

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1798

5 By: Representative Haak
6 By: Senator D. Wallace
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE USE OF FUNDS FROM FINES LEVIED TO
10 DEFRAY THE COST OF INCARCERATING TOWN OR CITY
11 PRISONERS; TO ALLOW A TOWN OR CITY TO USE FUNDS FROM
12 THE FINE LEVIED ON CERTAIN DEFENDANTS FOR
13 TRANSPORTATION COSTS AND CERTAIN CONSTRUCTION,
14 MAINTENANCE, AND OPERATION COSTS; AND FOR OTHER
15 PURPOSES.
16

Subtitle

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19 TO ALLOW A TOWN OR CITY TO USE FUNDS FROM
20 THE FINE LEVIED ON CERTAIN DEFENDANTS FOR
21 TRANSPORTATION COSTS AND CERTAIN
22 CONSTRUCTION, MAINTENANCE, AND OPERATION
23 COSTS.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code § 16-17-129(a), concerning the levy of a fine
29 to defray cost of incarcerating city and county prisoners, is amended to read
30 as follows:

31 (a)(1)(A) In addition to all fines ~~now or as may hereafter be~~ provided
32 by law, the governing body of each town or city in which a district court is
33 located may by ordinance levy and collect an additional fine not to exceed
34 twenty dollars (\$20.00) from each defendant upon each conviction, each plea
35 of guilty or nolo contendere, or each bond forfeiture in all cases in the
36 first class of accounting records as described in § 16-17-707.



1 (B) Except as provided in subdivision (a)(1)(C) of this
2 section, all sums collected from the additional fine described in subdivision
3 (a)(1)(A) of this section shall be paid into the town or city treasury to be
4 deposited into a fund to be used exclusively to: ~~help~~

5 (i) Help defray the cost of incarcerating town or
6 city prisoners, including the construction, ~~and~~ maintenance, and operation of
7 the town or city jail and payments to other entities for incarcerating town
8 or city prisoners;

9 (ii) Help pay for the construction, maintenance, and
10 operation of a county jail to which the town or city transports town or city
11 prisoners for incarceration; and

12 (iii) Pay for the transportation of town or city
13 prisoners to a county jail for incarceration.

14 (C) All sums collected from the additional fine described
15 in subdivision (a)(1)(A) of this section in any district court that is funded
16 solely by the county shall be paid into the county treasury to be deposited
17 into a fund to be used exclusively to help defray the cost of incarcerating
18 county prisoners, including the construction and maintenance of the county
19 jail.

20 (2)(A) In addition to all fines provided by law, the governing
21 body of each town or city that has a police department or city marshal, and
22 which contributes to the expenses of a district court under § 16-17-1203, by
23 ordinance may levy and collect an additional fine not to exceed twenty
24 dollars (\$20.00) from each defendant upon each conviction, each plea of
25 guilty or nolo contendere, or each bond forfeiture for any misdemeanor or
26 traffic violation in cases from the contributing town or city filed in the
27 district court to which the town or city contributes.

28 (B) All sums collected from the additional fine described
29 in subdivision (a)(2)(A) of this section shall be paid into the town or city
30 treasury to be deposited into a fund to be used exclusively to: ~~help~~

31 (i) Help defray the cost of incarcerating town or
32 city prisoners, including the construction, ~~and~~ maintenance, and operation of
33 the town or city jail and payments to other entities for incarcerating town
34 or city prisoners;

35 (ii) Help pay for the construction, maintenance, and
36 operation of a county jail to which the town or city transports town or city

1 prisoners for incarceration; and

2 (iii) Pay for the transportation of town or city

3 prisoners to a county jail for incarceration.

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