

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Yates**

A Bill

SENATE BILL 692

For An Act To Be Entitled

8 "AN ACT TO AMEND 16-92-110 TO IMPOSE A PENALTY ON THOSE
9 JURISDICTIONS NOT REMITTING COURT COSTS; AND FOR OTHER
10 PURPOSES."

Subtitle

13 "TO IMPOSE A PENALTY ON THOSE JURISDICTIONS THAT DO NOT
14 PROPERLY REMIT COURT COSTS."

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

18 SECTION 1. Arkansas Code § 16-92-110(a) is amended to read as follows:

19 "(a) (1) In addition to all other costs as provided by law, there shall
20 be taxed and collected from each defendant as costs upon each judgment of
21 conviction and upon each plea of guilty, each plea of nolo contendere, and
22 bond forfeiture, in felony, misdemeanor, and traffic violation cases for
23 violation of state law or local ordinance, the following:

24 (A) In the circuit court, the sum of five dollars (\$5.00);

25 (B) In justice of the peace, municipal, traffic, police, or
26 city courts, the sum of three dollars (\$3.00).

27 (2) All sheriffs, constables, municipal court clerks, city
28 clerks, or other officers who are charged by law with the collection of the
29 other costs in any such cases are required, under the same penalties of law,
30 to collect the costs taxed and assessed under this section. No officer of any
31 court may make a separate remission of the additional costs taxed by this
32 section; the costs so taxed and assessed shall be collected at the time and in
33 the manner as are other costs in such cases.

34 (3) No county, municipality, or town shall be liable for the
35 payment of the costs taxed under this section in any instance where they are

1 not collected, or in any case in which the defendant pays the costs by serving
2 time in jail, on a county farm, or at any other official place of detention or
3 work. Where costs are collected, the county, municipality or town that
4 collected such monies shall be liable if such monies are not remitted as
5 directed by this section.

6 (4) (A) All moneys collected under this subsection shall forthwith
7 be paid over by the collecting officer to the county treasurer, who shall
8 credit the moneys on his records to a fund to be designated and known as the
9 State Police Retirement Fund; and on or before the tenth day of the next
10 succeeding month, the county treasurer shall remit, by check, all those costs
11 directly to the *Arkansas State Police Retirement System*.

12 (B) Upon receipt thereof by the *Arkansas State Police*
13 *Retirement System*, the moneys shall then be deposited with the State Treasurer
14 or with a bank designated by the Board of Trustees of the Arkansas State
15 Police Retirement System.

16 (C) The moneys collected and remitted to the State
17 Treasurer and received by the State Treasurer for deposit to the credit of the
18 State Police Retirement Fund are declared to be trust fund income.

19 (5) The costs set forth in subdivision (a)(1) of this section may
20 be imposed at the conclusion of any criminal case that does not end in an
21 acquittal, dismissal, or, with the consent of the prosecution, a nolle
22 prosequi, including, but not limited to, cases involving a suspended or
23 probated sentence that at any time may be expunged or otherwise removed from
24 the defendant's record."

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

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30 SECTION 3. If any provision of this act or the application thereof to
31 any person or circumstance is held invalid, such invalidity shall not affect
32 other provisions or applications of the act which can be given effect without
33 the invalid provision or application, and to this end the provisions of this
34 act are declared to be severable.

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

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/s/ Senator Yates

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