

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative M. Wilson**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO ESTABLISH UNIFORM COURT COSTS AND FILING FEES
9 TO BE CHARGED BY THE CLERKS OF CIRCUIT, MUNICIPAL, AND
10 CITY COURTS; AND FOR OTHER PURPOSES."

Subtitle

13 "AN ACT TO ESTABLISH UNIFORM COURT COSTS AND FILING FEES
14 TO BE CHARGED BY THE CLERKS OF CIRCUIT, MUNICIPAL, AND
15 CITY COURTS."

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

19 SECTION 1. (a) There shall be levied and collected from each defendant
20 upon each conviction, each plea of guilty or nolo contendere, or forfeiture of
21 bond the following court costs:

22 (1) For misdemeanor or felony violation of state law, excluding violation of
23 the Omnibus DWI Act, in circuit court \$50.00

24 (2) For misdemeanor violation of state law or local ordinance, excluding
25 violation of the Omnibus DWI Act, in municipal and city court \$50.00

26 (3) For traffic violations for violation of state law or local ordinance,
27 excluding violation of the Omnibus DWI Act, in municipal and city court \$40.00

28 (4) For violation of the Omnibus DWI Act in circuit, municipal, and city
29 court \$300.00.

30 (b) The costs set forth in this act shall be imposed at the conclusion
31 of any criminal case that does not end in an acquittal, dismissal, or, with
32 the consent of the prosecution, a nolle prosequi, including, but not limited
33 to, cases involving a suspended or probated sentence that at any time may be
34 expunged or otherwise removed from the defendant_s record.

35 (c) The circuit, municipal, and city court clerks shall remit all sums

1 received from the uniform court costs to the state treasurer for deposit as
2 general revenue.

3 (d) No municipality or county shall authorize and no city, municipal,
4 or circuit court shall assess or collect any other court costs than those
5 authorized by this act, unless specifically provided by state law.

6

7 SECTION 2. (a) The uniform filing fee to be charged by the clerks of
8 the city courts for initiating a cause of action in city courts in this state
9 shall be twenty-five dollars (\$25.00). No portion of the filing fee shall be
10 refunded.

11 (b) The city court clerk shall remit monthly all sums received from the
12 uniform filing fee to the city treasurer for deposit in the city treasury.

13

14 SECTION 3. Arkansas Code Annotated 12-14-105 is amended to read as
15 follows:

16 "12-14-105. Enforcement - Fines.

17 The prosecuting attorney or the city attorney, as may be appropriate,
18 shall appear and prosecute all actions arising in any court under the
19 provisions of this chapter."

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21 SECTION 4. Arkansas Code Annotated 16-10-209(2)(E) is amended to read
22 as follows:

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

- 25 (i) The city treasurer;
- 26 (ii) The county treasurer; and
- 27 (iii) The state treasurer."

28

29 SECTION 5. Arkansas Code Annotated 16-14-105 is amended to read as
30 follows:

31 "16-14-105. Uniform advance fees and court costs.

32 (a) The uniform filing fees to be charged by the clerks of the probate
33 court for initiating a cause of action in probate court in this state shall be
34 one hundred dollars (\$100.00), and no portion of the filing fees shall be
35 refunded.

1 (b) Miscellaneous court fees shall be established as
2 follows:

3	(1)	Dissolutions of incorporation	\$10.00
4	(2)	Articles of incorporation	15.00
5	(3)	Amendments to articles of incorporation	15.00
6	(4)	Filing last will and testament for safekeeping	2.00
7	(5)	Authentication certificate	3.50
8	(6)	Certify and seal document	3.00
9	(7)	Marriage license	20.00
10	(8)	Certified copy of marriage license	5.00
11	(9)	Underage marriages - petition and order	5.00
12	(10)	Small estates	10.00
13	(11)	Assumed names	10.00
14	(12)	Limited partnerships	10.00
15	(13)	Alcoholics and insane persons	10.00
16	(14)	Clerk's tax deed	5.00
17	(15)	Recording doctors' and nurses' credentials	5.00
18	(16)	Recording ministers' credentials	5.00
19	(17)	Filing affidavit of claim against an estate	3.00
20	(18)	Filing power of attorney	10.00
21	(19)	For filing and recording all accounts and settlements	25.00
22	(20)	Certified copies of all letters	3.00
23	(21)	For issuing subpoenas or summons	3.00
24	(22)	For putting up advertisement of settlement of executors, administrators, 25 and guardians	3.00
26	(23)	For preparing notices of settlements to be published in paper each month 27	2.00
28	(24)	For filing exceptions, etc.	3.50

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

32 (d) The fee provisions provided for in this section shall be in lieu of
33 any and all fees now established by law.

34 (e) The probate clerk shall remit all sums received from the uniform
35 filing fees and miscellaneous court fees to the county treasurer for deposit

1 in the county general fund."

2

3 SECTION 6. Arkansas Code Annotated 16-17-119 is amended to read as
4 follows:

5 "16-17-119. Counties with populations over 250,000 - Collection of fees
6 - Divisions.

7 (a) The salaries and operational expenses of municipal courts in
8 any county having a population of two hundred fifty thousand (250,000) or more
9 inhabitants according to the most recent federal census shall be paid by the
10 city or town in which the court is located. No portion of these expenses
11 shall be paid by the county in which the court is located.

12 (b) The governing body of any city or county having a municipal court as
13 described in this section may by ordinance increase the number of municipal
14 court divisions, each of which shall have jurisdiction coextensive with the
15 county equal to the other municipal courts established within counties having
16 a population of two hundred fifty thousand (250,000) or more inhabitants
17 according to the most recent federal census, provided no city or county shall,
18 under any circumstances, have a greater number of municipal courts than
19 provided for in § 16-17-108."

20

21 SECTION 7. Arkansas Code Annotated 16-17-122 is amended to read as
22 follows:

23 "16-17-122. Change of venue - Disposition of fines.

24 In the event of any change of venue from a city court or police court to
25 a municipal court located in the same county, the local government_s portion
26 of all fines collected in that case shall be split equally between the
27 municipal court and the court from which the case was transferred."

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29 SECTION 8. Arkansas Code Annotated 16-17-705 is amended to read as
30 follows:

31 "16-17-705. Filing fees and costs.

32 (a) The uniform filing fee to be charged by the clerks of the municipal
33 courts for initiating a cause of action in municipal court in this state shall
34 be as prescribed in this section. No portion of the filing fee shall be
35 refunded.

1 (1) For initiating a cause of action in the civil division of municipal court
2 \$35.00

3 (2) For initiating a cause of action in the small claims division of
4 municipal court \$25.00.

5 (b) The municipal court clerk shall remit all sums received from the
6 uniform filing fees to the city treasurer for deposit in the city treasury.

7 (c) These fees shall supersede those which may be currently
8 authorized by the political subdivisions which contribute to the expenses of
9 the municipal court which have not been statutorily authorized. The political
10 subdivisions are prohibited from increasing filing fees or costs in civil
11 cases above the fees authorized in this section except pursuant to specific
12 statutory authorization."

13

14 SECTION 9. Arkansas Code Annotated 16-92-113 is amended to read as
15 follows:

16 "16-92-113. Fines - Disposition.

17 (a) All penalties and forfeitures imposed by any court or board of
18 officers, other than city and police courts, shall be paid into the county
19 treasury for county purposes.

20 (b) All penalties of city courts and courts of incorporated towns for
21 violations of city or town ordinances not defined as offenses against the
22 state may be retained by the city or town for the maintenance of the courts of
23 the city or town.

24 (c) All fines imposed and collected by any circuit, chancery, probate,
25 municipal, city, police, or justice of the peace court shall be paid as
26 follows:

27 (1) fifty percent (50%) into the county general fund, and

28 (2) fifty percent (50%) into the general fund of cities or towns
29 within the county entitled to receive funds from the court."

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31 SECTION 10. Arkansas Code Annotated 21-6-403 is amended to read as
32 follows:

33 "21-6-403. Circuit and chancery court clerks - Uniform filing fees.

34 (a) The uniform filing fees to be charged by the clerks of the circuit
35 and chancery courts for initiating or reopening a cause of action in the

1 circuit and chancery courts in the state shall be as prescribed in this
2 section. No portion of the filing fees shall be refunded:

- 3 (1) For initiating a cause of action in the circuit court \$75.00
- 4 (2) For initiating a cause of action in the chancery court, equity, or
- 5 domestic relations \$75.00

- 6
- 7 (3) For reopening a cause of action in the chancery court \$30.00

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

- 11 (1) (A) An agreed order is presented to be filed; or
- 12 (B) An order of income withholding is to be filed; and
- 13 (2) No service of process is required.

14 (c) The clerks of the circuit and chancery courts shall remit all sums
15 received from the uniform filing fees to the county treasurer for deposit in
16 the county general fund."

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18 SECTION 11. Arkansas Code Annotated §23-13-264 is amended to read as
19 follows:

20 "§23-13-264. Disposition of forfeited bonds.
21 One-half (1/2) of the amount of forfeited bonds assessed by any court or
22 justice of the peace for violations of this subchapter shall be remitted by
23 the court, by the clerk thereof, or by the justice of the peace, or collecting
24 officer, to the Arkansas Transportation Commission to be deposited in the
25 State Treasury to the credit of the General Revenue Fund Account of the State
26 Apportionment Fund."

27

28 SECTION 12. Arkansas Code Annotated §27-34-107(b) is amended to read as
29 follows:

30 "§27-34-107. Child Passenger Protection Fund.
31 (b) The fund shall consist of all moneys that may be appropriated,
32 allocated, or donated for the purpose of being placed in the fund.

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34 SECTION 13. Arkansas Code Annotated 1-2-306, 2-33-113(b)(1)(2),
35 5-64-416, 5-64-709, 5-65-113, 5-65-115, 6-64-603, 12-41-617, 14-20-102,

1 15-41-209, 16-13-511, 16-17-109, 16-17-110, 16-17-111, 16-17-112, 16-17-113,
2 16-17-123, 16-17-402, 16-17-614, 16-17-706, 16-17-707, 16-19-403, 16-20-107,
3 16-21-106, 16-23-103, 16-87-111, 16-90-718, 16-92-110, 16-92-111, 16-92-116,
4 20-7-123(a)(1)(F), 20-18-405, 20-18-502, 21-6-404, 21-6-405, 21-6-410, 22-3-
5 920, 24-8-303, 24-8-315, 24-8-402, 27-22-103(c), 27-23-118(d) and 27-50-401
6 are hereby repealed.

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8 SECTION 14. Act 685 of 1971 as amended by Acts 995 and 1081 of 1975,
9 Act 311 of 1981, Act 472 of 1981, Act 958 of 1981, Act 972 of 1981, Act 978 of
10 1981, Act 989 of 1981, Act 300 of 1983, Act 335 of 1983, Act 485 of 1983, Act
11 576 of 1983, Act 607 of 1983, Act 610 of 1983, Act 682 of 1983, Act 803 of
12 1983, Act 919 of 1983, Act 442 of 1989, Act 1149 of 1991, and Act 1150 of 1991
13 are hereby repealed.

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15 SECTION 15. The effective date of this Act shall be July 1, 1995.

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17 SECTION 16. All provisions of this act of a general and permanent
18 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
19 Code Revision Commission shall incorporate the same in the Code.

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21 SECTION 17. 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 18. All laws and parts of laws in conflict with this act are
28 hereby repealed.

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