

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

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1798

By: Representative Haak
By: Senator D. Wallace

For An Act To Be Entitled

AN ACT TO AMEND THE USE OF FUNDS FROM FINES LEVIED TO DEFRAID THE COST OF INCARCERATING TOWN OR CITY PRISONERS; TO ALLOW A TOWN OR CITY TO USE FUNDS FROM THE FINE LEVIED ON CERTAIN DEFENDANTS FOR TRANSPORTATION COSTS AND CERTAIN CONSTRUCTION, MAINTENANCE, AND OPERATION COSTS; AND FOR OTHER PURPOSES.

Subtitle

TO ALLOW A TOWN OR CITY TO USE FUNDS FROM THE FINE LEVIED ON CERTAIN DEFENDANTS FOR TRANSPORTATION COSTS AND CERTAIN CONSTRUCTION, MAINTENANCE, AND OPERATION COSTS.

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

SECTION 1. Arkansas Code § 16-17-129(a), concerning the levy of a fine to defray cost of incarcerating city and county prisoners, is amended to read as follows:

(a)(1)(A) In addition to all fines ~~now or as may hereafter be~~ provided by law, the governing body of each town or city in which a district court is located may by ordinance levy and collect an additional fine not to exceed twenty dollars (\$20.00) from each defendant upon each conviction, each plea of guilty or nolo contendere, or each bond forfeiture in all cases in the first class of accounting records as described in § 16-17-707.



(B) Except as provided in subdivision (a)(1)(C) of this section, all sums collected from the additional fine described in subdivision (a)(1)(A) of this section shall be paid into the town or city treasury to be deposited into a fund to be used exclusively to: ~~help~~

(i) Help defray the cost of incarcerating town or city prisoners, including the construction, ~~and~~ maintenance, and operation of the town or city jail and payments to other entities for incarcerating town or city prisoners;

(ii) Help pay for the construction, maintenance, and operation of a county jail to which the town or city transports town or city prisoners for incarceration; and

(iii) Pay for the transportation of town or city prisoners to a county jail for incarceration.

(C) All sums collected from the additional fine described in subdivision (a)(1)(A) of this section in any district court that is funded solely by the county shall be paid into the county treasury to be deposited into a fund to be used exclusively to help defray the cost of incarcerating county prisoners, including the construction and maintenance of the county jail.

(2)(A) In addition to all fines provided by law, the governing body of each town or city that has a police department or city marshal, and which contributes to the expenses of a district court under § 16-17-1203, by ordinance may levy and collect an additional fine not to exceed twenty dollars (\$20.00) from each defendant upon each conviction, each plea of guilty or nolo contendere, or each bond forfeiture for any misdemeanor or traffic violation in cases from the contributing town or city filed in the district court to which the town or city contributes.

(B) All sums collected from the additional fine described in subdivision (a)(2)(A) of this section shall be paid into the town or city treasury to be deposited into a fund to be used exclusively to: ~~help~~

(i) Help defray the cost of incarcerating town or city prisoners, including the construction, ~~and~~ maintenance, and operation of the town or city jail and payments to other entities for incarcerating town or city prisoners;

(ii) Help pay for the construction, maintenance, and operation of a county jail to which the town or city transports town or city

prisoners for incarceration; and

(iii) Pay for the transportation of town or city
prisoners to a county jail for incarceration.