

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: S3/4/09
A Bill

SENATE BILL 393

5 By: Senator Elliott
6 By: Representative Webb
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9 **For An Act To Be Entitled**

10 AN ACT TO AUTHORIZE CODE ENFORCEMENT OFFICERS TO
11 MAIL CITATIONS; AND FOR OTHER PURPOSES.
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13 **Subtitle**

14 AN ACT TO AUTHORIZE CODE ENFORCEMENT
15 OFFICERS TO MAIL CITATIONS.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 14-55-601 is amended to read as follows:

21 14-55-601. Power to enforce generally.

22 (a) Bylaws and ordinances of municipal corporations may be enforced by
23 the imposition of fines, forfeitures, and penalties on any person offending
24 against or violating them.

25 (b)(1) The fine, penalty, or forfeiture may be prescribed in each
26 particular bylaw or ordinance, or by a general bylaw or ordinance made for
27 that purpose.

28 (2) Municipal corporations shall have power to provide in like
29 manner for the prosecution, recovery, and collection of the fines, penalties,
30 and forfeitures.

31 (c) Except for moving traffic violations, it is proper service for a
32 code enforcement officer to send a citation to a person charged with a
33 violation of a municipal code, ordinance, or regulation to that person's last
34 known place of residence by certified mail, return receipt requested, and
35 delivery restricted to the addressee.
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1 SECTION 2. Arkansas Code § 14-55-602 is amended to read as follows:
2 14-55-602. Imprisonment to enforce fine.

3 (a)(1) The city council shall have power to provide that, when a fine
4 shall be imposed for the violation of any of the ordinances of the city and
5 it is not paid, the party convicted shall, by order of the mayor or other
6 proper authority or on process issued for the purpose, be committed until the
7 fine and costs of prosecution shall be paid, or the party discharged by due
8 course of law.

9 (2) The council shall also have power to provide that any person
10 convicted of a repeated and willful violation of any ordinance, who shall
11 refuse or neglect to pay the fine imposed and the cost of prosecution, by
12 like order or process, shall be imprisoned and kept in confinement for any
13 term not exceeding thirty (30) days.

14 (b) Any city shall be allowed, for the purpose of imprisonment
15 authorized under this section, the use of the county jail of the proper
16 county. All persons so imprisoned shall be under the charge of the sheriff of
17 the county, who shall receive and discharge the persons in such manner as
18 shall be prescribed by the ordinances of the city, or otherwise, by due
19 course of law.

20 (c) Imprisonment shall not be available as a sentence or in lieu of
21 payment for a fine for a defendant that was served with a citation solely by
22 mail under § 14-55-601.

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24 /s/ Elliott
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