

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1434

5 By: Representatives Ballinger, Gossage
6 By: Senator G. Stubblefield
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE SATISFACTION OF COURT-ORDERED
10 RESTITUTION IN A CRIMINAL CASE THROUGH INTERCEPTION
11 OF STATE INCOME TAX REFUNDS; AND FOR OTHER PURPOSES.
12
13

Subtitle

15 CONCERNING THE SATISFACTION OF COURT-
16 ORDERED RESTITUTION IN A CRIMINAL CASE
17 THROUGH INTERCEPTION OF STATE INCOME TAX
18 REFUNDS.
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code Title 5, Chapter 4, Subchapter 2, is amended
24 to add a new section to read as follows:

25 5-4-206. Collection of unpaid restitution – Interception of state
26 income tax returns.

27 (a)(1) A victim who has been ordered to receive restitution from a
28 defendant by a circuit court or district court may request that the
29 prosecuting attorney petition the applicable court to order the interception
30 of the defendant's state income tax return if the defendant has failed to
31 abide by the terms and conditions of the court's restitution order.

32 (2) The prosecuting attorney shall file the petition under this
33 section within thirty (30) days of the request of the victim.

34 (b)(1) A petition filed under this section shall be filed under the
35 same case number as the original criminal offense.

36 (2) A defendant subject to the restitution order shall be served



1 a copy of the petition and given notice of the hearing under the applicable
2 rules of procedure.

3 (c)(1) The court shall order the interception of the defendant's state
4 income tax return in an amount sufficient to satisfy the restitution order if
5 it finds that:

6 (A) The defendant has knowingly failed to abide by the
7 terms and conditions of the restitution order; and

8 (B) There exist no mitigating factors that would justify
9 the nonpayment of restitution.

10 (2) An order under this subsection shall remain in force until
11 the restitution amount in the court's order has been satisfied through
12 interception of the defendant's state income tax return or by other means.

13 (d)(1) After obtaining an order under subsection (c) of this section,
14 the prosecuting attorney shall proceed under § 26-36-301 et seq. to collect
15 the owed restitution from the defendant's state income tax return.

16 (2) The Department of Finance and Administration shall
17 promulgate rules to implement subdivision (d)(1) of this section.

18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36