

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 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H2/3/09
A Bill

HOUSE BILL 1238

5 By: Representatives Garner, Hobbs, J. Burris, Clemmer, Dale, Dismang, English, Glidewell, Hopper, D.
6 Hutchinson, Kerr, King, Lea, S. Malone, M. Martin, Pyle, Rice
7 By: Senators G. Baker, Altes, J. Key, Trusty, Whitaker
8
9

10 **For An Act To Be Entitled**

11 AN ACT TO CREATE AND FUND THE TRAUMA SYSTEM TRUST
12 FUND; AND FOR OTHER PURPOSES.
13

14 **Subtitle**

15 TO CREATE AND FUND THE TRAUMA SYSTEM
16 TRUST FUND.
17
18

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

21 SECTION 1. Arkansas Code § 20-13-804(b), concerning the powers and
22 duties of the Department of Health, is amended to read as follows:

23 (b)(1) The Department of Health shall develop a methodology for the
24 allocation of funds deposited into the Trauma System Trust Fund.

25 (2) Allocations of funds from the Trauma System Trust Fund shall
26 be made to:

27 (A) Ambulance providers;

28 (B) Hospitals;

29 (C) Physicians;

30 (D) Rehabilitation services;

31 (E) Emergency medical technician training;

32 (F) Communication equipment for ambulances;

33 (G) Defibrillators; and

34 (H) Program administration, trauma injury prevention
35 programs, and the trauma registry within the Department of Health.

36 (3) The methodology for allocation of funds shall be developed



1 with the advice of the Trauma Advisory Council.

2 (c) The ~~division~~ Department of Health shall promulgate such rules and
3 regulations as are necessary to implement and administer this subchapter.

4
5 SECTION 2. Arkansas Code § 20-13-807(a), concerning the Trauma
6 Advisory Council, is amended to read as follows:

7 (a)(1) There is established an advisory council, to be known as the
8 "Trauma Advisory Council", for the purpose of making recommendations,
9 advising, and providing assistance to the Division of Emergency Medical
10 Services ~~of the Division of Health~~ of the Department of Health and Human
11 Services concerning the development of a statewide trauma system.

12 (2) The council shall provide advice to the Division of
13 Emergency Medical Services and Trauma Systems of the Department of Health on
14 the methodology for allocations from the Trauma System Trust Fund.

15
16 SECTION 3. Arkansas Code Title 20, Chapter 13, Subchapter 8 is amended
17 to add an additional section to read as follows:

18 20-13-809. Trauma System Trust Fund.

19 (a)(1) There is created on the books of the Treasurer of State, the
20 Auditor of State, and the Chief Fiscal Officer of the State a revolving loan
21 fund to be known as the "Trauma System Trust Fund".

22 (2) The Trauma System Trust Fund shall be used by the Department
23 of Health to fund the state trauma system with the advice of the Trauma
24 Advisory Council.

25 (b)(1) The Trauma System Trust Fund shall consist of:

26 (A) Moneys appropriated for the state trauma system;

27 (B) All moneys collected under §§ 5-4-201(g), 5-65-112(b),
28 26-57-611(b), and 27-50-312;

29 (C) Federal funds;

30 (D) Gifts, grants, bequests, devises, and donations;

31 (E) Interest earned on the Trauma System Trust Fund;

32 (F) Any other funds received by the Department of Health
33 for the development and operation of a state trauma system; and

34 (G) Any other funds as authorized by law.

35 (2) The Trauma System Trust Fund shall retain fund balances
36 remaining each fiscal year and all amounts earned as interest.

1 (3) According to the rules of the Department of Health, funds
2 may be transferred to the Arkansas Medicaid Program Trust Fund for payments
3 to health care providers that treat eligible Medicaid patients for trauma
4 care.

5
6 SECTION 4. Arkansas Code § 5-4-201, concerning fines for criminal
7 offenses, is amended to add an additional subdivision to read as follows:

8 (g)(1) In addition to the fines levied under this section, the
9 defendant shall be assessed a fine of fifty dollars (\$50.00) imposed by law
10 against each defendant for each finding of guilt, each plea of guilty or nolo
11 contendere, or each forfeiture of bond for a violation of the following:

- 12 (A) Capital murder, § 5-10-101;
13 (B) Murder in the first degree, § 5-10-102;
14 (C) Murder in the second degree, § 5-10-103;
15 (D) Manslaughter, § 5-10-104;
16 (E) Negligent homicide, § 5-10-105;
17 (F) Battery in the first degree, § 5-13-201;
18 (G) Battery in the second degree, § 5-13-202;
19 (H) Battery in the third degree, § 5-13-203;
20 (I) Aggravated assault, § 5-13-204;
21 (J) Assault in the first degree, § 5-13-205;
22 (K) Introduction of controlled substance into body of
23 another person, § 5-13-210;
24 (L) Aggravated assault upon an employee of a correctional
25 facility, § 5-13-211;
26 (M) Terroristic act, § 5-13-310;
27 (N) Domestic battering in the first degree, § 5-26-303;
28 (O) Domestic battering in the second degree, § 5-26-304;
29 (P) Domestic battering in the third degree, § 5-26-305;
30 (Q) Aggravated assault on a family or household member, §
31 5-26-306;
32 (R) First degree assault on family or household member, §
33 5-26-307;
34 (S) Criminal penalties, § 5-64-401;
35 (T) Offenses relating to records, maintaining premises,
36 etc., § 5-64-402;

1 (U) Fraud – Criminal penalties – Drug paraphernalia, § 5-
 2 64-403;

3 (V) Continuing criminal enterprise, § 5-64-405;

4 (W) Illegal drug paraphernalia business, § 5-64-802;

5 (X) Possession – Penalty, § 5-64-1101;

6 (Y) Possession with intent to manufacture – Unlawful
 7 distribution, § 5-64-1102;

8 (Z) Possession, § 5-64-1201;

9 (AA) Distribution, § 5-64-1202;

10 (BB) Possession of anhydrous ammonia in unlawful
 11 container, § 5-64-1301;

12 (CC) Rape, § 5-14-103; and

13 (DD) Aggravated robbery, § 5-12-103.

14 (2) The fine provided under this subdivision (f)(1) shall be
 15 collected by a circuit court, district court, or city court:

16 (A) Before any other fines levied by this section; and

17 (B)(i) Remitted by the tenth day of each month following
 18 receipt of payment to the Administration of Justice Fund Section of the
 19 Office of Administrative Services of the Department of Finance and
 20 Administration on a form provided by that office for deposit into the Trauma
 21 System Trust Fund.

22 (ii) The circuit court, district court, or city
 23 court shall not be held liable for fines not collected.

24
 25 SECTION 5. Arkansas Code § 5-65-112 is amended to read as follows:
 26 5-65-112. Fines.

27 (a) Any person who pleads guilty or nolo contendere to or is found
 28 guilty of violating § 5-65-103 shall be fined:

29 (1) No less than one hundred fifty dollars (\$150) and no more
 30 than one thousand dollars (\$1,000) for the first offense;

31 (2) No less than four hundred dollars (\$400) and no more than
 32 three thousand dollars (\$3,000) for the second offense occurring within five
 33 (5) years of the first offense; and

34 (3) No less than nine hundred dollars (\$900) and no more than
 35 five thousand dollars (\$5,000) for the third or subsequent offense occurring
 36 within five (5) years of the first offense.

1 (b)(1) In addition to the fines levied under subsection (a) of this
2 section, the trial judge shall assess an additional fine of fifty dollars
3 (\$50.00) imposed by law against each defendant for each finding of guilt,
4 each plea of guilty or nolo contendere, or each forfeiture of bond for a
5 violation of § 5-65-103.

6 (2) The fine provided under this subsection (b) shall be
7 collected by a circuit court, district court, or city court:

8 (A) Before any other fines imposed by subsection (a) of
9 this section; and

10 (B)(i) Shall be remitted by the tenth day of each month
11 following receipt of payment to the Administration of Justice Fund Section of
12 the Office of Administrative Services of the Department of Finance and
13 Administration on a form provided by that office for deposit into the Trauma
14 System Trust Fund.

15 (ii) The circuit court, district court, or city
16 court shall not be held liable for fines not collected.

17
18 SECTION 6. Arkansas Code § 26-57-611 is amended to read as follows:
19 26-57-611. Disposition of nonallocated funds.

20 (a) The Insurance Commissioner shall deposit all premium taxes
21 collected under this subchapter which are not allocated and appropriated for
22 the various funds under the Workers' Compensation Law, § 11-9-101 et seq.,
23 for the Arkansas Fire and Police Pension Review Board and firemen's relief
24 and pension funds under §§ 24-11-809, ~~24-11-810 [repealed], and 26-57-609~~
25 ~~[repealed]~~, and for the Arkansas Fire and Police Pension and Review Board and
26 police officer's pension and relief funds under § 24-11-301 into the State
27 Treasury as general revenues.

28 (b) Twelve percent (12%) of the premium tax that is collected as
29 general revenues in subsection (a) of this section shall be deposited into
30 the Trauma System Trust Fund.

31
32 SECTION 7. Arkansas Code Title 27, Chapter 50, Subchapter 3 is amended
33 to add an additional section to read as follows:

34 27-50-312. Additional penalty to fund statewide trauma system.

35 (a)(1) As used in this section, "moving traffic violation" means a
36 traffic violation under § 27-50-302 or a violation of §§ 27-51-101 et seq.

1 (2) "Moving traffic violation" includes without limitation:
2 (A) Careless or prohibited driving;
3 (B) Driving while intoxicated;
4 (C) Underage driving under the influence;
5 (D) Refusal to submit;
6 (E) Leaving the scene of an accident;
7 (F) Driving with lights off when required under § 27-36-
8 204;
9 (G) Failure to obey traffic control devices and signs;
10 (H) Following too closely;
11 (I) Driving the wrong way on a one-way street;
12 (J) Hazardous driving;
13 (K) Improper backing;
14 (L) Improper lane change;
15 (M) Improper entrance or exit to avoid an intersection;
16 (N) Improper turning;
17 (O) Passing a stopped school bus;
18 (P) Racing on the highway;
19 (Q) Reckless driving; and
20 (R) Exceeding the speed limit by more than fifteen miles
21 per hour (15 mph).

22 (b) In addition to the fine otherwise provided by law, the trial judge
23 shall assess a fine of twenty-five dollars (\$25.00) imposed by law against
24 each defendant for each finding of guilt, each plea of guilty or nolo
25 contendere, or each forfeiture of bond for committing a moving traffic
26 violation.

27 (c) The fine provided under subsection (b) of this section shall be
28 collected by a circuit court, district court, or city court:

29 (1) Before any other fines imposed by the court; and

30 (2)(A) Remitted by the tenth day of each month following receipt
31 of payment to the Administration of Justice Fund Section of the Office of
32 Administrative Services of the Department of Finance and Administration on a
33 form provided by that office for deposit into the Trauma System Trust Fund.

34 (B) The circuit court, district court, or city court shall
35 not be held liable for fines not collected.

36 */s/ Garner*