

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 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H3/14/07

A Bill

HOUSE BILL 2684

5 By: Representative T. Bradford
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For An Act To Be Entitled

9 *AN ACT AMEND ARKANSAS CODE § 12-41-505 TO PROVIDE*
10 *FOR COLLECTION OF POST-CONVICTION EXPENSES OF*
11 *INCARCERATION FOR MISDEMEANORS AND VIOLATIONS;*
12 *AND FOR OTHER PURPOSES.*
13

Subtitle

14 *TO AMEND ARKANSAS CODE § 12-41-505 TO*
15 *PROVIDE FOR COLLECTION OF POST-*
16 *CONVICTION EXPENSES OF INCARCERATION FOR*
17 *MISDEMEANORS AND VIOLATIONS.*
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 12-41-505, as amended by Act 117 of 2007,
24 is amended to add an additional subsection to read as follows:

25 12-41-505. Expenses and support.

26 (a)(1) Every person who may be committed to the common jail of the
27 county by lawful authority for any criminal offense or misdemeanor, if he or
28 she shall be convicted, shall pay the expenses in carrying him or her to jail
29 and also for his or her support from the day of his or her initial
30 incarceration for the whole time he or she remains there.

31 (2) The expenses which accrue shall be paid as directed in the
32 act regulating criminal proceedings.

33 (b)(1) A person convicted of a felony or a Class A misdemeanor shall
34 be assessed a booking and administration fee of twenty dollars (\$20.00).

35 (2)(A) The booking and administration fee described in
36 subdivision (b)(1) of this section shall be assessed upon the conviction of a



1 defendant and included in the judgment of conviction entered by the court.

2 (B) If a court suspends imposition of sentence on a
3 defendant or places him or her on probation and does not enter a judgment of
4 conviction, the court shall impose the booking and administration fee as a
5 cost.

6 (3) The booking and administration fee assessed under
7 subdivision (b)(1) of this section shall be deposited into a special fund
8 within the county treasury to be used exclusively for the maintenance,
9 operation, and capital expenditures of a county jail or regional detention
10 facility.

11 (c) The property of the person shall be subject to the payment of the
12 expenses and the booking and administration fee.

13 (d) Every person who is committed to the common jail of the county by
14 lawful authority for failure to comply with an order of a court constituting
15 willful nonpayment of a fine or for any other offense constituting failure to
16 comply with an order of a court is liable for the expenses in carrying him or
17 her to jail and also for his or her support from the day of his or her
18 initial incarceration for the whole time he or she remains there on the
19 underlying offense, when applicable, or for failure to pay any fine, cost, or
20 fee associated with the underlying offense, as well as incarceration time for
21 failure to pay a charge or fine for failure to comply with an order of a
22 court associated with the underlying offense.

23 (e)(1)(A) In order to collect the expenses described in subsection (d)
24 of this section, a city or county shall file documentation of the expenses
25 certified by an official of the city or county that incarcerated the
26 defendant with the court that issued the order described in subsection (d) of
27 this section.

28 (B)(i) A copy of the documentation of expenses described
29 in subdivision (e)(1)(A) of this section shall be served on the defendant by
30 certified mail, addressee only, return receipt requested or personal service.

31 (ii) The defendant is entitled to a request a
32 hearing within the time allowed under the Arkansas Rules of Civil Procedure
33 on the amount of the expenses before the sentencing court.

34 (2) Upon determination of the amount of expenses after a hearing
35 under subdivision (e)(1)(B)(ii), or default by the defendant, the amount of
36 expenses described in subdivision (e)(1)(A) of this section constitutes a

1 judgment against the defendant and may be collected by any means that a civil
2 judgment may be collected.

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/s/ T. Bradford