

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

As Engrossed: H3/14/17

A Bill

HOUSE BILL 1842

5 By: Representatives Johnson, *Walker*
6 By: Senator J. Hutchinson
7

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 5, Chapter 4, Subchapter 2, is amended*
21 *to add an additional section to read as follows:*

22 *5-4-207. Exemption from paying court-ordered civil penalties, costs,*
23 *fees, fines, or restitution while incarcerated or confined in a hospital.*

24 *(a) A person convicted of a criminal offense who is incarcerated or*
25 *confined in a hospital or an in-patient facility is exempt from paying court-*
26 *ordered civil penalties, costs, fees, or fines, as described in § 16-92-120.*

27 *(b) A person convicted of a criminal offense who is incarcerated or*
28 *confined in a hospital or an in-patient facility is exempt from paying court-*
29 *ordered restitution, as described in § 16-92-120, if the person has*
30 *previously been found to be indigent by the sentencing court.*
31

32 *SECTION 2. Arkansas Code Title 16, Chapter 92, is amended to add an*
33 *additional section to read as follows:*

34 *16-92-120. Exemption from paying court-ordered civil penalties, costs,*
35 *fees, fines, or restitution while incarcerated or confined in a hospital.*

36 *(a)(1) Except as provided under subdivision (a)(2) of this section, a*



1 person is not required to pay and a court shall not issue a warrant or impose
2 a monetary penalty for failure to pay court-ordered civil penalties, costs,
3 fees, fines, or restitution for a conviction for a criminal offense while the
4 person is:

5 (A) Incarcerated in a:

6 (i) Local or county jail;

7 (ii) Facility operated by the Department of
8 Community Correction;

9 (iii) Facility operated by the Department of
10 Correction;

11 (iv) Federal prison;

12 (v) Federal immigration detention facility; or

13
14 (vi) An out-of-state correctional facility designed
15 for long-term incarceration that is substantially similar to a facility
16 operated by the Department of Correction or Department of Community
17 Correction; or

18 (B) Confined to a hospital or an in-patient facility for a
19 mental, physical, or emotional condition.

20 (2) A person is not exempt from paying court-ordered restitution
21 under this section unless the person has previously been found to be indigent
22 by the sentencing court.

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

28 (c)(1) If, after the sixty-day period described in subsection (b) of
29 this section, the person is unable to begin payment on the remaining court-
30 ordered civil penalties, costs, fees, fines, or restitution he or she owes,
31 the person may appear before the court to explain why he or she is unable to
32 begin payment on the court-ordered civil penalties, costs, fees, fines, or
33 restitution.

34 (2)(A) If the person states that he or she is unable to begin
35 payment on his or her court-ordered civil penalties, costs, fees, fines, or
36 restitution due to unemployment, health problems, poverty, or other just

1 cause and the court finds the person's explanation to be with merit, the
2 court shall grant the person an additional sixty (60) days to begin payment
3 on the person's remaining court-ordered civil penalties, costs, fees, fines,
4 or restitution.

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

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

12 16-92-121. Fine abatement for incarcerated person.

13 (a)(1) A person who owes an outstanding fine or fee to a circuit court
14 or district court shall receive a fine or fee abatement if he or she was
15 incarcerated in one (1) or more of the following facilities as a result of a
16 conviction for a felony offense:

17 (A) A facility operated by the Department of Correction or
18 the Department of Community Correction;

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

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

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

26 (2) A person's outstanding fines or fees ordered to be paid by a
27 circuit court or district court shall be abated by twenty dollars (\$20.00)
28 for every day he or she was incarcerated in a facility described in
29 subdivision (a)(1) of this section.

30 (b) Court-ordered restitution owed by a person to another person or
31 entity is not available for abatement under this section.

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34 /s/Johnson
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