

ARKANSAS SENATE
88th General Assembly - Regular Session, 2011
Amendment Form

Subtitle of House Bill No. 1859

MAKING CERTAIN TECHNICAL AMENDMENTS TO TITLE 16.

Amendment No. 1 to House Bill No. 1859

Amend House Bill No. 1859 as engrossed, H3/9/11 (version: 03/09/2011 12:10:57 PM)

Page 1, delete line 21 and substitute:

"SECTION 1. Arkansas Code § 16-10-305 [Effective January 1, 2012] is amended to read as follows:

16-10-305. Court costs. [Effective January 1, 2012.]

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

~~(1) For misdemeanor or felony violations of state law, excluding violations of the Omnibus DWI Act, § 5-65-101 et seq., in circuit court, one hundred fifty dollars (\$150);~~

~~(2) For offenses that are misdemeanors or violations of state law, excluding violations of the Omnibus DWI Act, § 5-65-101 et seq., in district court, one hundred dollars (\$100);~~

~~(3) For traffic offenses that are misdemeanors or violations under state law or town or city ordinance, excluding violations of the Omnibus DWI Act, § 5-65-101 et seq., in district court, seventy five dollars (\$75.00);~~

~~(4) For nontraffic offenses that are misdemeanors or violations under town, city, or county ordinance in district court, twenty five dollars (\$25.00); and~~

~~(5) For violations of the Omnibus DWI Act, § 5-65-101 et seq., in circuit court or district court, three hundred dollars (\$300).~~

(1) In circuit court, one hundred fifty dollars (\$150) for misdemeanor or felony violations of state law, excluding violations of:

- (A) The Omnibus DWI Act, § 5-65-101 et seq.;
- (B) The Underage DUI Law, § 5-65-301 et seq.;
- (C) Section 5-75-101 et seq.;
- (D) Section 5-76-101 et seq.;
- (E) Section 27-23-114; or
- (F) Section 15-42-127;

(2) In district court, one hundred dollars (\$100) for offenses that are misdemeanors or violations of state law, excluding violations of:

- (A) The Omnibus DWI Act, § 5-65-101 et seq.;
- (B) The Underage DUI Law, § 5-65-301 et seq.;



- (C) Section 5-75-101 et seq.;
- (D) Section 5-76-101 et seq.;
- (E) Section 27-23-114; or
- (F) Section 15-42-127;

(3) In circuit court or district court, seventy-five dollars (\$75.00) for traffic offenses that are misdemeanors or violations under state law or local ordinance, excluding violations of:

- (A) The Omnibus DWI Act, § 5-65-101 et seq.;
- (B) The Underage DUI Law, § 5-65-301 et seq.;
- (C) Section 5-75-101 et seq.;
- (D) Section 5-76-101 et seq.;
- (E) Section 27-23-114; or
- (F) Section 15-42-127;

(4) For nontraffic offenses that are misdemeanors or violations under local ordinance in district court, twenty-five dollars (\$25.00);

(5) In circuit court or district court, three hundred dollars (\$300) for violations of:

- (A) The Omnibus DWI Act, § 5-65-101 et seq.;
- (B) The Underage DUI Law, § 5-65-301 et seq.;
- (C) Section 5-75-101 et seq.;
- (D) Section 5-76-101 et seq.;
- (E) Section 27-23-114; or
- (F) Section 15-42-127; and

(6)(A) For knowingly possessing less than four ounces (4 oz.) of a Schedule VI controlled substance in circuit court, district court, or city court, three hundred dollars (\$300).

(B) One hundred fifty dollars (\$150) of the court costs collected under subdivision (a)(6) shall be remitted to the Treasurer of State by the court clerk for deposit into the Drug Abuse Prevention and Treatment Fund for the Office of Alcohol and Drug Abuse Prevention to be used exclusively for drug courts or other substance abuse and prevention activities.

(b)(1) The costs set forth in this section shall be imposed at the conclusion of any criminal case enumerated in subsection (a) of this section that does not end in an acquittal, dismissal, or, with the consent of the prosecution, an order nolle prosequi.

(2) The costs shall be imposed at the conclusion of cases involving a suspended or probated sentence even though that sentence may be expunged or otherwise removed from the defendant's record.

(c) No county, city, or town shall be liable for the payment of the costs taxed under this section in any instance where they are not collected, or in any case in which the defendant pays the costs by serving time in a jail, on a county farm, or at any other official place of detention or work.

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

(e) This section shall become effective July 1, 2001, and the revised court costs shall be imposed on all cases which come before the court for final disposition on or after July 1, 2001.

(f)(1) There shall be levied and collected from each defendant who pleads guilty or nolo contendere to an offense, is found guilty of an offense, or forfeits bond in city court on or before December 31, 2011, the

court costs applicable in city court at that time.

(2) The court costs applicable in district court shall be levied and collected in all cases filed in city court in which a defendant pleads guilty or nolo contendere to an offense, is found guilty of an offense, or forfeits bond in district court on or after January 1, 2012.

SECTION 2. Arkansas Code § 16-13-704(b) [Effective January 1, 2012],"

AND

Renumber the sections accordingly

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator S. Harrelson
BPG/LNS - 03/23/11 10:36
BPG441

Secretary