the Task Force's operations and to inform the members and the Public of the Task Force's procedures so they may properly utilize the Task Force's services and assist in studying the methods used to assess, collect, and record fines, fees, restitution, and other financial obligations of persons in the criminal justice system.
- 2. Parliamentary Procedure.** Except as otherwise specified by these Rules, the proceedings of the Task Force shall be governed Robert's Rules of Order Newly Revised 12<sup>th</sup> Edition.
- 3. Order of Business.**
  - (a) The regular order of business for meetings of the Task Force shall be as follows:
    - (1) Call to order by Chair;
    - (2) Roll call;
    - (3) Approval of minutes;
    - (4) Report of the Subcommittees;
    - (5) Review of communications;
    - (6) Business carried over from previous Task Force meetings;
    - (7) New business;
    - (8) Supplemental agenda items; and
    - (9) Adjournment.
  - (b) Items to be considered on an agenda, other than reports of Task Force subcommittees, shall be submitted no later than five (5) days prior to a scheduled meeting date in order to be placed on the Task Force agenda. Items received less than five (5) days before a scheduled meeting of the Task Force shall be accompanied by a request for placement on a supplemental agenda and a statement as to why the item cannot wait to be heard at the next regularly scheduled meeting of the Task Force. Placement on a supplemental agenda is subject to the approval of the Task Force Chair, and the items may only be considered by the Task Force upon a vote to suspend the rules. Otherwise, the items will be added to the agenda of the next meeting of the Task Force.
  - (c) An item may be taken up out of the order set forth herein by an affirmative vote of a majority of the members present.
- 4. Officers.**
  - (a) The Task Force shall have from among its membership a Chair selected from the legislative members of the Task Force and other officers as it deems appropriate to carry out the business of the Task Force.
  - (b) Pursuant to Act 1048 of 2021, section (h) of the temporary legislation which created the Task Force, the Department of Corrections (DOC) shall provide staff, meeting space, and materials for the Task Force. The DOC will keep minutes, provide

materials, schedule meetings, and assist the Task Force in carrying out its purpose and business.

## **5. Task Force Meetings.**

(a) Regular meetings of the Task Force shall be held during the same week in which meetings of the Arkansas Legislative Council and its subcommittees occur. These meetings typically occur during the third week of every month.

(b) DOC staff will coordinate meeting dates and notify members of scheduled meetings.

(c) The Chair may cancel any regular meeting date upon three (3) days' notice to the members.

(c) Special meetings may be called, at such additional times as may be deemed desirable, by the Chair upon six (6) days' notice thereof, upon vote by the Task Force at a meeting of the Task Force, or by written request of a majority of the members of the Task Force.

(d) All meetings of the Task Force shall be open to the public.

## **6. Task Force Subcommittees.**

(a) **Subcommittees.** The Task Force shall establish by a majority of its membership, any such subcommittees as are necessary to carry out the purpose and business of the Task Force:

### **(b) Subcommittee Membership.**

(1) Any subcommittee created by the Task Force shall be made up of no less than five (5) members of the Task Force.

(c) **Ex Officio Non-Voting Member of Subcommittees.** The Chair of the Task Force shall serve as an ex officio member of any established subcommittee.

### **(d) Chairs of Subcommittees.**

(1) No member shall serve as chair of more than one (1) subcommittee.

(2) The chairs of subcommittees of the Task Force shall serve at the pleasure of the Chair of the Task Force.

### **(e) Meetings of Subcommittees.**

(1) Scheduled meetings of subcommittees shall be considered open meetings.

(2) The Chair of a subcommittee or a majority of the members of a subcommittee shall have the authority to call a subcommittee meeting if there is sufficient work to warrant the meeting.

(3) The Chair of a subcommittee shall notify the Office of the Secretary of Corrections when scheduling a meeting to ensure proper notifications are made.

(4) Participation in discussion at subcommittee meetings shall be in the following priority:

(A) Members of the subcommittee;

(B) Alternate members of the subcommittee, if applicable; and

(C) Other Task Force members in attendance.

### **(f) Powers of Subcommittees.**

(1) A subcommittee shall consider only those matters that have been duly referred to it by the full Task Force.

(2) A subcommittee shall not embark upon any study unless the study shall have been directed by the Task Force.

- (g) **Application of Rules to Subcommittees.** The Rules of the Task Force, as set forth herein, shall apply to the proceedings of the Subcommittees of the Task Force and shall control over any rules adopted by a Subcommittee that may conflict with these rules.

## **7. Quorum and Action.**

(a)(1) **Task Force Meeting.** Ten (10) members of the Task Force shall constitute a quorum for the transaction of all business. A quorum is the minimum number of members necessary to conduct business. As the number of members present exceeds the minimum for a quorum, the number present becomes the quorum. (e.g. If a majority of the members is 10, but 16 members are present, then 16 is the quorum.)

(2) An affirmative vote of a majority of the members present shall be required for the passage of a motion or other Task Force Action. A majority of the members present, when the members present represent less than a quorum may not effectively take action.

(b) **Task Force Subcommittee Meeting.** A majority of the membership of a subcommittee shall constitute a quorum. An affirmative vote of a majority of the members present of a subcommittee shall be necessary for action on any matter before the subcommittee.

## **8. Voting.**

(a) **Voice Vote.** Voting on motions before the Task Force shall be done by a voice vote.

(b) **Motion to Expunge.** The record on any action taken by the Task Force may be expunged by a two-thirds (2/3) vote of the total membership of the Task Force.

(c) **Second to Motions Required.** Action may only be taken by the Task Force after a motion and a second have been recognized by the Chair.

(d) **Substitute Motions.** A substitute motion to a main motion may be made and shall be considered prior to consideration of the main motion. A substitute to the substitute motion shall be allowed and considered prior to consideration of the original substitute motion and the main motion. However, a substitute motion to the third degree shall never be permitted.

(e) **Objections.** An objection to consideration or to the Chair's ruling must be made immediately following the motion or ruling. It may be made when another has the floor but must be made before debate or voting has begun, and before any action has been taken.

(f) **Roll Call.** A roll call shall be conducted by the Chair upon demand of three (3) members.

**9. Agenda.** On or before six (6) days prior to the date of any meeting of the Task Force, the DOC shall prepare and make available to each member of the Task Force the agenda or program to be considered at the meeting.

**10. Reports of Subcommittees.** Each Task Force subcommittee shall consider any matter referred to it and shall report to the full Task Force with respect thereto at the earliest possible date.

**11. Report of the Task Force.**

- (a) The Task Force shall prepare and submit a report of its findings to:
  - (1) The Cochairs of the Legislative Council;
  - (2) The Chair of the House Committee on Judiciary; and
  - (3) The Chair of the Senate Judiciary Committee.
- (b) The DOC shall assist in preparation and distribution of the Task Force Report.
- (c) A copy of the Report shall be provided to each Task Force Member and shall be available to a member of the General Assembly, the Governor, and other persons as may be designated by the Task Force, upon request to the Office of the Secretary of the DOC.
- (d) The Report is due by October 31, 2022.
- (e) After the Report has been submitted to all relevant parties, the DOC shall publish the Report online at <https://doc.arkansas.gov/>.

**12. Task Force Rules.**

- (a) The rules of the Task Force may be adopted by an affirmative vote of a majority of the members present.
- (b) The rules of the Task Force may be amended by an affirmative vote of a majority of the members present. Amendments to the rules may only be made after six (6) days' written notice of intent thereof.
- (c) The rules of the Task Force may be suspended by an affirmative vote of two-thirds (2/3) of a quorum.
- (d) Unless suspended, amended, or changed by law, these rules shall continue in full force and effect as the rules for the Task Force during all future meetings.

**13. Task Force Legislative Members.** Legislative Members of the Task Force shall be authorized to draw per diem and mileage for any meetings attended concerning Task Force business pursuant to legislative rules and applicable State law.

**14. Expiration of Task Force.** The Task Force shall expire on December 31, 2022.



## OFFICE OF THE SECRETARY

1302 Pike Avenue, Suite C  
North Little Rock, Arkansas 72114  
Phone: (501) 682-3309 | Fax: (501) 534-3958  
DOC.ARKANSAS.GOV

**Criminal Justice Task Force on Offender Court Costs and Collections  
Organizational Meeting  
DOC Headquarters  
June 22, 2021**

### Members Present

Senator Clarke Tucker  
Representative Robin Lundstrum  
Sheriff John Montgomery  
Circuit Clerk Debbie Wise  
Judge Tommy Fowler  
Mr. Benny Magness

Mr. Bob McMahan  
Mr. Rick Stallings  
Ms. Kristin Clark  
Ms. Elizabeth Taylor  
Ms. Robin White

### Non-Members Present

Senator Missy Irvin  
Mr. Solomon Graves (DOC Secretary)  
Ms. Lindsay Wallace (DOC Chief of Staff)  
Ms. Melissa Rangel (DOC Executive Assistant)  
Mr. John Felts (BOC Alternate Task Force Member)

Mr. Jerry Bradshaw (Director, Division of Community Correction)  
Ms. Cindy Murphy (DOC Communications Director)  
Ms. Tawnie Rowell (Director, Sentencing Commission)

### Members Absent

Ms. Lorie Mason Jordan  
Senator Bob Ballinger

Representative Keith Slape  
Judge Hamilton Singleton



- I. Call to order by Senator Clarke Tucker  
Senator Tucker called the meeting to order and recognized a quorum was present.
- II. Welcome Remarks by Department of Corrections Secretary Solomon Graves
- III. Introduction of Task Force Members and Department of Corrections Staff  
[See attached appointment/contact list]
- IV. Overview of Responsibilities and Presentation of Draft Rules and Procedures by Lindsay Wallace, DOC Chief of Staff

Ms. Lindsay Wallace reviewed the legislative obligations of the Task Force: 1) to study the methods used to collect, assess, and record fines, fees, restitution, and other financial obligations of persons in the criminal justice system and 2) to study the feasibility of notice to outside entities in the event that a person with financial obligations to a court wins a lottery prize, sells property, or is being released from parole or probation early. The task force is required to submit a report by October 31<sup>st</sup>, 2022 detailing any findings.

Ms. Wallace presented draft rules for governing task force meetings. Mr. Bob McMahan moved and Mr. Benny Magness seconded the motion to adopt the proposed rules, with one exception: In paragraph 3b, for purposes of placing items on meeting agendas, Mr. Magness proposed changing the date from seven (7) to five (5). Mr. McMahan amended his motion and Mr. Magness seconded the amended motion to adopt the proposed rules. The Task Force voted unanimously to adopt the rules as amended. Ms. Wallace pointed out that a mechanism is built into the rules for amendments, should the need arise.

- V. Election of Task Force Leadership Senator Clarke Tucker  
Senator Tucker moved to appoint Representative Robin Lundstrum as Chair of the Task Force. Rep. Lundstrum seconded the motion by agreeing to serve as Chair. The Task Force unanimously approved the motion.

Rep. Lundstrum moved forward with selecting other task force officers. Mr. Magness moved for Senator Tucker to be appointed as Vice-Chair. Senator Tucker seconded the motion that he serve as Vice Chair. The Task Force unanimously approved the motion.

Mr. Magness moved for Representative Keith Slape to be appointed as Secretary. Rep. Lundstrum seconded the motion. The Task Force unanimously approved the motion.

- VI. Next Meeting Date  
Rep. Lundstrum requested continuation of the previous method of date conflict determination be used for the next scheduled meeting date. Ms. Melissa Rangel will send date conflict forms to committee members in the upcoming weeks. The committee agreed that future meetings should be held during weeks in which Legislative Council meets, which typically occurs during the third week of every month.
- VII. Adjournment  
Meeting adjourned at 11:08 a.m.



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### Criminal Justice Task Force on Offender Court Costs and Collections

#### Meeting Minutes DOC Headquarters July 19, 2021

##### Members Present

Representative Robin Lundstrum  
Senator Clarke Tucker  
Sheriff John Montgomery  
Circuit Clerk Debbie Wise  
Judge Tommy Fowler  
Mr. Benny Magness  
Ms. Lorie Mason Jordan  
Representative Keith Slape

Judge Hamilton Singleton  
Senator Bob Ballinger  
Mr. Bob McMahan  
Mr. Rick Stallings  
Ms. Kristin Clark  
Ms. Elizabeth Taylor  
Ms. Robin White

##### Non-Members Present

Mr. Solomon Graves (DOC Secretary)  
Ms. Lindsay Wallace (DOC Chief of Staff)  
Paul Louthian (DFA)

Ms. Melissa Rangel (DOC Executive Assistant)  
Arik Cruz (DOC Policy Development Coordinator)

##### Members Absent

None

I. Call to order by Senator Robin Lundstrum

- II. Approval of minutes from June Meeting: A motion was made by Senator Clarke Tucker and seconded by Mr. Benny Magness to approve the minutes from the last meeting. These minutes were approved.

III. Review of 2014 Restitution Report

Deputy Director Elizabeth Taylor and Board of Corrections Chair Benny Magness summarized a previous report from a similar 2016 committee.

Ms. Lindsay Wallace mentioned that surrounding states do not have a formal stream-lined fines and fees system; Oklahoma has a system that compiles fines and fees in release paperwork for the OKDOC. Sheriff John Montgomery asked if ACIC could be an option for such a system because it already serves as a central repository.

There was a further discussion of using a background check to determine if offenders have lottery winnings or if garnished wages can be used to pay restitution.

Sheriff Montgomery explained the collection system in Baxter County. The county focuses on restitution payments first and accountability so payees can complete payments in 3-4 years. Sheriff Montgomery also mentioned the effective motivations for payees are often fear-based because offenders do not want to be recommitted to state custody.

The order of payment based on a statute for collection of fines. The formal order is first court fines, then restitution, and finally other fees.

IV. Review of Existing Court Costs and Fines

Ms. Wallace introduced the topic of common fines, fees, and court costs in circuit courts. This discussion included a breakdown of the specific fees and court services they are associated with.

Ms. Kristin Clark explained that district courts do not have a "Sentencing Order." Though the district courts assess many fines and fees, lots of these are duplicates and are classified differently despite their similarities. Chief Wallace informed the committee that there is no full and condensed list of fines and fees.

Sen. Clarke Tucker asked about the duties of the committee, whereas the goal is not to change how restitution is assigned but how it is collected. Sen. Tucker describes the \$10 monthly fee for the courts and Ms. Clark explained the breakdown of the uses of said fee: \$2.50 for technology/automation, \$2.50 to Administrative Justice Fund, \$5 to collection of all fees. Ms. Clark advised that each decision be deliberate to avoid higher court fees.

Ms. Clark mentions that payees can meet with the courts to adjust fee amount of payments per month and number of fees based on their individual circumstances. Judge Fowler reinforced the priority of restitution payments first.

Rep. Lundstrum called on Mr. Louthian to explain offender debt. Mr. Louthian discussed the need for a definition on how the system will work and how information will be processed in relation to offender status and existing technology.

Sen. Bob Ballinger asked about fine payment and if some of the fine funds could be used to start a state-wide program without allocating more money. Sheriff Montgomery further discussed the collection system including how offenders find out their fine and fee balance but cautions against all 75 counties having access to the software. Sen. Ballinger asked where the fees go. Ms. Clark explained that half of the fee stays local to the county and the other half to the state in circuit courts.

Rep. Lundstrum asked Sen. Tucker to follow-up on the technology for collection. She mentioned a request to have a meeting with Sheriff Montgomery and Paul Louthian to further discuss this.

#### V. Compilation of Task Force Business

Ms. Wallace announced the creation of a drop-down tab on DOC website for anyone in the public interested in the business of the taskforce. This page will include the meeting dates, minutes, and general membership information. Ms. Cindy Murphy, the DOC Communications Director, will create the mockup for the section on the website.

Mr. Magness mentioned that garnished wages would not be a good idea; offenders will stop working to avoid having to pay large fees. There was additional concern that such a system could take too long to implement and tracking down offenders to pay undermines the purpose of the proposed system. Judge Singleton mentioned that he changes the fee payment schedule for payees to lessen the stress of paying large fees monthly to a smaller weekly basis. In addition, Sheriff Montgomery mentioned the need to keep offenders accountable through payment schedules that work for them and sustained employment.

Judge Fowler mentioned the DOJ “Dear Colleague” letters, which deals with fines, fees, due process, and the impact of hard change before there was any movement forward. He will send the link information to Ms. Melissa Rangel, and she will send out to the rest of the members to look at it to include in our next meeting.

Ms. Wallace finished with letting the members know that there is an email for the Task Force that includes a listserv, including DOC Staff, the full committee, and others that Rep. Lundstrum wants to keep informed on all taskforce related information.

#### VI. Next Meeting Date

DOC Staff will send out date conflicts. Judge Singleton asked what the members will be doing from now until our next meeting. Rep. Lundstrum will be contacting the members individually to see what their goals are for the next agenda for the next meeting. Judge Singleton would also like for Rick Stallings from ACIC to speak to Brad Cazort about the initiative going on.

Sen. Tucker would like to see a sub-committee established to continue some of the work of the task force.

VII. Adjournment

Meeting adjourned at 3:15 pm.



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### Criminal Justice Task Force on Offender Court Costs and Collections

Meeting Minutes  
Zoom - Virtual Meeting  
August 20, 2021

#### Attendees:

Representative Robin Lundstrum  
Senator Clarke Tucker  
Judge Tommy Fowler  
Ms. Shari Gray (for Mr. Benny Magness)  
Senator Bob Ballinger  
Ms. Ateca Foreman

Ms. Lori Kumpuris (for Mr. Bob McMahan)  
Mr. Rick Stallings  
Ms. Kristin Clark  
Ms. Elizabeth Taylor  
Ms. Robin White

#### Guests:

Ms. Lindsay Wallace (DOC Chief of Staff)  
Mr. Paul Loathian (DFA Auditor)  
Mr. Ralph Hudson (Director of Division of Labor)

Ms. Melissa Rangel (DOC Executive Assistant)  
Mr. Bob Sanders (INA General Manager)

#### Members Absent:

Sheriff John Montgomery  
Circuit Clerk Debbie Wise  
Ms. Lorie Mason Jordan

Judge Hamilton Singleton  
Representative Keith Slape

- 
- I. Call to order by Senator Robin Lundstrum
  - II. Motion to Approve Minutes from Meeting on July 19<sup>th</sup>, 2021  
Judge Tommy Fowler mentioned an error on the minutes and that there was a duplication on the amounts of the fees. Chief Wallace assured the group that the duplication would be addressed.
  - III. Discussion of Dear Colleague letter and the Bench card for state courts  
Judge Tommy Fowler introduced the Dear Colleague letter from the Department of Justice and his involvement with determining court costs and fees in 2016. The "Dear Colleague" letter establishes seven guiding principles for fines and fees and stops the practice in district courts of incarcerating individuals who cannot pay their fees. He highlighted several specific principles. Since following this procedure, Craighead County has a 70-80 percent collection rate of total costs.

IV. INA Findings and Payment System Development Discussion

Mr. Bob Sanders and Mr. Ralph Hudson presented information on data related to offender court costs/fines. There are currently three ways to pay court fees and fines: online court payments (for participating courts), Department of Correction (DOC) restitution portal, and local online fee/fine payment sites. These systems are similar to those already in place for payments of child support, property tax, state income tax, and more.

There was agreement that we need to get every court on the same page by having a single state-wide system to streamline payment since we have the technology to do so. There were some problems identified with creating such a system: 1. there are so many different entities (counties for example) responsible for accessing and collecting payments. 2. matching offender identities across local and state systems may be difficult. 3. obtaining the data from the courts and having a central access point would require this information to be digitalized and it currently is not.

The group discussed the need for a comprehensive inventory of fee and fine assessing/collecting entities and their computer and digitalization capabilities. Allowing the system to interact with existing payment systems was also discussed, as well as allowing partial payment or automated payment plans for larger amounts owed. Ideas for payment methods with guaranteed funds included credit, PayPal, and retail cash payments.

Mr. Hudson suggested exploring COVID relief funds as a funding option.

V. Questions and Further Discussion

The group discussed concerns with matching payees and payments. The need for a unique identifier was discussed. The task force discussed offender Personal Identification (PID) issues; the comment was made that issues arise when aliases exist. Mr. Stallings noted that everyone arrested with a misdemeanor and up receives a State Identification number (SID) and this gets matched up with aliases. If possible, Mr. Sanders would like to take a look at the data between AOC/ACIC/DOC/DFA. The group agreed this was a good idea. Judge Fowler suggested inviting District court clerks to join the discussion.

VI. Other Business

Next meeting will be set after sending out conflicts.

VII. Meeting adjourned at 2:10 pm.



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### Criminal Justice Task Force on Offender Court Costs and Collections

#### Meeting Minutes Zoom - Virtual Meeting September 14, 2021

##### Attendees

- |                                   |                              |
|-----------------------------------|------------------------------|
| 1. Representative Robin Lundstrum | 8. Circuit Clerk Debbie Wise |
| 2. Senator Clarke Tucker          | 9. Mr. Rick Stallings        |
| 3. Judge Tommy Fowler             | 10. Ms. Kristin Clark        |
| 4. Senator Bob Ballinger          | 11. Ms. Elizabeth Taylor     |
| 5. Ms. Lorie Mason Jordan         | 12. Ms. Robin White          |
| 6. Sheriff John Montgomery        | 13. Mr. Bob McMahan          |
| 7. Mr. Benny Magness              |                              |

##### Guests

- |   |   |
|---|---|
| 1. Ms. Lindsay Wallace (DOC Chief of Staff)     | 4. Ms. Cindy Murphy (DOC Communications)        |
| 2. Ralph Hudson (Director of Division of Labor) | 5. Ms. Melissa Rangel (DOC Executive Assistant) |
| 3. Bridgett Clift (Chief Clerk)                 | 6. Bob Sanders (INA General Manager)            |

##### Members Absent

1. Judge Hamilton Singleton
2. Representative Keith Slape
3. Ms. Ateca Foreman



- I. Call to order by Representative Robin Lundstrum
- II. Motion to Approve Minutes from Meeting on July 19<sup>th</sup>, 2021: Judge Tommy Fowler stated that he mentioned to invite the District Clerks not Circuit Clerk on the last minutes of July. With this change, Tommy Fowler makes a motion to approve and Debbie Wise seconds the motion. Approved.
- III. Discussion of a Small Pilot Program
  - A. Mr. Ralph Hudson and Ms. Kristin Clark suggested starting small with a pilot program in the district court of Judge Tommy Fowler. Chief Clerk Bridgett Clifft was introduced to the group, and she presented the Internal CourtConnect (also known as Contexte) that is connected to INA. She showed the task force the fees and how they appear on Contexte. AOC does not charge courts to get on Contexte, but they may endure a \$2.50 charge for equipment cost that comes out of \$10.00 court fees.
  - B. We discussed the need for all Arkansas courts to use Contexte with regard to fee and cost accounting, as only a select few circuit courts do that now. This accounting system was described as being useful to the Legislative audit. However, Contexte needs improvement. Funding is an issue for this project, as it is currently being financed through existing funds and grant money, but legislators discussed finding a solution for the finances with Marty Sullivan.
  - C. Mr. Bob Sanders asked if we have the information that matches the types of offenders and their fees. He also asked how much of this information we have within the Department of Corrections (DOC) so that when offenders are released, they know exactly where and how to find the balance on the fees they owe.
  - D. The task force agreed that for the pilot to be successful, there needs to be a plan in place. Sen. Clarke Tucker noted three issues to be resolved:
    - a. The DOC and the courts all need to have access to Contexte,
    - b. Contexte needs to be updated and there needs to be a solid source of funding to do so, and
    - c. Separation of powers could become an issue.
  - E. Ms. Kristin Clark noted that this system would be useful to assist the turnover rate of employees within the courts because it would streamline the process of managing warrants, access ease, and would make processes more universal for different counties. She mentioned a concern of using bulk distribution of this system and an agreement with a private vendor.
  - F. Rep. Robin Lundstrum invited Mr. Bob Sanders to come back to the next taskforce meeting to compare the Criminal Collections system that is used by Sheriff John Montgomery with Contexte. She expressed that she would like to know the cost for all the courts to be on Contexte and what adapting this system would look like fiscally.
  - G. Sen. Bob Ballinger mentioned looking into COVID relief money as a potential source for funding the pilot program. Sen. Clarke Tucker mentioned he may have found a source that could help with the project, and he would find out more about the IT funding before the next meeting. Sheriff John Montgomery also mentioned his county does not have funding for an e-ticketing system and Ms. Kristin Clark indicated that State Police has this software and maybe they could provide the system to the 75 counties. All of the task force members agreed that there should be a discussion with the legislators about funding.

- IV. New 1048 Task Force page on the DOC website: Under Boards and Commissions on the DOC website, Ms. Cindy Murphy and her communications team created the ACT 1048 Task Force tab. It includes the minutes, the names of committee member, and committee contact information. Rep. Robin Lundstrum thanked Ms. Cindy Murphy for this addition to the DOC website, and let the committee know that if there is anything that they would like added to please contact Cindy.
- V. Forming an ACT 1048 subcommittee
  - A. Sen. Clarke Tucker would like to create a subcommittee to study the existing fines and fees and report those findings back to the Task Force. A motion was made to approve the creation of this subcommittee by Ms. Debbie Wise and second by Sen. Bob Ballinger. The motion was approved.
  - B. The subcommittee will include Sen. Clarke Tucker, Ms. Debbie Wise, Ms. Kristin Clark, and Ms. Robin White.
- VI. Other Business
  - A. Ms. Melissa Rangel will send out action items to the entire committee and follow up with the newly formed subcommittee members to schedule a meeting for them.
  - B. The next taskforce meeting is TBA. A date conflict will be sent by DOC staff.
- VII. Meeting adjourned at 11:13am.



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### Criminal Justice Task Force on Offender Court Costs and Collections

#### Meeting Minutes

#### Zoom - Virtual Meeting

October 25, 2021

#### Attendees:

- |                                   |                         |
|-----------------------------------|-------------------------|
| 1. Representative Robin Lundstrum | 6. Ms. Elizabeth Taylor |
| 2. Senator Bob Ballinger          | 7. Ms. Kristin Clark    |
| 3. Ms. Lorie Mason Jordan         | 8. Ms. Robin White      |
| 4. Mr. Benny Magness              | 9. Mr. Bob McMahan      |
| 5. Judge Hamilton Singleton       |                         |

#### Guests:

- |   |                                      |
|---|--------------------------------------|
| 1. Ms. Lindsay Wallace (DOC Chief of Staff)     | 5. Mr. Marty Sullivan (AOC Director) |
| 2. Ms. Melissa Rangel (DOC Executive Assistant) | 6. Mr. Ralph Hudson (DOL Director)   |
| 3. Senator Missy Thomas Irvin                   | 7. Mr. Tim Holthoff (CIS Director)   |
| 4. Mr. Bob Sanders                              |                                      |

#### Members Absent:

- |                              |                               |
|------------------------------|-------------------------------|
| 1. Senator Clarke Tucker     | 5. Representative Keith Slape |
| 2. Judge Tommy Fowler        | 6. Ms. Ateca Foreman          |
| 3. Sheriff John Montgomery   | 7. Mr. Rick Stallings         |
| 4. Circuit Clerk Debbie Wise |                               |

- I. Call to Order by Representative Robin Lundstrum
- II. Approval of minutes from September meeting: Mr. Benny Magness made a motion to approve the minutes. Due to the lack of quorum, the September meeting minutes will be brought back up during the next meeting for approval. A change to the attendance on the September minutes needs to be made to include Mr. Bob McMahan as an attendee.
- III. Newly Formed Subcommittee During September Meeting  
Ms. Lindsay Wallace mentioned that the subcommittee formed during the September meeting was unable to convene in the interim. Staff will follow up with subcommittee chair Senator Clarke Tucker to schedule a time for the subcommittee to meet prior to the next group task force meeting.
- IV. Court Management System

Mr. Marty Sullivan, the Director of the Administrative Office of the Courts (AOC), introduced himself and thanked the Task Force and Senator Irvin for working on this issue. He expressed that the problem with the current system is due to Arkansas being a non-unified court system and because of this, not all of the courts are using Contexte. He also stated that Contexte has been around for around 30 years and the Chief Justice made it clear that we need to do something new with Contexte since it is aging out. Contexte was the leading nationally recognized system in 2001 when the contract was signed but they seemingly have failed to invest in modernizing and updating their system.

The newest big management system company is Tyler Technology. Tyler Technology quoted the state approximately \$28 million dollars to replace Contexte. Realistically this is not feasible for the state.

Mr. Sullivan has researched what other states have done and suggested building our own case management system. Building in house through the AOC is preferable because they know the court system best, it would be a system owned by AOC, and it could be updated after each legislative session based on the needs of the courts and state. AOC believes that building a system would cost half the price of purchasing a brand-new replacement system.

In April, the Chief Justice sent a letter and asked the Governor for \$6.5 million over the next 2 years to obtain contractors to develop a new system. CARES Act money was requested to be used toward obtaining contractors because there is an argument to be made that such a project is eligible for this funding because it is directly related to COVID-19 relief since we want to create an e-filing system. They have not yet received a response from the Governor regarding the request. Mr. Sullivan believes that if we can get a good jump start with the allocation of funds for contractors being approved, we could get this project completed in 3.5 years.

Mr. Tim Holthoff added that the \$28 million estimate given by Tyler Technologies was likely a lowball number to get the state interested, but it realistically was a fraction of an \$85 million contract North Carolina signed with them in 2019 which is more representative of what a new statewide management system for Arkansas would cost. We are running out of time to rectify the management system issue because we can't keep Contexte operating as is forever, the vendor does not have any other options, and spending \$100 million to go through a vendor like Tyler Technology is not feasible. The strategy for the new system is to target the district courts first because they are not currently using Contexte, and specifically traffic and criminal charges since the costs associated with such charges are more complex than others.

Representative Lundstrum asked Mr. Holthoff how he sees the new system working regarding counties using Virtual Justice vs. Contexte. Mr. Holthoff responded that the approach they want to take is to create a system that meets the needs of all the courts and the state. He stated that the data in the Virtual Justice system is likely not as secure as it needs to be and there is a gap between the data from the courts using Virtual Justice and the data that can be accessed through CourtConnect. AOC has no data from the courts using a Virtual Justice server because it is not on CourtConnect which creates a number of difficulties. Mr. Sullivan noted that the courts not on Contexte typically have Legislative Audit issues. Creating this new management system will allow for efficiency in resources such as easy online access and online payment. The new management system will also reflect the Supreme Court's statement that every county must be e-filing before the end of 2022. Additionally, regarding the existing data, there is a statewide repository of court data that will be maintained during the switch of systems and after Contexte is phased out. The current data needs to be preserved in the repository so we do not have to complete a data conversion because doing so could cause a loss of data.

Representative Lundstrum asked what completing this project will holistically entail. Mr. Holthoff said resources, such as finances, personnel, etc., are key. If we could acquire 30 positions (programmers, analysts, business leads, architects) a year is a reasonable amount of time to ramp up to fulfilment. He said there should be an upward curve in the ability to create and complete the system as these positions are filled.

Senator Irvin asked if the letter from the Chief Justice was submitted to the CARES committee or the American Rescue Plan committee. Mr. Sullivan clarified it was submitted by the Chief Justice to the Governor directly asking what to do, but there was not a response. Senator Irvin asked if it was sent to Elizabeth Smith who is the chair of the CARES committee. She further said since the creation of the system is COVID-19 related, a letter should be submitted to the CARES committee. If that is unsuccessful, her suggestion is that it be sent to the chairperson of the American Rescue Plan committee and that she would be happy to write a letter of support to be sent as well. Mr. Sullivan stated he would get a letter drafted and signed by the Chief Justice and sent over right away.

Representative Lundstrum suggested getting a letter of support from the House and Senate Judiciary committee in addition to Senator Irvin's letter because this system would impact every county in the state. Senator Irvin and Senator Ballinger suggested calling a Judiciary meeting before any request comes through ALC. Mr. Sullivan mentioned that he is meeting with Representative Dalby this week and will add a point to his agenda to discuss the plan for the case management system as well as the background on the legislation for the Task Force and the premise of the issue.

Representative Lundstrum asked if everyone has a copy of the letter from the Chief Justice and the background letter. If there are any questions, the two letters should answer them.

V. Update on Computer System Interface (Portal)

Representative Lundstrum asked Mr. Bob Sanders to share if there were any updated on the portal directing people where to pay. She emphasized that she wants this to be a simple starting point to get the background issues moving so that once an individual is released or about to be released, they have a place to easily be able to know what they owe, where they owe it, and how they can pay.

Mr. Sanders asked if everyone is okay if there is an instance in which someone has two places in which they owe fines or fees, they will have to go to two separate places for now. Representative Lundstrum said that this is fine in the interim but eventually she wants everyone to be using the same unified system.

Mr. Sanders continued that another issue is that they need to know the offender data that would be put onto this portal and where it will come from (amount they owe, where they owe it, who they are, etc.). The next step then is engaging with AOC and the Department of Corrections (DOC) to begin this process because they need to work together to both be able to function; the court management system to maintain the data and the portal with the data for the public to use to be able to make those payments.

Senator Irvin mentioned including the Legislative Audit issues in the letter to the senate and house committees because it can be an important detail to build the case for understanding the need for the funding to create these solutions if there are audit findings that can be pulled together to show a pattern of inefficiencies within the current operations.

VI. Other Business

Next meeting, Ms. Debbie Wise will be providing a report on a conversation she had with other circuit clerks. Representative Lundstrum intends to have a discussion with the Sheriff's Association to discuss what their needs are. In addition, she expressed an interest in visiting one of the DOC units to get a better understanding of the release process.

Ms. Wallace said she would gather information on processes that the DOC has for release including the Parole Board process and Think Legacy to report to the group. Mr. Magness suggested the Malvern facility if a tour occurs to see the intake and release process.

VII. Next Meeting Date

Staff will send out date conflicts for next meeting.

VIII. Adjournment

Meeting adjourned at 10:52 am.



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### Criminal Justice Task Force on Offender Court Costs and Collections Virtual meeting

Tuesday, December 14, 2021 at 10:00 AM

#### Attendees:

- |                            |   |
|----------------------------|---|
| 1. Rep. Robin Lundstrum    | 7. Mr. Benny Magness                    |
| 2. Sen. Clarke Tucker      | 8. Judge Hamilton Singleton             |
| 3. Sen. Bob Ballinger      | 9. Circuit Clerk Debbie Wise            |
| 4. Ms. Lorie Mason Jordan  | 10. Mr. Rick Stallings                  |
| 5. Ms. Ateca Foreman       | 11. Ms. Robin White                     |
| 6. Sheriff John Montgomery | 12. Ms. Lori Kumpuris (for Bob McMahan) |

#### Guests:

1. Lindsay Wallace
2. Melissa Rangel
3. Shari Gray

#### Members Absent:

- |                       |                         |
|-----------------------|-------------------------|
| 1. Rep. Keith Slape   | 3. Ms. Kristin Clark    |
| 2. Judge Tommy Fowler | 4. Ms. Elizabeth Taylor |

### **I. Call to Order by Rep. Lundstrum**

While waiting on a quorum, Rep. Lundstrum asked to go out of order on the agenda. Senator Tucker was asked to provide a report from his Subcommittee meeting.

### **II. Subcommittee's report / Senator Clarke Tucker**

The subcommittee met yesterday and set a second meeting. The committee spoke to Charlie Collins yesterday and Robin White is working on compiling DOC's list of fines which will be completed later this week. Kristin Clark's list is already put together. Rep. Lundstrum received a letter from the Supreme Court that she will send to the group that provides us with some information on what the Governor's office needs.

Rep. Lundstrum recognized that a quorum was present upon conclusion of Sen. Tucker's report. Lori Kumpuris is joining the meeting on behalf of Bob McMahan.

### **III. Approval of Minutes / September and October minutes**

A motion to adopt the September minutes was made by Sheriff John Montgomery. The motion was seconded by Debbie Wise. The minutes were approved.

A motion to adopt the October minutes was made by Debbie Wise. The motion was seconded by Sen. Clarke Tucker. The minutes were approved.

#### **IV. Association of Counties / Ms. Debbie Wise**

Ms. Debbie Wise began by sharing that a meeting was held with other clerks to discuss how the collection process operates for fines, fees, costs, restitution, etc. Generally, the process begins when sentencing order is entered. Restitution collection may differ from the collection of fines, fees, and costs because amounts can widely vary. There is a system of collection that is used (Tracy Smith) that was designed so that the process involves the clerks. In this system, reports are given to circuit judges, prosecuting attorneys, probation/parole officers, defendant's attorneys, etc. Reports show payments received and checks written to victims, even in instances in which defendants may have more than one case. Everything is audited by legislative audit. This is something Sheriff Montgomery has talked about because they are able to do tax interceptions. The clerks also discussed issues when defendants must go to more than one place to make payments. Since the courts can only collect on certain things, the sheriffs' office will collect on Public Defender fees, drug court fees, and DNA fees. There also may be probation supervision fees that need to be collected separately. Sometimes this can be confusing because offenders have multiple places to pay and may not know where to pay them.

Sheriff Montgomery believes one place to pay would be more efficient and that the sheriff's office is good option. There is not currently a way for the clerks to know whether defendant has been incarcerated and this has been a problem for the clerks have faced when trying to determine what is owed by who and where it is owed. Additionally, Sheriff Montgomery noted that fees can differ throughout the state. An example was provided that in Ms. Wise's county, the previous judge felt that the laws on fees were unconstitutional and frequently waived them whereas their new judge wants the fees assessed.

Everyone agreed that restitution should be paid first, prior to fees to the state, counties, etc. Ms. Wise noted that the clerk will explain to an offender what they have to pay and where they have to pay it, but there are often discussions with offenders over their ability to pay. Most offenders are ordered to pay \$100/month. If this is not possible for them, the clerks will instruct them to pay whatever they are able to. The biggest concern amongst the clerks is that since they are the recorder too, they are very busy. It was mentioned that the clerks feel as though they've become a collection agency. They need more technology and access to all of the information needed related to collection to do a thorough job. In many cases, there is often information that is missing or inaccurate. Sentencing orders frequently have incorrect victim information and collection numbers. Ms. Wise said that the clerks want to stay involved in whatever process we ultimately set up.

Rep. Lundstrum asked how many clerks are still using paper, to which Ms. Wise replied that she does not think many still do. Most of the clerks have been using the Tracy Smith system, and most have some sort of technology/program they are using. But these programs/systems are all standalone to each county and they cannot access each other's information. All of the programs are very similar regardless of what the counties use, but an issue that is present is that not every county has an IT department/person.

Sheriff Montgomery restated the idea that we could perhaps move to create a master database so each county could maintain the program they are using and upload their information into one system. Data could be uploaded every day and everyone could access it -- he is not in favor of each county using a different system.

It was noted that Rep. Lundstrum was having connectivity issues, so Sen. Tucker is going to chair the remainder of the meeting.

Sheriff Montgomery continued that he feels as though there is a general idea that offenders cannot afford to pay fines, fees, etc., and he believes that there more offenders that can afford to pay than those who cannot. He continued saying that in his county, it is likely that every sentencing order indicates that



offenders are ordered to pay \$100/month, and we are setting them up for failure by only providing one option for payment. If you work with them, like Ms. Wise said, they will be able to pay. He provided insight into the practices of Baxter County. Baxter County collects payments weekly, and though payments may be less than \$100, they still are receiving some payment amount every week. The county has seen efficiency in their practices, such as utilizing these weekly payments and garnishing state income taxes, and have had less people who are past due on payments. If we can hold offenders accountable to make their payments while working with their situation, we will be able to get this resolved.

Ms. Wise shared something they do in her district that has been very helpful. Once a defendant pleads out, they are required to sign an order to come back every six (6) months to determine if they are still making payments. If they are, the offender can leave. If not, they must see the circuit judge.

Sen. Tucker asked how we can implement best-practices across the state and said that he would like to have uniformity where possible. Sheriff Montgomery said part of the issue is that judge's courtrooms operate differently throughout the state, and that seeking uniformity where possible ultimately goes back to creating a statewide database.

Mr. Magness asked who makes the decision as to who collects the fines, fees, etc. The quorum court votes who collects fines and fees, whilst some collection responsibilities are set by law. Ms. Wise informed the group that she signs off on a specific form when an offender pays off everything at her office. It was then asked if there is there any other county where the circuit court fines and fees are split between two different agencies to complete the collection. Ms. Wise said that the clerks she met with have the same set up that her county does. Sheriff Montgomery said that he thought other counties have one entity collecting.

Sen. Tucker asked if there may be an advantage to the state passing a law to create uniformity in collection. He is hesitant to do that because he doesn't want to be too heavy handed. He believes we may have grounds to create a bill, but he is just not sure where it would fit amongst accommodating everyone. The associations would need to be involved to make sure everything fits their needs and practices. Rep. Lundstrum would like us to mirror what is working and utilize something we could replicate.

Ms. Wise thinks legislation for uniformity this would be a good thing and agrees that the uniformity would be a big help to clerk's duties. Sheriff Montgomery disagreed and said that he likes the idea of uniformity but does not believe that the legislature should dictate specifically who should be responsible for collection. Sheriff Montgomery gave the example of in one county, the sheriff's office was having problems with maintaining collection which led to their collection authority being taken away by the quorum court and given to the clerk.

Sheriff Montgomery continued that he is in favor of a state-wide database so that anyone, for example probation and parole, can access that database and look the information up. Sheriff Montgomery suggested an example of a person being released from parole but still owing thousands of dollars in restitution. He thinks this database would be a great solution to issues like this and noted that in Baxter County, all the different agencies have access to the data on collections. Mr. Magness commented that it should not be the case that someone is released on parole while they still owe fines, fees, restitution, and that it must be made easier for an officer to get more information on the fines, fees, and restitution one of their parolees owes.

Sen. Tucker asked about the possibility of DFA overseeing collection if the only thing that is left to be collected is restitution, fines, or fees, an offender's supervision ends, etc. He believes this may be an option since they are set up to operate collection processes already and asked what the committees' thoughts were on this.

- Sheriff Montgomery opposed this idea. He feels that the sheriff's office already does a great job and are aggressive at collection because they answer to the county. He added that in his tenure, he's paid out 3.5 million in restitution.
- Mr. Magness disagreed as well. He said that probation and parole only collect fees for supervision and does not believe that DFA should get involved in this process. Probation and parole require offenders to demonstrate their ability or inability to pay, and DOC is adamant about not sending folks back strictly for failure to pay fees. For those that do demonstrate their inability to pay, probation and parole can waive their supervision fees.

Sheriff Montgomery said he would like for the committee or legislature to make it easier to uphold the responsibility that defendants have to pay what they owe. He said he would like for it to be easier to get a warrant if an individual does not pay. He feels we have proven the last 2 years the more we hold these people accountable, the more likely it is they will pay.

Rep. Lundstrum asked if we can get a list of all the counties and what method they employ to collect money. Ms. Wise said the Association of Counties should be able to provide the information. Sheriff Montgomery said legislative audit should be able to ask the counties what method they use.

#### **V. Letter update**

Ms. Kristin Clark was not available to give an update on the letter for COVID funds. Rep. Lundstrum said she would e-mail the committee back to alert them what she found out.

#### **VI. Other business**

There was no other business of the committee

#### **VII. Next Meeting Date**

Staff will send out information on the next meeting date.

#### **VIII. Adjournment**

The meeting was adjourned.



## OFFICE OF THE SECRETARY

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Criminal Justice Task Force on Offender Court Costs and Collections  
Virtual meeting  
Monday, January 24, 2022

### Members Present

Senator Clarke Tucker  
Representative Robin Lundstrum  
Senator Bob Ballinger  
Circuit Clerk Debbie Wise  
Judge Hamilton Singleton  
Representative Keith Slape

Mr. Benny Magness  
Mr. Rick Stallings  
Ms. Kristin Clark  
Ms. Elizabeth Taylor  
Ms. Robin White

### Non-Members Present

Senator Missy Irvin  
Ms. Lindsay Wallace (DOC Chief of Staff)  
Ms. Melissa Rangel (DOC Executive Assistant)  
Mr. Jerry Bradshaw (Director, Division of Community Correction)

### Members Absent

Judge Tommy Fowler  
Ms. Lorie Mason Jordan  
Sheriff John Montgomery  
Mr. Bob McMahan

- I. Call to Order: Representative Lundstrum called the meeting to order after recognizing a quorum was present. There was a roll call.
- II. Approval of December Minutes: Sen. Tucker moved to adopt the minutes, Mr. Benny Magness seconded the motion to adopt the minutes. The minutes were adopted.
- III. Letter Update: Rep. Lundstrum asked everyone to read the letter. She has requested everyone review the letter and lobby the different committee members.

Senator Missy Irvin asked the committee if we have reached out to the Association of Counties and Municipal League. According to Rep. Lundstrum this has not yet been done. Mr. Magness and Sen. Irvin suggested the Association of Counties (AAC) so they can send it to the clerks and judges. Sen. Tucker said we should reach out to the Administrative Office of the Courts (AOC) to see who they have contacted. Rep. Lundstrum doesn't mind repetition at this point. Sen. Tucker also suggested sending it to the bar association.

Rep. Slape mentioned that the Association of Counties is looking into trying something that would allow the docket to be accessible to them to alleviate the part of the problem with moving inmates.

The committee was asked to review the letter and make sure they are all familiar with it. The target audience is ARPA. Sen. Irvin mentioned that she believed it would be helpful to pull up the legislation that allowed for the creation of this task force, who voted for it, the support it received during the legislature. It is important to remember that this group is a culmination from that legislation, and it is a non-partisan group designed to find a solution to the problem. Rep. Lundstrum said she would send the vote count and legislation to everyone.

Mr. Magness asked about the details in the attachment of the letter in which \$40 million was requested to put cameras in the courtrooms. He expressed that this is a good idea, but he does not know how many courtrooms currently do or do not have cameras and that this solution may not be getting us everything we want.

Ms. Kristin Clark responded that the portion allocated related to cameras in the courtroom is relatively small. The cameras amount to \$384 thousand dollars out of the \$40 million dollars. That breakdown is page 6 of 10 of the attachment in the letter. The biggest part of the financial request is for the development of the case management system.

Rep. Lundstrum recapped what the committee is going to do in regard to the letter: we will send the letter to county judges, clerks, the bar association, prosecutors. It was asked who else this information should be sent to. Sen. Tucker expressed his willingness to handle distribution to all of the attorney organizations. Rep. Lundstrum asked him to send everyone contact information on those organizations because each of the committee members need to reach out. No one was present from the prosecutor's association today to discuss distributing the letter to their contacts. Ms. Wise said she will be in Little Rock tomorrow (January 25<sup>th</sup>, 2022) and would be happy to pass this information along to AAC, circuit clerks, and the sheriffs association.

Once the letter is submitted, ARPA has a process to follow to. The committee needs support letters from all of the organizations we contact to be submitted as well. Rep. Lundstrum emphasized to the committee that they should let her know of any other contacts they can think of to reach out to. Any additional contacts or information may be useful. Sen. Irvin thanked everyone for their help working on this committee and issue.

IV. There was no other business.

V. Next meeting date was not discussed.

VI. Adjournment: Meeting adjourned at 2:24 pm.

After the meeting, Sen. Tucker set a meeting of subcommittee for next Wednesday 2/2/22 for 10:30 a.m.



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Criminal Justice Task Force on Offender Court Costs and Collections  
Virtual meeting  
Tuesday, February 22, 2022

### Members Present

Representative Robin Lundstrum  
Senator Clarke Tucker  
Representative Keith Slape  
Judge Hamilton Singleton  
Circuit Clerk Debbie Wise

Mr. Benny Magness  
Ms. Kristin Clark  
Ms. Ateca Foreman  
Ms. Elizabeth Taylor  
Ms. Robin White

### Non-Members Present

Ms. Melissa Rangel (DOC Executive Assistant)  
Mr. Brad Cazort (ACIC Director)

### Members Absent

Senator Bob Ballinger  
Sheriff John Montgomery  
Judge Tommy Fowler  
Ms. Lorie Mason Jordan  
Mr. Bob McMahan  
Mr. Rick Stallings

- I. Call to Order: Representative Lundstrum called the meeting to order after recognizing a quorum was present. There was a roll call.
- II. Approval of January Minutes: Judge Hamilton Singleton moved to adopt the minutes; Senator Clarke Tucker seconded the motion to adopt the minutes. The minutes were adopted.
- III. Contact updates: Rep. Lundstrum asked the task force members if they had any issues with contacting the Steering Committee members.

Mr. Benny Magness talked to Senator Flippo. Rep. Lundstrum reminded the Task Force members to make their phone calls. If anyone has issues or has any feedback, members can contact Rep. Lundstrum notified the members that the Supreme Court Justices are in favor of this action.

- IV. Subcommittee meeting overview: Sen. Tucker gave a summary of the subcommittee actions from the last few weeks. They are examining low hanging fruit of fines and fees that could possibly be removed

or adjusted, possibly during the next legislative session. Sen. Tucker will be sharing a newspaper article concerning the fines and fees in a legal matter with the group.

Rep. Lundstrum shared that one of her constituents had issues with a payment in another county. Senator Tucker agreed that there could be better communication.

Senator Tucker spoke of the need to hire more prosecuting attorneys and defense attorneys due to the high backlog of cases.

Mr. Benny Magness checked with the Prosecutors to see what the future might look for the Department of Corrections due to increase in cases. There are 73,000 cases pending in the State. There are 40,000 new cases and about 33,000 are probation/parole violations. There is a possibility that in 2 to 3 years there will be 10,000 new people either receiving a sentence to probation or incarceration. There are already 500 beds approved by the Governor at North Central. Some of these cases have been on docket for over 5 years.

Senator Tucker agreed with Mr. Magness in the Pulaski County Circuit Court alone there are about 1,000 to 1,200 cases in any given day. These issues compounded because of COVID-19. Once we hire more prosecutors and defense attorneys, there will be a need for more beds. Mr. Magness has been in the Corrections field for about 23 years and every year the population grows.

Representative Lundstrum encouraged the group to continue to make calls to the Steering Committee.

V. There was no other business.

VI. Next meeting date was not discussed.

VII. Adjournment: Meeting adjourned at 3:22 pm.

After the meeting, Sen. Tucker set a meeting of subcommittee for Wednesday 3/9/22 for 3:00 p.m.



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Criminal Justice Task Force on Offender Court Costs and Collections  
Virtual meeting  
Wednesday, April 6, 2022

### Members Present

Representative Robin Lundstrum  
Senator Clarke Tucker  
Judge Hamilton Singleton  
Circuit Clerk Debbie Wise  
Senator Bob Ballinger  
Mr. Bob McMahan

Ms. Lorie Mason Jordan  
Sheriff John Montgomery  
Mr. Benny Magness  
Ms. Kristin Clark  
Ms. Elizabeth Taylor  
Ms. Robin White

### Non-Members Present

Ms. Melissa Rangel (DOC Executive Assistant)  
Paul Loathian (DFA)

### Members Absent

Judge Tommy Fowler  
Mr. Rick Stallings  
Ms. Ateca Foreman  
Representative Keith Slape

Call to Order: Representative Robin Lundstrum called the meeting to order after recognizing a quorum was present. There was a roll call and the members who were absent were noted.

Approval of February Minutes: Senator Clarke Tucker pointed out a change to be made on page two, section 4a: "because" was left out. A motion was made by Chairman Benny Magness to approve the minutes as corrected; Senator Tucker seconded the motion. The minutes were approved.

Letter to CARE Committee: Rep. Lundstrum caught Paul Loathian up on the discussion of having an integrated system for all fines and fees. Mr. Loathian continued that there are 55 million dollars needing approval by the end of June some of these funds will be released this June. There are 780 million that will be released in middle to late July for the second round of funding requests. These two rounds of funding will conclude the funding cycle, so Mr. Loathian advised the committee to do a complete total funding request of the necessary funds rather than separate requests. One of the conversations he had about this issue was that there are multiple systems used around the state and there will need to be a sort of hub to allow everyone's communication to come into that and talk to the central hub because of the differences in systems across the state.

Sheriff Montgomery agreed that the hub will be the best method to use and will be least resisted across the state because if someone has a system that works for them, the hub will allow for their interface to be translated into a universal system. Rep. Lundstrum noted that Debbie Wise and Sheriff Montgomery each have different systems that are set up for their needs and are more current and replicating these two systems to integrate into the hub might be the best course of action. Each county can tweak the system currently used to their specific needs. At this moment, one county cannot see the data from another county, but the data is uploaded to the central Criminal Collects database every morning.

Mr. Loathian asked if the plan was for each county to pay for their own software, and if the requested funds would go to the development and maintenance of the state-wide hub. Rep. Lundstrum said yes, and that some counties would need some help to purchase the software so that may need to be factored into the funding request. She suggested grant matching so that if some counties could provide some of the funding, it can be matched by the state. Sheriff Montgomery estimated that \$7,500 is the price of the software and some annual maintenance, and Debbie Wise noted it was about the same cost for her. Rep. Lundstrum asked Ms. Kristin Clark if this would be something the courts could use to access the data, and Sheriff Montgomery jumped in and noted that the courts in his county have some access to the data that is uploaded every day. Sheriff Montgomery will provide Rep. Lundstrum the contact information from Tracy Smith Consulting.

Rep. Lundstrum noted that both systems will need to be updated. Ms. Clark noted that the current plan for the hub is separate from the request made by AOC, but she thinks it will still work out even though it will be a separate request. Ms. Clark noted that the CIC director Tim Holtoff may be able to answer some questions assist with some information. Ms. Clark will share the information discussed during the meeting with Mr. Holtoff.

Senator Tucker thanked the committee for their hard work. Rep. Lundstrum noted that the goal is for everyone who needs to be able see the fines, fees, and restitution to have access to this information. Mr. Loathian is going to get started with the conversations on the funding request. He agreed that this a great plan because it will help to those individuals that get reincarcerated because of missed payments.

Subcommittee Meeting Overview: Sen. Tucker gave an update from the subcommittee actions over the last few weeks. They examined installment plan fees and have cotton some information on this issue. Currently, there is a \$10 monthly installment fee in both circuit and district court for missed payments, and the goal is to lower these fees as much as possible. \$2.50 goes to technology in cities and counties, there is \$5 that goes to collections. That leaves \$2.50 in both circuit and district court that goes to the AROJ fund which adds up to 3 million a year. Sen. Tucker recommended that the state picks up the remaining \$2.50 for circuit court fees to lower the monthly installment from \$10 to \$7.50. The final piece is the remaining \$5.00 from district court that goes back to the state, and this fund averages \$4.8 million per year. If the funds could be found, the district court fees could be lowered from \$10 to \$2.50 but this would all need to be discussed by the group. After the meeting, Sen. Tucker set a meeting of subcommittee for Wednesday 4/26/22 for 1:00 p.m.

Adjournment: Meeting adjourned at 1:42 pm. There was no other business, and the next meeting date was not discussed.





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### Criminal Justice Task Force on Offender Court Costs and Collections

#### Virtual Meeting Minutes

Friday, May 20, 2022, at 1:00 PM

#### Members Present

Rep. Robin Lundstrum	Ms. Lorie Mason Jordan
Judge Hamilton Singleton	Ms. Ateca Foreman
Sen. Clarke Tucker	Ms. Robin White
Mr. Benny Magness	
Ms. Elizabeth Taylor	
Mr. Rick Stallings	
Ms. Kristin Clark	

#### Members Absent

Sen. Bob Ballinger  
Rep. Keith Slape  
Sheriff John Montgomery  
Judge Tommy Fowler  
Mr. Bob McMahan  
Ms. Debbie Wise

#### Non-Members Present

Melissa Rangel (DOC Executive Assistant)  
Shari Gray (For Mr. Benny Magness)  
Brianna McDonough (DOC Staff Development Specialist)  
Ginger Kimes (for Mr. Bob McMahan)

#### I. Call to Order:

The meeting was called to order by Rep. Lundstrum

#### II. Approval of April Minutes:

Representative Lundstrum made a motion to approve the minutes, and the motion was seconded by Senator Tucker.

#### III. Overview of Subcommittee meeting:

Senator Tucker gave an overview of the subcommittee meeting. The subcommittee recommends focusing on eliminating the monthly installment fees and changing the way such fees are collected from both circuit and district court. These fees are set by legislation. Mr. Magness recommended that eliminating the fees should be the focus and suggested keeping the fees if an individual is not making payments but removing it when they are making payments on an outstanding balance. These recommendations will be included in the committee report.

IV. Committee Report:

The committee report is due in October. Rep. Lundstrum will work with Ms. Rangel to compile all the existing minutes into a draft report. Once it is completed, it will be sent to the committee for review.

V. Other Business:

No other business was discussed.

VI. Adjournment:

The meeting adjourned at 1:13pm. Ms. Rangel will reach out to committee members to schedule the next meeting, which will likely be during the next ALC week.