

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011

A Bill

HOUSE BILL 1532

4
5 By: Representatives Allen, T. Baker, Dale, E. Elliott, Fielding, Leding, Powers, Rice, T. Steele, Summers,
6 B. Wilkins, Williams
7 By: Senator R. Thompson

For An Act To Be Entitled

10 AN ACT TO AUTHORIZE ELECTRONIC TRAFFIC TICKETS; AND
11 FOR OTHER PURPOSES.

Subtitle

14 TO AUTHORIZE ELECTRONIC TRAFFIC TICKETS.

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

19
20 SECTION 1. Arkansas Code § 16-10-202, regarding definitions under the
21 Arkansas District Courts and City Courts Accounting Law, effective until
22 January 1, 2012, is amended to read as follows:

23 16-10-202. ~~Definition~~ Definitions. [Effective until January 1, 2012.]

24 As used in this subchapter, ~~unless the context otherwise requires,:~~

25 (1) "Citation" means a written order or electronic ticket:

26 (A) Issued by a law enforcement officer or employee of the
27 department of public safety of a city or incorporated town who is authorized
28 to make an arrest; and

29 (B) That requires a person accused of violating the law to
30 appear in a designated court or governmental office at a specified date and
31 time;

32 (2) "~~court~~" "Court" means a district court or a city court in
33 the State of Arkansas; and

34 (3) "Electronic ticket" means an electronic citation or warning
35 printed by a law enforcement officer and issued to a person accused of
36 violating the law.



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2 SECTION 2. Arkansas Code § 16-10-202, regarding definitions under the
3 Arkansas District Courts Accounting Law, effective on and after January 1,
4 2012, is amended to read as follows:

5 16-10-202. ~~Definition~~ Definitions. [Effective January 1, 2012.]

6 As used in this subchapter,:

7 (1) "Citation" means a written order or electronic ticket:

8 (A) Issued by a law enforcement officer or employee of the
9 department of public safety of a city or incorporated town who is authorized
10 to make an arrest; and

11 (B) That requires a person accused of violating the law to
12 appear in a designated court or governmental office at a specified date and
13 time;

14 (2) ~~"court"~~ "Court" means a district court in the State of
15 Arkansas; and

16 (3) "Electronic ticket" means an electronic citation or warning
17 printed by a law enforcement officer and issued to a person accused of
18 violating the law.

19
20 SECTION 3. Arkansas Code § 16-10-205 is amended to read as follows:

21 16-10-205. Uniform traffic tickets.

22 (a) Each municipal police department, city or town marshal, and county
23 sheriff's office shall maintain and issue uniform written or electronic
24 traffic ticket books, sometimes called citation books, summons books, or
25 ticket books, for violation of all municipal and state laws.

26 (b) All written uniform traffic ticket books must be prenumbered by
27 the printer, and a printer's certificate or other evidence shall be furnished
28 to the police department, marshal's office, or sheriff's office, and the
29 certificate or other evidence shall be made available for inspection.

30 (c) All written void or spoiled tickets must be accounted for by
31 attaching all copies to the hard copy in the uniform traffic ticket book.

32 (d)(1) All written uniform traffic ticket books must have at least an
33 original and three (3) copies used and distributed as follows:

34 (A) Hard copy: Violator's copy;

35 (B) White copy: Police department, marshal's office, or
36 sheriff's office copy;

1 (C)(i) Yellow copy: Court clerk's copy, to be forwarded to
 2 the Office of Driver Services of the Revenue Division of the Department of
 3 Finance and Administration as provided in this subdivision (d)(1)(C).

4 (ii) Within five (5) business days after a
 5 conviction or forfeiture of bail of a person charged with a violation of any
 6 law regulating the operation of vehicles on a highway, § 3-3-203(a) or § 5-
 7 27-503(a)(3), the clerk shall forward the yellow copy covering the case in
 8 which the person was convicted or forfeited bail.

9 (iii) The yellow copy shall be certified by the
 10 person required to prepare it and shall include the name and address of the
 11 party charged, the registration number of the vehicle involved, the nature of
 12 the offense, the date of hearing, the plea, the judgment or whether bail was
 13 forfeited, and the amount of the fine or forfeiture.

14 (iv) Within five (5) business days after the
 15 disposition of any case, the clerk shall forward the yellow copy of the
 16 citation and the resulting disposition of the case.

17 (v) A court using the case management system
 18 provided by the Administrative Office of the Courts is not required to submit
 19 the yellow copy to the Office of Driver Services but must enter the
 20 disposition or judgment of conviction into the case management system within
 21 the time required in this section; and

22 (D) Pink copy: Remains in uniform traffic ticket book.

23 (2) Tickets issued but unprocessed shall be filed by the court
 24 date in the police department, marshal's office, or sheriff's office.

25 (e) If an electronic citation is used:

26 (1) The violator shall be given a printed copy of the electronic
 27 citation;

28 (2) A copy of the electronic citation shall be maintained by the
 29 issuing department; and

30 (3) A copy of the electronic citation shall be forwarded to the
 31 appropriate court clerk's office in either electronic or written format as
 32 designated by the appropriate court clerk.

33
 34 SECTION 4. Arkansas Code § 27-50-602 is amended to read as follows:
 35 27-50-602. Cases in which person arrested must be taken immediately
 36 before magistrate.

1 Whenever any person is arrested for any violation of this act
2 punishable as a misdemeanor, the arrested person shall be immediately taken
3 before a magistrate or other proper officer within the county in which the
4 offense charged is alleged to have been committed and who has jurisdiction of
5 the offense and is nearest or most accessible with reference to the place
6 where the arrest is made, in any of the following cases:

7 (1) When a person arrested demands an immediate appearance
8 before a magistrate;

9 (2) When the person is arrested and charged with an offense
10 under this act causing or contributing to an accident resulting in injury or
11 death to any person;

12 (3) When the person is arrested upon a charge of negligent
13 homicide;

14 (4) When the person is arrested upon a charge of driving while
15 under the influence of intoxicating liquor or narcotic drugs;

16 (5) When the person is arrested upon a charge of failure to stop
17 in the event of an accident causing death, personal injuries, or damage to
18 property; or

19 (6) In any other event when the person arrested refuses to give
20 his or her ~~written~~ promise to appear in court as provided.

21
22 SECTION 5. Arkansas Code § 27-50-603 is amended to read as follows:

23 27-50-603. Release upon ~~written~~ promise to appear.

24 (a) ~~Whenever~~ When a person is arrested for any violation of this act
25 punishable as a misdemeanor and the person is not immediately taken before a
26 magistrate as required, ~~then~~ the arresting officer may issue an electronic
27 citation or prepare in duplicate written notice to appear in court
28 containing:

29 (1) The name and address of the person;

30 (2) The license number of his or her vehicle, if any;

31 (3) The offense charged; and

32 (4) The time when and place where the person shall appear in
33 court, and if the officer is a bonded officer, he may require the person to
34 post a bail bond and give receipt therefor.

35 (b) The time specified to appear must be at least five (5) days after
36 the arrest unless the person arrested shall demand an earlier hearing.

1 (c) The place specified to appear ~~must~~ shall be before a magistrate:
2 (1) ~~within~~ Within the township or county in which the offense
3 charged is alleged to have been committed; and

4 (2) ~~who~~ Who has jurisdiction of the offense.

5 (d)(1) ~~The~~ If issued a written citation, the arrested person in order
6 to secure release, as provided in this section, must give his or her written
7 promise so to appear in court by signing in duplicate the written notice
8 prepared by the arresting officer or post a bail bond as may be required by
9 the arresting officer.

10 (2) If issued an electronic citation, the arrested person in
11 order to secure release, as provided in this section, acknowledges receipt of
12 the notice to appear in court and gives his or her promise to appear in court
13 by acceptance of the electronic citation.

14 ~~(2)(3)(A)~~ The original of the notice to appear and of the
15 receipt for bail shall be retained by the officer or electronically
16 transmitted to the court, and the copy of each delivered to the person
17 arrested.

18 (B) Thereupon, the officer shall forthwith release the
19 person arrested from custody.

20 (e) ~~Any~~ An officer violating any of the provisions of this section
21 shall be guilty of misconduct in office and shall be subject to removal from
22 office.

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