

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

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: H3/14/17 H3/23/17

# A Bill

HOUSE BILL 1842

By: Representatives Johnson, *Walker*

By: Senator J. Hutchinson

## For An Act To Be Entitled

AN ACT CONCERNING THE FINES AND FEES ASSESSED TO A  
PERSON WHO IS INCARCERATED; AND FOR OTHER PURPOSES.

### Subtitle

CONCERNING THE FINES AND FEES ASSESSED TO  
A PERSON WHO IS INCARCERATED.

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

*SECTION 1. Arkansas Code Title 16, Chapter 92, is amended to add an additional section to read as follows:*

*16-92-120. Fine abatement for incarcerated person.*

*(a)(1) A person who owes an outstanding fine or fee to a circuit court or district court may petition the circuit court or district court for a fine or fee abatement if the person can demonstrate that he or she was incarcerated in one (1) or more of the following facilities as a result of a conviction for a felony offense:*

*(A) A facility operated by the Department of Correction or the Department of Community Correction;*

*(B) A county jail as the result of a commitment to the Department of Correction or Department of Community Correction;*

*(C) A correctional facility operated by the Federal Bureau of Prisons; or*

*(D) 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.*



(2) A person's outstanding fines or fees ordered to be paid by a circuit court or district court may be abated by twenty dollars (\$20.00) for every day he or she can show that he or she was incarcerated in a facility described in subdivision (a)(1) of this section.

(b) A petition under this section shall include:

(1) A current affidavit of financial means; and

(2) A list of any other circuit courts or district courts in which the person has sought a fine or fee abatement under this section, along with the amount of fine or fee abatement the person received as a result of the petition, if applicable.

(c)(1) If a person filing a petition under this section shows by a preponderance of the evidence that he or she is entitled to an amount of a fine or fee abatement under this section, the circuit court or district court shall grant the petition and order the person's fines or fees abated in that amount.

(2) A circuit court or district court shall reduce the amount of the fine or fee abatement to which the person has shown himself or herself entitled by any amount the person has already had abated under this section in another circuit court or district court.

(3)(A) A circuit court or district court may reduce the amount of a fine or fee abatement under this section if:

(i) The person's current affidavit of financial means indicates that the person has sufficient financial means to pay toward his or her outstanding fines and fees; and

(ii) The person is able to pay toward his or her outstanding fines and fees without the payment's being an undue burden or a hinderance to the person's successful reentry into society.

(B)(i) If a circuit court or district court reduces the fine or fee abatement amount under this subsection, the circuit court or district court is required to make a finding that there is clear and convincing evidence that the requirements of subdivision (c)(3)(A) of this section have been met.

(ii) A person may appeal a circuit court's or district court's reduction of a fine or fee abatement under this subsection and the appeal shall be heard de novo.

(d) Court-ordered restitution owed by a person to another person or

*entity is not available for abatement under this section.*

*/s/Johnson*