

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

SENATE BILL

290

By: Senator Hardin

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE §5-4-303 TO PERMIT COURTS TO REQUIRE INDIGENTS AS A CONDITION TO PROBATION TO REPAY THE COUNTY FOR ATTORNEY'S FEES IN AN AMOUNT THEY CAN AFFORD; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code §5-4-303 is hereby amended to read as follows:

"(1) If the court suspends imposition of sentence on a defendant or places him on probation, it shall attach such conditions as are reasonably necessary to assist the defendant in leading a law-abiding life. The court shall provide as an express condition of every suspension or probation that defendant not commit an offense punishable by imprisonment during the period of suspension or probation.

(2) If the court suspends imposition of sentence on a defendant or places him on probation, it may, as a condition of its order, require that the defendant:

- (a) support his dependents and meet his family responsibilities;
- (b) work faithfully at suitable employment;
- (c) pursue a prescribed secular course of study or vocational training designed to equip him for suitable employment;
- (d) undergo available medical or psychiatric treatment, and enter and remain in a specified institution, when required for that purpose;
- (e) participate in a community-based rehabilitative program;
- (f) refrain from frequenting unlawful or designated places or consorting with designated persons;
- (g) have no firearms in his possession;
- (h) make restitution or reparation to aggrieved parties, in an

amount he can afford to pay, for the actual loss or damage caused by his offense;

(i) post a bond, with or without surety, conditioned on the performance of prescribed conditions;

(j) satisfy any other conditions reasonably related to the rehabilitation of the defendant and not unduly restrictive of his liberty or incompatible with his freedom of conscience.

(3) If the court places a defendant on probation, it may, as a condition of its order, require that the defendant:

(a) report as directed to the court or probation officer and permit the probation officer to visit him at his office or elsewhere;

(b) remain within the jurisdiction of the court unless granted permission to leave by the court or the probation officer;

(c) answer all reasonable inquiries by the court or probation officer and promptly notify the court or probation officer of any change in address or employment.

(4) If the court suspends the imposition of sentence on a defendant or places him on probation, the defendant shall be given a written statement explicitly setting forth the conditions under which he is being released.

(5) If the court suspends the imposition of sentence on a defendant or places him on probation conditioned upon his making restitution or reparation under Subsection (2)(h) of this Section, the court shall, by concurrence of the victim, defendant, and the prosecuting authority determine the amount to be paid as restitution. The court shall further, after considering the assets, financial condition, and occupation of the defendant, determine whether restitution shall be total or partial, the amounts to be paid if by periodic payments, and if personal services be contemplated, the reasonable value and rate of compensation for services rendered to the victim. If the court has suspended the imposition of sentence or placed a defendant on probation conditioned upon him making restitution or reparation and the defendant has not satisfactorily made all his payments when the probation period has ended, the court shall have the authority to continue to assert its jurisdiction over the recalcitrant defendant and extend the probation period as it deems necessary or revoke the defendant's suspended sentence.

(6) If the court suspends the imposition of sentence of a defendant or places him on probation and if the defendant was determined to be indigent

and was appointed counsel, who was paid by the county, then the court as a condition thereof, may require the defendant to pay, in an amount he can afford to pay, to the county the amount of any indigent attorney's fee expended on his behalf. If the attorney's fees were paid from the county general fund, they shall be returned to the county general fund. If the attorney's fees were expended from the fund pursuant to Act 695 of 1983, then the money shall be placed back in that fund."

SECTION 2. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this act are hereby repealed.