

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1792

By: Representatives Slape, A. Collins

By: Senator Irvin

For An Act To Be Entitled

AN ACT CONCERNING THE COLLECTION OF FINES ORDERED TO
BE PAID BY A PERSON CONVICTED OF A FELONY; AND FOR
OTHER PURPOSES.

Subtitle

CONCERNING THE COLLECTION OF FINES
ORDERED TO BE PAID BY A PERSON CONVICTED
OF A FELONY.

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

SECTION 1. Arkansas Code § 5-4-101, concerning definitions used in regard to disposition of offenders, is amended to add an additional subdivision to read as follows:

(7) "Delinquent" means the defendant:

(A) Has failed to pay his or her fines and costs that resulted from his or her felony conviction; and

(B) Has not paid his or her installment for three (3) consecutive months if the defendant is on an installment payment plan.

SECTION 2. Arkansas Code Title 5, Chapter 4, Subchapter 2, is amended to add an additional section to read as follows:

5-4-207. Installment payments – Request for temporary acceptance.

(a)(1) If a defendant is paying a fine or costs as the result of a felony conviction in installments as authorized under § 5-4-202(b), the defendant may contact the entity with the responsibility to collect the fines



or costs and request that the entity permit a lower installment payment based upon a demonstration of hardship.

(2)(A) Lower installment payments may be accepted by the entity with the responsibility to collect the fines or costs under subdivision (a)(1) of this section for no more than three (3) consecutive months.

(B) A request for and acceptance of lower installment payments in excess of or more than three (3) months shall be made by order of the circuit court.

(b)(1) A defendant shall not request permission under subsection (a) of this section if the defendant's failure to pay is attributable to the defendant's:

(A) Purposeful refusal to obey the sentence of the court;

or

(B) Refusal or failure to make a good-faith effort to obtain the funds required for payment.

(2)(A) If a defendant becomes delinquent in his or her installment payments and a warrant is issued for the defendant's arrest, the bond amount set by the court shall not exceed ten percent (10%) of the amount of the defendant's arrearage.

(B) However, a defendant is not delinquent during a period in which he or she:

(i) Has had his or her installment payment amount lowered as provided under subsection (a) of this section; and

(ii) Is making installment payments in accordance with the lower payments as temporarily authorized under subsection (a) of this section.

(c)(1) An inmate in the Department of Corrections upon request is permitted to file in the circuit court in which the inmate has outstanding fines, court costs, fees, or restitution obligations notice to the circuit court of his or her incarceration and to seek temporary abatement or the imposition of reduced installment payments during the period of his or her incarceration.

(2) An inmate in the department upon request may be allowed to make arrangements during the time period six (6) months or less before his or her release from custody to file in the circuit court in which the inmate has outstanding fines, court costs, fees, or restitution obligations notice to

the circuit court of his or her impending release from incarceration and to seek temporary abatement or the imposition of reduced installment payments during the six-month period immediately following the scheduled release from incarceration.

(d)(1) If the circuit court determines that a hearing is necessary, a hearing under this subsection may be conducted.

(2) The preferred method to conduct the hearing is by telephone, video conference, or other electronic means.

APPROVED: 4/30/21