

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1235

By: Representative Petty
By: Senator J. Cooper

For An Act To Be Entitled

AN ACT CONCERNING THE PAYMENT OF COSTS AND FEES
ORDERED BY A COURT; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE PAYMENT OF COSTS AND FEES
ORDERED BY A COURT.

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

SECTION 1. Arkansas Code § 5-4-907 is amended to read as follows:
5-4-907. Cost, fees, and restitution.

(a) The pre-adjudication probation program judge may order the
offender to pay:

- (1) Court costs as provided in § 16-10-305;
- (2) Any substance abuse treatment costs;
- (3) Drug testing costs;
- (4) Costs associated with mental health treatment;
- (5) A pre-adjudication probation program user fee;
- (6) Any restitution owed the victim of the charged criminal

offense;

- (7) Necessary supervision fees;
- (8) Any applicable residential treatment fees; and
- (9) Tuition and other educational fees for vocational schools,

technical schools, community colleges, or two-year and four-year public
universities that are part of the pre-adjudication probation program for
which the offender is participating; ~~and~~



~~(10) 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) The pre-adjudication probation program judge shall order the offender to pay fees determined or authorized under § 12-27-125(b)(17)(B) or § 16-93-104(a)(1) to the Department of Community Correction.

~~(b)(1)(c)(1)~~ The pre-adjudication probation program judge shall establish a schedule for the payment of costs, fees, and restitution.

(2) The cost for substance abuse treatment, mental health treatment, drug testing, and supervision shall be set by the treatment and supervision providers respectively and made part of the order of the pre-adjudication probation program judge for payment.

(3) Pre-adjudication probation program user fees shall be set by the pre-adjudication probation program judge.

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

~~(5) 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)(5)~~ Restitution to the victim shall be paid directly to the victim.

(c) Court orders for costs, fees, and restitution shall remain an obligation of the participant in the pre-adjudication probation program with court monitoring until fully paid.

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

(a) The adult or juvenile 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 local program user fee;
- (5) Necessary supervision fees, including any applicable residential treatment fees;

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

~~Community Correction;~~

~~(7)(6)~~ Global Positioning System monitoring; and

~~(8)(7)~~ Continuous alcohol monitoring fees.

(b) The adult or juvenile court judge shall order the offender to pay fees determined or authorized under § 12-27-125(b)(17)(B) or § 16-93-104(a)(1) to the Department of Community Correction.

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

(2) The cost for treatment, drug testing, continuous alcohol monitoring if ordered, 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) Treatment, drug testing, continuous alcohol monitoring if ordered, and supervision costs or fees shall be paid to the respective providers.

~~(5) 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)(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) Local 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.

~~(7)(6)~~ Court orders for costs and fees shall remain an obligation of the offender with court monitoring until fully paid.

SECTION 3. Arkansas Code § 16-100-209 is amended to read as follows:
16-100-209. Costs and fees.

(a) The mental health specialty court may order the mental health

specialty court program participant to pay:

- (1) Court costs as provided in § 16-10-305;
- (2) Healthcare and treatment costs not otherwise covered by the health insurance of the mental health specialty court program participant;
- (3) Drug testing costs;
- (4) A mental health specialty court program user fee;
- (5) Necessary supervision fees, including any applicable residential treatment fees;
- ~~(6) Any fees determined or authorized under § 12-27-125(b)(17)(B) or § 16-93-104(a)(1) that are to be paid to the Department of Community Correction;~~
- ~~(7)(6)~~ Global Positioning System monitoring; and
- ~~(8)(7)~~ Continual alcohol monitoring fees.

(b) The mental health specialty court shall order the offender to pay fees determined or authorized under § 12-27-125(b)(17)(B) or § 16-93-104(a)(1) to the Department of Community Correction.

~~(b)(1)(c)(1)~~ (c)(1) The mental health specialty court shall establish a schedule for the payment of costs and fees.

(2) The cost for healthcare, treatment, drug testing, continual alcohol monitoring if ordered, and supervision shall be set by the treatment and supervision providers respectively and made part of the order for payment of the mental health specialty court.

(3) Mental health specialty court user fees shall be set by the mental health specialty court.

(4) Healthcare, treatment, drug testing, continual alcohol monitoring if ordered, and supervision costs or fees shall be paid to the respective providers.

~~(5) 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)(5)(A)~~ (5)(A) All court costs and mental health specialty court program user fees assessed by the mental health specialty court shall be paid to the circuit court clerk or district court clerk, as applicable, 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) Mental health specialty court program user fees shall be credited to a fund to be known as the “mental health specialty court program fund” and appropriated by the quorum court for the county in which the mental health specialty court program participant committed the offense for which he or she is charged for the benefit and administration of the mental health specialty court program.

~~(7)~~(6) Court orders for costs and fees shall remain an obligation of the mental health specialty court program participant with mental health specialty court monitoring until fully paid.

(c) All costs and fees under this section may be fully or partially waived by the mental health specialty court upon a showing of indigency.