

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Representative Flanagin**

# A Bill

**HOUSE BILL 1016**

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

8 "AN ACT TO ALLOW QUORUM COURTS *IN COUNTIES WITH*  
9 *POPULATIONS BETWEEN 28,300 AND 28,800 ACCORDING TO THE*  
10 *1990 FEDERAL DECENNIAL CENSUS* TO LEVY AN ADDITIONAL COURT  
11 COST OF THREE DOLLARS TO BE DEPOSITED IN THE COUNTY  
12 CONSTABLE FUND; AND FOR OTHER PURPOSES."

13  
14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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16 SECTION 1. (a) The quorum court of any county with a population of  
17 between 28,300 and 28,800 according to the 1990 federal decennial census, by  
18 appropriate county legislation, may provide for the creation of a fund  
19 entitled "County Constable Fund" to be used exclusively for salaries,  
20 supplies, equipment, and other expenses for constables elected within that  
21 county.

22 (b) *The quorum court of a qualifying county* desiring to establish such a  
23 fund shall have the authority to provide for a fee, not to exceed the sum of  
24 three dollars (\$3.00), to be taxed as costs in each matter, civil or criminal,  
25 filed in any circuit, chancery, probate, municipal, city, police or mayor's  
26 court within the county. All sheriffs, constables, municipal court clerks,  
27 city clerks, or other officers charged by law with the collection of the other  
28 costs in any of these cases are required under the same penalties of law to  
29 collect the costs taxed and assessed in this section. No officer of any court  
30 may make a separate remission of the additional costs taxed by this section.

31 (1) The costs specified in this section shall be collected at the  
32 time and in the manner as are other costs in such cases.

33 (2) No city or county shall be liable for the payment of the  
34 costs taxed in this section in any instance where they are not collected or in  
35 any case in which the defendant pays the costs by serving time in a jail, on a

1 county farm, or at any other official place of detention or work.

2 (c) All funds collected pursuant to the additional costs levied in this  
3 section shall be immediately paid over by the court clerk or the collecting  
4 officer to the county treasurer *of the qualifying county*, who shall deposit  
5 the funds in the account entitled the County Constable Fund.

6 (d) All funds collected under this section shall be deposited into the  
7 County Constable Fund and used exclusively as provided for in this act.

8 (e) In order for a constable to be eligible to receive funds to be  
9 appropriated from the County Constable Fund by the quorum court, he must meet  
10 or exceed the appointment and training requirements for an auxiliary law  
11 enforcement officer as set forth in Arkansas Code Annotated §12-9-301 et seq.

12 (f) Constables eligible to receive these funds are entitled to a salary  
13 of not less than one thousand two hundred dollars (\$1,200) per year unless  
14 there are insufficient funds available, and in that instance, the funds shall  
15 be distributed equally among the eligible and participating constables.

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17 SECTION 2. All provisions of this act of a general and permanent nature  
18 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
19 Revision Commission shall incorporate the same in the Code.

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21 SECTION 3. If any provision of this act or the application thereof to  
22 any person or circumstance is held invalid, such invalidity shall not affect  
23 other provisions or applications of the act which can be given effect without  
24 the invalid provision or application, and to this end the provisions of this  
25 act are declared to be severable.

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27 SECTION 4. All laws and parts of laws in conflict with this act are  
28 hereby repealed.

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*/s/ Pat Flanagan*

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