

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 627 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H3/9/07

A Bill

HOUSE BILL 2319

5 By: Representative Pate
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7

For An Act To Be Entitled

9 AN ACT CONCERNING RECORD RETENTION OF DISTRICT
10 COURTS AND CITY COURTS; AND FOR OTHER PURPOSES.
11

Subtitle

12 AN ACT CONCERNING RECORD RETENTION OF
13 DISTRICT COURTS AND CITY COURTS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 16-10-207(1), concerning controls for
20 uniform traffic tickets of police departments and marshal's and sheriff's
21 offices under the Arkansas District Courts and City Courts Accounting Law, is
22 amended to read as follows:

23 (1) Controls for Uniform Traffic Tickets:

24 (A) A list of all uniform traffic ticket books and the
25 corresponding range of tickets in each book shall be kept in the police
26 department, office of city or town marshal, or sheriff's office;

27 (B) The issuance of the uniform traffic ticket books shall
28 be the responsibility of the chief of police, marshal, or sheriff, or someone
29 who is delegated the authority to do so;

30 (C) Each patrolman, including also the chief of police,
31 marshal, or sheriff, shall sign a receipt for each uniform traffic ticket
32 book issued to him or her. This receipt book shall be made available for
33 inspection;

34 (D) The chief of police, marshal, or sheriff shall be
35 responsible for ensuring that all uniform traffic tickets issued shall be



1 entered on the arrest report; and

2 (E) As each ticket book is completed, it shall immediately
3 be filed with the court clerk and made available for inspection; ~~and~~

4 ~~(F) The completed ticket books shall be maintained by the~~
5 ~~court clerk for a period of at least three (3) years and in no event shall be~~
6 ~~disposed of prior to being audited for the period in question;~~

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8 SECTION 2. Arkansas Code § 16-10-210 is amended to read as follows:

9 16-10-210. Accounting systems above minimum.

10 (a) ~~In the event any~~ Any official charged with the maintenance of
11 accounting or bookkeeping records under the provisions of this subchapter ~~who~~
12 ~~feels his~~ whose system of bookkeeping is such that it does not strictly
13 adhere to the provisions of this subchapter but, in that official's opinion,
14 equals or exceeds the basic ~~system~~ requirements prescribed by this
15 subchapter, ~~he~~ may request the court's presiding judge to request a review by
16 the staff of the Legislative Joint Auditing Committee.

17 (b) Upon the committee's concurrence with ~~such facts~~ the official's
18 opinion regarding the capability of the existing system of bookkeeping, ~~the~~
19 ~~committee may issue a certificate~~ a letter shall be issued by the committee
20 to that official the court's presiding judge stating that the official's
21 accounting system is of a degree of sophistication such that the basic
22 requirements of this subchapter are being met.

23 (c) ~~and exempting the~~ After issuance of the letter by the committee
24 under subsection (b) of this section, the official is exempt from the
25 requirements of the particulars of the ~~system~~ procedures prescribed by this
26 subchapter provided the official's system of bookkeeping is not altered.

27
28 SECTION 3. Arkansas Code Title 16, Chapter 10, Subchapter 2 is amended
29 to add an additional section to read as follows:

30 16-10-211. Record retention schedule.

31 (a) All towns, cities, and counties of the State of Arkansas shall
32 maintain records for the district courts and city courts and are to:

33 (1) Permanently maintain:

34 (A) Case indices for all courts;

35 (B) Case dockets for all courts;

36 (C) Warrants;

1 (D) Waivers;
2 (E) Expungement and sealed records;
3 (F) Circuit court judgments;
4 (G) Files concerning convictions under the Omnibus DWI
5 Act, § 5-65-101 et seq.;
6 (H) Files concerning cases resulting in a suspended
7 imposition of sentence; and
8 (I) Domestic battering files;
9 (2) Maintain for a period of at least seven (7) years and in no
10 event dispose of prior to being audited:
11 (A) Records and reports of court costs;
12 (B) Fines and fees assessed and collected;
13 (C) Complete case files and written exhibits for all
14 courts;
15 (D) Month-end settlements;
16 (E) Monthly distribution reports;
17 (G) Show cause orders;
18 (H) Case information, including arrest reports and
19 affidavits; and
20 (I) Alternative service or community service time sheets;
21 and
22 (3) Maintain for a period of at least three (3) years and in no
23 event dispose of prior to being audited:
24 (A) Bank reconciliations;
25 (B) Check book registers;
26 (C) Cancelled checks;
27 (D) Bank statements;
28 (E) Receipts;
29 (F) Deposit collection records;
30 (G) Budget packets or books;
31 (H) Accounts payable;
32 (I) Payroll time sheets;
33 (J) Information concerning vacation and sick leave;
34 (K) Month-end payroll; and
35 (L) Ticket books from each police department and sheriff's
36 office.

1 (b) After a town, city, or county has maintained records for the time
2 periods required by subdivisions (a)(2) or (3) of this section and after the
3 records described in subdivisions (a)(2) or (3) of this section have been
4 audited, the records may be destroyed.

5 (c) When records are destroyed under subsection (b) of this section,
6 the town, city, or county shall document the destruction by the following
7 procedure:

8 (1) An affidavit is to be prepared stating:

9 (A) Which records are being destroyed and to which period
10 of time the records apply; and

11 (B) The method of destruction; and

12 (2)(A) For city court records, the affidavit described in
13 subdivision (c)(1) of this section is to be signed by the town or city
14 employee performing the destruction and one (1) town or city council member.

15 (B) For district court records, the affidavit described in
16 subdivision (c)(1) of this section is to be signed by the town, city, or
17 county employee performing the destruction and one (1) employee of the
18 governing body or, if applicable, governing bodies which contribute to the
19 expenses of the court.

20 (d)(1) In addition to the procedure described in subsection (c) of
21 this section, the approval of the town or city council for destruction of
22 documents shall be obtained prior to the destruction of city court records
23 and an appropriate note of the approval indicated in the town or city council
24 minutes along with the destruction affidavit.

25 (2) In addition to the procedure described in subsection (c) of
26 this section, the approval of the governing body or, if applicable, governing
27 bodies that contribute to the expenses of the court shall be obtained prior
28 to the destruction of district court records and an appropriate note of the
29 approval indicated in the minutes of the governing body or bodies along with
30 the destruction affidavit.

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32 /s/ Pate

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34 **APPROVED: 3/28/2007**