

# Department of Finance and Administration

## Legislative Impact Statement

**Bill: HB1842**

**Amendment Number: H1**

**Bill Subtitle: CONCERNING THE FINES AND FEES ASSESSED TO A PERSON WHO IS INCARCERATED.**

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### Basic Change :

**Sponsor: Rep. B. Johnson**

HB1842 will amend Arkansas law to provide an exemption for a person convicted of a criminal offense from paying court-ordered civil penalties, costs, fees, fines, or restitution while incarcerated or confined in a hospital; or an in-patient facility.

This section will apply to a person who is incarcerated in a:

1. Local or county jail;
2. Facility operated by the Department of Community Correction;
3. Facility operated by the Department of Correction;
4. Federal prison;
5. Federal immigration detention facility; or
6. An out-of-state correctional facility designed for long-term incarceration that is substantially similar to a facility operated by the Department of Correction or Department of Community Correction; or
7. Confined to a hospital or an in-patient facility for a mental, physical, or emotional condition.

A person is not exempt from paying court-ordered restitution unless the person has previously been found to be indigent by the sentencing court.

Once an exempt person is released from incarceration or is discharged from the hospital or the in-patient facility, the bill provides the person 60 days before they must begin payment of their remaining court-ordered civil penalties, costs, fees, fines, or restitution.

Section 3 of this bill provides for a fine or fee abatement for an incarcerated person who was incarcerated in one or more of the following facilities as a result of a conviction for a felony offense:

1. A facility operated by the Department of Correction or the Department of Community Correction;
2. A county jail as a result of a commitment to the Department of Correction or the Department of Community Correction;
3. A correctional facility operated by the U.S. Bureau of Prisons; or
4. An out-of-state correctional facility designed for long-term incarceration that is substantially similar to a facility operated by the Department of Correction or the Department of Community Correction.

The fine or fee abated by the circuit or district court shall be \$20 for every day they were incarcerated. Court-ordered restitution owed by a person to another person or entity is not available for abatement under this section.

### Revenue Impact :

There is no revenue impact to the state, but the courts may be impacted by the abatement or exemptions in this bill.

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### **Taxpayer Impact :**

Persons incarcerated as described in this bill may have their fees, fines and restitution owed exempted while they are incarcerated and may have the fees or fines abated after release.

### **Resources Required :**

No additional resources are required.

### **Time Required :**

No additional time is required if this bill is passed.

### **Procedural Changes :**

Circuit and district courts will be required to change procedures for persons incarcerated as described in this bill.

### **Other Comments :**

None.

### **Legal Analysis :**

HB1842 provides an exemption from paying court ordered civil penalties, costs, fees, fines or restitution while incarcerated or confined in a hospital. The bill does not impact taxes, fees, penalties, or interest levied by the Department of Finance and Administration (DFA).

The bill could impact DFA if SB269 is enacted. Under SB269, DFA would be required to collect parolee restitution. If both SB269 and HB1842 are passed, DFA would be prohibited from collecting restitution from a parolee if the parolee is re-incarcerated or is confined in a hospital. However, neither bill currently provides a mechanism to notify collection agents of incarceration or hospitalization for purposes of halting collection activity.