

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **First Extraordinary Session, 1995**  
4 **By: Senator Dowd**

Call Item 10  
**ACT 13 OF 1995**  
**SENATE BILL 6**

# **A Bill**

## **For An Act To Be Entitled**

8 "AN ACT TO MAKE MISCELLANEOUS AMENDMENTS TO ACTS 1256 AND  
9 1346 OF 1995 INVOLVING THE ASSESSMENT AND COLLECTION OF  
10 UNIFORM COURT COSTS AND FILING FEES AND THE COLLECTIONS OF  
11 CRIMINAL FINES; AND FOR OTHER PURPOSES."

### **Subtitle**

14 "TO MAKE MISCELLANEOUS AMENDMENTS TO  
15 ACTS 1256 AND 1346 OF 1995"

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

19 SECTION 1. Section 2 of Act 1256 of 1995 is amended to read as follows:

20 "SECTION 2. (a) Except as otherwise provided by this Act, all filing  
21 fees and all court costs shall be uniform for each type of case in all general  
22 and limited jurisdiction courts of this state.

23 (b) In all cases filed in such courts on or after July 1, 1995, the  
24 court costs and filing fees shall be assessed and distributed according to  
25 this act.

26 (c) In all cases filed in such courts prior to July 1, 1995, all court  
27 costs and filing fees shall be assessed according to law in existence on the  
28 date of the filing, but shall be disbursed in accordance with this act .  
29 However, nothing in this subsection (c) shall prevent, upon determination by a  
30 county as evidenced by a county court order or upon determination by a  
31 municipality as evidenced by a municipal resolution, the continued  
32 distribution of all court costs and filing fees assessed prior to July 1, 1995  
33 under such authorization existing prior to July 1, 1995.

34 (d) Prosecuting Attorneys filing actions on behalf of the State, with  
35 the exception of child support cases, shall be exempt from paying filing  
36 fees."

1

2 SECTION 2. Section 15 of Act 1256 of 1995 is amended to read as  
3 follows:

4 "SECTION 15. At the close of books on the twentieth (20th) working day  
5 of November, 1995, and on or before the twentieth (20th) working day of each  
6 month thereafter, the Department of Finance and Administration shall make the  
7 following distribution of revenue received for the previous month and credited  
8 to the State Administration of Justice Fund:

9 The following State programs and agencies which are currently funded by  
10 court costs and filing fees shall be paid at an annual rate, at not less than  
11 the amounts certified by the Department of Finance and Administration which  
12 were received by the program or agency in the fiscal year ending June 30,  
13 1995, in a monthly installment of at least one-twelfth (1/12) of the annual  
14 appropriation provided for each agency for this purpose from the State  
15 Administration of Justice Fund:

16 (1) the Board of Trustees of the University of Arkansas for the purpose  
17 and as regulated by Arkansas Code Annotated § 6-64-604 - 606;

18 (2) the Public Health Fund for use in the Drug Abuse Prevention and  
19 Treatment program of the Division of Alcohol and Drug Abuse Prevention;

20 (3) the Highway Safety Special Fund for programs of the Arkansas  
21 Highway Safety Program;

22 (4) the Department of Arkansas State Police for the State Police  
23 Retirement Fund;

24 (5) the Crime Victims Reparations Revolving Fund for the purpose and as  
25 regulated by Arkansas Code Annotated § 16-90-701 et seq.;

26 (6) the Prosecutor Coordinator's office for deposit in the Law  
27 Enforcement and Prosecutor Drug Enforcement Training Fund;

28 (7) the Code Revision Fund for the purpose and as regulated by Arkansas  
29 Code Annotated § 1-2-305;

30 (8) the Crime Information System Fund;

31 (9) the Municipal Court Judge and the Municipal Court Clerk Education  
32 Fund;

33 (10) the Arkansas Judicial Retirement System Fund;

34 (11) the state Central Services Fund for the benefit of the Public  
35 Defender Commission;

- 1 (12) the Court Reporter Fund;  
2 (13) the Justice Building Fund;  
3 (14) the Arkansas Counties Alcohol and Drug Abuse and Crime Prevention  
4 Fund; and  
5 (15) effective July 1, 1996, the Administration of Justice Fund to fund  
6 the trial court staff persons authorized by Section 16 of this act."  
7

8 SECTION 3. Section 17 of Act 1256 of 1985 is amended to read as  
9 follows:

10 "SECTION 17. The uniform filing fees and court costs established by  
11 Sections 3 through 7 of this act shall become effective on July 1, 1995;  
12 however, from the period beginning July 1, 1995, through September 30, 1995,  
13 all courts shall deduct from the uniform fees and costs the individual fees  
14 and costs owed to local, county, and state level agencies and disburse those  
15 funds in accordance with this act . Excess funds shall be retained by the  
16 city or county and utilized as directed by the governing body, but are,  
17 however, intended to provide a sufficient level of funds as to allow for the  
18 change in the disbursement of funds as required by Sections 12 and 13 of this  
19 act."  
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21 SECTION 4. Section 20 of Act 1256 of 1995 is amended to read as  
22 follows:

23 "SECTION 20. Arkansas Code Annotated §§ 1-2-306, 5-64-416, 5-64-709,  
24 5-65-113, 5-65-115(c), 5-65-307(c)(1) and (2), 6-64-603, 12-41-617,  
25 14-20-102(b) and (d), 14-20-115, 14-42-112(e), 16-17-109, 16-17-110,  
26 16-17-111, 16-17-112, 16-17-113, 16-17-123, 16-17-402(c) and (d), 16-17-614,  
27 16-19-413, 16-20-107, 16-21-106(b)(2)(B) and (C), 16-21-113(f), 16-21-1103(b),  
28 16-21-1503(a), 16-23-103, 16-87-111(b), 16-90-718, 16-92-110, 16-92-111,  
29 16-92-116, 20-7-123(b)(1)(C) and (F), 20-18-405, 20-18-502(c), 21-6-404,  
30 21-6-405, 21-6-410, 22-3-920, 24-8-303, 24-8-315(e), 24-8-402, 26-76-201, and  
31 27-50-401 are hereby repealed effective October 1, 1995."  
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33 SECTION 5. Section 21 of Act 1256 of 1995 is amended to read as  
34 follows:

35 "SECTION 21. Section 2 of Act 685 of 1971 as amended by Acts 995 and

1 1081 of 1975, Act 311 of 1981, Act 472 of 1981, Act 958 of 1981, Act 972 of  
2 1981, Act 978 of 1981, Act 989 of 1981, Act 4 of 1983, Act 300 of 1983,  
3 Section 3 of Act 335 of 1983, Section 7 of Act 485 of 1983, Act 576 of 1983,  
4 Act 607 of 1983, Act 610 of 1983, Act 682 of 1983, Act 803 of 1983, Act 919 of  
5 1983, Act 322 of 1987, Act 543 of 1987, Act 782 of 1987, Act 851 of 1987, Act  
6 255 of 1989, Act 349 of 1989, Act 398 of 1989, Act 442 of 1989, Section 2 of  
7 Act 665 of 1991, Act 1149 of 1991, Act 1150 of 1991, Act 311 of 1993, Act 1243  
8 of 1995, Section 9 of Act 1300 of 1995, and Section 1(ww) (7) of Act 1346 of  
9 1995 are hereby repealed effective October 1, 1995."

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11 SECTION 6. (a) Section 1(nnnn) of Act 1346 of 1995 is amended to read  
12 as follows:

13 "(nnnn) The Sheridan Municipal Court Judge shall receive an annual  
14 salary of not less than eight thousand six hundred dollars (\$8,600) nor more  
15 than twenty thousand dollars (\$20,000) as approved by the quorum court to be  
16 paid as follows: four thousand five hundred sixty dollars (\$4,560) by the City  
17 of Sheridan and the balance by Grant County. The Sheridan Municipal Court  
18 Clerk shall receive an annual salary of not less than nine thousand dollars  
19 (\$9,000) nor more than fifteen thousand dollars (\$15,000), as approved by the  
20 quorum court. The municipal clerk's salary shall be paid as follows: three  
21 thousand nine hundred ninety-nine dollars and twelve cents (\$3,999.12) to be  
22 paid by the City of Sheridan and eleven thousand dollars and eighty-eight  
23 cents to be paid by Grant County.

24 (b) Section 1(fffff) of Act 1346 of 1995 is amended to read as follow:

25 "(fffff) The Wynne Municipal Court Judge shall receive an annual salary  
26 of not less than twenty-four thousand dollars (\$24,000) nor more than  
27 twenty-six thousand dollars (\$26,000). Said salary and the salaries of all  
28 court employees shall be as determined by the governing body of the City of  
29 Wynne. The Judge of the Wynne Municipal Court may appoint a small claims  
30 referee to hear small claims cases in the Wynne Municipal Court. If a referee  
31 is appointed, the small claims referee of the Wynne Municipal Court shall  
32 receive a salary as fixed by the quorum court."

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34 SECTION 7. Section 10(b) and (c) of Act 1256 of 1995 is amended to read  
35 as follows:

1           "(b) The County Administration of Justice Fund shall be used to defray  
2 a part of the expenses of the administration of justice in the county. From  
3 the Fund, the county shall continue to finance the following county agencies  
4 and programs which are currently funded, in whole or in part, by filing fees  
5 and/or court costs, at a funding level equal to not less than the greater of  
6 the amount which was disbursed by the county from filing fees and/or court  
7 costs to the agency or program in the calendar year ending December 31, 1994,  
8 or the amount appropriated by ordinance enacted prior to December 31, 1994, or  
9 on February 13, 1995, or on February 14, 1995, or by Resolution dated February  
10 9, 1995, to the agency or program for the calendar year ending December 31,  
11 1995:

12                   (1) the prosecuting attorney fund including all grant funds  
13 awarded and appropriated for calendar year ending December 31, 1995;

14                   (2) the prosecuting attorney\_s victim-witness program fund;

15                   (3) the public defender/indigent defense fund and public defender  
16 investigator fund including all grant funds awarded and appropriated for  
17 calendar year ending December 31, 1995;

18                   (4) the county law library fund;

19                   (5) the county jail fund; and

20                   (6) the intoxication detection equipment fund.

21           (c) The County Administration of Justice Fund of each county may retain  
22 an amount equal to the amount which was disbursed by the county from court  
23 costs and filing fees for county administration of justice expense in the  
24 calendar year ending December 31, 1994, or the amount appropriated from court  
25 costs and filing fees by ordinance enacted prior to December 31, 1994, or on  
26 February 13, 1995, or on February 14, 1995, or by Resolution dated February 9,  
27 1995, for county administration of justice expense from court costs and filing  
28 fees for the calendar year ending December 31, 1995, plus for each year after  
29 calendar year 1995 an additional amount based upon the increase in the  
30 Consumer Price Index as published by the Bureau of Labor Statistics of the  
31 Department of Labor using the greater of the amount disbursed in calendar year  
32 1994 or the amount appropriated for calendar year 1995 as the base, which base  
33 shall be increased by the percentage that the Consumer Price Index for  
34 December of the succeeding year bears to the base."

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1 SECTION 8. Section 5 of Act 1227 of 1995 is hereby amended to read as  
2 follows:

3 "SECTION 5. APPROPRIATIONS. There is hereby appropriated, to the  
4 Department of Finance and Administration - Disbursing Officer, to be payable  
5 from the State Administration of Justice Fund, for distribution to state  
6 programs and agencies and reimbursements/refunds to cities or counties of  
7 court costs and filing fees remitted by the cities and counties by the  
8 Department of Finance and Administration - Disbursing Officer, for the  
9 biennial period ending June 30, 1997, the following:

11 ITEM	11 FISCAL YEARS	
12 NO.	12 1995-96	12 1996-97
13 (01) DISTRIBUTION TO STATE PROGRAMS &		
14 AGENCIES	\$ 10,263,178	\$ 13,549,178
15 (02) REIMBURSEMENTS/REFUNDS TO		
16 CITIES OR COUNTIES	<u>5,000,000</u>	<u>5,000,000</u>
17 TOTAL AMOUNT APPROPRIATED	<u>\$ 15,263,178</u>	<u>\$ 18,549,178"</u>

18  
19 SECTION 9. Section 7 of Act 1227 of 1995 is hereby amended to read as  
20 follows:

21 "SECTION 7. ALLOCATION RESTRICTIONS. There is hereby allocated to  
22 state programs and agencies, as set out herein, the following maximum  
23 allocations of funds appropriated in Item (01) of Section 5, to the Department  
24 of Finance and Administration - Disbursing Officer, there to be used as  
25 provided by law.

27	27 Maximum Allocation		
28 Item	28 Fiscal Years		
29 <u>No.</u>	29 <u>State Program/Agency</u>	29 <u>1995-96</u>	29 <u>1996-97</u>
30 (1) Board of Trustees of the University			
31 of Arkansas for the purpose and as			
32 regulated by Arkansas Code Annotated			
33 § 6-64-604 - 606		\$ 2,565,979	\$ 2,565,979
34 (2) Public Health Fund for use in the Drug			
35 Abuse Prevention and Treatment program			

1 of the Division of Alcohol and Drug		
2 Abuse Prevention	75,000	75,000
3 (3)Highway Safety Special Fund for		
4 programs of the Arkansas Highway		
5 Safety Program	994,117	994,117
6 (4)Department of Arkansas State Police		
7 for the State Police Retirement Fund	1,169,971	1,169,971
8 (5)Crime Victims/Reparations Revolving		
9 Fund for the purpose and as regulated		
10 by Arkansas Code Annotated § 16-90-701		
11 et seq.	1,669,971	1,669,971
12 (6)Prosecutor Coordinator's office for		
13 deposit in the Law Enforcement and		
14 Prosecutor Drug Enforcement Training Fund	59,012	59,012
15 (7)Code Revision Fund for the purpose and as		
16 regulated by Arkansas Code Annotated		
17 § 1-2-305	137,656	137,656
18 (8)Crime Information System Fund	49,489	49,489
19 (9)Municipal Court Judge and the Municipal		
20 Court Clerk Education Fund	19,569	19,569
21 (10)Arkansas Judicial Retirement System Fund	836,361	836,361
22 (11)State Central Services Fund for the		
23 benefit of the Public Defender Commission	505,611	505,611
24 (12)Court Reporter Fund	1,610,104	1,610,104
25 (13)Justice Building Fund	200,000	200,000
26 (14)Arkansas Counties Alcohol and Drug		
27 Abuse and Crime Prevention Fund	370,338	370,338
28 (15)Effective July 1, 1996, the Administration		
29 of Justice Fund to fund the trial court		
30 staff persons as authorized by law	<u>0</u>	<u>3,286,000</u>
31 TOTAL AMOUNT ALLOCATED	<u>\$10,263,178</u>	<u>\$13,549,178"</u>
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33 SECTION 10. All provisions of this act of a general and permanent  
34 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
35 Code Revision Commission shall incorporate the same in the Code.

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SECTION 11. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 12. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 13. EMERGENCY. It is hereby found and determined by the General Assembly of the State of Arkansas that the current system of funding the state judicial system has created inequity in the level of judicial services available to the citizens of the state; and it is further determined that the current method of financing the state judicial system has become so complex as to make the administration of the system impossible, and the lack of reliable data on the current costs of the state judicial system prohibits any comprehensive change in the funding of the system at this time. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval.

*/s/Dowd*

APPROVED: 10-23-95



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