

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

A Bill

HOUSE BILL 1842

4
5 By: Representative Johnson
6 By: Senator J. Hutchinson

For An Act To Be Entitled

9 AN ACT CONCERNING THE FINES AND FEES ASSESSED TO A
10 PERSON WHO IS INCARCERATED; AND FOR OTHER PURPOSES.

Subtitle

14 CONCERNING THE FINES AND FEES ASSESSED TO
15 A PERSON WHO IS INCARCERATED.

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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 Title 16, Chapter 92, is amended to add an
21 additional section to read as follows:

22 16-92-120. Fine abatement for incarcerated person.

23 (a)(1) A person who owes an outstanding fine or fee to a circuit court
24 or district court may petition the circuit court or district court for a fine
25 or fee abatement if the person can demonstrate that he or she was
26 incarcerated in one (1) or more of the following facilities as a result of a
27 conviction for a felony offense:

28 (A) A facility operated by the Department of Correction or
29 the Department of Community Correction;

30 (B) A county jail as the result of a commitment to the
31 Department of Correction or Department of Community Correction;

32 (C) A correctional facility operated by the United States
33 Bureau of Prisons; or

34 (D) An out-of-state correctional facility designed for
35 long-term incarceration that is substantially similar to a facility operated
36 by the Department of Correction or Department of Community Correction.



1 (2) A person's outstanding fines or fees ordered to be paid by a
2 circuit court or district court may be abated by twenty dollars (\$20.00) for
3 every day he or she can show that he or she was incarcerated in a facility
4 described in subdivision (a)(1) of this section.

5 (b) A petition under this section shall include:

6 (1) A current affidavit of financial means; and

7 (2) A list of any other circuit courts or district courts in
8 which the person has sought a fine or fee abatement under this section, along
9 with the amount of fine or fee abatement the person received as a result of
10 the petition, if applicable.

11 (c)(1) If a person filing a petition under this section shows by a
12 preponderance of the evidence that he or she is entitled to an amount of a
13 fine or fee abatement under this section, the circuit court or district court
14 shall grant the petition and order the person's fines or fees abated in that
15 amount.

16 (2) A circuit court or district court shall reduce the amount of
17 the fine or fee abatement to which the person has shown himself or herself
18 entitled by any amount the person has already had abated under this section
19 in another circuit court or district court.

20 (3)(A) A circuit court or district court may reduce the amount
21 of a fine or fee abatement under this section if:

22 (i) The person's current affidavit of financial
23 means indicates that the person has sufficient financial means to pay toward
24 his or her outstanding fines and fees; and

25 (ii) The person is able to pay toward his or her
26 outstanding fines and fees without the payment being an undue burden or a
27 hinderance to the person's successful reentry into society.

28 (B)(i) If a circuit court or district court reduces the
29 fine or fee abatement amount under this subsection, the circuit court or
30 district court is required to make a finding that there is clear and
31 convincing evidence that the requirements of subdivision (c)(3)(A) of this
32 section have been met.

33 (ii) A person may appeal a circuit court's or
34 district court's reduction of a fine or fee abatement under this subsection
35 and the appeal shall be heard de novo.

36 (d) Court-ordered restitution owed by a person to another person or

1 entity is not available for abatement under this section.

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