

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.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H3/14/03

A Bill

HOUSE BILL 2430

5 By: Representative Lamoureux
6
7

For An Act To Be Entitled

8 AN ACT CONCERNING THE COLLECTION OF COURT FINES;
9 AND FOR OTHER PURPOSES.
10
11

Subtitle

12 AN ACT CONCERNING THE COLLECTION OF
13 COURT FINES.
14
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17

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

20 SECTION 1. Arkansas Code § 5-4-303(i), concerning public defender
21 attorney fees, is amended to read as follows:

22 (i)(1) In cases where counsel has been appointed to represent a
23 defendant due to his indigency and the court suspends the imposition of
24 sentence or places a defendant on probation at the time of disposition, the
25 court shall revisit the issue of the defendant's indigency.

26 (2)(A)(i) Where appropriate and where the defendant is
27 financially able to do so, the court may assess an attorney's fee to be paid
28 by the defendant as part of his suspended or probated sentence.

29 (ii) The amount of the fee assessed should be
30 commensurate with the defendant's ability to pay.

31 (B) The fee assessed shall be paid to the state as a means
32 of partial reimbursement for providing appointed counsel.

33 (C) In no event shall failure to pay the assessed
34 attorney's fee, standing alone, be grounds for the revocation of the
35 suspended sentence or probated sentence.

36 ~~(D) Any money collected pursuant to subdivision (i)(2) of~~



1 ~~this section shall be remitted on or before the tenth day of the month~~
 2 ~~following the month of collection to the State Treasury to the credit of the~~
 3 ~~State Central Services Fund Account, there to be put into a separate account~~
 4 ~~entitled "Public Defender Attorney Fees" to be used solely to defray costs~~
 5 ~~for the Arkansas Public Defender Commission.~~

6 (D)(i) The fee assessed under subdivision (i)(2) of this
 7 section shall be collected by the county or city official, agency, or
 8 department designated under § 16-13-709 as primarily responsible for the
 9 collection of fines assessed in the circuit courts and district courts of
 10 this state who shall, on or before the tenth day of each month, remit all of
 11 the fees collected to the Arkansas Public Defender Commission on forms
 12 provided by the commission.

13 (ii) The commission shall deposit the money
 14 collected into a separate account with State Central Services entitled
 15 "Public Defender Attorney Fees" to be used solely to defray costs for the
 16 Arkansas Public Defender Commission.

17
 18 SECTION 2. Arkansas Code § 5-4-322 is amended to read as follows:

19 5-4-322. Fine and probation fee or public service work fee authorized.

20 (a) ~~A municipal court,~~ district court, city court, or police court may
 21 place a person on probation or sentence him or her to public service work,
 22 and, as a condition of its order, may require the defendant to pay a fine in
 23 one (1) or several sums, and in addition may require the person to pay a
 24 probation fee or pay a public service work supervisory fee in an amount to be
 25 established by the court.

26 (b)(1) This section regarding probation and probation fees shall not
 27 apply in instances where the defendant is charged with violating the Omnibus
 28 DWI Act, § 5-65-101 et seq.

29 (2) In instances where the defendant is charged with violating
 30 the Omnibus DWI Act, § 5-65-101 et seq., the court may require the defendant
 31 to pay a public service work supervisory fee in an amount to be established
 32 by the court if the court orders public service in lieu of jail pursuant to §
 33 5-65-111.

34 (c) This section is supplemental to all other laws allowing a
 35 ~~municipal court,~~ district court, city court, or police court to attach
 36 conditions on an order of probation.

1 (d)(1) Except as provided in subsection (e) of this section, no court
2 may impose probation fees in any case in which the only sentence available is
3 a monetary fine, court costs or, if applicable, restitution.

4 (2) In those cases, a defendant may be given time to make those
5 payments and the installment payment fee in §16-13-704 shall be the only fee
6 authorized for administering those accounts.

7 (3) If the sentence available includes incarceration, probation
8 and probation fees may be ordered in lieu of incarceration.

9 (e) If a fine is an authorized sentence, the fine may be suspended and
10 probation and probation fees may be ordered in lieu of the fine.

11
12 SECTION 3. Arkansas Code § 8-6-404(d), relating to disposition of
13 fines for unlawful littering, is amended to read as follows:

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

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

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

28 (B) If the municipality or county where the offense occurs
29 is not a certified affiliate of Keep Arkansas Beautiful or Keep America
30 Beautiful, Inc., or does not participate in litter-control programs conducted
31 by these organizations, then the moneys from fines collected for
32 offenses in those jurisdictions shall be ~~deposited as special revenues into~~
33 ~~the State Treasury and credited to~~ remitted by the tenth day of each month to
34 the Administration of Justice Funds Section of the Department of Finance and
35 Administration, on a form provided by that office, for deposit in the Keep
36 Arkansas Beautiful Fund Account to be used by the Keep Arkansas Beautiful

1 Commission, as appropriated by the General Assembly, for the purposes of
2 encouraging litter prevention and anti-litter education and increasing
3 awareness of litter law enforcement statewide.
4

5 SECTION 4. Arkansas Code § 12-12-910 is amended to read as follows:
6 12-12-910. Fine.

7 (a) Unless finding that undue hardship would result, the sentencing
8 court shall assess at the time of sentencing a mandatory fine of two hundred
9 fifty dollars (\$250) on any person who is required to register under this
10 subchapter.

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

17
18 SECTION 5. Arkansas Code § 12-12-1118 is amended to read as follows:
19 12-12-1118. Mandatory cost.

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

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

30
31 SECTION 6. Arkansas Code § 12-14-105 is amended to read as follows:
32 12-14-105. Enforcement - Fines.

33 The prosecuting attorney or the city attorney, as may be appropriate,
34 shall appear and prosecute all actions arising in any court under the
35 provisions of this chapter. All fines which may be collected by any court on
36 account of the violation of this chapter shall be ~~paid~~ remitted by the tenth

1 day of each month to the Department of Finance and Administration,
2 Administration of Justice Funds Section, on a form provided by that office,
3 to be deposited into the State Treasury and placed to the credit of the State
4 Capitol Police.

5

6 SECTION 7. Arkansas Code § 16-10-209 is amended to read as follows:

7 16-10-209. Court clerk - Activities and clerical duties.

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

10 (1) COLLECTION, RECEIPT, AND DEPOSIT PROCEDURES:

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

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

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

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

23 (D) A prenumbered receipt shall be issued for all moneys
24 collected, and such receipts shall be deposited intact daily into the
25 separate bank account maintained by the court clerk;

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

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

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

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

36 (2) PREPARATION AND SUBMISSION OF COURT REPORT:

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

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

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

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

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

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

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

34 (ii) For those fines, penalties, and other charges
35 arising from tickets issued by the Arkansas Highway Police Division of the
36 Arkansas State Highway and Transportation Department the court clerk shall

1 make a direct monetary settlement with them at the time the appropriate
2 billing notice is received;

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

7 (i) One (1) copy to the mayor;

8 (ii) One (1) copy to the county clerk;

9 (iii) One (1) copy to the Administrative Office of
10 the Courts; and

11 (iv) One (1) copy to be retained by the clerk and
12 made available for inspection;

13 (3) MINIMUM BOOKKEEPING REQUIREMENTS:

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

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

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

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

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

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

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

31 (4) BOND REFUNDS:

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

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

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

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

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

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

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

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

18 (a) Name of individual;
19 (b) Court docket number and court date;
20 (c) Nature of violation;
21 (d) Total fine and costs assessed;
22 (e) Receipt number, date, and amount of
23 payment; and

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

25 (C) The ~~police department, marshal's office, or sheriff's~~
26 ~~office~~ county or city official, agency, or department designated under § 16-
27 13-709 as primarily responsible for the collection of fines assessed in
28 district courts and city courts shall be responsible for collecting all ~~time~~
29 installment payments and shall enter all collected ~~time~~ installment payments
30 on each applicable arrest report;

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

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

36 (E)(i) The court clerk shall furnish the county or city

1 official, agency, or department designated under § 16-13-709 as primarily
2 responsible for the collection of fines assessed in district courts and city
3 courts, and the presiding judge and the police department, marshal's office,
4 or sheriff's office monthly with a list of all unpaid time installment
5 payment accounts for which a payment has not been received within the past
6 thirty (30) days.

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

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

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

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

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

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

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

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

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

35 (B) For any discrepancies noted in the reconciliation in
36 subdivision (6)(A) of this section, the court clerk shall prepare a written

1 list and present this list to the court's judge for his appropriate action.

2
3 SECTION 8. Arkansas Code § 16-13-701 is amended to read as follows:
4 16-13-701. Scope.

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

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

15
16 SECTION 9. Arkansas Code § 16-13-703 is amended to read as follows:
17 16-13-703. Imprisonment.

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

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

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

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

35 (B) The total amount of fine owed shall not automatically
36 be reduced by the period of imprisonment, but the court may credit forty

1 dollars (\$40.00) for each day of imprisonment against the total fine the
2 defendant has been sentenced to pay.

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

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

10
11 SECTION 10. Arkansas Code § 16-13-704 is amended to read as follows:
12 16-13-704. Installment payments.

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

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

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

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

30 (2) One-half (1/2) of the installment fee collected in circuit
31 court shall be remitted ~~monthly~~ by the tenth day of each month to the
32 ~~Department of Finance and Administration, Administration of Justice Funds~~
33 Section of the Department of Finance and Administration, on a form provided
34 by that office, for deposit in the Judicial Fine Collection Enhancement Fund,
35 as established by § 16-13-712, and the other half of the installment fee
36 shall be remitted ~~monthly~~ by the tenth day of each month to the county

1 treasurer to be deposited in a fund entitled the court automation fund to be
2 used solely for court-related technology.

3 (3)(A) One-half (1/2) of the installment fee collected in
4 ~~municipal court~~, district court, city court, or police court shall be
5 remitted ~~monthly~~ by the tenth day of each month to the ~~Department of Finance~~
6 ~~and Administration~~, Administration of Justice Funds Section of the Department
7 of Finance and Administration, on a form provided by that office, for deposit
8 in the Judicial Fine Collection Enhancement Fund as established by §
9 6-13-712.

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

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

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

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

28
29 SECTION 11. Arkansas Code § 16-13-706 is amended to read as follows:
30 16-13-706. Credit card payments.

31 (a) The court or the agency designated pursuant to § 16-13-709 may
32 accept payment of fines and associated costs by an approved credit card.

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

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

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

7
8 SECTION 12. Arkansas Code § 16-13-707 is amended to read as follows:
9 16-13-707. Lien on property.

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

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

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

21
22 SECTION 13. Arkansas Code § 16-13-709 is amended to read as follows:
23 16-13-709. Responsibility for collection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (v) The remainder of fines received shall be
18 disbursed under §§ 16-10-209, 16-10-308, 16-17-707, 16-18-104, 14-44-108 and
19 14-45-106.

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

25 ~~(3)~~(4) A copy of the ordinance making such designation shall be
26 provided to the Administrative Office of the Courts ~~by the first day of~~
27 February of each year.

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

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

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

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

4
5 SECTION 14. Arkansas Code § 16-13-710 is amended to read as follows:
6 16-13-710. Automated collection procedures.

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

11
12 SECTION 15. Arkansas Code § 16-17-124 is amended to read as follows:
13 16-17-124. Fee for appeal transcript - Disposition.

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

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

22
23 SECTION 16. Arkansas Code § 16-17-126 is amended to read as follows:
24 16-17-126. Fee for filing and issuing writs of garnishment and
25 executions - Disposition.

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

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

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

36 ~~(b) It is therefore the intent of the General Assembly to authorize~~

1 ~~municipal courts to collect a fee for filing and issuing writs of~~
 2 ~~garnishments.~~

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

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

11
 12 SECTION 17. Arkansas Code § 16-17-127 is amended to read as follows:
 13 16-17-127. Contractors providing certain services.

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

- 22 (1) Probation services;
 23 (2) Pretrial supervised release programs;
 24 (3) Alternate sentencing programs; or
 25 (4) The collection and enforcement of delinquent fines and
 26 costs.

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

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

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

36 (d) For the purposes of this section, "person" means any individual,

1 corporation, partnership, firm, association, or other business entity.

2
3 SECTION 18. Arkansas Code § 16-17-211 is amended to read as follows:
4 16-17-211. District Court clerks generally.

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

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

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

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

21 (1) Administer oaths;

22 (2) Take affidavits required or permitted in the progress of the
23 action;

24 (3) Approve bond in criminal cases in the absence of the judge;

25 (4) Keep a complete docket of all proceedings to the extent and
26 in the manner directed by the judge;

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

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

32 (7) Issue and attest all process~~s~~.

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

35 (e) The ~~municipal~~ district court clerk shall render for each month,
36 not later than the ~~fifth~~ tenth day of the succeeding month, reports in

1 triplicate of all civil and criminal cases tried. These reports shall show
 2 all fines, penalties, forfeitures, fees, and costs taxed, assessed, and
 3 collected during the month and also show the nature of each case. One (1)
 4 copy of such report is to be forwarded or delivered to the mayor of the city
 5 and one (1) copy to the clerk of the county court.

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

9
 10 SECTION 19. Arkansas Code § 16-17-214 is amended to read as follows:
 11 16-17-214. Collection of fines ~~and costs by police chief~~ in district
 12 court - Reports to mayor.

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

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

28
 29 SECTION 20. Arkansas Code § 16-17-215 is repealed.

30 ~~16-17-215. Return of fines and costs by sheriff and constables. The~~
 31 ~~sheriff and constables who may collect any fines, penalties, forfeitures,~~
 32 ~~fees, and costs arising out of any cause in the municipal court shall make~~
 33 ~~the same return as required in § 16-17-214 of the chief of police and shall~~
 34 ~~pay to the municipal court clerk all fines, penalties, forfeitures, fees, and~~
 35 ~~costs collected by them, except for such part as is due to them for service~~
 36 ~~rendered in such causes.~~

1
2 SECTION 21. Arkansas Code § 16-17-603 is amended to read as follows:

3 16-17-603. Referees - Appointment - Qualifications - Compensation.

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

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

12 (c)(1) The referee shall serve at the pleasure of the judge or judges
13 who appointed him and shall receive as compensation the sum of seven dollars
14 (\$7.00) per case, to be paid ~~out of the uniform filing fee as provided in §~~
15 16-17-705 from funds appropriated for this purpose by each governing body of
16 a political subdivision which contributes to the expenses of a district
17 court.

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

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

23
24 SECTION 22. Arkansas Code § 16-17-707 is amended to read as follows:

25 16-17-707. Separate accounts of fines, etc. - Disbursements.

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

30 (1) The first class of accounts shall embrace all sums collected
31 in the ~~municipal~~ district court in all ~~criminal~~ nontraffic cases ~~arising out~~
32 ~~of~~ which are misdemeanors or violations of the city ordinances and all cases
33 ~~arising out of violation of state laws~~ which are misdemeanors or violations
34 under state law or traffic offenses which are misdemeanors or violations
35 under state law or local ordinance committed within the corporate limits of
36 the city where the court sits, where the arresting officer was a police

1 officer or other officer of the city, ~~or where the arresting officer was a~~
 2 ~~state police officer,~~ or an officer of a private or public college or
 3 university located within the corporate limits of the city where the court
 4 sits.

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

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

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

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

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

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

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

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

33
 34 SECTION 23. Arkansas Code § 16-87-213(a)(2)(B), relating to Public
 35 Defender User Fees, is amended to read as follows:

36 (B)(i)(a) At the time of appointment of counsel, the court

1 shall assess fee of not less than ten dollars (\$10.00) nor more than one
 2 hundred dollars (\$100) to be paid to the commission in order to defray the
 3 costs of the public defender system.

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

6 ~~(ii) The fee shall be collected by the individual or~~
 7 ~~entity designated pursuant to §~~
 8 ~~16-13-709 to collect fines, costs, and restitution.~~

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

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

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

22
 23 SECTION 24. Arkansas Code § 16-92-115 is repealed.

24 ~~16-92-115. Fines—Duties of sheriffs and circuit clerks.~~

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

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

33 ~~(2) The sheriff or circuit clerk shall not be credited with any~~
 34 ~~deficit on fines or penalties imposed in the circuit courts unless he shall~~
 35 ~~be able to show the death of the party against whom the fine or penalty was~~
 36 ~~adjudged, or imprisonment in default of fine, as provided by law in those~~

1 ~~eases.~~

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

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

12
 13 SECTION 25. Arkansas Code § 16-96-403 is amended to read as follows:

14 16-96-403. Imposition by circuit court on appeal - Costs.

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

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

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

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

32 (ii) Upon receipt of the notice of affirmance or
 33 dismissal, the ~~municipal, city or police court~~ from which the appeal
 34 originated shall collect and disburse the fines, penalties, forfeitures and
 35 costs pursuant to ~~§ 16-17-707~~ §§ 16-10-209, 16-10-308, 16-17-707, 16-18-104,
 36 14-44-108 and 14-45-106.

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

6
7 SECTION 26. Arkansas Code § 21-6-402 is amended to read as follows:

8 21-6-402. Circuit ~~and chancery~~ court clerks -- Miscellaneous fees.

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

- 11 (1) For drawing and issuing, sealing any summons, subpoena
12 \$ 2.50
- 13 (2) For taking and entering a bond, civil or
14 criminal..... .60
- 15 (3) For every motion, rule, answer, interrogatories, or other
16 miscellaneous filings60
- 17 (4) For entering every order or decree 2.00
- 18 (5) For entering each judgment 3.00
- 19 (6) For swearing jury 2.00
- 20 (7) For trial before court 1.00
- 21 (8) For scire facias 15.00
- 22 (9) For writs or executions ~~4.00~~ 10.00
- 23 (10) For certificate and seal 2.00
- 24 (11) For each page in making and preparing any transcript
25 1.50
- 26 (12) For indexing each page10
- 27 (13) For certifying costs 1.00
- 28 (14) For issuing juror or witness certificates50

29
30 SECTION 27. Arkansas Code § 21-6-403 is amended to read as follows:

31 21-6-403. Circuit ~~and chancery~~ court clerks - Uniform filing fees.

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

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

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

3 ~~(2) For initiating a cause of action in the chancery court~~
4 ~~..... 100.00~~

5 ~~(3)(2)~~ For reopening a cause of action in the ~~chancery~~ circuit
6 court 30.00

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

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

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

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

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

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

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

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

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

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

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

36 (h) For purposes of this section, the term "circuit court clerk" means

1 the circuit clerk and, with respect to probate matters, any county clerk who
2 serves as ex officio clerk of the probate division of the circuit court.

3
4 SECTION 28. Arkansas Code Title 21, Chapter 6, Subchapter 4 is amended
5 to add an additional section to read as follows:

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

7 (a) Miscellaneous court fees are established as follows:

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

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

1 division of the circuit court.

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

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

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

10 (B) With the exception of those funds referred to in
11 subdivision (e)(2) of this section, all funds deposited into the county
12 clerk's cost fund are general revenues of the county and may be used for any
13 legitimate county purpose.

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

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

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

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

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

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

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

35
36 SECTION 29. Arkansas Code Title 21, Chapter 6 is amended by adding the

1 following new Section as follows:

2 21-6-414. County court clerks - Uniform filing fees.

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

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

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

11
12 SECTION 30. Arkansas Code § 23-112-603(c), relating to the disposition
13 of fines for violations of the Used Motor Vehicle Buyer Protection Act, is
14 amended to read as follows:

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

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

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

34
35 SECTION 31. Arkansas Code § 24-8-318 is amended to read as follows:

36 24-8-318. Additional funding sources for retirement benefits.

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

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

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

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

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

20
 21 SECTION 32. Arkansas Code § 27-14-314(c), relating to the disposition
 22 of fines for failure to register, is amended to read as follows:

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

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

36 (3) If the arresting officer is a municipal law enforcement

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

6
7 SECTION 33. Arkansas Code § 27-15-305(c), relating to the disposition
8 of fines for illegal parking in area for disabled, is amended to read as
9 follows:

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

23
24 SECTION 34. Arkansas Code § 27-22-103(c), relating to the disposition
25 of fines for no liability insurance, is amended to read as follows:

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

33 (2) If the arresting officer ~~was~~ is a county law enforcement
34 officer, the fine collected shall be deposited in that county fund used for
35 the purchase and maintenance of rescue, emergency medical, and law
36 enforcement vehicles, communications equipment, animals owned or used by law

1 enforcement agencies, life-saving medical apparatus, and law enforcement
2 apparatus to be used for those purposes.

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

9
10 SECTION 35. Arkansas Code § 27-34-107 is amended to read as follows:
11 27-34-107. Child Passenger Protection Fund.

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

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

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

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

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

30
31 SECTION 36. Arkansas Code § 27-37-705 is amended to read as follows:
32 27-37-705. Reduction of fine.

33 When any motor vehicle operator is stopped by a law enforcement officer
34 and the law enforcement officer notes that the provisions of this subchapter
35 have not been violated, any fine levied for a moving traffic violation
36 against the motor vehicle operator as a result of being stopped shall be

1 reduced by ten dollars (\$10.00) as an incentive to comply with this
2 subchapter.

3
4 SECTION 37. Arkansas Code § 27-50-311(e), relating to the disposition
5 of fines for large trucks exceeding speed limits, is amended to read as
6 follows:

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

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

20
21 SECTION 38. Arkansas Code § 28-41-101(b)(1), relating to the filing
22 fee for small estates, is amended to read as follows:

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

29 /s/ Lamoureux
30
31
32
33
34
35