

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.

Act 328 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H2/11/09

A Bill

HOUSE BILL 1353

5 By: Representatives Wells, George, Harrelson, Overbey, T. Rogers, Tyler
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7

8 **For An Act To Be Entitled**

9 AN ACT TO PROVIDE A STRUCTURE FOR THE PERPETUAL
10 STAFFING AND OPERATION OF THE AUTOMATED COURT
11 MANAGEMENT SYSTEM; TO ENSURE THAT THE AUTOMATED
12 COURT SYSTEM IS SELF-SUPPORTING; TO PROVIDE THAT
13 ALL FUNDING IS GENERATED BY AND THROUGH THE USE
14 OF THE AUTOMATED COURT SYSTEM TO THE EXCLUSION OF
15 ANY USE OF GENERAL REVENUE FUNDS OF THE STATE OF
16 ARKANSAS; AND FOR OTHER PURPOSES.
17

18 **Subtitle**

19 AN ACT TO PROVIDE A STRUCTURE, SELF-
20 SUPPORT, AND FUNDING FOR THE PERPETUAL
21 STAFFING AND OPERATION OF THE AUTOMATED
22 COURT MANAGEMENT SYSTEM.
23
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. NOT TO BE CODIFIED.

28 Pursuant to Arkansas Code § 16-10-101 and 16-10-102, the Arkansas
29 Supreme Court, through the Administrative Office of the Courts, is
30 responsible for the design, purchase, implementation, and operation of a
31 comprehensive automated court management system for use by all district,
32 circuit, and appellate courts in the State of Arkansas.

33 In 2001, the Arkansas Supreme Court created the Arkansas Court
34 Automation Project to carry out these responsibilities and appointed the
35 Arkansas Supreme Court Committee on Automation to oversee the project. Since



1 that time a comprehensive system has been bid and purchased, redesigned for
2 maximum use in Arkansas courts, and implemented in a number of pilot courts
3 in the state. The system is now completed and scheduled for distribution and
4 use by all of the courts in the state.

5 The purpose of this Act is to provide a structure for the perpetual
6 staffing and operation of the system so that the system is self-supporting
7 and all funding is generated by and through use of the system and without any
8 use of the general revenue funds of the State of Arkansas.

9
10 SECTION 2. NOT TO BE CODIFIED.

11 This Act is to be known as the "Court Technology Improvement Act of
12 2009".

13
14 SECTION 3. Arkansas Code § 16-13-706 is amended to read as follows:

15 16-13-706. Credit card or debit card payments.

16 (a) The court or the agency designated ~~pursuant to~~ under § 16-13-709
17 or § 16-92-118 may accept payment of fines and associated costs by an
18 approved credit card or debit card.

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

23 (2) ~~Where~~ When the offender pays fines by credit card or debit
24 card, the total fine owed shall be reduced by the service fee charged to the
25 court by the credit card company.

26
27 SECTION 4. Arkansas Code Title 16, Chapter 92 is amended to add an
28 additional section to read as follows:

29 16-92-118. Fines – Collection and deposit.

30 (a)(1) Notwithstanding § 16-13-709, the quorum court of each county of
31 this state may delegate the responsibility for the electronic collection of
32 fines assessed in a circuit court of this state within that county to the
33 Administrative Office of the Courts or the Information Network of Arkansas.

34 (2) Fines collected in each circuit court by the *Administrative*
35 *Office of the Courts or the Information Network of Arkansas* shall be remitted
36 by the fifth working day of the following month to the county official,

1 agency, or department designated under § 16-13-709 as primarily responsible
2 for the collection of fines assessed in that circuit court to be disbursed to
3 the appropriate county fund, state entity, or state agency as provided by
4 law.

5 (b)(1) Notwithstanding § 16-13-709, the governing body or, if
6 applicable and by mutual agreement, each governing body of a political
7 subdivision that contributes to the expenses of a district court or the
8 governing body of the city in which a city court is located may designate the
9 responsibility for the electronic collection of fines assessed in that
10 district court or that city court to the Administrative Office of the Courts
11 or the Information Network of Arkansas.

12 (2) Fines collected in each district court or each department of
13 district court by the *Administrative Office of the Courts or the Information*
14 *Network of Arkansas* shall be remitted by the fifth working day of the
15 following month to the county or city official, agency, or department
16 designated under § 16-13-709 as primarily responsible for the collection of
17 fines assessed in that district court to be disbursed under § 16-17-707.

18 (c) Fines collected in each city court by the *Administrative Office of*
19 *the Courts or the Information Network of Arkansas* shall be disbursed by the
20 fifth working day of the following month to the city official, agency, or
21 department designated under § 16-13-709 as primarily responsible for the
22 collection of fines assessed in that city court to be disbursed to the
23 general fund or other city fund, state agency, or state entity as provided by
24 law.

25 (d)(1) The *Administrative Office of the Courts or the Information*
26 *Network of Arkansas* shall be allowed to charge an access fee not to exceed
27 ten dollars (\$10.00) for any electronic payment of a court-ordered fine by an
28 approved credit card or debit card.

29 (2) The fee provided for in subsection (d)(1) of this section
30 collected by the Administrative Office of the Courts shall be deposited by
31 the fifth day of each month in the Judicial Fine Collection Enhancement Fund
32 established by § 16-13-712.

33 (e)(1) This section does not prohibit the county or city official,
34 agency, or department designated under § 16-13-709 as primarily responsible
35 for the collection of fines assessed in a circuit court, district court, or
36 city court of this state from the electronic collection of fines. *The quorum*

1 court of each county may establish an access fee not to exceed ten dollars
2 (\$10.00) to be charged by the county official, agency, or department
3 designated under § 16-13-709 as primarily responsible for the collection of
4 finances assessed in a circuit court within that county for any electronic
5 payment of a court-ordered fine by an approved credit card or debit card.

6 (3) The governing body or, if applicable and by mutual
7 agreement, each governing body of a political subdivision that contributes to
8 the expenses of a district court or the governing body of the city in which a
9 city court is located, may establish an access fee not to exceed ten dollars
10 (\$10.00) to be charged by the city or county official, agency, or department
11 designated under § 16-13-709 as primarily responsible for the collection of
12 finances assessed in that district court or city court for any electronic
13 payment of a court-ordered fine by an approved credit card or debit card.

14 (4) The fee provided for in subdivisions (e)(2) and (e)(3) of
15 this section collected by the designated county or city official, agency, or
16 department shall be deposited by the tenth day of each month in the
17 appropriate circuit court automation fund, district court automation fund, or
18 city court automation fund established under § 16-73-704 to be used solely
19 for the purposes stated in that section.

20 (f)(1) The procedures established by this section apply to the
21 assessment and collection of all monetary fines, however designated, imposed
22 by circuit courts, district courts, or city courts for criminal convictions,
23 traffic convictions, civil violations, and juvenile delinquency adjudications
24 and shall be used to obtain prompt and full payment of all such fines.

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

29
30 SECTION 5. Arkansas Code § 21-6-401 is amended to read as follows:

31 21-6-401. Clerk of Supreme Court.

32 (a)(1) The Clerk of the Supreme Court shall be allowed and paid by the
33 appellant or petitioner, in advance, in all civil actions and misdemeanors
34 filed in either the Supreme Court or the Court of Appeals a fee of one
35 hundred fifty dollars (\$150), ~~which shall be full payment of all the costs in~~
36 ~~the proceedings.~~

1 (2)(A) The Clerk of the Supreme Court shall be allowed a fee of
2 one hundred fifty dollars (\$150) for a certified question from a federal
3 court;

4 (B) The fee shall be prorated among the parties filing
5 briefs and paid by each party at the time the brief is filed except that if
6 the Arkansas Attorney General is requested to file a brief, he or she shall
7 not be required to pay any portion of the fee.

8 (3) The Clerk of the Supreme Court shall be allowed and paid by
9 the petitioner, in advance, for each petition for rehearing of a decision of
10 the Court of Appeals or Supreme Court a fee of twenty-five dollars (\$25.00).

11 ~~(2)(4)~~ If the judgment of the Supreme Court or the Court of
12 Appeals is in favor of the appellant or petitioner, the Clerk of the Supreme
13 Court shall tax the fee provided in this subsection in favor of the appellant
14 or petitioner.

15 (b)(1) The Clerk of the Supreme Court shall be allowed and paid by the
16 petitioner, in advance, for each petition for review of a decision of the
17 Court of Appeals filed in the Supreme Court a fee of twenty-five dollars
18 (\$25.00), ~~which shall be full payment of all the costs in the proceedings.~~

19 (2) If the decision of the Court of Appeals is reversed by the
20 Supreme Court, the Clerk of the Supreme Court shall tax the fee provided in
21 this subsection in favor of the petitioner.

22 (c) The Clerk of the Supreme Court shall also be allowed:

23 (1) For each certificate and seal \$ 1.00

24 (2) For acknowledging each deed50

25 (3) For copies of papers and records per page .50

26 (4) For other services, the same fees allowed clerks of the
27 circuit court.

28 (d) The Clerk of the Supreme Court shall be allowed and paid in
29 advance in all civil actions and misdemeanors filed in either the Supreme
30 Court or the Court of Appeals a fee of twenty dollars (\$20.00) for every
31 motion, response, and similar paper.

32 ~~(d)(e)~~ The Supreme Court may implement a case management system for
33 the courts of the state ~~in which members of the public may be afforded that~~
34 may include ~~electronic access~~ filing and public online access to court
35 decisions and other court records, and the Supreme Court by court rule may
36 establish a reasonable fee for ~~the~~ access and related use.

1 ~~(e)~~(f) All of the collected fees provided for in subsections (a)(1),
2 (a)(4), (b), and (c) of this section shall be deposited in a bank to the
3 account of the Supreme Court Library Fund, to be used by the Supreme Court
4 for the maintenance and improvement of the Supreme Court Library.

5 ~~(f)~~(g) All of the collected fees provided for in ~~subsection~~
6 subsections (a)(2), (a)(3), (d), and (e) of this section shall be ~~deposited~~
7 remitted by the Clerk of the Supreme Court on or before the fifteenth day of
8 each month to the Administration of Justice Funds Section of the Office of
9 Administrative Services of the Department of Finance and Administration on a
10 form provided by that office for deposit into in the Judicial Fine Collection
11 Enhancement Fund ~~as~~ established by § 16-13-712.

12
13 SECTION 6. Arkansas Code § 21-6-402 is amended to read as follows:

14 21-6-402. Circuit court clerks – Miscellaneous fees.

15 ~~(a) Except as provided in subsection (b) of this section, the fees for~~
16 ~~clerks of circuit courts in this state shall be as follows:~~

17 (a)(1) The fees to be charged by the clerks of the circuit courts for
18 the following matters in the circuit courts in the state shall be as
19 prescribed in this section.

20 (2) No portion of these fees shall be refunded.

21 (b) The fees shall be:

22	(1) For drawing and issuing, sealing any summons, subpoena	\$2.50
23	(2) For taking and entering a bond, civil or criminal60
24	(3) For every motion, rule, answer, interrogatories, or other	
25	miscellaneous filings60
26	(4) For entering every order or decree	2.00
27	(5) For entering each judgment	3.00
28	(6) For swearing jury	2.00
29	(7) For trial before court	1.00
30	(8) For seire facias	15.00
31	(9) <u>(2)</u> For writs or executions	10.00
32		<u>20.00</u>
33	(10) <u>(3)</u> For certificate and seal	5.00
34	(11) <u>(4)</u> For each page in making and preparing any transcript	
35	1.50 <u>2.50</u>	
36	(12) <u>(5)</u> For indexing each page	10

1 .25
2 ~~(13)(6)~~ For certifying costs 1.00
3 2.50
4 ~~(14)~~ For issuing juror or witness certificates50
5 ~~(15)(7)~~ For authentication certificate 5.00
6 (8) For filing an application for appointment to serve civil
7 process under Supreme Court Administrative Order Number 20. 140.00
8 (9) For filing a renewal of an appointment to serve civil
9 process under Supreme Court Administrative Order Number 20 50.00
10 ~~(b)(c)~~ The fees to be charged by the circuit court clerks of this
11 state to the Department of Finance and Administration shall be as follows:
12 (1) For filing a certificate of indebtedness issued by the
13 Department of Finance and Administration \$8.00
14 (2) For filing a release of a certificate of indebtedness . 6.00
15 (3) For an execution on a certificate of indebtedness filed by
16 the Department of Finance and Administration 10.00
17

18 SECTION 7. Arkansas Code Title 21, Chapter 6, Subchapter 4 is amended
19 to add an additional section to read as follows:

20 21-6-416. Court clerks – Technology fees.

21 (a)(1) The court technology fee to be charged by the clerks of the
22 Supreme Court, circuit courts, and district courts of this state shall be as
23 prescribed in this section.

24 (2) No portion of the court technology fee shall be refunded.

25 (b) The court technology fee is as follows:

26 (1) For all civil actions and misdemeanors filed in either the
27 Supreme Court or the Court of Appeals \$15.00

28 (2) For initiating a cause of action in the civil, domestic
29 relations, or probate division of circuit court, including appeals . . 15.00

30 (3) For initiating a cause of action in the civil or small
31 claims division of district court 15.00

32 (c)(1) The fee provided under subsection (b)(1) of this section
33 collected in the Supreme Court or the Court of Appeals shall be remitted by
34 the clerk of the Supreme Court on or before the fifteenth day of each month
35 to the Administration of Justice Funds Section of the Office of
36 Administrative Services of the Department of Finance and Administration on a

1 form provided by that office for deposit in the Judicial Fine Collection
2 Enhancement Fund established by § 16-13-712.

3 (2) The fee provided under subsection (b)(2) and (b)(3) of this
4 section collected in circuit court or district court shall be remitted by the
5 county or city official, agency, or department designated under § 16-13-709
6 as primarily responsible for the collection of fines assessed in circuit
7 court or district court on or before the fifteenth day of each month to the
8 Administration of Justice Fund Section of the Office of Administrative
9 Services of the Department of Finance and Administration, on a form provided
10 by that office, for deposit in the Judicial Fine Collection Enhancement Fund
11 established by § 16-13-712.

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

16 (e) Prosecuting attorneys filing actions on behalf of the state, with
17 the exception of child support cases, are exempt from paying fees under this
18 section.

19 (f) Fees under this section shall not be charged or collected in cases
20 brought in the circuit court under § 9-27-301 et seq. by a governmental
21 entity or nonprofit corporation, including without limitation an attorney ad
22 litem appointed in a dependency-neglect case or the Department of Human
23 Services.

24 (g) As used in this section, "circuit court clerk" means the circuit
25 clerk and with respect to probate matters any county clerk who serves as ex
26 officio clerk of the probate division of the circuit court.

27
28 /s/ Wells

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30 **APPROVED: 3/09/2009**