

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Representative Luker

A Bill

HOUSE BILL 1828

For An Act To Be Entitled

"AN ACT TO AMEND ARK. CODE § 5-4-203 TO PROVIDE FOR THE
SUSPENSION OF ANY DRIVER'S LICENSE HELD BY CRIMINAL
DEFENDANTS WHEN THE DEFENDANTS ARE SENTENCED TO PAY A FINE
OR COSTS AS PART OF A SENTENCE AND DEFAULT IN THE PAYMENT;
AND FOR OTHER PURPOSES."

Subtitle

"TO PROVIDE FOR SUSPENSION OF DRIVERS
LICENSES WHEN CRIMINAL DEFENDANTS
DEFAULT ON FINES IMPOSED AS PART OF A
SENTENCE."

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

SECTION 1. Arkansas Code Annotated § 5-4-203 is amended to read as follows:

"5-4-203. Consequences of nonpayment.

(a)(1) When a defendant sentenced to pay a fine or costs defaults in the payment thereof or of any installment, the court, upon its own motion or that of the prosecuting attorney, may require him to show cause why he should not be imprisoned for nonpayment.

(2) The court may issue a warrant of arrest or summons for his appearance.

(3) Unless the defendant shows that his default was not attributable to a purposeful refusal to obey the sentence of the court, or to a failure on his part to make a good faith effort to obtain the funds required for payment, the court may order the defendant imprisoned in the county jail or other authorized institution designated by the court until the

1 fine or costs or specified part thereof is paid. The period of imprisonment
2 shall not exceed one (1) day for each ten dollars (\$10.00) of the fine or
3 costs, thirty (30) days if the fine or costs were imposed upon conviction of
4 a misdemeanor, or one (1) year if the fine or costs were imposed upon
5 conviction of a felony, whichever is the shorter period.

6 (4) If the court determines that the default in payment of fine
7 or costs is not attributable to the causes specified in subsection (a)(3) of
8 this section, the court may enter an order allowing the defendant additional
9 time for payment, reducing the amount of each installment, or revoking the
10 fine or costs or the unpaid portion thereof in whole or in part.

11 (b)(1) When a defendant sentenced to pay a fine or costs defaults in
12 the payment thereof or of any installment, the clerk of the court where
13 payment is due shall notify the Department of Finance and Administration,
14 along with the last known address provided to the court by the defendant, to
15 suspend any driver's license held by the defendant.

16 (2) Upon receipt of such notification, the Department of Finance
17 and Administration shall notify the defendant that his driver's license will
18 be suspended thirty (30) days from the date of notice.

19 (3) Notice from the department shall be sufficient if mailed to
20 the defendant at either the last known address provided to the court by the
21 defendant or to the address used by the defendant on any driver's license.

22 (4) Except as notified otherwise by the clerk of the court, the
23 department shall suspend any driver's license held by the defendant as
24 provided in this subsection.

25 (5) The defendant shall be entitled to retain or regain any
26 driver's license when:

27 (A) The default is cured; and

28 (B) The clerk of the court notifies the Department of
29 Finance and Administration to cancel or release the suspension; or

30 (C) The court orders reinstatement.

31 (c) When a corporation is sentenced to pay a fine or costs, it is the
32 duty of the person authorized to make disbursements from the assets of the
33 corporation to pay the fine or costs. If such disbursements require approval
34 of the board of directors, it is the duty of the board to authorize
35 disbursements to pay the fine or costs. Failure to comply with the duties

1 imposed by this subsection shall render the person or directors subject to
2 imprisonment under subsections (a), (b), and (c) of this section."

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

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8 SECTION 3. If any provision of this act or the application thereof to
9 any person or circumstance is held invalid, such invalidity shall not affect
10 other provisions or applications of the act which can be given effect without
11 the invalid provision or application, and to this end the provisions of this
12 act are declared to be severable.

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

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