

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1107

By: Representative Rye
By: Senator D. Wallace

For An Act To Be Entitled

AN ACT TO PROVIDE FOR REASONABLE CHILD SUPPORT FOR ANY SURVIVING DEPENDENT CHILD OF A HOMICIDE VICTIM WHEN THE DEFENDANT WAS DRIVING OR BOATING WHILE INTOXICATED WHEN THE HOMICIDE OFFENSE OCCURRED; AND FOR OTHER PURPOSES.

Subtitle

TO PROVIDE FOR REASONABLE CHILD SUPPORT FOR ANY SURVIVING DEPENDENT CHILD OF A HOMICIDE VICTIM WHEN THE DEFENDANT WAS DRIVING OR BOATING WHILE INTOXICATED WHEN THE HOMICIDE OFFENSE OCCURRED.

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

SECTION 1. Arkansas Code Title 5, Chapter 4, Subchapter 2, is amended to add an additional section to read as follows:

5-4-208. Child support as restitution for surviving dependent child of victim of certain homicide offenses.

(a) As used in this section, "dependent child" means a person less than twenty (20) years of age who is the surviving natural child, adopted child, or stepchild of a homicide victim.

(b)(1) A defendant convicted of a homicide offense under § 5-10-101 et seq. may be ordered to pay reasonable child support as restitution for the benefit of a dependent child of the homicide victim if at the trial for the homicide offense the defendant is shown beyond a reasonable doubt to have



been driving or boating while intoxicated under § 5-65-103 at the time the event causing the homicide occurred.

(2) For a circuit court to issue an order requiring a defendant to pay reasonable child support under this section, the state shall:

(A) Allege facts in the information or indictment supporting an order under this section; and

(B) Specify that an order under this section is being sought.

(b) Reasonable child support ordered under this section shall expire as each dependent child listed in the information or indictment reaches twenty (20) years of age.

(c) If the requirements of subsections (a) of this section are met, a circuit court shall determine reasonable child support for the necessary maintenance of a dependent child under this section after considering all relevant factors, including without limitation:

(1) The financial needs and resources of the dependent child;

(2) The financial resources and needs of the surviving parent or the guardian of the dependent child, including the state if the dependent child is in the custody of the Department of Human Services;

(3) The standard of living to which the dependent child is accustomed;

(4) The physical and emotional condition of the dependent child;

(5) The dependent child's educational needs;

(6) The dependent child's physical and legal custody arrangements; and

(7) The reasonable work-related childcare expenses of the surviving parent or the guardian of the dependent child.

(d)(1) In an order for reasonable child support under this section, the circuit court shall require the payments for the reasonable child support to be made to the circuit court clerk for remittance to the dependent child's surviving parent or guardian.

(2) After receiving the payments under subdivision (d)(1) of this section, the circuit court clerk shall:

(A) Deposit the payments no later than the next business day after receipt of the payments; and

(B) Remit the payments to the surviving parent or the

guardian of the dependent child within ten (10) business days of receipt of the payments by the circuit clerk.

(e)(1) If a defendant who is ordered to pay reasonable child support under this section is incarcerated and unable to pay the required reasonable child support, then the defendant shall have up to one (1) year after his or her release from incarceration to begin payment of the reasonable child support, including entering into a payment plan to address any arrearage of the reasonable child support.

(2) If the reasonable child support ordered under this section is set to terminate but the obligation has not been paid in full, then the reasonable child support under this section shall continue until the entire obligation is paid.

(f)(1) If a surviving parent or guardian of a dependent child brings a civil action for monetary damages against a defendant subject to this section and obtains a judgment for monetary damages in the civil action, then reasonable child support shall not be ordered under this section.

(2) If a circuit court orders reasonable child support under this section and the surviving parent or the guardian of the dependent child subsequently brings a civil action for monetary damages and obtains a judgment for monetary damages in the civil action, then the reasonable child support under this section shall be offset by the amount of the monetary damages awarded in the civil action.