

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

State of Arkansas  
91st General Assembly  
Regular Session, 2017

# A Bill

HOUSE BILL 1909

By: Representative Walker

## For An Act To Be Entitled

AN ACT CONCERNING THE TEMPORARY ABATEMENT OF THE REQUIREMENT OF A PERSON TO PAY COURT-ORDERED CIVIL PENALTIES, COSTS, FEES, FINES, OR RESTITUTION WHILE THAT PERSON IS INCARCERATED OR CONFINED TO A HOSPITAL; AND FOR OTHER PURPOSES.

## Subtitle

CONCERNING THE TEMPORARY ABATEMENT OF THE REQUIREMENT OF A PERSON TO PAY COURT-ORDERED CIVIL PENALTIES, COSTS, FEES, FINES, OR RESTITUTION WHILE THAT PERSON IS INCARCERATED OR CONFINED TO A HOSPITAL.

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

SECTION 1. Arkansas Code Title 5, Chapter 4, Subchapter 2, is amended to add an additional section to read as follows:

5-4-207. Exemption from paying court-ordered civil penalties, costs, fees, fines, or restitution while incarcerated or confined in a hospital.

(a) A person convicted of a criminal offense who is incarcerated or confined in a hospital or an in-patient facility is exempt from paying court-ordered civil penalties, costs, fees, or fines, as described in § 16-92-120.

(b) A person convicted of a criminal offense who is incarcerated or confined in a hospital or an in-patient facility is exempt from paying court-ordered restitution, as described in § 16-92-120, if the person has previously been found to be indigent by the sentencing court.



SECTION 2. Arkansas Code Title 16, Chapter 92, is amended to add an additional section to read as follows:

16-92-120. Exemption from paying court-ordered civil penalties, costs, fees, fines, or restitution while incarcerated or confined in a hospital.

(a)(1) Except as provided under subdivision (a)(2) of this section, a person is not required to pay and a court shall not issue a warrant or impose a monetary penalty for failure to pay court-ordered civil penalties, costs, fees, fines, or restitution for a conviction for a criminal offense while the person is:

(A) Incarcerated in a:

(i) Local or county jail;

(ii) Facility operated by the Department of Community Correction;

(iii) Facility operated by the Department of Correction;

(iv) Federal prison; or

(v) Federal immigration detention facility; or

(B) Confined to a hospital or an in-patient facility for a mental, physical, or emotional condition.

(2) A person is not exempt from paying court-ordered restitution under this section unless the person has previously been found to be indigent by the sentencing court.

(b) A person exempt from payment of court-ordered civil penalties, costs, fees, fines, or restitution under subsection (a) of this section who is subsequently released from incarceration or is discharged from the hospital or the in-patient facility has sixty (60) days to begin payment of the court-ordered civil penalties, costs, fees, fines, or restitution.

(c)(1) If, after the sixty-day period described in subsection (b) of this section, the person is unable to begin payment on the remaining court-ordered civil penalties, costs, fees, fines, or restitution he or she owes, the person may appear before the court to explain why he or she is unable to begin payment on the court-ordered civil penalties, costs, fees, fines, or restitution.

(2)(A) If the person states that he or she is unable to begin payment on his or her court-ordered civil penalties, costs, fees, fines, or

restitution due to unemployment, health problems, poverty, or other just cause and the court finds the person's explanation to be with merit, the court shall grant the person an additional sixty (60) days to begin payment on the person's remaining court-ordered civil penalties, costs, fees, fines, or restitution.

(B) There is no limit to the number of times a person may appear before the court to address the payment of his or her remaining court-ordered civil penalties, costs, fees, fines, or restitution under subsection (b) of this section.