

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

State of Arkansas *As Engrossed: S4/1/21 H4/13/21 H4/21/21*
93rd General Assembly **A Bill**
Regular Session, 2021

SENATE BILL 544

By: Senators Rice, G. Stubblefield, Flippo

By: Representative Richmond

For An Act To Be Entitled

AN ACT REQUIRING A PERSON IN THE CUSTODY OF A
CORRECTIONAL FACILITY TO USE FUNDS FROM FEDERAL
RELIEF OR STIMULUS PROGRAMS TO FIRST PAY OUTSTANDING
FINES, FEES, COSTS, OR RESTITUTION; TO DECLARE AN
EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

REQUIRING A PERSON IN THE CUSTODY OF A
CORRECTIONAL FACILITY TO USE FUNDS FROM
FEDERAL RELIEF OR STIMULUS PROGRAMS TO
FIRST PAY OUTSTANDING FINES, FEES, COSTS,
OR RESTITUTION; AND TO DECLARE AN
EMERGENCY.

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

SECTION 1. Arkansas Code Title 12, Chapter 29, Subchapter 1, is amended to add an additional section to read as follows:

12-29-119. Use of federal relief or stimulus funds to pay outstanding court obligations.

(a) Unless prohibited by federal law, a person who is in the custody of the Department of Corrections for an offense committed in the state who receives any federal relief or stimulus funds from the United States Government is required to first use the federal relief or stimulus funds to pay off existing court fines, fees, costs, or restitution before he or she may use the federal relief or stimulus funds for any other purpose.



(b) If the department is made aware of existing court fines, fees, costs, or restitution owed by a person in its custody who has received funds from the United States Government, the department shall:

(1) Verify the funds received by the person are intended for the person;

(2) Verify the funds received are federal relief or stimulus funds;

(3) Withhold from any federal relief or stimulus funds an amount not to exceed the amount owed for fines, fees, costs, or restitution; and

(4) Forward the withheld federal relief or stimulus funds to the circuit clerk in the county or to the city treasurer in the municipality to which existing court fines, fees, costs, or restitution is owed.

(c) It is not the responsibility of the department to search for existing court fines, fees, costs, or restitution owed by a person in its care and custody.

(d) If a person who is in the custody of the department receives any federal relief or stimulus funds from the United States Government but has no known existing court fines, fees, costs, or restitution, the federal relief or stimulus funds shall be distributed in equal parts to the following:

(1) An inmate welfare fund established under § 12-29-107; and

(2) The Division of Correction Inmate Care and Custody Fund Account.

(e) This section applies retroactively to any federal relief or stimulus funds received on or after October 13, 2020, from the United States Government.

(f) If the department is unable to confirm funds received by a person in its custody are federal relief or stimulus funds, the funds will be deposited into the person's inmate banking account.

SECTION 2. Arkansas Code Title 12, Chapter 41, Subchapter 1, is amended to add an additional section to read as follows:

12-41-109. Use of federal relief or stimulus funds to pay outstanding court obligations.

Unless prohibited by federal law, a person who is in the custody of a local or regional correctional facility for an offense committed in the state that receives any federal relief or stimulus funds from the United States

Government is required to first use the federal relief or stimulus funds to pay off existing court fines, fees, costs, or restitution before he or she may use the federal relief or stimulus funds for any other purpose.

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that many persons currently in custody for convictions are set to receive or have already received federal relief funds related to coronavirus 2019 (COVID-19) recovery; that many of these persons in custody still have outstanding fines, fees, costs, and restitution ordered to be paid by a sentencing court; that a person in custody has a responsibility to the state and any victim of his or her offense to pay off these obligations as soon as possible; that the state needs to act quickly to ensure the federal relief funds paid to these persons in custody are not spent or otherwise diverted to other things before the person's obligations to the state, the court, and any victim are satisfied. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

- (1) The date of its approval by the Governor;
- (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or
- (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/Rice