

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: S3/24/09

A Bill

HOUSE BILL 1800

5 By: Representative Harrelson
6
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For An Act To Be Entitled

9 AN ACT CONCERNING THE PAYMENT OF COURT FINES AND
10 COSTS WITH A CREDIT CARD THROUGH A THIRD-PARTY
11 ENTITY; AND FOR OTHER PURPOSES.
12

Subtitle

14 CONCERNING THE PAYMENT OF COURT FINES
15 AND COSTS WITH A CREDIT CARD THROUGH A
16 THIRD-PARTY ENTITY.
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 16-17-128 is amended to read as follows:
22 16-17-128. Payment of fines by credit card.

23 (a) All ~~municipal~~ district courts may accept payment of fines and
24 associated costs by an approved credit card.

25 (b)(1) All ~~municipal~~ district courts are authorized to enter into
26 contracts with credit card companies and to pay those companies fees normally
27 charged by those companies for allowing the court to accept their credit
28 cards in payment as authorized by subsection (a) of this section.

29 ~~(2)(A) Where the offender pays fines by an approved credit card, the~~
30 ~~court and shall may assess the offender a service or convenience fee equal to~~
31 ~~the amount charged to the court by the credit card issuer.; or~~

32 ~~(B) This charge may be added to, and become a part of, any~~
33 ~~underlying obligation.~~

34 (2) District courts are authorized to enroll for service with
35 and accept payments from a third-party entity for the acceptance and
36 collection of fines and associated costs with an approved credit card for



1 which the third-party entity may charge *the offender* a service or convenience
2 *fee if the credit card company will allow the charge.*

3
4 SECTION 2. Arkansas Code § 16-13-706 is amended to read as follows:

5 16-13-706. Credit card payments.

6 (a) The court or the agency designated pursuant to § 16-13-709 may
7 accept payment of fines and associated costs by an approved credit card.

8 (b)(1) The court or designated agency is authorized to enter into
9 contracts with credit card companies and to pay those companies fees normally
10 charged by those companies for allowing the court to accept their credit
11 cards in payment as authorized by subsection (a) of this section.

12 (2) Where the offender pays fines or court costs by an approved
13 credit card, the total fine owed shall be reduced by the service fee charged
14 to the court by the credit card company the court may assess *the offender* a
15 service or convenience fee.

16 (c)(1) All courts are authorized to enroll for service with and accept
17 payments from a third-party entity for the acceptance and collection of fines
18 and associated costs with an approved credit card for which the third-party
19 entity may charge *the offender* a service or convenience fee if the credit
20 card company will allow the charge.

21 (2) The State of Arkansas or any of its political subdivisions
22 shall not charge an access fee for electronic payments of a court-ordered
23 fine paid through a third-party entity.

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25 SECTION 3. Arkansas Code § 16-17-127 is amended to read as follows:

26 16-17-127. Contractors providing certain services.

27 (a) Upon request of the district court judge or city court judge, the
28 governing body in which a district court or city court is located or, if
29 applicable, each governing body of a political subdivision that contributes
30 to the expenses of a district court may contract with a person that has
31 registered with the Secretary of State and filed a surety bond or certificate
32 of deposit with the Secretary of State to provide any of the following
33 services:

- 34 (1) Probation services;
35 (2) Pretrial supervised release programs;
36 (3) Alternate sentencing programs; or

1 (4) The collection and enforcement of delinquent fines and
2 costs.

3 (b)(1) The amount of the surety bond or certificate of deposit shall
4 be fifty thousand dollars (\$50,000).

5 (2) The city or county or any person suffering damage by reason
6 of the acts or omissions of the person or an employee of the person in the
7 performance of services subject to this section may bring action on the bond
8 for damages.

9 (c) A person ~~shall be~~ is ineligible to provide services subject to
10 this section if the person or an owner, operator, or any stockholder has been
11 convicted of a felony.

12 (d) For the purposes of this section, "person" means any individual,
13 corporation, partnership, firm, association, or other business entity.

14 (e) A district court or city court may require a defendant to pay
15 reasonable fees, in an amount to be established by the court, relating to
16 private contractors providing probation services, pretrial supervised release
17 programs, or alternate sentencing programs authorized by law.

18 (f)(1) Notwithstanding § 16-13-701 et seq., a private contractor may
19 collect and retain only the fees established by the court for services
20 provided pursuant to subsection (a) of this section.

21 (2)(A) When the order of the district court or city court
22 requires a defendant to use the services or programs of a private contractor,
23 the designated contractor shall report on or before the fifth day of each
24 month all fees collected.

25 (B) The report shall be provided to the mayor and county
26 judge of the political subdivision or subdivisions that contribute to the
27 expenses of the district court or city court and to the district court clerk
28 or city court clerk for inclusion in the court's monthly report as required
29 by law.

30 (3) The report of the private contractor, as required in this
31 section, shall contain columns with the following information by defendant:

- 32 (A) Uniform traffic ticket number;
33 (B) Defendant's name;
34 (C) Court docket number;
35 (D) Receipt number;
36 (E) Amount collected; and

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(F) Total of all fees collected.

(g) A private contractor providing the collection of delinquent fines and court costs shall follow the procedures in § 16-13-701 et seq.

(h) This section shall not apply to the alcohol treatment or education programs authorized by § 5-65-115 and § 5-65-307.

(i) This section shall not apply to a company whose service is limited to the acceptance of credit card payments for fines, fees, and costs and does not engage in affirmative acts of collection and enforcement of delinquent fines and costs.

/s/ Harrelson