

1 State of Arkansas *As Engrossed: H3/14/17 H3/23/17*

2 91st General Assembly

# A Bill

3 Regular Session, 2017

HOUSE BILL 1842

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5 By: Representatives Johnson, *Walker*

6 By: Senator J. Hutchinson

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## For An Act To Be Entitled

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AN ACT CONCERNING THE FINES AND FEES ASSESSED TO A  
PERSON WHO IS INCARCERATED; AND FOR OTHER PURPOSES.

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## Subtitle

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CONCERNING THE FINES AND FEES ASSESSED TO

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A PERSON WHO IS INCARCERATED.

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

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*SECTION 1. Arkansas Code Title 16, Chapter 92, is amended to add an  
additional section to read as follows:*

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*16-92-120. Fine abatement for incarcerated person.*

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*(a)(1) A person who owes an outstanding fine or fee to a circuit court  
or district court may petition the circuit court or district court for a fine*

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*or fee abatement if the person can demonstrate that he or she was*

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*incarcerated in one (1) or more of the following facilities as a result of a*

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*conviction for a felony offense:*

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*(A) A facility operated by the Department of Correction or*

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*the Department of Community Correction;*

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*(B) A county jail as the result of a commitment to the*

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*Department of Correction or Department of Community Correction;*

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*(C) A correctional facility operated by the Federal Bureau*

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*of Prisons; or*

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*(D) An out-of-state correctional facility designed for*

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*long-term incarceration that is substantially similar to a facility operated*

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*by the Department of Correction or Department of Community Correction.*



1           (2) A person's outstanding fines or fees ordered to be paid by a  
2 circuit court or district court may be abated by twenty dollars (\$20.00) for  
3 every day he or she can show that he or she was incarcerated in a facility  
4 described in subdivision (a)(1) of this section.

5           (b) A petition under this section shall include:

6           (1) A current affidavit of financial means; and

7           (2) A list of any other circuit courts or district courts in  
8 which the person has sought a fine or fee abatement under this section, along  
9 with the amount of fine or fee abatement the person received as a result of  
10 the petition, if applicable.

11           (c)(1) If a person filing a petition under this section shows by a  
12 preponderance of the evidence that he or she is entitled to an amount of a  
13 fine or fee abatement under this section, the circuit court or district court  
14 shall grant the petition and order the person's fines or fees abated in that  
15 amount.

16           (2) A circuit court or district court shall reduce the amount of  
17 the fine or fee abatement to which the person has shown himself or herself  
18 entitled by any amount the person has already had abated under this section  
19 in another circuit court or district court.

20           (3)(A) A circuit court or district court may reduce the amount  
21 of a fine or fee abatement under this section if:

22           (i) The person's current affidavit of financial  
23 means indicates that the person has sufficient financial means to pay toward  
24 his or her outstanding fines and fees; and

25           (ii) The person is able to pay toward his or her  
26 outstanding fines and fees without the payment's being an undue burden or a  
27 hinderance to the person's successful reentry into society.

28           (B)(i) If a circuit court or district court reduces the  
29 fine or fee abatement amount under this subsection, the circuit court or  
30 district court is required to make a finding that there is clear and  
31 convincing evidence that the requirements of subdivision (c)(3)(A) of this  
32 section have been met.

33           (ii) A person may appeal a circuit court's or  
34 district court's reduction of a fine or fee abatement under this subsection  
35 and the appeal shall be heard de novo.

36           (d) Court-ordered restitution owed by a person to another person or

1 entity is not available for abatement under this section.

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/s/Johnson

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