

Hall of the House of Representatives
84th General Assembly - Regular Session, 2003
Amendment Form

Subtitle of House Bill No. 2430

"AN ACT CONCERNING THE COLLECTION OF COURT FINES."

Amendment No. 1 to House Bill No. 2430.

Amend House Bill No. 2430 as originally introduced:

Page 3, line 11 add the following sections:

"SECTION 3. Arkansas Code § 8-6-404(d), relating to disposition of fines for unlawful littering, is amended to read as follows:

(d)(1) All or any portion of the fines, community service, and imprisonment penalties provided by this section may be suspended by the judge if the violator agrees to remove litter from alongside highways and at other appropriate locations for a prescribed period.

(2) All fines collected under this section shall be deposited as follows:

(A) If a municipality or county where the offense occurs is a certified affiliate of Keep Arkansas Beautiful or Keep America Beautiful, Inc., and participates in litter control programs conducted by these organizations, then the moneys from fines collected for offenses in that jurisdiction shall be deposited, according to accounting procedures prescribed by law, into the city general fund or the county general fund to be used for the purpose of community improvement as determined by the municipal or county governing body; or

(B) If the municipality or county where the offense occurs is not a certified affiliate of Keep Arkansas Beautiful or Keep America Beautiful, Inc., or does not participate in litter-control programs conducted by these organizations, then the moneys from fines collected for offenses in those jurisdictions shall be ~~deposited as special revenues into the State Treasury and credited to~~ remitted by the tenth day of each month to the Administration of Justice Funds Section of the Department of Finance and Administration, on a form provided by that office, for deposit in the Keep Arkansas Beautiful Fund Account to be used by the Keep Arkansas Beautiful Commission, as appropriated by the General Assembly, for the purposes of encouraging litter prevention and anti-litter education and increasing awareness of litter law enforcement statewide.

SECTION 4. Arkansas Code § 12-12-910 is amended to read as follows:
12-12-910. Fine.

(a) Unless finding that undue hardship would result, the sentencing



court shall assess at the time of sentencing a mandatory fine of two hundred fifty dollars (\$250) on any person who is required to register under this subchapter.

(b) The fine provided in subsection (a) of this section and collected in circuit court, district court, city court, or police court shall be remitted, by the tenth day of each month to the Department of Finance and Administration, Administration of Justice Funds Section, on a form provided by that office, for deposit in the Sex and Child Offenders Registration Fund as established by § 12-12-911.

SECTION 5. Arkansas Code § 12-12-1118 is amended to read as follows:
12-12-1118. Mandatory cost.

(a) Unless finding that undue hardship would result, the sentencing court shall assess at the time of sentencing a mandatory fine of not less than two hundred fifty dollars (\$250) on any person who is required to provide a deoxyribonucleic acid (DNA) sample under this subchapter.

(b) The fine provided in subsection (a) of this section and collected in circuit court, district court, city court, or police court shall be remitted by the tenth day of each month to the Administration of Justice Funds Section of the Department of Finance and Administration on a form provided by that office, for deposit in the DNA Detection Fund as established by § 12-12-1119.

SECTION 6. Arkansas Code § 12-14-105 is amended to read as follows:
12-14-105. Enforcement - Fines.

The prosecuting attorney or the city attorney, as may be appropriate, shall appear and prosecute all actions arising in any court under the provisions of this chapter. All fines which may be collected by any court on account of the violation of this chapter shall be ~~paid~~ remitted by the tenth day of each month to the Department of Finance and Administration, Administration of Justice Funds Section, on a form provided by that office, to be deposited into the State Treasury and placed to the credit of the State Capitol Police.

SECTION 7. Arkansas Code § 16-10-209 is amended to read as follows:
16-10-209. Court clerk - Activities and clerical duties.

The following activities and clerical duties relating to court functions shall be required of all court clerks:

(1) COLLECTION, RECEIPT, AND DEPOSIT PROCEDURES:

(A) All receipt books must be prenumbered by the printer, and a printer's certificate or other evidence shall be furnished to the court clerk, which shall be made available for inspection;

(B) All void or spoiled receipts must be accounted for by attaching the original copy of the receipt to the duplicate copy of the receipt in the receipt book;

(C)(i) For those checks forwarded with the arrest reports, the receipt shall be issued in the name of the police department, marshal's office, or sheriff's office.

(ii) For those receipts issued at court date, the court clerk shall issue such receipts in the name of the defendant, regardless of who paid the bond or fine or who collected the bond or fine.

(D) A prenumbered receipt shall be issued for all moneys

collected, and such receipts shall be deposited intact daily into the separate bank account maintained by the court clerk;

(E)(i) The bank deposit slips prepared by the court clerk shall contain the range or receipt numbers evidencing such collections.

(ii) Additionally, the receipts issued shall be reconciled with the monthly bank deposits.

(F) A bank reconciliation shall be made at the end of each month, and any balance remaining in the bank account shall be identified with receipt numbers for cases not yet adjudicated and the payments made on all unpaid individual time accounts;

(G) The court clerk may maintain separate bank accounts for city cases and for county cases;

(2) PREPARATION AND SUBMISSION OF COURT REPORT:

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

- (i) Uniform traffic ticket number;
- (ii) Defendant's name;
- (iii) Nature of the offense;
- (iv) Name of arresting officer;
- (v) Court docket number;
- (vi) Disposition or date continued;
- (vii) Receipt number;
- (viii) Total fine and costs collected;
- (ix) Fine;
- (x) Costs itemized, including all prosecuting attorney's fees;
- (xi) Bond refund amount;
- (xii) Bond refund check number; and
- (xiii) ~~Time~~ Installment payment amount.

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

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

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

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

- (a) The city treasurer;
- (b) The county treasurer;
- (c) The prosecuting attorney; and
- (d) If applicable, the treasurer of the policemen's pension and relief fund and the municipal judge and clerk's retirement fund.

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

(F) The court clerk, in conjunction with the making of the

monetary settlement in subdivision (2)(E)(ii) of this section, will make reports in quadruplicate of the applicable individual court reports and distribute the reports in the following manner:

- (i) One (1) copy to the mayor;
- (ii) One (1) copy to the county clerk;
- (iii) One (1) copy to the Administrative Office of the Courts; and
- (iv) One (1) copy to be retained by the clerk and made available for inspection;

(3) MINIMUM BOOKKEEPING REQUIREMENTS:

(A)(i) The court clerk shall maintain a separate cash receipts and disbursements journal for city cases and county cases.

(ii) The journal shall consist of sufficient columns in order to properly classify all moneys receipted as to their proper nature, i.e., fines, administration of justice fund, etc.

(iii) The journal shall also contain sufficient columns to properly classify all moneys disbursed as to their proper nature, i.e., general fund, county treasurer, bond refunds, etc.

(B) The court clerk shall total and balance the receipts and disbursements journal monthly and establish and maintain year-to-date totals monthly;

(C)(i) The court clerk shall prepare monthly bank reconciliations for each court bank account.

(ii) The cash receipts and disbursements journal shall be utilized in effecting the bank reconciliations;

(D) Copies of bank reconciliations shall be furnished to the court's presiding judge, county judge, and mayor;

(4) BOND REFUNDS:

(A) All bond refunds shall be made only upon the authorization of the presiding judge and shall be indicated as such on the court docket;

(B)(i) All bond refunds shall be made only by a check drawn on the court's bank account.

(ii) Additionally, the check shall indicate the court docket number for authorization;

(C) The court clerk shall enter all bond refunds on the applicable court report;

(5) ~~TIME OR PARTIAL~~ INSTALLMENT PAYMENTS:

(A) ~~Time~~ Installment payments shall be allowed only upon the authorization of the presiding judge and shall be indicated as such on the court docket;

(B)(i) The court clerk shall establish and maintain individual ~~time~~ installment payment account ledger cards, with a duplicate copy of the ledger card being furnished to and maintained by the ~~appropriate police department, marshal's office, or sheriff's office~~ county or city official, agency, or department designated under § 16-13-709 as primarily responsible for the collection of fines assessed in district courts and city courts.

(ii) The ledger cards shall contain the following minimum information:

- (a) Name of individual;
- (b) Court docket number and court date;

- (c) Nature of violation;
- (d) Total fine and costs assessed;
- (e) Receipt number, date, and amount of

payment; and

- (f) Unpaid balance of fine, fees, and costs;

(C) ~~The police department, marshal's office, or sheriff's office~~ county or city official, agency, or department designated under § 16-13-709 as primarily responsible for the collection of fines assessed in district courts and city courts shall be responsible for collecting all ~~time~~ installment payments and shall enter all collected ~~time~~ installment payments on each applicable arrest report;

(D)(i) The court clerk shall establish and maintain a control total for ~~time~~ installment payments, which is a summary of all unpaid individual ~~time~~ installment payment accounts.

(ii) The control total shall be reconciled monthly with the individual ~~time~~ installment payment accounts;

(E)(i) The court clerk shall furnish the county or city official, agency, or department designated under § 16-13-709 as primarily responsible for the collection of fines assessed in district courts and city courts, and the presiding judge ~~and the police department, marshal's office, or sheriff's office~~ monthly with a list of all unpaid ~~time~~ installment payment accounts for which a payment has not been received within the past thirty (30) days.

(ii) The presiding judge shall then take the necessary action deemed appropriate in the circumstances;

(F)(i)(a) All ~~time~~ installment payments shall initially be deemed to be collections of court costs until the costs have been collected in full, with any remaining ~~time~~ installment payments representing collections of fines.

(b) The court clerk shall prepare at least monthly a separate court report for all ~~time~~ installment payments made on accounts.

(c) The monetary settlement for this separate court report shall be made on or before the ~~fifth~~ tenth day of the next-following month.

(ii) A municipal or county governing body may provide by appropriate municipal or county legislation an alternative method of ~~time~~ installment payment allocation as follows:

(a) All ~~time~~ installment payments shall be allocated fifty percent (50%) to court costs and fifty percent (50%) to fines. Whenever either court costs or fines are fully paid, all remaining ~~time~~ installment payments shall be allocated to remaining amounts due;

(b) The court clerk shall prepare at least monthly a separate court report for all ~~time~~ installment payments made on accounts. The monetary settlement for this separate court report shall be made on or before the ~~fifth~~ tenth day of the next-following month;

(6) RECONCILIATION OF COMPLETED TICKET BOOKS TO ARREST REPORT:

(A) The court clerk shall, on a quarterly basis, on or before the fifteenth day of the month following the end of the calendar quarter, reconcile the individual tickets in the completed ticket book to the individual tickets as reflected on the arrest reports;

(B) For any discrepancies noted in the reconciliation in

subdivision (6)(A) of this section, the court clerk shall prepare a written list and present this list to the court's judge for his appropriate action.

SECTION 8. Arkansas Code § 16-13-701 is amended to read as follows:
16-13-701. Scope.

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

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

SECTION 9. Arkansas Code § 16-13-703 is amended to read as follows:
16-13-703. Imprisonment.

(a) When a defendant sentenced to pay a fine defaults in the payment thereof, or of any installment, the court, upon its own motion or that of the prosecuting attorney, may require him to show cause why he should not be imprisoned for nonpayment.

(b) The court may issue a warrant of arrest or summons for his appearance.

(c)(1) Unless the defendant shows that his default was not attributable to a purposeful refusal to obey the sentence of the court or to a failure on his part to make a good-faith effort to obtain the funds required for payment, the court may order the defendant imprisoned in the county jail or other authorized institution designated by the court until the fine ~~or costs~~ or specified part thereof is paid.

(2)(A) The period of imprisonment shall not exceed one (1) day for each ~~ten dollars (\$10.00)~~ forty dollars (\$40.00) of the fine ~~or costs~~, thirty (30) days if the fine ~~or costs were~~ was imposed upon conviction of a misdemeanor, or one (1) year if the fine ~~or costs were~~ was imposed upon conviction of a felony, whichever is the shorter period.

(B) The total amount of fine owed shall not automatically be reduced by the period of imprisonment, but the court may credit forty dollars (\$40.00) for each day of imprisonment against the total fine the defendant has been sentenced to pay.

(3) The provisions of this subsection shall be an addition to the revocation options contained in § 5-4-301 et seq.

(d) If the court determines that the default in payment of the fine ~~or costs~~ is not attributable to the causes specified in subsection (c) of this section, the court may enter an order allowing the defendant additional time for payment, reducing the amount of each installment, or revoking the fine ~~or costs~~ or the unpaid portion thereof in whole or in part.

SECTION 10. Arkansas Code § 16-13-704 is amended to read as follows:
16-13-704. Installment payments.

(a)(1) If the court concludes that the defendant has the ability to pay the fine, but that requiring the defendant to make immediate payment in full would cause a severe and undue hardship for the defendant and the

defendant's dependents, the court may authorize payment of the fine by means of installment payments in accordance with this subchapter.

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

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

(b)(1) In addition to the fine and any other assessments authorized by this subchapter, an installment fee of five dollars (\$5.00) per month shall be assessed on each person who is authorized to pay a fine on an installment basis.

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

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

(B) The other half of the installment fee shall be remitted ~~monthly~~ by the tenth day of each month to the city treasurer to be deposited in a fund entitled the court automation fund to be used solely for court related technology.

(C) In any ~~municipal court or~~ district court which is funded solely by the county, the other half of this fee shall be remitted ~~monthly~~ by the tenth day of each month to the county treasurer to be deposited in the ~~municipal court or~~ district court automation fund to be used solely for ~~municipal court related or~~ district court-related technology.

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

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

SECTION 11. Arkansas Code § 16-13-706 is amended to read as follows:
16-13-706. Credit card payments.

(a) The court or the agency designated pursuant to § 16-13-709 may

accept payment of fines and associated costs by an approved credit card.

(b)(1) The court or designated agency is authorized to enter into contracts with credit card companies and to pay those companies fees normally charged by those companies for allowing the court to accept their credit cards in payment as authorized by subsection (a) of this section.

~~(2)(A) Where the offender pays fines by credit card, the court shall assess a service fee equal to the amount charged to the court by the credit card issuer the total fine owed is reduced by the service fee charged to the court by the credit card.~~

~~(B) This charge may be added to, and become a part of, any underlying obligation.~~

SECTION 12. Arkansas Code § 16-13-707 is amended to read as follows:
16-13-707. Lien on property.

(a) When a defendant sentenced to pay a fine defaults in the payment thereof or of any installment, the fine may be collected by any means authorized for the enforcement of money judgments in civil actions.

(b) A judgment that the defendant pay a fine shall constitute a lien on the real and personal property of the defendant in the same manner and to the same extent as a money judgment in a civil action.

(c) A judgment entered by a ~~municipal court or~~ district court shall not become a lien against real property unless a certified copy of the judgment, showing the name of the judgment debtor and the date and amount thereof, shall be filed in the office of the circuit clerk of the county in which the land is situated.

SECTION 13. Arkansas Code § 16-13-709 is amended to read as follows:
16-13-709. Responsibility for collection.

(a)(1)(A) The quorum court of each county of the state, ~~on or before January 1 of each year,~~ shall designate a county official, agency, or department, ~~or private contractor~~ who shall be primarily responsible for the collection of fines assessed in the circuit courts of this state.

~~(B)(i) In the event the quorum court delegates such responsibility to a private contractor, the contractor may receive, pursuant to state accounting laws, a portion agreed upon in advance by the county as commission for the collection of any and all delinquent fines assessed in the circuit courts of this state. The quorum court may delegate the responsibility for the collection of delinquent fines assessed in circuit court to a private contractor.~~

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

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

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

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

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

(v) The county shall make a pro rata disbursement of the remaining fines.

~~(2)(A) The quorum court of each county of the state or the governing body of the city in which the court is located, or both, on or before January 1 of each year, The governing body, or, if applicable, each governing body of a political subdivision which contributes to the expenses of a district court, or the governing body of the city in which a city or police court is located, shall designate a county or city official, agency, or department, or private contractor who shall be primarily responsible for the collection of fines assessed in the municipal courts, district courts, city courts, or police courts of this state.~~

~~(B)(i) In the event the quorum court or the governing body of the city in which the court is located, or both, delegates such responsibility to a private contractor, such contractor may receive, pursuant to state accounting laws, a portion agreed upon in advance by the quorum court or the governing body of the city in which the court is located, or both, as commission for the collection of any and all delinquent fines assessed in the municipal courts, district courts, city courts, or police courts of this state. The governing body, or, if applicable, each governing body of a political subdivision which contributes to the expenses of a district court, or the governing body of the city in which a city or police court is located, may delegate the responsibility for the collection of delinquent fines assessed in district court, city court, or police court, to a private contractor.~~

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

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

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

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

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

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

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

~~(v) The remainder of fines received shall be disbursed under §§ 16-10-209, 16-10-308, 16-17-707, 16-18-104, 14-44-108 and 14-45-106.~~

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

~~(3)(4) A copy of the ordinance making such designation shall be provided to the Administrative Office of the Courts by the first day of February of each year.~~

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

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

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

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

SECTION 14. Arkansas Code § 16-13-710 is amended to read as follows:
16-13-710. Automated collection procedures.

The Administrative Office of the Courts shall have the responsibility to assist circuit courts, ~~municipal courts~~, district courts, city courts, and police courts in the assessment and collection of fines and the management and reporting of fine revenue.

SECTION 15. Arkansas Code § 16-17-124 is amended to read as follows:
16-17-124. Fee for appeal transcript - Disposition.

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

(b) All funds derived from such fee shall be ~~used~~ paid into the city treasury to be appropriated for any permissible use in the administration ~~by~~ of the municipal district court.

SECTION 16. Arkansas Code § 16-17-126 is amended to read as follows:
16-17-126. Fee for filing and issuing writs of garnishment and
executions - Disposition.

~~(a)(1) The General Assembly finds that due to a recent constitutional amendment and subsequent legislative enactments increasing the jurisdictional limit of municipal courts, case filings have increased substantially.~~

~~(2) The General Assembly further finds that municipal courts are issuing and filing writs of garnishment for which no fee is currently authorized, in such numbers that a strain is being placed on the administration of these courts.~~

~~(3) The General Assembly also finds that circuit courts are authorized to collect ten dollars (\$10.00) for filing similar actions.~~

~~(b) It is therefore the intent of the General Assembly to authorize municipal courts to collect a fee for filing and issuing writs of garnishments.~~

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

~~(d)~~(b) All funds derived from such fee shall be ~~used~~ paid into the city treasury to be appropriated for any permissible use in the administration ~~by of the municipal district court.~~

SECTION 17. Arkansas Code § 16-17-127 is amended to read as follows:
16-17-127. Contractors providing certain services.

(a) To ensure the integrity of the court and to protect city and county officials before services regulated by this section are rendered, a person shall register with the Secretary of State and shall file with the Secretary of State a surety bond or certificate of deposit if a ~~municipal court~~, district court, city court, or police court, upon approval of the governing body or governing bodies exercising control over the court, contracts with a person for the person to provide any of the following services:

- (1) Probation services;
- (2) Pretrial supervised release programs;
- (3) Alternate sentencing programs; or
- (4) The collection and enforcement of delinquent fines and

costs.

(b)(1) The amount of the surety bond or certificate of deposit shall be fifty thousand dollars (\$50,000).

(2) The city or county or any person suffering damage by reason of the acts or omissions of the person or an employee of the person in the performance of services subject to this section may bring action on the bond for damages.

(c) A person shall be ineligible to provide services subject to this section if the person or an owner, operator, or any stockholder has been convicted of a felony.

(d) For the purposes of this section, "person" means any individual, corporation, partnership, firm, association, or other business entity.

SECTION 18. Arkansas Code § 16-17-211 is amended to read as follows:
16-17-211. District Court clerks generally.

(a) The judge of any ~~municipal district~~ court may appoint a clerk for the court, who shall be designated and known as the ~~municipal district~~ court clerk.

(b) The city council of the city in which the court is located shall fix the salary of the ~~municipal district~~ court clerk at a reasonable sum, the salary to be computed on an annual basis and payable in equal monthly installments. However, where the county in which the court is located is to pay any portion of the clerk's salary, the salary must also be approved by the quorum court of that county. Further, if the expenses and salaries of any ~~municipal district~~ court are paid entirely by the county in which the court is located, the salary of the clerk shall be fixed by the quorum court of the county and not by the city council.

(c) The ~~municipal district~~ court clerk shall keep a fair record of all the acts done and proceedings had in the court and shall enter all judgments of the court, under the direction of the judge.

(d) The ~~municipal district~~ court clerk shall:

- (1) Administer oaths;
- (2) Take affidavits required or permitted in the progress of the

action;

(3) Approve bond in criminal cases in the absence of the judge;
(4) Keep a complete docket of all proceedings to the extent and in the manner directed by the judge;

(5) Seasonably record the judgments, rules, orders, and other civil or criminal proceedings of the court and keep an alphabetical index thereof;

(6) Keep such other dockets, books, and indices as may be required by law or by the judge; and

(7) Issue and attest all process~~+~~.

~~(8) Tax and collect the same fees and costs allowed by law to justices of the peace for similar clerical services.~~

(e) The ~~municipal~~ district court clerk shall render for each month, not later than the ~~fifth~~ tenth day of the succeeding month, reports in triplicate of all civil and criminal cases tried. These reports shall show all fines, penalties, forfeitures, fees, and costs taxed, assessed, and collected during the month and also show the nature of each case. One (1) copy of such report is to be forwarded or delivered to the mayor of the city and one (1) copy to the clerk of the county court.

(f) Where the duties of the office of ~~municipal~~ district court clerk do not require a full-time employee, the city council may require that the duties of the clerk be performed by any other officer of the city.

SECTION 19. Arkansas Code § 16-17-214 is amended to read as follows:

16-17-214. Collection of fines ~~and costs by police chief~~ in district court - Reports to mayor.

(a) The ~~chief of police~~ county or city official, agency, or department designated under § 16-13-709 as primarily responsible for the collection of fines assessed in district courts shall collect all fines, penalties, forfeitures, fees, and costs assessed in ~~municipal district court arising out of the violation of city ordinances and of state laws committed within the corporate limits of the city in which the court sits where the arresting officer was a policeman~~ and shall pay over to the ~~municipal district court clerk~~ municipal district court clerk daily all sums collected ~~by him~~.

(b) The ~~chief of police~~ county or city official, agency, or department designated under § 16-13-709 shall render to the mayor for each month, not later than the ~~fifth~~ tenth day of the ensuing month, a report, under oath, of all fines, penalties, forfeitures, fees, and costs collected ~~by him~~ during the month, giving the title of the cause and the arresting officer, and attaching to the report receipts of the ~~municipal district court clerk~~ municipal district court clerk for all sums collected during the period.

SECTION 20. Arkansas Code § 16-17-215 is repealed.

~~16-17-215. Return of fines and costs by sheriff and constables. The sheriff and constables who may collect any fines, penalties, forfeitures, fees, and costs arising out of any cause in the municipal court shall make the same return as required in § 16-17-214 of the chief of police and shall pay to the municipal court clerk all fines, penalties, forfeitures, fees, and costs collected by them, except for such part as is due to them for service rendered in such causes.~~

SECTION 21. Arkansas Code § 16-17-603 is amended to read as follows:

16-17-603. Referees - Appointment - Qualifications - Compensation.

(a) If in the judgment of the judge or judges of the ~~municipal~~ district court it is necessary for the prompt and efficient disposal of cases filed in the small claims division to have a referee take the testimony, the judge or a majority of the judges may appoint a referee to conduct hearings and take testimony in small claims cases and make recommendations of law and fact to the judge.

(b) The referee shall have the same qualifications as are required of the ~~municipal~~ district judge.

(c)(1) The referee shall serve at the pleasure of the judge or judges who appointed him and shall receive as compensation the sum of seven dollars (\$7.00) per case, to be paid ~~out of the uniform filing fee as provided in § 16-17-705~~ from funds appropriated for this purpose by each governing body of a political subdivision which contributes to the expenses of a district court.

(2) This referee fee shall not be in addition to the uniform filing fee under § 16-17-705.

(d) Under no circumstances shall the ~~municipal~~ district judge or judges of the ~~municipal~~ district court receive the compensation for the referee in those cases heard by the court.

SECTION 22. Arkansas Code § 16-17-707 is amended to read as follows:
16-17-707. Separate accounts of fines, etc. - Disbursements.

(a) The ~~municipal~~ district court clerk shall keep three (3) separate accounts of all fines, penalties, forfeitures, fees, and costs received by ~~him the court~~ for any of the officers of the city, state, township, or county, as provided in this subchapter:

(1) The first class of accounts shall embrace all sums collected in the ~~municipal~~ district court in all ~~criminal nontraffic cases arising out of which are misdemeanors or violations of the city ordinances and all cases arising out of violation of state laws which are misdemeanors or violations under state law or traffic offenses which are misdemeanors or violations under state law or local ordinance~~ committed within the corporate limits of the city where the court sits, where the arresting officer was a police officer or other officer of the city, ~~or where the arresting officer was a state police officer, or an officer of a private or public college or university located within the corporate limits of the city where the court sits.~~

(2) The second class of accounts shall embrace ~~all cases arising out of violation~~ all sums collected in all cases which are misdemeanors or violations of any of the laws of the state where the arresting officer was the county sheriff or a deputy sheriff, or was not a police officer or other officer of the municipality, or where and the offense was committed outside the corporate limits of the city and the arrest was made by a state police officer, and in all other criminal proceedings not specifically enumerated in this section; and

(3)(A) The third class shall embrace all sums collected in the ~~municipal~~ district court in all civil and small claims cases.

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

(C) All other fees shall be disbursed to the treasurers of the political subdivisions which contribute to the expenses of the district court in accordance with a written agreement between the political

subdivisions.

~~(b) After deduction and remittance of those fees permitted and authorized in this subchapter, the balance shall be disbursed to the treasurers of the political subdivisions which contribute to the expenses of the municipal court in proportionate amounts as each pays to the court.~~

~~(e)(b)(1) After deducting the fees and costs due the sheriff and constables, the municipal district court shall pay into the city treasury all sums arising from the first class of accounts, and the court shall pay all sums arising out of the second class of accounts into the county treasury.~~

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

~~(d)(c) All disbursements from all three (3) classes shall be pursuant to the provisions set forth in §§ 16-10-201 - 16-10-210.~~

SECTION 23. Arkansas Code § 16-87-213(a)(2)(B), relating to Public Defender User Fees, is amended to read as follows:

(B)(i)(a) At the time of appointment of counsel, the court shall assess fee of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100) to be paid to the commission in order to defray the costs of the public defender system.

(b) The fee may be waived if the court finds such an assessment to be too burdensome.

~~(ii) The fee shall be collected by the individual or entity designated pursuant to § 16-13-709 to collect fines, costs, and restitution.~~

~~(iii)(a) All such user fees shall be forwarded to the county treasurer to the credit of the public defender user fee fund, who shall then remit 100% of such fees monthly to the commission on forms provided by the commission.~~

(iii)(a) All the user fees shall be collected by the county or city official, agency, or department, designated under § 16-13-709 as primarily responsible for the collection of fines assessed in the circuit courts and district courts of this state who shall, by the tenth day of each month, remit all of the fees collected to the Arkansas Public Defender Commission on forms provided by the commission.

(b) The commission ~~will~~ shall deposit the money collected into a separate account with State Central Services entitled "Public Defender User Fees".

SECTION 24. Arkansas Code § 16-92-115 is repealed.

~~16-92-115. Fines — Duties of sheriffs and circuit clerks.~~

~~(a) The sheriffs or circuit clerks of counties are authorized to collect fines, penalties, and forfeitures adjudged against defendants in circuit courts of the state. The sheriffs or circuit clerks, at the time of their quarterly settlements with the county court, shall turn over to the county treasurer all moneys received by them.~~

~~(b)(1) The clerk of the county court shall further charge the sheriff or circuit clerk with all fines, penalties, and forfeitures adjudged in the circuit courts.~~

~~(2) The sheriff or circuit clerk shall not be credited with any deficit on fines or penalties imposed in the circuit courts unless he shall be able to show the death of the party against whom the fine or penalty was~~

~~adjudged, or imprisonment in default of fine, as provided by law in those cases.~~

~~(c) The sheriff shall not be credited with any deficit or forfeited bail bond or on recognizances unless the return of the officer charged with the execution of the judgment shall show that the defendant had no property subject to execution, in which case a certified copy of the return shall be filed with the clerk of the county court by the sheriff.~~

~~(d) The sheriff of each county shall be responsible for collecting fines, penalties, and forfeitures for the county unless the circuit judge of the county shall designate by judicial order the circuit clerk to be responsible for the collecting of fines, penalties, and forfeitures for that count.~~

SECTION 25. Arkansas Code § 16-96-403 is amended to read as follows:
16-96-403. Imposition by circuit court on appeal - Costs.

The fines, penalties, forfeitures, and costs imposed by the circuit court for offenses which are misdemeanors or violations under state law or local ordinance or for traffic offenses which are misdemeanors or violations under state law or local ordinance, in cases appealed from ~~the municipal, city or police courts of this state~~ any court of limited jurisdiction, shall be collected and disbursed in the following manner:

(1) If the appeal proceeds to a de novo bench trial or jury trial, the fines, penalties, forfeitures and costs imposed by the circuit court shall be collected pursuant to § 16-13-709 and paid to the county treasurer;

(2) If the defendant pleads guilty or nolo contendere or the circuit court dismisses the appeal, the judgment of the ~~municipal, city or police court~~ from which the appeal originated shall be affirmed;

(i) The circuit court clerk shall, within thirty (30) days, of the affirmance or dismissal, notify in writing the ~~municipal, city or police court~~ from which the appeal originated, of the affirmance or dismissal;

(ii) Upon receipt of the notice of affirmance or dismissal, the ~~municipal, city or police court~~ from which the appeal originated shall collect and disburse the fines, penalties, forfeitures and costs pursuant to ~~§ 16-17-707~~ §§ 16-10-209, 16-10-308, 16-17-707, 16-18-104, 14-44-108 and 14-45-106.

(3) Nothing in this section shall affect the right of ~~municipal, city or police courts~~ a court of limited jurisdiction to require a supersedeas bond for an appeal to circuit court nor the ability of these courts to collect any fine, penalty, forfeiture or costs imposed in the absence of a supersedeas bond.

SECTION 26. Arkansas Code § 21-6-402 is amended to read as follows:
21-6-402. Circuit ~~and chancery~~ court clerks -- Miscellaneous fees.

The fees for clerks of circuit ~~and chancery~~ courts in this state shall be as follows:

- (1) For drawing and issuing, sealing any summons, subpoena \$ 2.50
- (2) For taking and entering a bond, civil or criminal..... .60
- (3) For every motion, rule, answer, interrogatories, or other

| | |
|--|------------------------------|
| miscellaneous filings | .60 |
| (4) For entering every order or decree | 2.00 |
| (5) For entering each judgment | 3.00 |
| (6) For swearing jury | 2.00 |
| (7) For trial before court | 1.00 |
| (8) For scire facias | 15.00 |
| (9) For writs or executions | 4.00 <u>10.00</u> |
| (10) For certificate and seal | 2.00 |
| (11) For each page in making and preparing any transcript | 1.50 |
| (12) For indexing each page | .10 |
| (13) For certifying costs | 1.00 |
| (14) For issuing juror or witness certificates | .50 |

SECTION 27. Arkansas Code § 21-6-403 is amended to read as follows:
21-6-403. Circuit ~~and chancery~~ court clerks - Uniform filing fees.

(a)(1) The uniform filing fees to be charged by the clerks of the circuit ~~and chancery~~ courts for initiating or reopening a cause of action in the circuit ~~and chancery~~ courts in the state shall be as prescribed in this section.

(2) No portion of the filing fees shall be refunded.

(b)(1) For initiating a cause of action in the circuit court, including appeals \$100.00

~~(2) For initiating a cause of action in the chancery court
..... 100.00~~

~~(3)(2)~~ (2) For reopening a cause of action in the ~~chancery~~ circuit court 30.00

~~(4)(A)(3)~~ (3) For any cause of action which by court order is transferred from any ~~municipal, district or circuit, or chancery~~ court to a circuit ~~or chancery~~ court 50.00.

~~(B) This subdivision (b)(4) does not apply to transfers between circuit and chancery courts within the same county for which there shall be no additional filing fee.~~

(c) No fee shall be charged or collected by the clerks of the circuit ~~and chancery~~ courts when the court, by order, pursuant to Arkansas Rules of Civil Procedure, Rule 72, allows an indigent person to prosecute a cause of action in forma pauperis.

(d) No initial filing fee shall be charged for domestic violence petitions filed pursuant to § 9-15-201 et seq. Established filing fees may be assessed pursuant to Act 401 of 1995.

(e) No fee shall be charged or collected by the clerks of the circuit ~~and chancery~~ courts for reopening a cause of action in the ~~chancery~~ circuit court under the following circumstances:

(1) Application is made for revocation of conditional release of insanity acquittees under § 5-2-316; or

~~(1)(A)(2)(A)~~ (2)(A) An agreed order or an order of income withholding is presented to be filed; or.

~~(B) An order of income withholding is to be filed; and~~

~~(2)(B)~~ (B) No service of process is required.

(f) No county shall authorize, and no circuit ~~or chancery~~ court clerk shall assess or collect, any other filing fees than those authorized by this section, unless specifically provided by state law.

(g) The circuit court may waive the filing fee in cases of involuntary admission upon a finding that the petition is being brought for the benefit of the respondent and it would be inequitable to require the petitioner to pay the fee.

(h) For purposes of this section, the term "circuit court clerk" means the circuit clerk and, with respect to probate matters, any county clerk who serves as ex officio clerk of the probate division of the circuit court.

SECTION 28. Arkansas Code Title 21, Chapter 6, Subchapter 4 is amended to add an additional section to read as follows:

21-6-413. Probate and county matters - Miscellaneous court fees.

(a) Miscellaneous court fees are established as follows:

- (1) Dissolutions of incorporation \$25.00;
 - (2) Articles of incorporation \$25.00;
 - (3) Amendments to articles of incorporation \$25.00;
 - (4) Filing last will and testament for safekeeping \$5.00;
 - (5) Authentication certificate \$5.00;
 - (6) Certify and seal document \$5.00;
 - (7) Marriage license \$30.00;
 - (8) Certified copy of marriage license \$5.00;
 - (9) Underage marriages -- Petition and order \$10.00;
 - (10) Small estates \$25.00;
 - (11) Assumed names \$25.00;
 - (12) Limited partnerships \$25.00;
 - (13) Alcoholics and insane persons \$25.00;
 - (14) Clerk's tax deed \$5.00;
 - (15) Recording doctors' and nurses' credentials \$5.00;
 - (16) Recording ministers' credentials \$5.00;
 - (17) Filing affidavit of claim against an estate \$5.00;
 - (18) Filing power of attorney \$10.00;
 - (19) Filing and recording all accounts and settlements.. \$50.00;
 - (20) Certified copies of all letters \$5.00;
 - (21) Issuing subpoena or summons \$5.00;
 - (22) Putting up advertisement of settlement of executors, administrators, and guardians \$5.00;
 - (23) Preparing notices of settlements to be published in paper each month \$5.00;
- and
- (24) Filing exceptions \$5.00.

(b) With respect to probate matters, this section applies to circuit clerks and any county clerk who serves as ex officio clerk of the probate division of the circuit court.

(c) Any fee not specifically provided for in subsection (a) of this section shall be set by the circuit court if it is a probate matter or by the county judge if it is a county court matter.

(d) The fee provisions provided for in subsection (a) of this section shall be in lieu of any or all fees now established by law.

(e)(1)(A) Fees collected under this section shall be paid into the county treasury to the credit of the fund to be known as the "county clerk's cost fund".

(B) With the exception of those funds referred to in subdivision (e)(2) of this section, all funds deposited into the county

clerk's cost fund are general revenues of the county and may be used for any legitimate county purpose.

(2)(A) At least thirty-five percent (35%) of the moneys collected annually shall be used to purchase, maintain, and operate an automated records system.

(B) The acquisition and update of software for the automated records system shall be a permitted use of these funds.

(C) Funds set aside for automation may be allowed to accumulate from year to year, or at the discretion of the clerk, may be transferred to the county general fund by a budgeted appropriated transfer.

(3)(A)(i) In those counties having combined offices of circuit clerk and county clerk, the clerk shall elect to use the automation fund authorized by this section or the automation fund allowed by § 21-6-306, the county recorder's cost fund.

(ii) In those counties having combined offices of county clerk and recorder, the clerk shall elect to use the automation fund authorized by this section or the automation fund allowed by § 21-6-306, the county recorder's cost fund.

(B) The clerk's election shall be made in writing and filed in the office of the circuit clerk.

(C) Under no circumstances shall the clerk be allowed to utilize both the automation fund as authorized by § 21-6-306 and the county clerk's cost fund as authorized in this subchapter.

SECTION 29. Arkansas Code Title 21, Chapter 6 is amended by adding the following new Section as follows:

21-6-414. County court clerks - Uniform filing fees.

(a) The uniform filing fees to be charged by the clerks of the county court for initiating a cause of action in the county court shall be thirty dollars (\$30.00), and no portion of the filing fee shall be refunded.

(b) No county shall authorize, and no county court clerk shall assess or collect, any other filing fees than those authorized, unless specifically provided by state law.

(c) The provisions of § 21-6-414(e) shall apply to filing fees collected under this section.

SECTION 30. Arkansas Code § 23-112-603(c), relating to the disposition of fines for violations of the Used Motor Vehicle Buyer Protection Act, is amended to read as follows:

(c)(1) If the arresting officer is an officer of the Department of Arkansas State Police, one-half (1/2) of the fine collected shall be ~~deposited in the State Treasury and credited to~~ remitted by the tenth day of each month to the Department of Finance and Administration, Administration of Justice Funds Section, on a form provided by that office, for deposit in the Department of Arkansas State Police Fund to be used for the purchase and maintenance of state police vehicles.

(2) If the arresting officer is a county law enforcement officer, one-half (1/2) of the fine collected shall be deposited in that county fund used for the purchase and maintenance of rescue, emergency medical, and law enforcement vehicles, communications equipment, animals owned or used by law enforcement agencies, life-saving medical apparatus, and law enforcement apparatus to be used for those purposes.

(3) If the arresting officer is a municipal law enforcement officer, one-half (1/2) of the fine collected shall be deposited in that municipal fund used for the purchase and maintenance of rescue, emergency medical, and law enforcement vehicles, communications equipment, animals owned or used by law enforcement agencies, life-saving medical apparatus, and law enforcement apparatus to be used for those purposes.

SECTION 31. Arkansas Code § 24-8-318 is amended to read as follows:
24-8-318. Additional funding sources for retirement benefits.

In addition to the funds for the municipal court judges and clerk retirement fund provided for by § 16-10-308(a)-(d), if the municipal judges retirement board of trustees determines by actuarial valuation that the account will not be able to meet its financial objective of paying for its current and any projected retirement benefits, a municipality may, ~~beginning January 1, 1998,~~ also add to the account, by city ordinance, any, or all, of the following moneys:

(1)(A) Up to five percent (5%) of all fines and forfeitures collected by the ~~municipal~~ district court or by the city for violations of municipal ordinances or state laws.

(B) This five percent (5%) shall not be taken from court costs collected;

(2) An annual contribution from the city's general fund in an amount recommended by actuarial valuation to meet its projected financial obligation; and

(3) A one-time or occasional lump-sum payment from the city's general fund in an amount determined by the city's governing body, along with any payments or contributions from the county when the city and county share expenses and costs of a county-wide court.

SECTION 32. Arkansas Code § 27-14-314(c), relating to the disposition of fines for failure to register, is amended to read as follows:

(c)(1) If the arresting officer is an officer of the Department of Arkansas State Police, the fine collected shall be ~~deposited in the State Treasury and credited to~~ remitted by the tenth day of each month to the Department of Finance and Administration, Administration of Justice Funds Section, on a form provided by that office, for deposit in the Department of Arkansas State Police Fund to be used for the purchase and maintenance of state police vehicles.

(2) If the arresting officer is a county law enforcement officer, the fine collected shall be deposited in that county fund used for the purchase and maintenance of rescue, emergency medical, and law enforcement vehicles, communications equipment, animals owned or used by law enforcement agencies, life-saving medical apparatus, and law enforcement apparatus to be used for those purposes.

(3) If the arresting officer is a municipal law enforcement officer, the fine collected shall be deposited in that municipal fund used for the purchase and maintenance of rescue, emergency medical, and law enforcement vehicles, communications equipment, animals owned or used by law enforcement agencies, life-saving medical apparatus, and law enforcement apparatus to be used for those purposes.

SECTION 33. Arkansas Code § 27-15-305(c), relating to the disposition

of fines for illegal parking in area for disabled, is amended to read as follows:

(c) Thirty percent (30%) of every fine and fee collected under this section by a law enforcement agency and court of competent jurisdiction shall be for the purpose of funding activities of the Governor's Commission on People with Disabilities and shall be collected and ~~paid to~~ remitted by the tenth day of each month to the, Administration of Justice Funds Section of the Department of Finance and Administration, on a form provided by that office, for deposit in a special fund established and maintained by the Treasurer of State. Seventy percent (70%) of the funds collected from fines and fees collected under this section shall be paid by the tenth day of each month to the city general fund of the local municipality in which the violation occurred to assist that political subdivision in paying the expenses it incurs in complying with requirements of the Americans with Disabilities Act.

SECTION 34. Arkansas Code § 27-22-103(c), relating to the disposition of fines for no liability insurance, is amended to read as follows:

(c)(1) If the arresting officer ~~was~~ is an officer of the Department of Arkansas State Police, the fine collected shall be ~~deposited in the State Treasury and credited to~~ remitted by the tenth day of each month to the Administration of Justice Funds Section of the Department of Finance and Administration, on a form provided by that office, for deposit in the Department of Arkansas State Police Fund to be used for the purchase and maintenance of state police vehicles.

(2) If the arresting officer ~~was~~ is a county law enforcement officer, the fine collected shall be deposited in that county fund used for the purchase and maintenance of rescue, emergency medical, and law enforcement vehicles, communications equipment, animals owned or used by law enforcement agencies, life-saving medical apparatus, and law enforcement apparatus to be used for those purposes.

(3) If the arresting officer ~~was~~ is a municipal law enforcement officer, the fine collected shall be deposited in that municipal fund used for the purchase and maintenance of rescue, emergency medical, and law enforcement vehicles, communications equipment, animals owned or used by law enforcement agencies, life-saving medical apparatus, and law enforcement apparatus to be used for those purposes.

SECTION 35. Arkansas Code § 27-34-107 is amended to read as follows:
27-34-107. Child Passenger Protection Fund.

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

(1) The fund shall consist of seventy-five percent (75%) of all fines which are collected for violations of this chapter, which shall be remitted by the tenth day of each month to the Administration of Justice Funds Section of the Department of Finance and Administration, on a form provided by that office, to be deposited in the "Arkansas Child Passenger Protection Fund" and other moneys that may be appropriated, allocated, or donated for the purpose of being placed in the fund.

(2) Twenty-five percent (25%) of the fines collected shall be retained by the municipalities wherein they are collected to be used for promotion of public safety.

(b)(1) The Arkansas Highway Safety Program shall purchase child passenger safety seats from the fund established in this section.

(2) The seats purchased by the Arkansas Highway Safety Program shall be loaned or rented to hospitals or other groups or individuals, who may lend or rent such seats to others for the purpose of transporting children.

SECTION 36. Arkansas Code § 27-37-705 is amended to read as follows:
27-37-705. Reduction of fine.

When any motor vehicle operator is stopped by a law enforcement officer and the law enforcement officer notes that the provisions of this subchapter have not been violated, any fine levied for a moving traffic violation against the motor vehicle operator as a result of being stopped shall be reduced by ten dollars (\$10.00) as an incentive to comply with this subchapter.

SECTION 37. Arkansas Code § 27-50-311(e), relating to the disposition of fines for large trucks exceeding speed limits, is amended to read as follows:

(e)(1) The circuit, district, and city courts levying and collecting the fines prescribed by this section may retain two percent (2%) of the fines as a collection fee. Any collection fee retained, pursuant to state accounting laws, shall be deposited monthly by the tenth day of each month in the ~~county treasurer's~~ court automation fund as established by § 16-13-704 of the city or county to be used solely for court-related technology.

(2) After deducting the collection fee provided in subdivision (e)(1) of this section, the court shall remit to the Treasurer of State the balance of the fines levied and collected under this section by the tenth day of each month to the Administration of Justice Funds Section of the Department of Finance and Administration, on a form provided by that office, for deposit as general revenues ~~the balance of the fines levied and collected under this section. of the state.~~

SECTION 38. Arkansas Code § 28-41-101(b)(1), relating to the filing fee for small estates, is amended to read as follows:

(b)(1) The clerk shall file the affidavit, assign it a number, and index it as required by § 28-1-108 (1). He shall make a charge of ~~ten dollars (\$10.00)~~ twenty-five dollars (\$25.00) for filing the affidavit and three dollars (\$3.00) for each certified copy. No order of the court or other proceeding shall be necessary. No additional fees shall be charged if a will is attached to the affidavit.”

The Amendment was read _____
By: Representative Lamoureux
PBB/APK - 031320031344
ONE327

Chief Clerk