

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

SENATE BILL 237

By: Senators Caldwell, Hill
By: Representatives Slape, Lynch, Evans

For An Act To Be Entitled

AN ACT CONCERNING THE JAIL BOOKING AND ADMINISTRATION FEE; TO CREATE THE LAW ENFORCEMENT TRAINING FUND; TO PROVIDE FOR THE FUNDING OF LAW ENFORCEMENT TRAINING AND OTHER LAW ENFORCEMENT PURPOSES; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE JAIL BOOKING AND ADMINISTRATION FEE; TO CREATE THE LAW ENFORCEMENT TRAINING FUND; AND TO PROVIDE FOR THE FUNDING OF LAW ENFORCEMENT TRAINING AND OTHER LAW ENFORCEMENT PURPOSES.

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

SECTION 1. Arkansas Code § 12-41-105 is amended to read as follows:

12-41-105. Commissions from prisoner telephone ~~service profits and services and profits from~~ prisoner commissary services.

(a)(1) Commissions derived from prisoner telephone services and profits earned from prisoner commissary services provided in the various county and regional detention facilities in the state shall be deposited with the county treasurer of the county in which the county or regional detention facility is located, and the county treasurer shall credit the funds to the county sheriff's office fund.

(2)(A) The county sheriff's office fund is an agency fund



defined by the County Financial Management System as a fund used to account for funds held by the county treasurer as an agent for a governmental unit until transferred by check or county court order to the county sheriff or other governmental unit for the intended uses of the funds.

(B) ~~The county sheriff's office fund and the transfer of funds under subdivision (a)(2)(A) of this section are~~ The transfer of funds to the county sheriff or other governmental unit under this subsection is not subject to an appropriation by the quorum court or to the county claims process.

(3) Arkansas Legislative Audit shall review actions described in this subsection for substantial compliance with this section.

(b)(1) Of the commissions and profits deposited into the county sheriff's office fund in each county under subsection (a) of this section, one hundred percent (100%) shall be credited to the county sheriff's office communications facility and equipment fund under § 21-6-307.

(2) Each county sheriff's office shall allocate for the maintenance and operation of the county jail up to seventy-five percent (75%) of the commissions and profits deposited into the county sheriff's office communications facility and equipment fund.

(c) This section does not apply to funds derived from prisoner telephone services or prisoner commissary services provided in Department of Correction facilities or Department of Community Correction facilities or in municipally owned detention facilities or in county detention facilities in counties with a population of one hundred seventy-five thousand (175,000) or more according to the latest federal decennial census.

SECTION 2. Arkansas Code § 12-41-505 is amended to read as follows:

12-41-505. Expenses and support.

(a)(1) Every person who ~~may be~~ is committed to the common jail of the county by lawful authority for any criminal offense or misdemeanor, if he or she ~~shall be~~ is convicted, shall pay the expenses in carrying him or her to jail and also for his or her support from the day of his or her initial incarceration for the whole time he or she remains there.

(2) The expenses which accrue shall be paid as directed in the act regulating criminal proceedings.

(b)(1) A person convicted of a felony or a Class A misdemeanor shall

be assessed a booking and administration fee of ~~twenty dollars (\$20.00)~~ forty dollars (\$40.00).

(2)(A) The booking and administration fee described in subdivision (b)(1) of this section shall be assessed upon the conviction of a defendant and included in the judgment of conviction entered by the court.

(B) If a court suspends imposition of sentence on a defendant or places him or her on probation and does not enter a judgment of conviction, the court shall impose the booking and administration fee as a cost.

(3) The booking and administration fee assessed under subdivision (b)(1) of this section shall be deposited into ~~a special fund~~ within the county treasury by the collecting officer to be credited and used exclusively for in the following manner:

(A) Ten percent (10%) of each booking and administration fee collected shall be deposited into or credited to the county sheriff's office fund described in § 12-41-105 by the county treasurer, and then transferred by check on a monthly basis using a uniform remittance form provided by the Treasurer of State, to the Treasurer of State for the Law Enforcement Training Fund; and

(B) The remaining funds shall be deposited into or credited to a special revenue fund and used for the maintenance, operation, and capital expenditures of a county jail or regional detention facility and for certificate pay for law enforcement and jailer personnel.

(c) The property of the person shall be subject to the payment of the expenses and the booking and administration fee.

SECTION 3. Arkansas Code § 19-6-301, concerning the enumeration of special revenues, is amended to add an additional subdivision to read as follows:

(263) Ten percent (10%) of each booking and administration fee collected under § 12-41-505.

SECTION 4. Arkansas Code Title 19, Chapter 6, Subchapter 8, is amended to add an additional section to read as follows:

19-6-840. Law Enforcement Training 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 special revenue fund to be known as the "Law Enforcement Training Fund".

(b) The fund shall consist of such revenues as may be collected under § 12-41-505 or as otherwise authorized by law.

(c) The fund shall be used by the Arkansas Commission on Law Enforcement Standards and Training to establish and conduct training for law enforcement officers, personnel, jailers, 911 operators, or other persons determined by the commission to qualify for the training.