

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

SENATE BILL 148

By: Senators J. Woods, U. Lindsey
By: Representative D. Whitaker

For An Act To Be Entitled

AN ACT TO PROVIDE ADDITIONAL FUNDING FOR DRUG COURTS;
AND FOR OTHER PURPOSES.

Subtitle

TO PROVIDE ADDITIONAL FUNDING FOR DRUG
COURTS.

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

SECTION 1. Arkansas Code § 16-87-213(b), concerning the public defender user fee, is amended to read as follows:

(b)(1)(A) At the time of appointment of an attorney, the court immediately shall assess a fee of not less than ten dollars (\$10.00) nor more than four hundred dollars (\$400) to be paid to the commission in order to defray the costs of the public defender system.

~~(2)(B)~~ The fee under subdivision ~~(b)(1)~~ (b)(1)(A) of this section may be waived if the court finds such an assessment to be too burdensome.

~~(3)(C)~~ The fee under subdivision ~~(b)(1)~~ (b)(1)(A) of this section shall be collected at the beginning of the proceeding and is separate from any additional attorney's fee that might be assessed by the court.

~~(4)(A)(D)(i)~~ The commission shall deposit the money collected under subdivision ~~(b)(1)~~ (b)(1)(A) of this section into a separate account within the State Central Services Fund entitled "Public Defender User Fees" to which access shall ~~only~~ be available only to the commission.

~~(B)(ii)~~ The commission may carry over any funds



remaining in the separate account under subdivision ~~(b)(4)(A)~~ (b)(1)(D)(i) of this section at the end of the fiscal year to the subsequent year.

(2)(A) In addition to the fee under subdivision (b)(1)(A) of this section, a fee not to exceed two hundred fifty dollars (\$250) may be assessed by a drug court created under the Arkansas Drug Court Act, § 16-98-301 et seq., for a person who enters a drug court program and is appointed an attorney under this section.

(B) The fee under subdivision (b)(2)(A) of this section shall be collected at the same time as the fee under subdivision (b)(1)(A) of this section and shall be paid to the commission.

SECTION 2. Arkansas Code § 16-98-304 is amended to read as follows:
16-98-304. Cost and fees.

(a) The drug court judge may order the offender to pay:

- (1) Court costs as provided in § 16-10-305;
- (2) Treatment costs;
- (3) Drug testing costs;
- (4) A program user fee;
- (5) Necessary supervision fees, including any applicable residential treatment fees; and

(6) Any fees determined or authorized under § 12-27-125(b)(17)(B) or § 16-93-104(a)(1), which are to be paid to the Department of Community Correction.

(b)(1) The drug court judge shall establish a schedule for the payment of costs and fees.

(2) The cost for treatment, drug testing, and supervision shall be set by the treatment and supervision providers, respectively, and made part of the order of the drug court judge for payment.

~~(3) Program user fees shall be set by the drug court judge.~~

~~(4)~~(3) Treatment, drug testing, and supervision costs or fees shall be paid to the respective providers.

~~(5)~~(4) Fees determined or authorized under § 12-27-125(b)(17)(B) or § 16-93-104(a)(1) shall be paid to the Department of Community Correction.

~~(6)(A) The MAGNUM Drug Court Fund is a special revenue fund created and established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State.~~

~~(B) The MAGNUM Drug Court Fund shall consist of other moneys provided by law.~~

~~(7)(A)~~(5)(A) All court costs and program user fees assessed by the drug court judge shall be paid to the court clerk for remittance to the county treasury under § 14-14-1313.

(B) All installment payments shall initially be deemed to be collection of court costs under § 16-10-305 until the court costs have been collected in full with any remaining payments representing collections of other fees and costs as authorized in this section and shall be credited to the county administration of justice fund and distributed under § 16-10-307.

(C) All ~~program~~ Program user fees shall be credited to a fund known as the "drug court program fund" and appropriated by the quorum court for the benefit and administration of the drug court program.

~~(8)(6)~~ Court orders for costs and fees shall remain an obligation of the offender with court monitoring until fully paid.

SECTION 3. Arkansas Code Title 16, Chapter 98, Subchapter 3, is amended to add a section to read as follows:

16-98-308. Additional drug court costs.

In addition to the court costs assessed under § 16-10-305, a court cost of one hundred twenty-five dollars (\$125) shall be assessed and remitted to the Administration of Justice Funds Section of the Department of Finance and Administration by the court clerk for deposit into the State Treasury as special revenues credited to the MAGNUM Drug Court Fund, § 19-6-489 for:

(1) Each conviction under § 5-64-401 et seq.; or

(2) Each person participating in a:

(A) Drug court program under the Arkansas Drug Court Act, § 16-98-301 et seq.;

(B) Pretrial, posttrial, intervention, or diversion program under § 16-98-201;

(C) Preadjudication program under § 5-4-901 et seq. if the pending criminal charge is for an offense under § 5-64-401 et seq; or

(D) Mental health crisis intervention program established by the Division of Behavioral Health Services of the Department of Human Services.

SECTION 4. Arkansas Code § 19-6-301(216), concerning special revenue funds, is amended to read as follows:

(216) ~~Drug Court costs and drug court program user fees, §§ 16-98-304 and 19-6-489~~ § 16-98-308;

SECTION 5. Arkansas Code § 19-6-489 is amended to read as follows:
19-6-489. MAGNUM Drug Court Fund.

~~(a) A drug court judge may order an offender to pay:~~

~~(1) Court costs;~~

~~(2) Treatment costs;~~

~~(3) Drug testing costs;~~

~~(4) A program user fee not to exceed twenty dollars (\$20.00) per month; and~~

~~(5) Necessary supervision fees, including any applicable residential treatment fees.~~

~~(b)(1) A drug court judge shall establish a schedule for the payment of costs and fees.~~

~~(2) The cost for treatment, drug testing, and supervision shall be set by the treatment and supervision providers respectively and made part of the order of the drug court judge for payment.~~

~~(3) User fees shall be set by the drug court judge within the maximum amount authorized by this subsection and payable directly to the court clerk for the benefit and administration of the drug court program.~~

~~(4) Treatment, drug testing, and supervision costs shall be paid to the respective providers.~~

~~(5) The court clerk or the designee of the drug court judge shall collect all other costs and fees ordered.~~

~~(6)(A) The remaining user fees shall be remitted to the Treasurer of State by the court clerk for deposit in the MAGNUM Drug Court Fund, which is a special revenue fund created and established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State.~~

~~(B) The MAGNUM Drug Court Fund shall consist of user fees and any other moneys provided by law.~~

~~(7) Court orders for costs and fees shall remain an obligation~~

~~of the offender with court monitoring until fully paid.~~

(a) There is created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a special revenue fund to be known as the "MAGNUM Drug Court Fund".

(b) The fund shall consist of:

(1) Court costs as provided under § 16-98-308; and

(2) Any other moneys as provided by law.

(c) The fund shall be used for the operation and administration of the drug courts as well as mental health crisis intervention programs established by the Division of Behavioral Health Services of the Department of Human Services.

(d)(1) Funds received through costs assessed under § 16-98-308 shall be distributed to the judicial districts that have established drug courts in a proportional formula based on past and current drug court caseloads as established by data provided by the Administrative Office of the Courts to be used in the operation and administration of the drug courts.

(2)(A) The division shall promulgate rules regarding the distribution of the funds received under this subsection.

(B)(i) The division shall submit the proposed rules to the Joint Budget Committee for review if the General Assembly is in session.

(ii) If the General Assembly is not in session, the division shall submit the proposed rules to the Legislative Council for review.