

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1749

By: Representative Richardson

For An Act To Be Entitled

AN ACT TO REPEAL THE INSTALLMENT FEE FOR AN
INSTALLMENT PAYMENT TOWARDS A COURT-ORDERED FINE; AND
FOR OTHER PURPOSES.

Subtitle

TO REPEAL THE INSTALLMENT FEE FOR AN
INSTALLMENT PAYMENT TOWARDS A COURT-
ORDERED FINE.

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

SECTION 1. Arkansas Code § 16-13-704 is amended to read as follows:
16-13-704. Installment payments – Definition.

(a)(1) If the court concludes that the defendant has the ability to pay the fine, but that requiring the defendant to make immediate payment in full would cause a severe and undue hardship for the defendant and the defendant's dependents, the court may authorize payment of the fine by means of installment payments in accordance with this subchapter.

(2)(A) When a court authorizes payment of a fine by means of installment payments, it shall issue, without a separate disclosure hearing, an order that the fine be paid in full by a date certain and that in default of payment, the defendant must appear in court to explain the failure to pay.

(B) In fixing the date of payment, the court shall issue an order which will complete payment of the fine as promptly as possible without creating a severe and undue hardship for the defendant and the defendant's dependents.

(3) When a person is authorized to pay a fine on an installment



basis, any court cost assessed under § 9-15-202(d) or § 16-10-305(h) shall be collected from the initial installment payment first.

~~(b)(1)(A) — In addition to the fine and any other assessments authorized by this subchapter, an installment fee of five dollars (\$5.00) per month shall be assessed on each person who is authorized to pay a fine on an installment basis.~~

~~(B) — This fee shall be collected in full each month in which a defendant makes an installment payment.~~

~~(C) — This fee shall accrue each month that a defendant does not make an installment payment and the fine has not been paid in full.~~

~~(2)(A)(i) — One half ($\frac{1}{2}$) of the installment fee collected in circuit court shall be remitted by the tenth day of each month to the Administration of Justice Funds Section of the Office of Administrative Services of the Department of Finance and Administration, on a form provided by that office, for deposit into the Judicial Fine Collection Enhancement Fund established by § 16-13-712.~~

~~(ii) — The other half of the installment fee shall be remitted by the tenth day of each month to the county treasurer to be deposited into a fund entitled the “circuit court automation fund” to be used solely for circuit court-related technology.~~

~~(B)(i) — Expenditures from the circuit court automation fund shall be approved by the administrative circuit judge of each judicial circuit and shall be authorized and paid under the state laws governing the appropriation and payment of county expenditures.~~

~~(ii) — Expenditures may be made for indirect expenses related to implementation of new court-related technology, including overtime pay, personnel or travel expenses, and technology-related supplies.~~

~~(iii) — Funds in each county in a judicial district may be pooled for expenditure pursuant to a circuit-wide technology plan approved by the administrative circuit judge.~~

~~(3)(A) — One half ($\frac{1}{2}$) of the installment fee collected in district court shall be remitted by the tenth day of each month to the Administration of Justice Funds Section, on a form provided by that section, for deposit into the Judicial Fine Collection Enhancement Fund established by § 16-13-712.~~

~~(B) — The other half of the installment fee collected in~~

~~district court shall be remitted by the tenth day of each month to the city treasurer of the city in which the district court is located to be deposited into a fund entitled the "district court automation fund" to be used solely for district court-related technology.~~

~~(C) In any district court which is funded solely by the county, the other half of this fee shall be remitted by the tenth day of each month to the county treasurer of the county in which the district court is located to be deposited into the district court automation fund to be used solely for district court-related technology.~~

~~(D)(i) Expenditures from the district court automation fund shall be approved by a district judge and shall be authorized and paid under state laws governing the appropriation and payment of county or municipal expenditures by the governing body or, if applicable, governing bodies, that contribute to the expenses of a district court.~~

~~(ii) Expenditures may be made for indirect expenses related to implementation of new court-related technology, including overtime pay, personnel or travel expenses, and technology-related supplies.~~

~~(E)(i) In circuit court only, an installment fee of an additional five dollars (\$5.00) per month shall also be assessed on the first day of each month on each person who is ordered to pay a fine on an installment basis with the additional five dollars (\$5.00) to be remitted to the collecting official to be used to defray the cost of fine collection.~~

~~(ii) In district court only, an installment fee of an additional five dollars (\$5.00) per month shall also be assessed on the first day of each month on each person who is ordered to pay a fine on an installment basis with the additional five dollars (\$5.00) to be remitted by the tenth day of each month to the Administration of Justice Funds Section of the Office of Administrative Services of the Department of Finance and Administration on a form provided by that section for deposit into the State Administration of Justice Fund.~~

~~(e)(b) Any defendant who has been authorized by the court to pay a fine by installments shall be considered to have irrevocably appointed the clerk of the court as his or her agent upon whom all papers affecting his or her liability may be served, and the clerk shall forthwith notify the defendant thereof by ordinary mail at his or her last known address.~~

~~(d) "Ability to pay" As used in this section, "ability to pay" means~~

that the resources of the defendant, including all available income and resources, are sufficient to pay the fine and provide the defendant and his or her dependents with a reasonable subsistence compatible with health and decency.