

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

State of Arkansas  
89th General Assembly  
Regular Session, 2013

As Engrossed: H3/13/13  
**A Bill**

HOUSE BILL 1822

By: Representatives Copenhaver, Baltz, Broadaway, Hillman, Hobbs, Holcomb, Lenderman, Mayberry, McGill, Ratliff, Richey, Wardlaw

### **For An Act To Be Entitled**

AN ACT TO ALLOW A COUNTY SHERIFF TO ISSUE DEBIT CARDS TO RELEASED INMATES IN ORDER TO CLEAR THE INMATE'S COMMISSARY TRUST ACCOUNT; AND FOR OTHER PURPOSES.

### **Subtitle**

TO ALLOW A COUNTY SHERIFF TO ISSUE DEBIT CARDS TO RELEASED INMATES IN ORDER TO CLEAR THE INMATE'S COMMISSARY TRUST ACCOUNT.

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

SECTION 1. Arkansas Code § 14-25-104(a), concerning prenumbered checks in the county accounting law, is amended to read as follows:

(a) All disbursements of county funds, except as noted in § 14-25-105, which refers to petty cash funds, and § 14-25-112(b)(2), which refers to debit cards issued for the balance of an inmate commissary trust account, are to be made by prenumbered checks drawn upon the bank account of that county official.

SECTION 2. Arkansas Code § 14-25-112(b), concerning a sheriff's accounting, is amended to read as follows:

(b)(1) Checks written shall be recorded in a cash disbursements journal that indicates the date, payee, check number, and amount of each check written.

(2)(A) A debit card may be issued to a released inmate rather



than a check for the balance in his or her account in order to dispose of the inmate's commissary trust account.

(B) If a debit card is issued rather than a check, proper accounting of the funds must still be maintained in compliance with the written procedures established by the *Legislative Joint Auditing Committee*.

~~(2)~~(3) The cash disbursements journal shall also contain the classification of the disbursement.

SECTION 3. Arkansas Code § 21-6-310 is amended to read as follows:

21-6-310. Officers and employees generally – Disposition of funds.

(a)(1) All fees, fines, penalties, and other moneys collected by any county officer, deputy, or county employee shall be deposited with the county treasurer on the first day of each month or within ~~five~~(5) ten (10) days thereafter, and, unless otherwise provided by law, shall be placed in the county general fund.

(2) Inmate commissary trust accounts held by the county sheriff are not deemed county funds and are not subject to this section.

(b) The county treasurer shall keep a complete and accurate record of the receipt of such moneys and shall provide a written receipt to the person or office making such deposit.

SECTION 4. Arkansas Code § 26-39-201 is amended to read as follows:

26-39-201. Time for payment.

(a)(1) A county clerk, probate clerk, circuit clerk, county sheriff, county collector, or any other county official shall pay over to the county treasurer on the first of each month, or within ten (10) working days thereafter, all funds in his or her possession belonging to the county or its subdivisions that are by law required to be paid into the county treasury, whether taxes, fines, or any moneys that are collected for any purpose by law and belonging to the county.

~~(2) The county collector shall pay to the Treasurer of State all moneys belonging to the State of Arkansas on the day mentioned in subdivision (a)(1) of this section~~ Inmate commissary trust accounts held by the county sheriff are not deemed county funds and are not subject to this section.

(b)(1) This section does not mean that the county collector shall make a distribution of taxes to all funds but that he or she shall settle with the

county treasurer in a lump sum, and the county treasurer shall credit it to the county collector's unapportioned account.

(2) Upon the issuance of a certificate of the county clerk or other county officer designated pursuant to § 26-28-102(a) that is issued on or before the thirtieth day of each month, the county treasurer shall transfer to the various funds ninety percent (90%) of the advance payments made by the county collector during the collecting period and, upon final settlement, the proper adjustments shall be made with the various accounts, and the balance remaining in the unapportioned account shall be distributed upon order of the county court approving the final settlement of the county collector.

*/s/Copenhaver*