

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 2580

4
5 By: Representative Hathorn
6
7

For An Act To Be Entitled

8
9 AN ACT TO AMEND ARKANSAS CODE 21-6-411 CONCERNING
10 CERTAIN FEES COLLECTED FOR VIOLATIONS OF THE
11 ARKANSAS HOT CHECK LAW; AND FOR OTHER PURPOSES.
12

Subtitle

13
14 TO AMEND ARKANSAS CODE 21-6-411
15 CONCERNING CERTAIN FEES COLLECTED FOR
16 VIOLATIONS OF THE ARKANSAS HOT CHECK
17 LAW.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code 21-6-411 is amended to read as follows:

23 21-6-411. Prosecuting attorneys - Certain checks, orders, ~~or~~ drafts,
24 or other forms of presentment involving the transmission of account
25 information.

26 (a) A prosecuting attorney may collect a fee if his office collects
27 and processes a check, order, ~~or~~ draft, or any other form of presentment
28 involving the transmission of account information if the check, order, ~~or~~
29 draft, or other form of presentment involving the transmission of account
30 information has been issued or passed in a manner which makes the issuance or
31 passing an offense under:

- 32 (1) The Arkansas Criminal Code, § 5-1-101 et seq.; or
33 (2) The Arkansas Hot Check Law, §§ 5-37-301 - 5-37-306; or
34 (3) Ark. Code Ann. § 5-37-307.

35 (b) A prosecuting attorney may collect a fee from any person issuing a
36 bad check as described in subsection (a) of this section. The amount of the

1 fee shall not exceed:

2 (1) ~~Five dollars (\$5.00) if the face amount of the check, order,~~
3 ~~or draft does not exceed ten dollars (\$10.00)~~ Fifteen dollars (\$15.00) if the
4 face amount of the check, order, draft, or other form of presentment
5 involving the transmission of account information does not exceed one hundred
6 dollars (\$100);

7 ~~(2) Ten dollars (\$10.00) if the face amount of the check, order,~~
8 ~~or draft is greater than ten dollars (\$10.00) but does not exceed one hundred~~
9 ~~dollars (\$100);~~

10 ~~(3)~~(2) Thirty dollars (\$30.00) if the face amount of the check,
11 order, ~~or~~ draft, or other form of presentment involving the transmission of
12 account information is greater than one hundred dollars (\$100) but does not
13 exceed three hundred dollars (\$300);

14 ~~(4)~~(3) Fifty dollars (\$50.00) if the face amount of the check,
15 order, ~~or~~ draft, or other form of presentment involving the transmission of
16 account information is greater than three hundred dollars (\$300) but does not
17 exceed five hundred dollars (\$500); and

18 ~~(5)~~(4) Seventy-five dollars (\$75.00) if the face amount of the
19 check, order, ~~or~~ draft, or other form of presentment involving the
20 transmission of account information is greater than five hundred dollars
21 (\$500).

22 (c) If the person from whom the fee is collected was a party to the
23 offense of forgery, under §§ 5-37-101 and 5-37-201 - 5-37-214, by altering
24 the face amount of the check, order, ~~or~~ draft, or other form of presentment
25 involving the transmission of account information, the face amount as altered
26 governs for purposes of determining the amount of the fee.

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

29 (e)(1) In those counties in which the sheriff is operating a hot check
30 program and the prosecuting attorney is not operating such program on
31 September 20, 1985, the sheriff shall be entitled to continue the program as
32 long as he elects to do so and the prosecuting attorney shall not initiate
33 any such program in the county unless the sheriff in the county discontinues
34 his program.

35 (2) In those counties in which the sheriff operates a hot check
36 program, then the sheriff's office shall be entitled to the same fees as

1 provided in this section, but all fees shall be paid into an account for the
2 sheriff's office and shall be subject to appropriation by the quorum court to
3 be used to defray the cost of the hot check program and other costs of the
4 sheriff's office.

5 (f) This section is cumulative to all other acts and shall not repeal
6 any other act.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36