

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1770

5 By: Representatives Boyd, Vaught
6 By: Senator M. Pitsch
7

For An Act To Be Entitled

9 AN ACT TO BE KNOWN AS THE "FRESH START ACT OF 2019";
10 TO REQUIRE THE ATTEMPTED DISPOSITION OF CERTAIN
11 PENDING MISDEMEANOR AND NONVIOLENT FELONY OFFENSES
12 WHILE A PERSON IS INCARCERATED IN THE DEPARTMENT OF
13 CORRECTION; CONCERNING A PERSON'S SENTENCE FOR A
14 CRIMINAL OFFENSE; AND FOR OTHER PURPOSES.
15

Subtitle

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18 TO BE KNOWN AS THE "FRESH START ACT OF
19 2019"; AND TO ATTEMPT DISPOSITION OF
20 CERTAIN PENDING MISDEMEANOR AND
21 NONVIOLENT FELONY OFFENSES WHILE THE
22 PERSON IS INCARCERATED IN THE DEPARTMENT
23 OF CORRECTION.
24

25
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code Title 16, is amended to add an additional
29 chapter to read as follows:

Chapter 101

Fresh Start Act of 2019

16-101-101. Title.

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34 This chapter may be known as and cited as the "Fresh Start Act of
35 2019".
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1 16-101-102. Legislative intent.

2 (a) It is the intent of the General Assembly to create a framework,
3 consistent with Arkansas Constitution, Amendment 80, and the constitutional
4 prerogatives of the state's prosecuting attorneys and judges, to enable
5 persons who are incarcerated or who will soon be incarcerated in the
6 Department of Correction to dispose of all pending misdemeanor and nonviolent
7 felony offenses committed within this state and, if found guilty of those
8 offenses, to run those sentences concurrently with the sentence for which the
9 person is already serving or will be serving.

10 (b) Unless the person still has to answer for a violent felony offense
11 after he or she is released from the department, a framework of this nature
12 would give the person a fresh start upon his or her parole and reintegration
13 into society, one that hopefully leads to full employment and a return to
14 being a productive member of society.

15
16 16-101-103. Definitions.

17 As used in this chapter, "felony involving violence" means the same as
18 defined in § 5-4-501(d)(2).

19
20 16-101-104. Compilation of pending criminal offenses.

21 (a) A person who is currently incarcerated in the Department of
22 Correction may request, and a person who will be incarcerated in the
23 department after the effective date of this act shall be provided, a complete
24 compilation of all outstanding arrest warrants, criminal summons, pending
25 misdemeanor cases, and pending cases for any felony involving violence.

26 (b) The department shall compile this information in cooperation with
27 the Arkansas Crime Information Center and the Administrative Office of the
28 Courts.

29
30 16-101-105. Option to resolve pending criminal matters.

31 (a)(1) A person incarcerated in the Department of Correction, with the
32 assistance of the department, may petition a court for a quick resolution of
33 an offense pending in the court as long as the offense is not a felony
34 involving violence.

35 (2) The person may also request to be served with any
36 outstanding arrest warrants in order to begin the process of resolving the

1 arrest warrant.

2 (b) The department shall make available means of communication between
3 the person, the prosecuting attorney, the court, local law enforcement
4 agencies, and the person's attorney, if applicable, to help facilitate the
5 entry of pleas remotely from the department, addressing outstanding arrest
6 warrants, and, when required by the court, attendance at the court for the
7 purposes of entry of pleas, hearings, or trials.

8 (c) Local law enforcement agencies shall also help facilitate
9 transportation of the person to and from the department to the court or local
10 law enforcement agency when the court requires it.

11
12 16-101-106. Remote pleading permitted.

13 (a) Subject to the rules of the judiciary and the local rules of the
14 court, the person may enter a plea of guilty or nolo contendere to the
15 charges remotely from where he or she is incarcerated.

16 (b) A remote plea may be given only through a real-time medium with
17 both an audio and visual feed.

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19 16-101-107. Negotiated pleas to run concurrent.

20 (a) When the court permits, a negotiated plea entered into between the
21 state and the person using the procedures under this chapter shall run
22 concurrent with the sentence for which the person is currently serving.

23 (b) The court is also encouraged to refrain from fining a person and
24 instead sentencing the person to a period of incarceration only.

25
26 16-101-108. Rescinding or eliminating outstanding fines, fees, and
27 costs.

28 (a) A person may also petition a court before which the person still
29 has outstanding fines, fees, or costs associated with a prior conviction to
30 request that the court rescind the assessment of the fine, fee, or cost, or
31 to show that the person is indigent and that the person is no longer required
32 to pay the fine, fee, or cost.

33 (b) The court is encouraged to eliminate the fines, fees, or costs
34 which the person was assessed due to the person's current incarceration in
35 the department.

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1 16-101-109. Notice to prosecuting attorney.

2 The prosecuting attorney shall be served with a petition under this
3 chapter by the court in which the petition is filed and may answer the
4 petition as well as object to any request made by the person in the petition.

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