

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

4 By: Representative Ferguson

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A Bill For An Act To Be Entitled

8 "AN ACT CONCERNING THE CRIME STOPPERS PROGRAM; AND FOR
9 OTHER PURPOSES."

10

11

Subtitle

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"AN ACT CONCERNING THE CRIME STOPPERS
PROGRAM."

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

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17 SECTION 1. Definitions.

18 As used in this act:

19 (1) "Board" means the Crime Victims Reparations Board created by
20 Arkansas Code 16-90-705.

21 (2) "Crime stoppers organization" means a private, nonprofit
22 organization that is operated on a local or statewide level, that accepts and
23 expends donations for rewards to persons who report to the organization
24 information about criminal activity, and that forwards the information to the
25 appropriate law enforcement agency.

26 (3) "Local crime stoppers program" means the acceptance and
27 spending of donations by a private, nonprofit organization for rewards to
28 persons who report information concerning criminal activity to the
29 organization if the organization:

30 (A) operates less than statewide; and

31 (B) forwards reported information to the appropriate law
32 enforcement agency.

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34 SECTION 2. Duties.

35 (a) The Board shall:

1 (1) advise and assist in the creation of local crime stoppers
2 programs;

3 (2) foster the detection of crime and encourage persons to report
4 information about criminal acts;

5 (3) encourage news and other media to promote local crime
6 stoppers programs and to inform the public of the functions of the *board*;

7 (4) assist local crime stoppers programs in forwarding
8 information about criminal acts to the appropriate law enforcement agencies;

9 (5) help law enforcement agencies detect and combat crime by
10 increasing the flow of information to and between law enforcement agencies;
11 and

12 (6) adopt necessary rules and regulations necessary to carry out
13 its functions under this act.

14 **(b)** *The office of the Attorney General shall provide the board such*
15 *office space, support staff, and secretarial services as may be necessary for*
16 *the administration of this act.*

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18 SECTION 3. Confidentiality of *board* records.

19 *Board* records relating to reports of criminal acts are confidential.

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21 SECTION 4. Privileged information.

22 (a) Evidence of a communication between a person submitting a report
23 of a criminal act to the *board* or a local crime stoppers program and the
24 person who accepted the report on behalf of the *board* or local crime stoppers
25 program is not admissible in a court or an administrative proceeding.

26 (b) Records of the *board* or a local crime stoppers program concerning
27 a report of criminal activity may not be compelled to be produced before a
28 court or other tribunal except on the order of the Arkansas Supreme Court.

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30 SECTION 5. Misuse of information.

31 (a) A person who is a member or employee of the *board* or who accepts
32 the report of criminal activity on behalf of a local crime stoppers program
33 commits an offense if the person intentionally or knowingly divulges to a
34 person not employed by a law enforcement agency the content of a report of a
35 criminal act or the identity of the person who made the report without the

1 consent of the person who made the report.

2 (b) An offense under this section is a Class A misdemeanor.

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4 SECTION 6. Certification of local programs.

5 (a) The *board* shall, at the request of a judge, determine whether a
6 local crime stoppers program is qualified to receive repayments of rewards.
7 The council shall approve a local crime stoppers program to receive those
8 repayments if, considering the organization, continuity, leadership,
9 community support, and general conduct of the program, the *board* determines
10 that the repayments will be spent to further the crime prevention purposes of
11 the program.

12 (b) Each local crime stoppers program certified by the *board* to
13 receive payments is subject to an annual audit by an independent accounting
14 firm and must submit the audit to the *board* for review.

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16 SECTION 7. Payments from probationers.

17 (a) A court may not order a probationer to make any payments as a term
18 and condition of probation, except for fines, court costs, restitution of the
19 victim, payment to a local crime stoppers program under (b) of this section,
20 and other terms and conditions expressly authorized by statute.

21 (b) In addition to any other terms and conditions imposed under this
22 section, the court may require the probationer as a condition of this
23 probation, to make one (1) payment in any amount not to exceed fifty dollars
24 (\$50) to a local crime stoppers program and as certified by the *board*. In
25 imposing the condition, the court shall consider the ability of the
26 probationer to make the payment and the effectiveness and fiscal
27 responsibility of the local crime stoppers program.

28 (c) A local crime stoppers program that receives a payment from a
29 probationer may not use the payment for any purpose other than the payment of
30 a reward to a person who reports information concerning criminal activity.
31 No later than January 15 of each year, a local crime stoppers program that
32 receives or expends money under this section shall file a detailed report
33 with the Arkansas Department of Community Punishment, Adult Probation Office
34 that accounts for all money received and expended under this section during
35 the preceding calendar year.

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SECTION 8. Repayment of rewards.

(a) After a defendant has been convicted of a felony offense, the judge may order a defendant to repay all or part of a reward paid by a local crime stoppers program.

(b) In determining whether the defendant must repay the reward or part of the reward, the court shall consider:

(1) the ability of the defendant to make the payment and the financial hardship on the defendant to make the required payment; and

(2) the importance of the information to the prosecution of the defendant as provided by the arresting officer or the attorney for the state with due regard for the confidentiality of the local crime stoppers program records

(c) If a judge orders a defendant to repay a reward or part of a reward, the court shall assess this cost against the defendant in the same manner as other costs of prosecution are assessed against a defendant. The court may order the defendant to:

(1) pay the entire amount required when sentence is pronounced;

(2) pay the entire amount required at a later date specified by the court; or

(3) pay specified portions of the required amount at designated intervals.

(d) If a judge orders a defendant to repay a reward or part of a reward a statement of the amount of the payment or payments required to be made shall be included in the judgment.

(e) After receiving a payment from a person ordered to make the payment under this section, the circuit clerk shall:

(1) make a record of the payment;

(2) deduct a one-time five dollar (\$5.00) processing fee from the reward repayment;

(3) forward the payment to the designated local crime stoppers program; and

(4) make a record of the forwarding of the payment.

SECTION 9. Court costs - crime stoppers assistance fund.

1 (a) A defendant convicted of an offense other than a misdemeanor
2 punishable by a fine only shall pay a court cost of two dollars (\$2.00).

3 (b) For purposes of this act, a defendant is considered to have been
4 convicted in a case if:

5 (1) a sentence is imposed;

6 (2) the defendant receives probation; or

7 (3) the court defers final disposition of the case.

8 (c) The office collecting costs shall keep a separate record of the
9 funds collected as costs and deposit the funds in the county treasury.

10 (d) The custodian of the county treasury shall keep a record of the
11 amount of the funds collected under this act and, on or before the last day
12 of the month following each calendar quarter, remit to the State Treasurer
13 the funds collected in the preceding quarter. The custodian of the county
14 treasury may retain ten percent (10%) of the funds collected as a service
15 fee.

16 (e) The State Treasurer shall deposit the funds in the Crime Stoppers
17 Assistance Fund which is created on the books of the State Treasurer, Auditor
18 of State and the Chief Fiscal Officer.

19 (f) The General Assembly shall appropriate funds from the Crime
20 Stoppers Assistance Fund to the *board* who shall distribute these funds only
21 to local crime stoppers programs. The *board* may adopt a budget and rules to
22 implement the distribution of these funds.

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24 SECTION 10. All provisions of this act of a general and permanent
25 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
26 Code Revision Commission shall incorporate the same in the Code.

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28 SECTION 11. If any provision of this act or the application thereof to
29 any person or circumstance is held invalid, such invalidity shall not affect
30 other provisions or applications of the act which can be given effect without
31 the invalid provision or application, and to this end the provisions of this
32 act are declared to be severable.

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34 SECTION 12. All laws and parts of laws in conflict with this act are
35 hereby repealed.

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/s/Rep. Ferguson