1   State of Arkansas

2   94th General Assembly

A Bill

3   Regular Session, 2023   HOUSE BILL 1550

4

5   By: Representative Unger

6   By: Senator C. Penzo

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8   **For An Act To Be Entitled**

9   AN ACT TO AMEND THE LAW CONCERNING RESTITUTION

10   PAYMENTS; TO REQUIRE RESTITUTION TO BE PAID BEFORE

11   COURT COSTS AND FINES; AND FOR OTHER PURPOSES.

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14   **Subtitle**

15   TO AMEND THE LAW CONCERNING RESTITUTION

16   PAYMENTS; AND TO REQUIRE RESTITUTION TO

17   BE PAID BEFORE COURT COSTS AND FINES.

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

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22   SECTION 1. Arkansas Code Title 5, Chapter 4, Subchapter 2, is amended

23   to add an additional section to read as follows:

24   5-4-208. Installment payments — Restitution to be paid first.

25   If a defendant is making installment payments under § 5-4-202(b), and

26   is also making installment payments for restitution under § 5-4-205(e)(1)(B),

27   the installment payments are given priority as follows:

28   (1) First, installment payments are applied to restitution, with

29   the exception of the monthly installment fee, which is remitted as provided

30   under § 5-4-205(e)(1)(B)(ii); and

31   (2) Second, when restitution has been paid in full, remaining

32   installment payments are applied to court costs and then fines.

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34   SECTION 2. Arkansas Code § 16-10-209(5)(F)(i), concerning the priority

35   of installment payments in district courts, is amended to read as follows:

36   (F)(i) All installment payments, with the exception of the

1 monthly installment fee, which is remitted as provided under § 5-4-

2 205(e)(1)(B)(ii), shall initially be deemed to be collections of ~~court costs~~

3 restitution until ~~the court costs~~ restitution ~~have~~ has been collected in

4 full, with any remaining installment payments representing collections of

5 ~~restitution~~ court costs, and then fines.

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