

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001

A Bill

HOUSE BILL 2318

4
5 By: Representative Ledbetter
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For An Act To Be Entitled

9 AN ACT TO AMEND THE LIMITATIONS ON AMOUNT WITH
10 RESPECT TO FINES WHICH A DEFENDANT IN A CRIMINAL
11 ACTION MAY BE SENTENCED TO PAY IN CASES OF CONVICTION
12 FOR MISDEMEANORS AND VIOLATIONS; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15 AN ACT TO AMEND THE LIMITATIONS ON
16 AMOUNT OF FINES THAT MAY BE ASSESSED
17 AGAINST PERSONS CONVICTED OF
18 MISDEMEANORS AND VIOLATIONS.
19
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21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code 5-4-201 is amended to read as follows:
25 5-4-201. Fines - Limitations on amount.

26 (a) A defendant convicted of a felony may be sentenced to pay a fine:

27 (1) Not exceeding fifteen thousand dollars (\$15,000) if the
28 conviction is of a Class A or Class B felony;

29 (2) Not exceeding ten thousand dollars (\$10,000) if the
30 conviction is of a Class C or Class D felony;

31 (3) In accordance with the limitations of the statute defining
32 the felony, if the conviction is of an unclassified felony.

33 (b) A defendant convicted of a misdemeanor may be sentenced to pay a
34 fine:

35 (1) Not exceeding one thousand dollars (\$1,000) if the
36 conviction is of a Class A misdemeanor;

1 (2) Not exceeding five hundred dollars (\$500) if the conviction
2 is of a Class B misdemeanor;

3 (3) Not exceeding ~~one hundred dollars (\$100)~~ two hundred and
4 fifty dollars (\$250) if the conviction is of a Class C misdemeanor;

5 (4) In accordance with the limitations of the statute defining
6 the misdemeanor, if the conviction is of an unclassified misdemeanor.

7 (c) A defendant convicted of a violation may be sentenced to pay a
8 fine:

9 (1) Not exceeding ~~one hundred dollars (\$100)~~ two hundred fifty
10 dollars (\$250) if the violation is defined by this code or defined by a
11 statute enacted subsequent to January 1, 1976, that does not prescribe a
12 different limitation on the amount of the fine; or

13 (2) In accordance with limitations of the statute defining the
14 violation, if that statute prescribes limitations on the amount of the fine.

15 (d) Notwithstanding the limits imposed by this section, if the
16 defendant has derived pecuniary gain from commission of an offense, then upon
17 conviction thereof he may be sentenced to pay a fine not exceeding double the
18 amount of such pecuniary gain. For purposes of this subsection, "pecuniary
19 gain" means the amount of money or the value of property derived from the
20 commission of the offense, less the amount of money or the value of property
21 returned to the victim of the crime or seized by or surrendered to lawful
22 authority prior to the time sentence is imposed.

23 (e) An organization convicted of an offense may be sentenced to pay a
24 fine authorized by subsection (d) of this section or not exceeding double the
25 maximum fine otherwise authorized upon conviction of the offense by
26 subsections (a), (b), or (c) of this section.

27
28 SECTION 2. Arkansas Code 27-51-214(1), concerning penalties for
29 speeding in school zones, is amended to read as follows:

30 (1) For a first conviction, an offender shall be punished by a fine of
31 ~~not less than twenty five dollars (\$25.00) nor more than one hundred dollars~~
32 ~~(\$100)~~ not more than two hundred and fifty dollars (\$250) or by imprisonment
33 in the county jail for not less than one (1) day nor more than ten (10) days,
34 or by both fine and imprisonment;

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36 SECTION 3. Arkansas Code 27-68-103(b), concerning penalties on

1 controlled access facilities, is amended to read as follows:

2 (b) Any person who violates any of the provisions of this section
3 shall be guilty of a Class C misdemeanor. ~~Upon arrest and conviction that~~
4 ~~person shall be punished by a fine of not less than five dollars (\$5.00) nor~~
5 ~~more than one hundred dollars (\$100) or by imprisonment in the city or county~~
6 ~~jail for not less than five (5) days nor more than ninety (90) days, or by~~
7 ~~both fine and imprisonment.~~

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9 SECTION 4. Arkansas Code 27-50-304 is amended to read as follows:
10 27-50-304. Penalties for misdemeanors.

11 ~~(a)~~ It is a Class C misdemeanor for any person to violate any of the
12 provisions of this act unless the violation is by this act or other law of
13 this state declared to be a felony.

14 ~~(b)~~ Every person convicted of a misdemeanor for a violation of any of
15 the provisions of this act for which another penalty is not provided shall:-

16 (1) ~~For a first conviction, be punished by a fine of not more~~
17 ~~than one hundred dollars (\$100) or by imprisonment for not more than ten (10)~~
18 ~~days;~~

19 (2) ~~For a second conviction within one (1) year thereafter, the~~
20 ~~person shall be punished by a fine of not more than two hundred dollars~~
21 ~~(\$200) or by imprisonment for not more than twenty (20) days, or by both fine~~
22 ~~and imprisonment; and~~

23 (3) ~~Upon a third or subsequent conviction within one (1) year~~
24 ~~after the first conviction, the person shall be punished by a fine of not~~
25 ~~more than five hundred dollars (\$500) or by imprisonment for not more than~~
26 ~~six (6) months, or by both fine and imprisonment.~~