

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 1251

5 By: Representative Walker  
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## For An Act To Be Entitled

8 AN ACT TO CREATE THE "HELPING OUR PEOPLE EXCEL  
9 (H.O.P.E.) ACT OF 2017"; CONCERNING THE TEMPORARY  
10 ABATEMENT OF THE REQUIREMENT OF A PERSON TO PAY  
11 COURT-ORDERED CIVIL PENALTIES, COSTS, FEES, FINES, OR  
12 RESTITUTION WHILE THAT PERSON IS INCARCERATED OR  
13 CONFINED TO A HOSPITAL; TO PROHIBIT THE DENIAL OF  
14 PUBLIC ASSISTANCE BASED UPON A DRUG-RELATED FELONY  
15 CONVICTION; AND FOR OTHER PURPOSES.  
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## Subtitle

18 TO CREATE THE "HELPING OUR PEOPLE EXCEL  
19 (H.O.P.E.) ACT OF 2017"; AND FOR OTHER  
20 PURPOSES.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. Arkansas Code § 20-76-409(b), concerning the denial of  
27 public assistance based on a drug-related felony conviction, is amended to  
28 read as follows:

29 (b)(1) ~~No~~ An individual who has been found guilty of or has pleaded  
30 guilty or nolo contendere to any state or federal offense classified as a  
31 felony by the law of the jurisdiction involved and which has as an element of  
32 the offense the distribution or manufacture of a controlled substance, as  
33 defined in section 102(6) of the Controlled Substances Act, 21 U.S.C. §  
34 802(6), ~~shall be~~ is eligible for:

35 ~~(1)~~(A) Assistance under any state program funded wholly or  
36 partially under Part A of Title IV of the Social Security Act;



1           ~~(2)~~(B) Assistance under any state program created by this  
2 chapter; or

3           ~~(3)~~(C) Benefits under the ~~food stamp program~~ Supplemental  
4 Nutrition Assistance Program, also known as the "food stamps program".

5           (2) A person who is otherwise eligible to receive food assistance  
6 under the Supplemental Nutrition Assistance Program or any other public  
7 assistance created by this chapter or by federal law may not be denied  
8 assistance because the person has been convicted of a drug-related felony as  
9 described in the federal Personal Responsibility and Work Opportunity  
10 Reconciliation Act of 1996, Pub. L. No. 104-193.

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12           SECTION 2. Arkansas Code Title 5, Chapter 4, Subchapter 2, is amended  
13 to add an additional section to read as follows:

14           5-4-207. Exemption from paying court-ordered civil penalties, costs,  
15 fees, fines, or restitution while incarcerated or confined in a hospital.

16           A defendant convicted of a criminal offense who is incarcerated or  
17 confined in a hospital or an in-patient facility is exempt from paying court-  
18 ordered civil penalties, costs, fees, fines, or restitution as described in §  
19 16-92-120.

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21           SECTION 3. Arkansas Code Title 16, Chapter 92, is amended to add an  
22 additional section to read as follows:

23           16-92-120. Exemption from paying court-ordered civil penalties, costs,  
24 fees, fines, or restitution while incarcerated or confined in a hospital.

25           (a) A person is not required to pay and a court shall not issue a  
26 warrant or impose a monetary penalty for failure to pay court-ordered civil  
27 penalties, costs, fees, fines, or restitution for a conviction for a criminal  
28 offense while the person is:

29           (1) Incarcerated in a:

30                   (A) Local or county jail;

31                   (B) Facility operated by the Department of Community  
32 Correction;

33                   (C) Facility operated by the Department of Correction;

34                   (D) Federal prison; or

35                   (E) Federal immigration detention facility; or

36           (2) Confined to a hospital or an in-patient facility for a

1 mental, physical, or emotional condition.

2 (b) A person exempt from payment of court-ordered civil penalties,  
3 costs, fees, fines, or restitution under subsection (a) of this section who  
4 is subsequently released from incarceration or is discharged from the  
5 hospital or the in-patient facility has sixty (60) days to begin payment of  
6 the court-ordered civil penalties, costs, fees, fines, or restitution.

7 (c)(1) If, after the sixty-day period described in subsection (b) of  
8 this section, the person is unable to begin payment on the remaining court-  
9 ordered civil penalties, costs, fees, fines, or restitution he or she owes,  
10 the person may appear before the court to explain why he or she is unable to  
11 begin payment on the court-ordered civil penalties, costs, fees, fines, or  
12 restitution.

13 (2)(A) If the person states that he or she is unable to begin  
14 payment on his or her court-ordered civil penalties, costs, fees, fines, or  
15 restitution due to unemployment, health problems, poverty, or other just  
16 cause and the court finds the person's explanation to be with merit, the  
17 court shall grant the person an additional sixty (60) days to begin payment  
18 on the person's remaining court-ordered civil penalties, costs, fees, fines,  
19 or restitution.

20 (B) There is no limit to the number of times a person may  
21 appear before the court to address the payment of his or her remaining court-  
22 ordered civil penalties, costs, fees, fines, or restitution under subsection  
23 (b) of this section.

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