

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 84th General Assembly
3 Regular Session, 2003

A Bill

SENATE BILL 714

4
5 By: Senator Salmon
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7

For An Act To Be Entitled

9 AN ACT TO AUTHORIZE ALL CITY AND COUNTY
10 GOVERNMENTS TO LEVY AN ADDITIONAL FINE UP TO FIVE
11 DOLLARS (\$5.00) TO HELP DEFRAY THE EXPENSE OF
12 INCARCERATION OF PRISONERS IN CITY AND COUNTY
13 JAILS; TO DECLARE AN EMERGENCY; AND FOR OTHER
14 PURPOSES.

Subtitle

15
16 TO AUTHORIZE ALL CITY AND COUNTY
17 GOVERNMENTS TO LEVY AN ADDITIONAL FINE
18 UP TO FIVE DOLLARS (\$5.00) TO HELP
19 DEFRAY THE EXPENSE OF INCARCERATING
20 PRISONERS IN CITY AND COUNTY JAILS.
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23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 16-17-129 is amended to read as follows:

27 16-17-129. Levy to defray cost of incarcerating city and county
28 prisoners.

29 (a)(1) In addition to all fines now or as may hereafter be provided by
30 law, each city of the first class, city of the second class, ~~and~~ incorporated
31 town, and county in this state may levy and collect an additional fine not to
32 exceed five dollars (\$5.00) from each defendant who pleads guilty or nolo
33 contendere to, is found guilty of, or forfeits bond for any misdemeanor or
34 traffic violation in the municipal court or city court of the city, ~~or town,~~
35 or county.

36 (2) The additional court fine authorized by this section shall be



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1 levied by ordinance of the governing body of the municipality or county
2 wherein the municipal court or city court is located.

3 (b) The funds generated by the additional fine shall be used
4 exclusively to help defray the cost of incarcerating city and county
5 prisoners, including the construction and maintenance of the city jail and
6 county jail and payments to other entities for incarcerating city prisoners
7 or county prisoners.

8 (c) ~~The provisions of this section do not apply to any city with a~~
9 ~~population in excess of one hundred thousand (100,000) persons according to~~
10 ~~the most recent federal decennial census.~~ In counties having a county
11 regional detention facility, the additional fine levied by the county under
12 this section shall be deposited into a special fund within the county
13 treasury, and the revenues generated by the additional fine shall be used
14 exclusively for maintenance, operation, and capital expenditures of the
15 regional detention facility.

16 (d) It is the intention of the General Assembly that the revenues
17 derived from the additional fines levied under this section shall not offset
18 or reduce funding from other sources for the maintenance, operation, and
19 capital expenditures of the detention facilities.

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21 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
22 General Assembly of the State of Arkansas that for over six (6) months the
23 Arkansas Department of Correction has failed to pay county governments
24 millions of dollars for state prisoners backlogged into the county jails;
25 that counties are in desperate need of additional revenues to maintain
26 criminal detention facilities; that without additional revenues, the county
27 criminal detention facilities will begin to release dangerous prisoners from
28 custody and threaten the public safety; and that unless this act goes into
29 effect immediately those additional revenues will not be available to the
30 county governments. Therefore, an emergency is declared to exist and this
31 act being immediately necessary for the preservation of the public peace,
32 health and safety shall become effective on:

33 (1) The date of its approval by the Governor;

34 (2) If the bill is neither approved nor vetoed by the Governor, the
35 expiration of the period of time during which the Governor may veto the bill;
36 or

1 (3) If the bill is vetoed by the Governor and the veto is overridden,
2 the date the last house overrides the veto.

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