

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

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: H1/30/19
A Bill

HOUSE BILL 1243

By: Representative Tosh
By: Senator Irvin

For An Act To Be Entitled

AN ACT CONCERNING THE SUPERVISION FEE PAID BY A
PROBATIONER OR PAROLEE TO THE DEPARTMENT OF COMMUNITY
CORRECTION; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE SUPERVISION FEE PAID BY A
PROBATIONER OR PAROLEE TO THE DEPARTMENT
OF COMMUNITY CORRECTION.

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

SECTION 1. Arkansas Code § 16-93-104 is amended to read as follows:
16-93-104. Supervision fee – Direct payment by offender – Failure to
pay.

(a)(1) Any offender on probation, parole, or transfer under
supervision of the Department of Community Correction shall pay to the
department a monthly fee of thirty-five dollars (\$35.00).

(2) The Director of the Department of Community Correction or
his or her designee shall deposit:

~~(A) Twenty five dollars (\$25.00) of each payment received~~
into the State Treasury as special revenues credited to the Community
Correction Revolving Fund; ~~and~~

~~(B)(i) Ten dollars (\$10.00) of each payment received into~~
~~the Best Practices Fund, § 19-5-1139, to ensure evidence-based programs and~~
~~supervision practices are available to offenders supervised on either~~
~~probation or parole.~~



~~(ii) The Board of Corrections shall promulgate regulations for the accounting and distribution of the Best Practices Fund to ensure that:~~

~~(a) No less than seventy five percent (75%) of the funds are used by the Department of Community Correction for direct services to the offender population it supervises that have been proven, through research, to reduce recidivism among the offender population served;~~

~~(b) The direct services may be provided by the Department of Community Correction, the Department of Human Services, and community based vendors meeting these criteria and serving offenders being supervised by the Department of Community Correction; and~~

~~(c) No more than ten percent (10%) of the funds are used to train staff managing the offender population in evidence-based practices.~~

(3) Expenditures from the Community Correction Revolving Fund shall be used for continuation and expansion of community correction programs and supervision as established and approved by the Board of Corrections.

(b)(1) When an offender on probation defaults in the payment of supervision fees or any installment thereof, the court may require the offender to show cause why he or she would not be imprisoned for nonpayment.

(2) The offender shall not be imprisoned if the offender is financially unable to make the payments and states so to the court in writing, under oath, and the court so finds.

(3) Unless the offender shows that his or her default was not attributable to a purposeful refusal to obey the sentence of the court or to a failure on his or her part to make a good faith effort to obtain the funds required for payment, the court may order the defendant imprisoned until the payments are made.

(4) If the court determines that the default in payment is not attributable to the causes specified in subdivision (b)(3) of this section, the court may enter an order allowing the offender additional time for payment, reducing the amount of each installment, or revoking the fees or the unpaid portion thereof in whole or in part.

(c)(1) The offender on parole may be imprisoned for violation of parole if the offender is financially able to make the payments and if the payments are not made and the Parole Board so finds, subject to the

limitations set out in this subsection.

(2) The offender shall not be imprisoned if the offender is financially unable to make the payments and states so under oath to the Parole Board in writing, and the Parole Board so finds.

(d) Court costs under § 16-10-305 shall be collected in full before any fees are collected under this section.

SECTION 2. Arkansas Code § 19-5-1139 is repealed.

~~19-5-1139. Best Practices Fund.~~

~~(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 trust fund to be known as the "Best Practices Fund".~~

~~(b) The Best Practices Fund may consist of the proceeds from the payment of parole or probation supervision fees under § 16-93-104(a).~~

~~(c)(1) Expenditures from the Best Practices Fund shall be used to establish and maintain programs and services that implement practices that are proven to reduce the risk of having repeat offenders or recidivism, including programs that address treatment needs of offenders.~~

~~(2) Programs funded by the Best Practices Fund, whether provided by the Department of Community Correction or another state agency or contracted with a private vendor, shall meet criteria promulgated in Department of Community Correction rules that establish evidence-based practices.~~

~~(3)(A) The funds deposited into the Best Practices Fund supplement and do not replace the state and local resources that are currently directed toward offender rehabilitation programs through the Department of Community Correction, the Department of Human Services, or any other state agency.~~

~~(B) An expenditure from the General Revenue Fund Account of the State Apportionment Fund or the Community Correction Revolving Fund shall not be reduced based on the availability of funds in the Best Practices Fund.~~

/s/Tosh