

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

As Engrossed: S4/1/21

# A Bill

SENATE BILL 544

5 By: Senators Rice, G. Stubblefield, Flippo  
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## For An Act To Be Entitled

8 AN ACT REQUIRING A PERSON IN THE CUSTODY OF A  
9 CORRECTIONAL FACILITY TO USE FUNDS FROM FEDERAL  
10 RELIEF OR STIMULUS PROGRAMS TO FIRST PAY OUTSTANDING  
11 FINES, FEES, COSTS, OR RESTITUTION; TO DECLARE AN  
12 EMERGENCY; AND FOR OTHER PURPOSES.  
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## Subtitle

15 REQUIRING A PERSON IN THE CUSTODY OF A  
16 CORRECTIONAL FACILITY TO USE FUNDS FROM  
17 FEDERAL RELIEF OR STIMULUS PROGRAMS TO  
18 FIRST PAY OUTSTANDING FINES, FEES, COSTS,  
19 OR RESTITUTION; AND TO DECLARE AN  
20 EMERGENCY.  
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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 Title 12, Chapter 29, Subchapter 1, is*  
27 *amended to add an additional section to read as follows:*

28 12-29-119. Use of federal relief or stimulus funds to pay outstanding  
29 court obligations.

30 (a) Unless prohibited by federal law, a person who is in the custody  
31 of the Department of Corrections for an offense committed in the state who  
32 receives any federal relief or stimulus funds from the United States  
33 Government is required to first use the federal relief or stimulus funds to  
34 pay off existing court fines, fees, costs, or restitution before he or she  
35 may use the federal relief or stimulus funds for any other purpose.

36 (b) If the department is made aware of existing court fines, fees,



1 costs, or restitution owed by a person in its custody who has received funds  
2 from the United States Government, the department shall:

3 (1) Verify the funds received by the person are intended for the  
4 person;

5 (2) Verify the funds received are federal relief or stimulus  
6 funds;

7 (3) Withhold from any federal relief or stimulus funds an amount  
8 not to exceed the amount owed for fines, fees, costs, or restitution; and

9 (4) Forward the withheld federal relief or stimulus funds to the  
10 circuit clerk in the county to which existing court fines, fees, costs, or  
11 restitution are owed.

12 (c) It is not the responsibility of the department to search for  
13 existing court fines, fees, costs, or restitution owed by a person in its  
14 care and custody.

15 (d) If the department is unable to confirm funds received by a person  
16 in its custody are federal relief or stimulus funds, the funds will be  
17 deposited into the person's inmate banking account.

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19 SECTION 2. Arkansas Code Title 12, Chapter 41, Subchapter 1, is  
20 amended to add an additional section to read as follows:

21 12-41-109. Use of federal relief or stimulus funds to pay outstanding  
22 court obligations.

23 Unless prohibited by federal law, a person who is in the custody of a  
24 local or regional correctional facility for an offense committed in the state  
25 that receives any federal relief or stimulus funds from the United States  
26 Government is required to first use the federal relief or stimulus funds to  
27 pay off existing court fines, fees, costs, or restitution before he or she  
28 may use the federal relief or stimulus funds for any other purpose.

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30 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
31 General Assembly of the State of Arkansas that many persons currently in  
32 custody for convictions are set to receive or have already received federal  
33 relief funds related to coronavirus 2019 (COVID-19) recovery; that many of  
34 these persons in custody still have outstanding fines, fees, costs, and  
35 restitution ordered to be paid by a sentencing court; that a person in  
36 custody has a responsibility to the state and any victim of his or her

1 offense to pay off these obligations as soon as possible; that the state  
2 needs to act quickly to ensure the federal relief funds paid to these persons  
3 in custody are not spent or otherwise diverted to other things before the  
4 person's obligations to the state, the court, and any victim are satisfied.  
5 Therefore, an emergency is declared to exist, and this act being immediately  
6 necessary for the preservation of the public peace, health, and safety shall  
7 become effective on:

8 (1) The date of its approval by the Governor;

9 (2) If the bill is neither approved nor vetoed by the Governor,  
10 the expiration of the period of time during which the Governor may veto the  
11 bill; or

12 (3) If the bill is vetoed by the Governor and the veto is  
13 overridden, the date the last house overrides the veto.

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