

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas As Engrossed: S4/1/21 H4/13/21 H4/21/21
2 93rd General Assembly **A Bill**
3 Regular Session, 2021

SENATE BILL 544

4
5 By: Senators Rice, G. Stubblefield, Flippo
6 By: Representative Richmond

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8 **For An Act To Be Entitled**

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

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16 **Subtitle**

17 REQUIRING A PERSON IN THE CUSTODY OF A
18 CORRECTIONAL FACILITY TO USE FUNDS FROM
19 FEDERAL RELIEF OR STIMULUS PROGRAMS TO
20 FIRST PAY OUTSTANDING FINES, FEES, COSTS,
21 OR RESTITUTION; AND TO DECLARE AN
22 EMERGENCY.

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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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27 *SECTION 1. Arkansas Code Title 12, Chapter 29, Subchapter 1, is*
28 *amended to add an additional section to read as follows:*

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

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



1 (b) If the department is made aware of existing court fines, fees,
2 costs, or restitution owed by a person in its custody who has received funds
3 from the United States Government, the department shall:

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

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

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

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

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

16 (d) If a person who is in the custody of the department receives any
17 federal relief or stimulus funds from the United States Government but has no
18 known existing court fines, fees, costs, or restitution, the federal relief
19 or stimulus funds shall be distributed in equal parts to the following:

20 (1) An inmate welfare fund established under § 12-29-107; and

21 (2) The Division of Correction Inmate Care and Custody Fund
22 Account.

23 (e) This section applies retroactively to any federal relief or
24 stimulus funds received on or after October 13, 2020, from the United States
25 Government.

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

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

32 12-41-109. Use of federal relief or stimulus funds to pay outstanding
33 court obligations.

34 Unless prohibited by federal law, a person who is in the custody of a
35 local or regional correctional facility for an offense committed in the state
36 that receives any federal relief or stimulus funds from the United States

1 Government is required to first use the federal relief or stimulus funds to
2 pay off existing court fines, fees, costs, or restitution before he or she
3 may use the federal relief or stimulus funds for any other purpose.
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5 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
6 General Assembly of the State of Arkansas that many persons currently in
7 custody for convictions are set to receive or have already received federal
8 relief funds related to coronavirus 2019 (COVID-19) recovery; that many of
9 these persons in custody still have outstanding fines, fees, costs, and
10 restitution ordered to be paid by a sentencing court; that a person in
11 custody has a responsibility to the state and any victim of his or her
12 offense to pay off these obligations as soon as possible; that the state
13 needs to act quickly to ensure the federal relief funds paid to these persons
14 in custody are not spent or otherwise diverted to other things before the
15 person's obligations to the state, the court, and any victim are satisfied.
16 Therefore, an emergency is declared to exist, and this act being immediately
17 necessary for the preservation of the public peace, health, and safety shall
18 become effective on:

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

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

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

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26 /s/Rice
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