

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

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: S3/5/15 S3/16/15
A Bill

SENATE BILL 424

By: Senator B. Johnson
By: Representative Tosh

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE COMMISSIONS
DERIVED FROM CERTAIN PRISONER SERVICES; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE
COMMISSIONS DERIVED FROM CERTAIN PRISONER
SERVICES.

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

SECTION 1. Arkansas Code § 12-41-105 is amended to read as follows:

12-41-105. Commissions from prisoner telephone service profits and
prisoner commissary services.

*(a)(1) Commissions derived from prisoner telephone services and
profits earned from prisoner commissary services provided in the various
county and regional detention facilities in the state shall be deposited ~~into~~
~~the county treasury~~ with the county treasurer of the county in which the
detention facility is *located*, and the county treasurer shall be credited
credit the funds to the county sheriff's office fund.*

*(2)(A) The county sheriff's office fund is an agency fund
defined by the County Financial Management System as a fund used to account
for funds held by the county treasurer as an agent for a governmental unit
until transferred by check or county court order to the county sheriff for
the intended uses of the funds.*

(B) As an agency fund, the transfer of funds is not



subject to an appropriation by the quorum court or to the county claims process.

(3) The Division of Legislative Audit shall review for substantial compliance with this section.

(b)(1) Of the commissions and profits deposited into the county sheriff's office fund in each county ~~pursuant to~~ under subsection (a) of this section, one hundred percent (100%) shall be credited to the county sheriff's office communications facility and equipment fund under § 21-6-307.

(2) Each county sheriff's office ~~may~~ shall allocate for the maintenance and operation of the county jail up to ~~fifty percent (50%)~~ seventy-five percent (75%) of the commissions and profits deposited into the county sheriff's office communications facility and equipment fund.

(c) ~~The provisions of this~~ This section ~~do~~ does not apply to funds derived from prisoner telephone services or prisoner commissary services provided in Department of Correction facilities or Department of Community Correction facilities or in municipally owned detention facilities or in county detention facilities in counties with a population of one hundred seventy-five thousand (175,000) or more according to the latest federal decennial census.

SECTION 2. Arkansas Code § 14-25-112, concerning accounting responsibilities of a sheriff under the Arkansas County Accounting Law of 1973, is amended to add additional subsections to read as follows:

(f) The sheriff shall provide a copy of the reconciled cash disbursements journal and a copy of the reconciled cash receipts journal to the county treasurer by the tenth day of each calendar month for the county sheriff's communications facility and equipment fund or other fund that may not be on the books of the county treasurer.

(g) The Division of Legislative Audit shall review for substantial compliance with this section.

SECTION 3. Arkansas Code § 21-6-307(b)(2)(C), concerning sheriff fees, is amended to read as follows:

(C) All sums paid into the communications facility and equipment fund by the sheriff may accumulate as to principal and interest until such time as the deposits or a portion thereof are needed by the

sheriff to:

- (i) Train operations staff;*
- (ii) Operate, equip, repair, or replace existing communications equipment;*
- (iii) Purchase additional communications equipment;*
- ~~*or*~~
- (iv) Otherwise improve a communications facility or system for the sheriff's department; or*
- (v) Purchase vehicles, weapons, or other equipment for the sheriff's department.*

SECTION 4. Arkansas Code § 21-6-310(a)(2), concerning disposition of funds, is amended to read as follows:

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

SECTION 5. Arkansas Code § 26-39-201(a)(2), concerning the time for payment, is amended to read as follows:

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

SECTION 6. Effective date. This act is effective on and after January 1, 2016

/s/B. Johnson