

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 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

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

Subtitle

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

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

SECTION 1. NOT TO BE CODIFIED.

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

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
36 that time a comprehensive system has been bid and purchased, redesigned for



1 maximum use in Arkansas courts, and implemented in a number of pilot courts
2 in the state. The system is now completed and scheduled for distribution and
3 use by all of the courts in the state.

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

8
9 SECTION 2. NOT TO BE CODIFIED.

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

12
13 SECTION 3. Arkansas Code § 16-13-706 is amended to read as follows:

14 16-13-706. Credit card or debit card payments.

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

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

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

25
26 SECTION 4. Arkansas Code Title 16, Chapter 92 is amended to add an
27 additional section to read as follows:

28 16-92-118. Fines – Collection and deposit.

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

33 (2) Fines collected in each circuit court by the *Administrative*
34 *Office of the Courts or the Information Network of Arkansas* shall be remitted
35 by the fifth working day of the following month to the county official,
36 agency, or department designated under § 16-13-709 as primarily responsible

1 for the collection of fines assessed in that circuit court to be disbursed to
2 the appropriate county fund, state entity, or state agency as provided by
3 law.

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

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

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

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

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

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

1 (\$10.00) to be charged by the county official, agency, or department
2 designated under § 16-13-709 as primarily responsible for the collection of
3 finer assessed in a circuit court within that county for any electronic
4 payment of a court-ordered fine by an approved credit card or debit card.

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

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

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

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

28
29 SECTION 5. Arkansas Code § 21-6-401 is amended to read as follows:

30 21-6-401. Clerk of Supreme Court.

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

36 (2)(A) The Clerk of the Supreme Court shall be allowed a fee of

1 one hundred fifty dollars (\$150) for a certified question from a federal
2 court;

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

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

10 ~~(2)~~(4) If the judgment of the Supreme Court or the Court of
11 Appeals is in favor of the appellant or petitioner, the Clerk of the Supreme
12 Court shall tax the fee provided in this subsection in favor of the appellant
13 or petitioner.

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

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

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

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

23 (2) For acknowledging each deed50

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

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

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

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

36 ~~(e)~~(f) All of the collected fees provided for in subsections (a)(1),

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

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

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

13 21-6-402. Circuit court clerks – Miscellaneous fees.

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

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

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

20 (b) The fees shall be:

21	(1) For drawing and issuing, sealing any summons, subpoena	\$2.50
22	(2) For taking and entering a bond, civil or criminal60
23	(3) For every motion, rule, answer, interrogatories, or other	
24	miscellaneous filings60
25	(4) For entering every order or decree	2.00
26	(5) For entering each judgment	3.00
27	(6) For swearing jury	2.00
28	(7) For trial before court	1.00
29	(8) For seire facias	15.00
30	(9)(2) For writs or executions	10.00
31	<u>20.00</u>	
32	(10)(3) For certificate and seal	5.00
33	(11)(4) For each page in making and preparing any transcript	
34	1.50 <u>2.50</u>	
35	(12)(5) For indexing each page10
36	<u>.25</u>	

- 1 ~~(13)~~(6) For certifying costs 1.00
- 2 2.50
- 3 ~~(14)~~ For issuing juror or witness certificates 50
- 4 ~~(15)~~(7) For authentication certificate 5.00
- 5 (8) For filing an application for appointment to serve civil
- 6 process under Supreme Court Administrative Order Number 20. 140.00
- 7 (9) For filing a renewal of an appointment to serve civil
- 8 process under Supreme Court Administrative Order Number 20 50.00
- 9 ~~(b)~~(c) The fees to be charged by the circuit court clerks of this
- 10 state to the Department of Finance and Administration shall be as follows:
- 11 (1) For filing a certificate of indebtedness issued by the
- 12 Department of Finance and Administration \$8.00
- 13 (2) For filing a release of a certificate of indebtedness . 6.00
- 14 (3) For an execution on a certificate of indebtedness filed by
- 15 the Department of Finance and Administration 10.00

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17 SECTION 7. Arkansas Code Title 21, Chapter 6, Subchapter 4 is amended

18 to add an additional section to read as follows:

19 21-6-416. Court clerks – Technology fees.

20 (a)(1) The court technology fee to be charged by the clerks of the

21 Supreme Court, circuit courts, and district courts of this state shall be as

22 prescribed in this section.

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

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

25 (1) For all civil actions and misdemeanors filed in either the

26 Supreme Court or the Court of Appeals \$15.00

27 (2) For initiating a cause of action in the civil, domestic

28 relations, or probate division of circuit court, including appeals . . 15.00

29 (3) For initiating a cause of action in the civil or small

30 claims division of district court 15.00

31 (c)(1) The fee provided under subsection (b)(1) of this section

32 collected in the Supreme Court or the Court of Appeals shall be remitted by

33 the clerk of the Supreme Court on or before the fifteenth day of each month

34 to the Administration of Justice Funds Section of the Office of

35 Administrative Services of the Department of Finance and Administration on a

36 form provided by that office for deposit in the Judicial Fine Collection

1 Enhancement Fund established by § 16-13-712.

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

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

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

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

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

26
27 /s/ Wells
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