

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

HOUSE BILL 1755

4 By: Representative M. Wilson
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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §21-6-411 TO
9 INCREASE THE FEE THAT A PROSECUTING ATTORNEY MAY COLLECT
10 ON BAD CHECKS WITH A FACE VALUE UNDER ONE HUNDRED DOLLARS
11 (\$100.00); AND FOR OTHER PURPOSES."
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Subtitle

13 "TO INCREASE THE FEE THAT A PROSECUTING
14 ATTORNEY MAY COLLECT ON BAD CHECKS UNDER
15 \$100.00."
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code Annotated § 21-6-411 is hereby amended to
21 read as follows:

22 "21-6-411. Prosecuting attorneys - Certain checks, orders, or drafts.

23 (a) A prosecuting attorney may collect a fee if his office collects,
24 processes or assists in the collection of a check, order, or draft if the
25 check, order, or draft has been issued or passed in a manner which makes the
26 issuance or passing an offense under:

27 (1) Section 5-1-101 et seq.; or

28 (2) The Arkansas Hot Check Law, §§ 5-37-301 - 5-37-306; or

29 (3) Section 5-37-307.

30 (b) A prosecuting attorney may collect a fee from any person issuing a
31 bad check as described in subsection (a) of this section. The amount of the
32 fee shall not exceed:

33 (1) *Ten dollars (\$10.00)* if the face amount of the check, order,
34 or draft does not exceed one hundred dollars (\$100.00);

35 (2) *Thirty dollars (\$30.00)* if the face amount of the check,

1 order, or draft is greater than one hundred dollars (\$100) but does not
2 exceed three hundred dollars (\$300);

3 (3) Fifty dollars (\$50.00) if the face amount of the check,
4 order, or draft is greater than three hundred dollars (\$300) but does not
5 exceed five hundred dollars (\$500); and

6 (4) Seventy-five dollars (\$75.00) if the face amount of the
7 check, order, or draft is greater than five hundred dollars (\$500).

8 (c) If the person from whom the fee is collected was a party to the
9 offense of forgery, under §§ 5-37-101 and 5-37-201 - 5-37-214, by altering
10 the face amount of the check, order, or draft, the face amount as altered
11 governs for purposes of determining the amount of the fee.

12 (d) Fees collected under this section shall be deposited in a special
13 fund to be administered by the prosecuting attorney.

14 (e)(1) In those counties in which the sheriff is operating a hot check
15 program and the prosecuting attorney is not operating such program on
16 September 20, 1985, the sheriff shall be entitled to continue the program as
17 long as he elects to do so and the prosecuting attorney shall not initiate
18 any such program in the county unless the sheriff in the county discontinues
19 his program.

20 (2) In those counties in which the sheriff operates a hot check
21 program, then the sheriff's office shall be entitled to the same fees as
22 provided in this section, but all fees shall be paid into an account for the
23 sheriff's office and shall be subject to appropriation by the quorum court to
24 be used to defray the cost of the hot check program and other costs of the
25 sheriff's office.

26 (f) This section is cumulative to all other acts and shall not repeal
27 any other act."

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

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33 SECTION 3. If any provision of this act or the application thereof to
34 any person or circumstance is held invalid, such invalidity shall not affect
35 other provisions or applications of the act which can be given effect without

1 the invalid provision or application, and to this end the provisions of this
2 act are declared to be severable.

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4 SECTION 4. All laws and parts of laws in conflict with this act are
5 hereby repealed.

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/s/Rep. M. Wilson

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