

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1934 of the Regular Session

As Engrossed: H3/18/05 H4/1/05

A Bill

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

HOUSE BILL 2511

4
5 By: Representative Childers
6
7

8 **For An Act To Be Entitled**

9 AN ACT TO MAKE TECHNICAL CORRECTIONS FOR THE
10 ADMINISTRATIVE OFFICE OF THE COURTS; AND FOR
11 OTHER PURPOSES.
12

13 **Subtitle**

14 AN ACT TO MAKE TECHNICAL CORRECTIONS FOR
15 THE ADMINISTRATIVE OFFICE OF THE COURTS.
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code § 16-10-136 is amended to read as follows:

21 16-10-136. Extra-judicial activities of justices and judges.

22 Restrictions on extrajudicial activities found in Arkansas

23 Constitution, Amendment 80, shall not preclude a justice or judge from:

24 (1) Being a member of the reserve units of any branch of the
25 United States Armed Forces;

26 (2) Being a member of the National Guard;

27 (3) Teaching;

28 (4) Serving on any state or United States boards or commissions
29 which relate to the law for the administration of justice; ~~or~~

30 (5) Serving in an extrajudicial capacity which is not prohibited
31 by the Arkansas Code of Judicial Conduct; or

32 (6) Serving as judge of a city court.
33

34 SECTION 2. Arkansas Code § 16-10-206(c), pertaining to the numbering
35 of court docket sheets, is amended to read as follows:



1 (c) The docket sheets shall be numbered by the court clerk in
2 accordance with the Rules of the Supreme Court of Arkansas ~~Administrative~~
3 ~~Ruling No. 73-240, beginning with the last two (2) digits of the current year~~
4 ~~and the number assigned to the case beginning with the number one (1), e.g.,~~
5 ~~77-1.~~

6
7 SECTION 3. Arkansas Code § 16-10-209(2), pertaining to court reports
8 and court clerk monetary settlements, is amended to read as follows:

9 (2) Preparation and submission of court report:

10 (A) The court report shall contain columns for the
11 following information:

- 12 (i) Uniform traffic ticket number;
- 13 (ii) Defendant's name;
- 14 (iii) Nature of the offense;
- 15 (iv) Name of arresting officer;
- 16 (v) Court docket number;
- 17 (vi) Disposition or date continued;
- 18 (vii) Receipt number;
- 19 (viii) Total fine and costs collected;
- 20 (ix) Fine;
- 21 (x) Costs itemized, including all prosecuting
22 attorney's fees;
- 23 (xi) Bond refund amount;
- 24 (xii) Bond refund check number; and
- 25 (xiii) Installment payment amount;

26 (B) The court clerk at each court date shall prepare the
27 court report from the arrest report supplied by the police department,
28 marshal's office, or sheriff's office;

29 (C) At the end of each court date, the court clerk shall
30 complete the court report for the court date and total the dollar amounts
31 contained therein;

32 (D) The court reports prepared each court date shall be
33 summarized at least monthly;

34 (E)~~(i)~~ The court clerk shall make a direct monetary
35 settlement on or before the tenth day of the next following month with each
36 of the following:

1 ~~(a)(i)~~ The city treasurer;
 2 ~~(b)(ii)~~ The county treasurer;
 3 ~~(c)(iii)~~ The prosecuting attorney; ~~and~~
 4 ~~(d)(iv)~~ If applicable, the treasurer of the
 5 policemen's pension and relief fund and the ~~municipal~~ district judge and
 6 clerk's retirement fund;

7 ~~(ii) For those fines, penalties, and other charges~~
 8 ~~arising from tickets issued by the Arkansas Highway Police Division of the~~
 9 ~~Arkansas State Highway and Transportation Department the court clerk shall~~
 10 ~~make a direct monetary settlement with them at the time the appropriate~~
 11 ~~billing notice is received;~~

12 (v) The Administration of Justice Fund Section of
 13 the Office of Administrative Services of the Department of Finance and
 14 Administration; and

15 (vi) Any other state agency or entity which may
 16 receive fines or fees assessed by the court and collected pursuant to law;

17 (F) The court clerk, in conjunction with the making of the
 18 monetary settlement in subdivision (2)(E)(ii) of this section, will make
 19 reports in quadruplicate of the applicable individual court reports and
 20 distribute the reports in the following manner:

21 (i) One (1) copy to the mayor;
 22 (ii) One (1) copy to the county clerk;
 23 (iii) One (1) copy to the Administrative Office of
 24 the Courts; and
 25 (iv) One (1) copy to be retained by the clerk and
 26 made available for inspection;

27
 28 SECTION 4. Arkansas Code § 16-10-308(e), concerning the date the city
 29 must remit funds and the city administration of justice fund report, is
 30 amended to read as follows:

31 (e) The city shall, on or before the ~~tenth day of November, 1995, and~~
 32 ~~on or before the tenth~~ fifteenth day of each month ~~hereafter~~, remit all sums
 33 received in excess of the amounts necessary to fund the expenses enumerated
 34 in subsections (b) and (c) of this section during the previous month from the
 35 uniform filing fees provided for in §§ 16-10-303 and 16-17-705 and the
 36 uniform court costs provided for in § 16-10-305 to the Department of Finance

1 and Administration, Administration of Justice Funds Section, for deposit in
2 the State Administration of Justice Fund.

3
4 SECTION 5. Arkansas Code § 16-10-309 is amended to read as follows:

5 16-10-309. Failure to submit funds or reports.

6 (a) In the event a town, city, or county fails to timely or adequately
7 submit funds and reports required by § 16-10-306, § 16-10-307(d), ~~or~~ § 16-10-
8 308(e), or other state law requiring a town, city, or county to submit funds
9 and reports to the Administration of Justice Fund Section of the Office of
10 Administrative Services of the Department of Finance and Administration:

11 (1)(A)(i) The Attorney General may file a civil suit in circuit
12 court against the town, city, or county alleged to have failed to submit the
13 funds ~~required by this act~~.

14 (ii) If the county, town, or city is found by the
15 court to have failed to submit the funds and reports ~~required by this act~~,
16 the court shall impose a civil penalty on such county, town, or city of ten
17 percent (10%) of the amount required to be remitted for the period of time
18 the county, town, or city has failed to be in compliance ~~with this act~~.

19 (iii) ~~Such actions~~ The action may be brought in the
20 circuit court of the subject county or the Circuit Court of Pulaski County.

21 (iv) The Attorney General shall be allowed to
22 recover costs and attorney's fees associated with the civil suit from the
23 county, town, or city found to have ~~violated the provisions of this act~~
24 failed to be in compliance; or

25 (B) The Chief Fiscal Officer of the State may, upon a
26 finding that the town, city, or county has failed to submit the funds and
27 reports ~~required by this act~~, withhold from month to month an equal amount
28 from the town's, city's, or county's share of the state turnback funds owed
29 to ~~such the~~ the town, city, or county, until the funds required to be paid ~~by~~
30 ~~this act~~ have been submitted; and

31 (2)(A) Provided the failure to act continues for a period of
32 sixty (60) days, the state may, upon a finding by the Chief Fiscal Officer of
33 the State, require ~~such the~~ the county, town, or city to remit all costs, ~~and~~
34 fees, or other funds however designated generated by this act under
35 subsection (a) of this section.

36 (B) ~~Such~~ The county, town, or city will thereafter receive

1 its share of these funds at a time and in the manner prescribed by
2 regulations of the Chief Fiscal Officer of the State.

3 (b)(1) All funds received ~~pursuant to~~ under subsection (a) of this
4 ~~section § 16-10-306, § 16-10-307(d), or § 16-10-308(e)~~ shall be transferred
5 to the State Administration of Justice Fund to be held and distributed
6 ~~pursuant to this act~~ under this subchapter.

7 (2) All other funds received shall be transferred to the
8 appropriate state fund as provided by law.

9
10 SECTION 6. Arkansas Code § 16-13-701 is amended to read as follows:

11 16-13-701. Scope.

12 (a) The procedures established by this subchapter shall apply to the
13 assessment and collection of all monetary fines, however designated, imposed
14 by circuit courts, district courts, or city courts, ~~or police courts~~ for
15 criminal convictions, traffic convictions, civil violations, and juvenile
16 delinquency adjudications and shall be utilized to obtain prompt and full
17 payment of all such fines.

18 (b) For purposes of this subchapter, the term 'fine' or 'fines' means
19 all monetary penalties imposed by the courts of this state, which include
20 fines, court costs, restitution, probation fees, and public service work
21 supervisory fees.

22
23 SECTION 7. Arkansas Code § 16-13-704 is amended to read as follows:

24 16-13-704. Installment payments. [Effective January 1, 2005.]

25 (a)(1) If the court concludes that the defendant has the ability to
26 pay the fine, but that requiring the defendant to make immediate payment in
27 full would cause a severe and undue hardship for the defendant and the
28 defendant's dependents, the court may authorize payment of the fine by means
29 of installment payments in accordance with this subchapter.

30 (2)(A) When a court authorizes payment of a fine by means of
31 installment payments, it shall issue, without a separate disclosure hearing,
32 an order that the fine be paid in full by a date certain and that in default
33 of payment the defendant must appear in court to explain the failure to pay.

34 (B) In fixing the date of payment, the court shall issue
35 an order which will complete payment of the fine as promptly as possible
36 without creating a severe and undue hardship for the defendant and the

1 defendant's dependents.

2 (b)(1) In addition to the fine and any other assessments authorized by
3 this subchapter, an installment fee of five dollars (\$5.00) per month shall
4 be assessed on each person who is authorized to pay a fine on an installment
5 basis. This fee shall be collected in full each month in which a defendant
6 makes an installment payment. This fee shall accrue each month that a
7 defendant does not make an installment payment and the fine has not been paid
8 in full.

9 (2)(A) One-half (1/2) of the installment fee collected in
10 circuit court shall be remitted by the tenth day of each month to the
11 Administration of Justice Fund Section of the Office of Administrative
12 Services of the Department of Finance and Administration, on a form provided
13 by that office, for deposit in the Judicial Fine Collection Enhancement Fund,
14 as established by § 16-13-712, and the other half of the installment fee
15 shall be remitted by the tenth day of each month to the county treasurer to
16 be deposited in a fund entitled the circuit court automation fund to be used
17 solely for circuit court-related technology.

18 (B) Expenditures from the circuit court automation fund
19 shall be approved by the administrative circuit judge of each judicial
20 circuit. Funds in each county in a judicial circuit may be pooled for
21 expenditure pursuant to a circuitwide technology plan approved by the
22 administrative circuit judge. All expenditures from the circuit court
23 automation fund shall be authorized, pursuant to the county accounting law,
24 by the quorum court.

25 (3)(A) One-half (1/2) of the installment fee collected in
26 district court or city court shall be remitted by the tenth day of each month
27 to the Administration of Justice Fund Section of the Office of Administrative
28 Services of the Department of Finance and Administration, on a form provided
29 by that office, for deposit in the Judicial Fine Collection Enhancement Fund
30 as established by § ~~6-13-712~~ 16-13-712.

31 (B)(i) The other half of the installment fee collected in
32 district court shall be remitted by the tenth day of each month to the city
33 treasurer of the city in which the district court is located to be deposited
34 in a fund entitled the district court automation fund to be used solely for
35 district court-related technology.

36 (ii) The other half of the installment fee collected

1 in city court shall be remitted by the tenth day of each month to the
2 treasurer of the city or town in which the city court is located to be
3 deposited in a fund entitled "the city court automation fund" to be used
4 solely for city court-related technology.

5 (C) In any district court which is funded solely by the
6 county, the other half of this fee shall be remitted by the tenth day of each
7 month to the county treasurer of the county in which the district court is
8 located to be deposited in the district court automation fund to be used
9 solely for district court-related technology.

10 (D) Expenditures from the district court automation fund
11 shall be approved by a district judge and shall be authorized, pursuant to
12 state accounting law, by the governing body or, if applicable, governing
13 bodies which contribute to the expenses of a district court.

14 (E) Expenditures from the city court automation fund shall
15 be approved by the city court judge and shall be authorized, pursuant to
16 state accounting law, by the governing body of the city or town in which the
17 city court is located.

18 (c) Any defendant who has been authorized by the court to pay a fine
19 by installments shall be considered to have irrevocably appointed the clerk
20 of the court as his or her agent upon whom all papers affecting his or her
21 liability may be served, and the clerk shall forthwith notify the defendant
22 thereof by ordinary mail at his or her last known address.

23 (d) "Ability to pay" means that the resources of the defendant,
24 including all available income and resources, are sufficient to pay the fine
25 and provide the defendant and his or her dependents with a reasonable
26 subsistence compatible with health and decency.

27
28 SECTION 8. Arkansas Code 16-13-709 is amended to read as follows:

29 16-13-709. Responsibility for collection.

30 (a)(1)(A)(i) The quorum court of each county of the state shall
31 designate a county official, agency, or department, who shall be primarily
32 responsible for the collection of fines assessed in the circuit courts of
33 this state.

34 (ii) All fines collected each month in circuit court
35 by the designated county official, agency, or department shall be disbursed
36 by the fifth working day of the following month to the appropriate county

1 fund, state entity, or state agency as provided by law, the county
2 administration of justice fund, and the State Administration of Justice Fund.

3 (iii) The county sheriff shall remain responsible
4 for collecting bail or money deposited in lieu of bail on behalf of
5 defendants discharged from incarceration pursuant to law in circuit court.

6 (B)(i) The quorum court may delegate the responsibility
7 for the collection of delinquent fines assessed in circuit court to a private
8 contractor.

9 (ii) The contractor may receive, under a written
10 contract, a commission on delinquent fines collected for circuit court.

11 (C)(i) The commission agreed to be received by the private
12 contractor shall be a portion of the total fine owed by a defendant.

13 (ii) The court shall credit the defendant with the
14 gross amount remitted to the private contractor.

15 (iii) The private contractor shall remit the gross
16 amounts collected to the county official, agency, or department designated
17 under subdivision (a)(1)(A) of this section on at least a monthly basis.

18 (iv) Payment of the commission shall be through the
19 county claims process.

20 (v) The county treasurer shall make a pro rata
21 disbursement of the remaining fines to the appropriate county fund, state
22 entity, or state agency as provided by law, the county administration of
23 justice fund, and the State Administration of Justice Fund.

24 (2)(A)(i) The governing body or, if applicable, each governing
25 body of a political subdivision which contributes to the expenses of a
26 district court, or the governing body of the city in which a city ~~or police~~
27 court is located, shall designate a county or city official, agency, or
28 department who shall be primarily responsible for the collection of fines
29 assessed in the district courts, city courts, or police courts of this state.

30 (ii) All fines collected each month in district
31 court or a department of district court by the designated county or city
32 official, agency, or department shall be disbursed by the tenth working day
33 of the following month pursuant to § 16-17-707.

34 (B) All fines collected each month in city courts by the
35 designated city official, agency, or department shall be disbursed by the
36 tenth working day of the following month to the general fund or other city

1 fund, state agency, or state entity as provided by law, the city
2 administration of justice fund, the county administration of justice fund,
3 and the State Administration of Justice Fund.

4 (C) The chief of police of the town or city in which a
5 district court or city court is located shall remain responsible for
6 collecting bail or money deposited in lieu of bail on behalf of defendants
7 discharged from incarceration pursuant to law in district court or city
8 court.

9 ~~(B)~~(D)(i) The governing body or, if applicable, each
10 governing body of a political subdivision which contributes to the expenses
11 of a district court, or the governing body of the city in which a city ~~or~~
12 ~~police~~ court is located, may delegate the responsibility for the collection
13 of delinquent fines assessed in district court, or city court, ~~or police~~
14 ~~court~~, to a private contractor.

15 (ii) The contractor may receive under a written
16 contract a commission on delinquent fines collected for district court, or
17 city court, ~~or police court~~.

18 ~~(i)~~ (iii) The commission agreed to be received by
19 the private contractor shall be a portion of the total fine owed by a
20 defendant.

21 ~~(ii)~~ (iv) The court shall credit the defendant with
22 the gross amount remitted to the private contractor.

23 ~~(iii)~~ (v) The private contractor shall remit the
24 gross amounts collected to the county or city official, agency, or department
25 designated under subsection (a)(2)(A) on a monthly basis.

26 ~~(iv)~~ (vi) The commission expense shall be
27 apportioned among each governing body of a political subdivision which
28 contributes to the expenses of a district court in proportion to the gross
29 amount of fines collected for that political subdivision.

30 ~~(v)~~ (vii) Payment of the commission shall be
31 according to accounting procedures prescribed by law.

32 ~~(vi)~~ (viii) Payment of the commission for city
33 courts ~~and police courts~~ shall be made by the governing body of the city in
34 which the court is located.

35 ~~(vii)~~ (ix) The remainder of fines received shall be
36 disbursed pro rata under this section and §§ 16-10-209, 16-10-308, 16-17-707,

1 16-18-104, 14-44-108, and 14-45-106.

2 (3) "Delinquent" means any fines assessed in the circuit courts,
3 district courts, or city courts, ~~or police courts~~ of this state which have
4 not been paid as ordered for a period of ninety (90) days or three (3)
5 payments, either consecutive or concurrent, since payment was ordered or
6 since last partial payment was received.

7 (4) A copy of the ordinance making such designation shall be
8 provided to the Administrative Office of the Courts.

9 (b)(1) If a private contractor is selected to collect delinquent
10 fines, then to ensure the integrity of the court and to protect the county or
11 city, the contractor shall register with the Secretary of State and shall
12 file with the Secretary of State a surety bond or certificate of deposit.

13 (2) The amount of the surety bond or certificate of deposit
14 shall be fifty thousand dollars (\$50,000).

15 (3) The county, city, or any person suffering damage by reason
16 of the acts or omissions of the contractor may bring action on the bond for
17 damages.

18 (4) A contractor shall be ineligible to provide such services if
19 the owner, operator, partner, or employee shall have been convicted of a
20 felony.

21

22 SECTION 9. Arkansas Code § 16-17-124 is amended to read as follows:

23 16-17-124. Fee for appeal transcript - Disposition.

24 (a) When required to make a certification of disposition of court
25 proceedings, including certified copies of the docket, certified copies of
26 civil or small claims judgments, and appeal transcripts, the district court
27 shall collect a fee of not less than five dollars (\$5.00) per case for
28 preparation of the original.

29 (b) All funds derived from the fee shall be paid into the ~~city~~
30 treasury of each political subdivision which contributes to the expenses of
31 the district court based on the percentage of the expenses contributed by the
32 political subdivision to be appropriated for any permissible use in the
33 administration of the district court.

34

35 SECTION 10. Arkansas Code § 16-17-126 is amended to read as follows:

36 16-17-126. Fee for filing and issuing writs of garnishment and

1 executions - Disposition.

2 (a) The district court clerk shall collect a fee of ten dollars
3 (\$10.00) for filing or issuing writs of garnishment and executions. This fee
4 is in addition to those fees and costs established by law for specific
5 purposes or where authorized by the county quorum court or municipality.

6 (b) All funds derived from such fee shall be paid into the ~~city~~
7 treasury of each political subdivision which contributes to the expenses of
8 the district court based on the percentage of the expenses contributed by the
9 political subdivision to be appropriated for any permissible use in the
10 administration of the district court.

11

12 SECTION 11. Arkansas Code § 16-17-214 is amended to read as follows:

13 16-17-214. Collection of fines in district court - Reports to mayor.

14 (a) The county or city official, agency, or department designated
15 under § 16-13-709 as primarily responsible for the collection of fines
16 assessed in district courts ~~shall collect all fines, penalties, forfeitures,~~
17 ~~fees, and costs assessed in district court and~~ shall pay over to the district
18 court clerk daily by the fifth working day of each month all sums collected.

19 (b) The county or city official, agency, or department designated
20 under § 16-13-709 shall render to the ~~mayor~~ governing body or, if applicable,
21 each governing body of a political subdivision that contributes to the
22 expenses of a district court for each month, a report, under oath, of all
23 fines, penalties, forfeitures, fees, and costs collected during the month,
24 ~~giving the title of the cause and the arresting officer,~~ and attaching to the
25 report receipts of the district court clerk for all sums collected during the
26 period.

27

28 SECTION 12. Arkansas Code § 16-17-707 is amended to read as follows:

29 16-17-707. Separate ~~accounts~~ accounting records of fines, etc. -
30 Disbursements.

31 (a) The district court clerk, shall keep three (3) separate ~~accounts~~
32 accounting records of all fines, penalties, forfeitures, fees, and costs
33 received by him for any of the officers of the town, city, ~~township,~~ or
34 county, as provided in this subchapter.

35 (1) The first class of ~~accounts~~ accounting records shall embrace
36 all sums collected in the district court in all non-traffic cases which are

1 misdemeanors or violations of the town or city ordinances and all cases which
 2 are misdemeanors or violations under state law or traffic offenses which are
 3 misdemeanors or violations under state law or ~~local~~ town or city ordinance
 4 committed within the corporate limits of the town or city where the court
 5 sits, where the arresting officer was a police officer or other officer of
 6 the town or city, a Department of Arkansas State Police officer or other
 7 certified law enforcement officer of the state, or an officer of a private or
 8 public college or university located within the corporate limits of the town
 9 or city where the court sits.

10 (2) The second class of ~~accounts~~ accounting records shall
 11 embrace all sums collected in the district court in all nontraffic cases
 12 which are misdemeanors or violations of county ordinances or are misdemeanors
 13 or violations of any of the laws of the state where the arresting officer
 14 was the county sheriff or a deputy sheriff, or was not a police officer or
 15 other officer of the ~~municipality~~ town or city where the court sits, and the
 16 offense was committed outside the corporate limits of the town or city where
 17 the court sits and in all other criminal or traffic proceedings not
 18 specifically enumerated in this section; and

19 (3)(A) The third class of accounting records shall embrace all
 20 sums collected in the district court in all civil and small claims cases.

21 (B) The uniform filing fee collected under § 16-17-705
 22 shall be remitted to the city administration of justice fund.

23 (C) The uniform court costs collected under § 16-10-305
 24 shall be remitted to the city administration of justice fund.

25 ~~(C)(D)~~ All other fees shall be disbursed to the treasurers
 26 of the political subdivisions which contribute to the expense of the district
 27 court in accordance with a written agreement between the political
 28 subdivisions.

29 (b)(1) After deducting the fees ~~and costs~~ due the ~~sheriff and~~
 30 ~~constables~~ police department, marshal's and sheriff's offices, the district
 31 court shall pay into the town or city treasury all sums ~~arising~~ collected
 32 from the first class of ~~accounts~~ accounting records, and the court shall pay
 33 all sums ~~arising~~ collected ~~out of~~ from the second class of ~~accounts~~
 34 accounting records into the county treasury.

35 (2) Any district court that is funded solely by the county shall
 36 pay all sums collected from the first or second class of accounting records

1 into the county treasury and shall pay all uniform filing fees and court
2 costs collected into the county administration of justice fund.

3 ~~(2)~~(3) Direct monetary settlements shall be made with state
4 entities or agencies as provided by law.

5 (c) All disbursements from all three (3) classes of accounting records
6 shall be pursuant to the provisions set forth in the Arkansas ~~Municipal~~
7 ~~Courts, Police Courts, City Courts, District Courts and Justice of the Peace~~
8 City Courts Accounting Law of 1977, § 16-10-201 et seq.

9
10 SECTION 13. Arkansas Code § 21-6-401 is amended to read as follows:

11 21-6-401. Clerk of Supreme Court.

12 (a)(1) The Clerk of the Supreme Court shall be allowed and paid by the
13 appellant or petitioner, in advance, in all civil actions and misdemeanors
14 filed in either the Supreme Court or Arkansas Court of Appeals a fee of one
15 hundred dollars (\$100), which shall be full payment of all the costs in the
16 proceedings.

17 (2) If the judgment of the Supreme Court or Arkansas Court of
18 Appeals is in favor of the appellant or petitioner, the clerk shall tax the
19 fee provided in this subsection in favor of the appellant or petitioner.

20 (b)(1) The Clerk of the Supreme Court shall be allowed and paid by the
21 petitioner, in advance, for each petition for review of a decision of the
22 Arkansas Court of Appeals filed in the Supreme Court a fee of twenty-five
23 dollars (\$25.00), which shall be full payment of all the costs in the
24 proceedings.

25 (2) If the decision of the Arkansas Court of Appeals is reversed
26 by the Supreme Court, the clerk shall tax the fee provided in this subsection
27 in favor of the petitioner.

28 (c) The clerk shall also be allowed:

29 (1) For each certificate and seal\$ 1.00

30 (2) For acknowledging each deed50

31 (3) For copies of papers and records per page50

32 ~~(4) For enrolling and recording the license of each attorney~~
33 ~~permitted to practice in the Supreme Court, and the certified transcript~~
34 ~~thereof furnished the attorney 20.00~~

35 ~~(5)~~(4) For other services, the same fees allowed clerks of the
36 circuit court.

1 (d) The ~~clerk~~ Supreme Court shall have the authority to implement a
2 system whereby members of the public may be afforded electronic access to
3 court decisions and other court records, and the Supreme Court may, by court
4 rule, establish a reasonable fee for the access.

5 (e) All of the fees provided for in subsections (a), (b), and (c), ~~and~~
6 ~~(d)~~ of this section shall be deposited in a bank to the account of the
7 Supreme Court Library Fund, to be used by the Supreme Court for the
8 maintenance and improvement of the Supreme Court Library.

9 (f) All of the fees provided for in subsection (d) of this section
10 shall be deposited into the Judicial Fine Collection Enhancement Fund as
11 established by § 16-13-712.

12
13 SECTION 14. Arkansas Code § 21-6-402 is amended to read as follows:

14 21-6-402. Circuit court clerks – Miscellaneous fees.

15 The fees for clerks of circuit courts in this state shall be as
16 follows:

- 17 (1) For drawing and issuing, sealing any summons, subpoena
18\$ 2.50
- 19 (2) For taking and entering a bond, civil or
20 criminal..... .60
- 21 (3) For every motion, rule, answer, interrogatories, or other
22 miscellaneous filings..... .60
- 23 (4) For entering every order or decree.....2.00
- 24 (5) For entering each judgment.....3.00
- 25 (6) For swearing jury.....2.00
- 26 (7) For trial before court.....1.00
- 27 (8) For scire facias.....15.00
- 28 (9) For writs or executions.....10.00
- 29 (10) For certificate and seal.....~~2.00~~ 5.00
- 30 (11) For each page in making and preparing any transcript
311.50
- 32 (12) For indexing each page..... .10
- 33 (13) For certifying costs.....1.00
- 34 (14) For issuing juror or witness certificates... .50
- 35 (15) For authentication certificate.....5.00

1 SECTION 15. Arkansas Code § 23-13-264 is amended to read as follows:
2 23-13-264. Disposition of forfeited bonds and fines.

3 One-half (1/2) of the amount of forfeited bonds and one-half (1/2) of
4 the fines ~~assessed~~ collected ~~by any court or justice of the peace~~ for
5 violations of this subchapter shall be remitted by the ~~court, by the clerk~~
6 ~~thereof, or by the justice of the peace, or collecting officer, to the~~
7 ~~Arkansas Transportation Commission [abolished] to be deposited in the State~~
8 ~~Treasury to the credit of the General Revenue Fund Account of the State~~
9 ~~Apportionment Fund~~ tenth day of each month to the Administration of Justice
10 Fund Section of the Office of Administrative Services of the Department of
11 Finance and Administration on a form provided by that office for deposit in
12 the General Revenue Fund Account of the State Apportionment Fund.
13

14 SECTION 16. Arkansas Code § 24-11-413(a), relating to moneys added to
15 police retirement funds, is amended to read as follows:

16 (a) There shall be added to the fund the following moneys:

17 (1) All forfeitures and fines imposed upon any member of the
18 police department by way of discipline;

19 (2) All money given or donated to the fund;

20 (3) All money deducted from the salary of any member of the
21 police department on account of absence or loss of time;

22 (4) All rewards paid for any purpose;

23 (5) Ten percent (10%) of all fines and forfeitures, not
24 including court costs, collected by the county or city official, agency, or
25 department designated pursuant to § 16-13-709 as primarily responsible for
26 the collection of fines assessed in the district courts of this state ~~police~~
27 ~~department of the city~~ for violation of ordinances or state law that pursuant
28 to law would be deposited in the city general fund and are not designated by
29 law as payable to the county or state agencies or entities; and

30 (6)(A) Six percent (6%) of the monthly salary of each member of
31 the department, to be deducted each month by the city and immediately paid to
32 the board of trustees of the policemen's pension and relief fund.

33 (B) However, the monthly deduction shall be four percent
34 (4%) for police officers contributing to social security unless increased,
35 but not to exceed six percent (6%), by the majority vote of the contributing
36 members of a police department covered by social security.

1
2 SECTION 17. Arkansas Code § 27-14-601(e), concerning penalties for
3 violations of the motor vehicle registration and licensing laws, is amended
4 to read as follows:

5 (e) Penalty. (1) Any person owning a vehicle on which a fee is
6 required to be paid under the terms of this section who shall operate it or
7 permit it to be operated on a public road in this state without having paid
8 the fee required by this section shall be guilty of a misdemeanor and upon
9 conviction shall be fined in a sum not less than double the fee provided for
10 and not more than three thousand dollars (\$3,000).

11 (2) If the arresting officer is:

12 (A) An officer of the Department of Arkansas State Police,
13 the fine collected shall be remitted by the tenth day of each month to the
14 Administration of Justice Fund Section of the Office of Administrative
15 Services of the Department of Finance and Administration on a form provided
16 by that office deposited in the State Treasury and credited to for deposit in
17 the Department of Arkansas State Police Fund, to be used for the purchase and
18 maintenance of state police vehicles;

19 (B) An officer of the Arkansas Highway Police Division of
20 the Arkansas State Highway and Transportation Department, the fine collected
21 shall be remitted by the tenth day of each month to the Administration of
22 Justice Fund Section of the Office of Administrative Services of the
23 Department of Finance and Administration on a form provided by that office
24 deposited for deposit in the State Highway and Transportation Department
25 Fund, to be used for the purchase and maintenance of highway police vehicles;

26 (C) A county law enforcement officer, the fine collected
27 shall be deposited in the county fund used for the purchase and maintenance
28 of rescue, emergency medical, and law enforcement vehicles, communications
29 equipment, animals owned or used by law enforcement agencies, lifesaving
30 medical apparatus, and law enforcement apparatus, to be used for those
31 purposes; and

32 (D) A municipal law enforcement officer, the fine
33 collected shall be deposited in that municipality's fund used for the
34 purchase and maintenance of rescue, emergency medical, and law enforcement
35 vehicles, communications equipment, animals owned or used by law enforcement
36 agencies, lifesaving medical apparatus, and law enforcement apparatus, to be

1 used for those purposes.

2

3 SECTION 18. Arkansas Code § 27-15-305(c), concerning the disbursement
4 of penalties for illegal parking in areas designated for the disabled, is
5 amended to read as follows:

6 (c)(1) Thirty percent (30%) of ~~every fine~~ all fines and fee collected
7 under this section ~~by a law enforcement agency and a court of competent~~
8 ~~jurisdiction~~ in district court or city court shall be for the purpose of
9 funding activities of the Governor's Commission on People with Disabilities
10 and shall be collected and remitted by the tenth day of each month to the
11 Administration of Justice Fund Section of the Office of Administrative
12 Services of the Department of Finance and Administration, on a form provided
13 by that office, for deposit in a special fund established and maintained by
14 the Treasurer of State.

15 (2) Seventy percent (70%) of the ~~funds collected from~~ fines and
16 ~~fees~~ collected in district court or city court under this section shall be
17 paid by the tenth day of each month to the city general fund of the ~~local~~
18 ~~municipality~~ town or city in which the violation occurred to assist that
19 political subdivision in paying the expenses it incurs in complying with
20 requirements of the Americans with Disabilities Act.

21

22 SECTION 19. Arkansas Code § 27-23-128 is amended to read as follows:

23 27-23-128. Deferment of sentence - Restrictions. [Effective January 1,
24 2005.]

25 No circuit or district court judge may utilize the provisions of §§ 5-
26 4-311, 5-4-321, 16-90-115, or 16-93-301 - 16-93-303 or any other program to
27 defer imposition of sentence in instances where the defendant holds a
28 commercial driver license and is charged with violating any state or local
29 traffic law other than a parking violation.

30

31 SECTION 20. Arkansas Code § 27-34-107(a), relating to the Child
32 Passenger Protection Fund, is amended to read as follows:

33 (a)(1) A special fund is created which shall be known as the Arkansas
34 Child Passenger Protection Fund.

35 (2) The Arkansas Child Passenger Protection Fund shall consist
36 of seventy-five percent (75%) of all fines which are collected for violations

1 of this chapter, which shall be remitted by the tenth day of each month to
2 the Administration of Justice Fund Section of the Office of Administrative
3 Services of the Department of Finance and Administration, on a form provided
4 by that office, to be deposited in the Arkansas Child Passenger Protection
5 Fund and other moneys that may be appropriated, allocated, or donated for the
6 purpose of being placed in the Arkansas Child Passenger Protection Fund.

7 (3) Twenty-five percent (25%) of the fines collected shall be
8 retained by the ~~municipalities~~ town or city wherein they are collected to be
9 deposited in a fund called the Public Safety Fund to be used solely for
10 promotion of public safety.

11 (4) Twenty-five percent (25%) of the fines collected in a
12 district court that is funded solely by the county shall be retained by the
13 county in which they are collected to be deposited in a fund called the
14 Public Safety Fund to be used solely for promotion of public safety.

15
16 SECTION 21. Arkansas Code § 27-35-202(b)(1)(A), relating to the
17 penalties for overweight vehicles, is amended to read as follows:

18 27-35-202. Penalties for overweight vehicles.

19 (b)(1) If the weight of the vehicle and load exceeds the maximum as
20 prescribed by this subchapter or the gross weight as provided by a special
21 permit, the operator or any owner, principal, employer, lessor, lessee,
22 agent, or officer of any firm or corporation who permits such operator to
23 exceed the weight load provided in this subchapter or as provided by a
24 special permit shall, in addition, pay a penalty to be computed as follows:

25 (A) Overweight one thousand pounds (1,000 lbs.) or less, a
26 minimum penalty of ten dollars (\$10.00) or a maximum penalty of ~~not more than~~
27 ~~two cents (2¢) per pound of excess weight~~ twenty dollars (\$20.00);

28
29 SECTION 22. Arkansas Code § 27-35-211 is amended to read as follows:

30 27-35-211. Disposition of fees and penalties.

31 All fees and penalties collected under the provisions of §§ 27-35-202
32 and 27-35-210 shall ~~immediately be remitted by the tenth day of each month to~~
33 the Administration of Justice Fund Section of the Office of Administrative
34 Services of the Department of Finance and Administration on a form provided
35 by that office ~~be deposited in the State Treasury as special revenues. The~~
36 ~~net amount shall be credited to~~ for deposit in the State Highway and

1 Transportation Department Fund, there to be used for the operation and
 2 maintenance of the Arkansas Highway Police Division of the Arkansas State
 3 Highway and Transportation Department.

4
 5 SECTION 23. Arkansas Code § 27-37-706 is amended to read as follows:
 6 27-37-706. Penalties - Court costs.

7 (a) Any person who violates this subchapter shall be subject to a fine
 8 not to exceed twenty-five dollars (\$25.00).

9 (b) When a person is convicted, pleads guilty, pleads nolo contendere,
 10 or forfeits bond for violation of this subchapter, no court costs pursuant to
 11 § 16-10-305 or other costs or fees shall be assessed.

12
 13 SECTION 24. Arkansas Code § 27-50-408(b), concerning fines for moving
 14 traffic violations in a highway work zone, is amended to read as follows:

15 (b)(1)(A) In addition to ~~all fines and penalties~~ the fine otherwise
 16 provided by law, after the conviction of any person for any moving traffic
 17 violation committed while the person is driving through a highway work zone
 18 in this state and if construction personnel were present in the highway work
 19 zone when the offense occurred, the trial judge shall assess an additional
 20 fine ~~or penalty~~ equivalent to all other fines and penalties the fine imposed
 21 by law upon that person for committing a moving traffic violation in the
 22 highway work zone. Equivalent additional court costs pursuant to § 16-10-305
 23 shall not be assessed.

24 (B) Any bond posted pursuant to a charge of committing any
 25 moving traffic violation while in a highway work zone in this state shall ~~be~~
 26 ~~double~~ include the additional equivalent fine in the amount of the bond
 27 otherwise required.

28 (2)(A) All fines, ~~penalties, and other amounts collected by any~~
 29 ~~court in~~ collected by the county or city official, agency, or department
 30 designated pursuant to § 16-13-709 as primarily responsible for the
 31 collection of fines assessed in the circuit courts, district courts, or city
 32 courts of this state as a result of this section shall be paid ~~over~~ by the
 33 ~~court clerk or the~~ collecting official to the county treasurer or ~~municipal~~
 34 town or city treasurer pursuant to law.

35 (B) All such amounts collected in ~~county cases~~ circuit
 36 court shall be remitted to the county treasurer, ~~and all such amounts~~

1 ~~collected in municipal cases shall be remitted to the municipal treasurer.~~

2 (C) ~~Amounts received by the county treasurer may be used~~
3 ~~for general county purposes, and amounts received by the municipal treasurer~~
4 ~~may be used for general municipal purposes. All amounts collected pursuant to~~
5 ~~subdivision (b)(2)(A) of this section in district court shall be paid to the~~
6 ~~county or city treasurer pursuant to § 16-17-707.~~

7 (D) All amounts collected pursuant to subdivision
8 (b)(2)(A) of this section in city court shall be paid to the treasurer of the
9 town or city in which the city court is located.

10 ~~(E)~~ (E) Amounts received by the county treasurer may be
11 used for general county purposes, and amounts received by the ~~municipal city~~
12 treasurer may be used for general ~~municipal city~~ purposes.

13
14 SECTION 25. Arkansas Code Title 16, Chapter 17, Subchapter 1 is
15 amended to add an additional section to read as follows:

16 16-17-135. Waiver of appearance and entry of plea to traffic
17 violations in district court and city court.

18 Notwithstanding any rule of criminal procedure to the contrary:

19 (1) A person who is charged in district court or city court with
20 committing a traffic offense that is a violation under state law or local
21 ordinance, excluding a violation of the Omnibus DWI Act, § 5-65-101 et seq.,
22 or the Underage DUI Law, § 5-65-301 et seq., and in which the only sentence
23 available is a monetary fine and court costs, may waive appearance and trial
24 and plead guilty or nolo contendere by a signed statement;

25 (2) The person shall pay the fine and court costs in an amount
26 as established, within the limits prescribed by law, by the district court or
27 city court with the signed statement. Fines and court costs shall be paid to
28 the county or city official, agency, or department designated pursuant to §
29 16-13-709 as primarily responsible for the collection of fines assessed in
30 the district courts and city courts of this state; and

31 (3) The court shall accept the signed statement accompanied by
32 the fine and court costs assessed as a plea of guilty or nolo contendere and
33 shall proceed accordingly.

34
35 /s/ Childers
36

1

APPROVED: 04/11/2005