

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

State of Arkansas  
92nd General Assembly  
Regular Session, 2019

# A Bill

HOUSE BILL 1770

By: Representatives Boyd, Vaught

By: Senator M. Pitsch

## For An Act To Be Entitled

AN ACT TO BE KNOWN AS THE "FRESH START ACT OF 2019";  
TO REQUIRE THE ATTEMPTED DISPOSITION OF CERTAIN  
PENDING MISDEMEANOR AND NONVIOLENT FELONY OFFENSES  
WHILE A PERSON IS INCARCERATED IN THE DEPARTMENT OF  
CORRECTION; CONCERNING A PERSON'S SENTENCE FOR A  
CRIMINAL OFFENSE; AND FOR OTHER PURPOSES.

## Subtitle

TO BE KNOWN AS THE "FRESH START ACT OF  
2019"; AND TO ATTEMPT DISPOSITION OF  
CERTAIN PENDING MISDEMEANOR AND  
NONVIOLENT FELONY OFFENSES WHILE THE  
PERSON IS INCARCERATED IN THE DEPARTMENT  
OF CORRECTION.

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

SECTION 1. Arkansas Code Title 16, is amended to add an additional chapter to read as follows:

### Chapter 101

### Fresh Start Act of 2019

#### 16-101-101. Title.

This chapter may be known as and cited as the "Fresh Start Act of 2019".



16-101-102. Legislative intent.

(a) It is the intent of the General Assembly to create a framework, consistent with Arkansas Constitution, Amendment 80, and the constitutional prerogatives of the state's prosecuting attorneys and judges, to enable persons who are incarcerated or who will soon be incarcerated in the Department of Correction to dispose of all pending misdemeanor and nonviolent felony offenses committed within this state and, if found guilty of those offenses, to run those sentences concurrently with the sentence for which the person is already serving or will be serving.

(b) Unless the person still has to answer for a violent felony offense after he or she is released from the department, a framework of this nature would give the person a fresh start upon his or her parole and reintegration into society, one that hopefully leads to full employment and a return to being a productive member of society.

16-101-103. Definitions.

As used in this chapter, "felony involving violence" means the same as defined in § 5-4-501(d)(2).

16-101-104. Compilation of pending criminal offenses.

(a) A person who is currently incarcerated in the Department of Correction may request, and a person who will be incarcerated in the department after the effective date of this act shall be provided, a complete compilation of all outstanding arrest warrants, criminal summons, pending misdemeanor cases, and pending cases for any felony involving violence.

(b) The department shall compile this information in cooperation with the Arkansas Crime Information Center and the Administrative Office of the Courts.

16-101-105. Option to resolve pending criminal matters.

(a)(1) A person incarcerated in the Department of Correction, with the assistance of the department, may petition a court for a quick resolution of an offense pending in the court as long as the offense is not a felony involving violence.

(2) The person may also request to be served with any outstanding arrest warrants in order to begin the process of resolving the

arrest warrant.

(b) The department shall make available means of communication between the person, the prosecuting attorney, the court, local law enforcement agencies, and the person's attorney, if applicable, to help facilitate the entry of pleas remotely from the department, addressing outstanding arrest warrants, and, when required by the court, attendance at the court for the purposes of entry of pleas, hearings, or trials.

(c) Local law enforcement agencies shall also help facilitate transportation of the person to and from the department to the court or local law enforcement agency when the court requires it.

16-101-106. Remote pleading permitted.

(a) Subject to the rules of the judiciary and the local rules of the court, the person may enter a plea of guilty or nolo contendere to the charges remotely from where he or she is incarcerated.

(b) A remote plea may be given only through a real-time medium with both an audio and visual feed.

16-101-107. Negotiated pleas to run concurrent.

(a) When the court permits, a negotiated plea entered into between the state and the person using the procedures under this chapter shall run concurrent with the sentence for which the person is currently serving.

(b) The court is also encouraged to refrain from fining a person and instead sentencing the person to a period of incarceration only.

16-101-108. Rescinding or eliminating outstanding fines, fees, and costs.

(a) A person may also petition a court before which the person still has outstanding fines, fees, or costs associated with a prior conviction to request that the court rescind the assessment of the fine, fee, or cost, or to show that the person is indigent and that the person is no longer required to pay the fine, fee, or cost.

(b) The court is encouraged to eliminate the fines, fees, or costs which the person was assessed due to the person's current incarceration in the department.

16-101-109. Notice to prosecuting attorney.

The prosecuting attorney shall be served with a petition under this chapter by the court in which the petition is filed and may answer the petition as well as object to any request made by the person in the petition.