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2 88th General Assembly
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4

As Engrossed: H3/9/11
A Bill

HOUSE BILL 1859

5 By: Representative Slinkard
6

7 **For An Act To Be Entitled**

8 AN ACT MAKING CERTAIN TECHNICAL AMENDMENTS TO TITLE
9 16; AND FOR OTHER PURPOSES.
10

11 **Subtitle**

12 MAKING CERTAIN TECHNICAL AMENDMENTS TO
13 TITLE 16.
14

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16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20
21 *SECTION 1. Arkansas Code § 16-13-704(b) [Effective January 1, 2012],*
22 *concerning installment payments, is amended to read as follows:*

23 (b)(1)(A) In addition to the fine and any other assessments authorized
24 by this subchapter, an installment fee of five dollars (\$5.00) per month
25 shall be assessed on each person who is authorized to pay a fine on an
26 installment basis.

27 (B) This fee shall be collected in full each month in
28 which a defendant makes an installment payment.

29 (C) This fee shall accrue each month that a defendant does
30 not make an installment payment and the fine has not been paid in full.

31 (2)(A)(i) One-half (1/2) of the installment fee collected in
32 circuit court shall be remitted by the tenth day of each month to the
33 Administration of Justice Funds Section of the Office of Administrative
34 Services of the Department of Finance and Administration, on a form provided
35 by that office, for deposit in the Judicial Fine Collection Enhancement Fund
36 established by § 16-13-712.



1 (ii) The other half of the installment fee shall be
2 remitted by the tenth day of each month to the county treasurer to be
3 deposited in a fund entitled the circuit court automation fund to be used
4 solely for circuit court-related technology.

5 ~~(B)(i) Expenditures from the circuit court automation fund~~
6 ~~shall be approved by the administrative circuit judge of each judicial~~
7 ~~circuit.~~

8 ~~(ii) Funds in each county in a judicial circuit may~~
9 ~~be pooled for expenditure pursuant to a circuit wide technology plan approved~~
10 ~~by the administrative circuit judge.~~

11 ~~(iii) All expenditures from the circuit court~~
12 ~~automation fund shall be authorized, pursuant to the county accounting law,~~
13 ~~by the quorum court.~~

14 (B)(i) Expenditures from the circuit court automation fund
15 shall be approved by the administrative circuit judge of each judicial
16 circuit and shall be authorized and paid under the state laws governing the
17 appropriation and payment of county expenditures.

18 (ii) Expenditures may be made for indirect expenses
19 related to implementation of new court-related technology, including overtime
20 pay, personnel or travel expenses, and technology-related supplies.

21 (iii) Funds in each county in a judicial circuit may
22 be pooled for expenditure pursuant to a circuit-wide technology plan approved
23 by the administrative circuit judge.

24 (3)(A) One-half (1/2) of the installment fee collected in
25 district court shall be remitted by the tenth day of each month to the
26 Administration of Justice Funds Section, on a form provided by that section,
27 for deposit in the Judicial Fine Collection Enhancement Fund established by §
28 16-13-712.

29 (B) The other half of the installment fee collected in
30 district court shall be remitted by the tenth day of each month to the city
31 treasurer of the city in which the district court is located to be deposited
32 in a fund entitled the district court automation fund to be used solely for
33 district court-related technology.

34 (C) In any district court ~~which~~ that is funded solely by
35 the county, the other half of this fee shall be remitted by the tenth day of
36 each month to the county treasurer of the county in which the district court

1 is located to be deposited in the district court automation fund to be used
2 solely for district court-related technology.

3 ~~(D) Expenditures from the district court automation fund~~
4 ~~shall be approved by a district judge and shall be authorized, pursuant to~~
5 ~~state accounting law, by the governing body or, if applicable, governing~~
6 ~~bodies which contribute to the expenses of a district court.~~

7 (D)(i) Expenditures from the district court automation
8 fund shall be approved by a district judge and shall be authorized and paid,
9 under state laws governing the appropriation and payment of county or
10 municipal expenditures, by the governing body or, if applicable, governing
11 bodies that contribute to the expenses of a district court.

12 (ii) Expenditures may be made for indirect expenses
13 related to implementation of new court-related technology, including overtime
14 pay, personnel or travel expenses, and technology-related supplies.

15
16 SECTION 2. Arkansas Code § 16-13-706 is amended to read as follows:

17 16-13-706. Credit or debit card payments.

18 (a) The court or the agency designated under § 16-13-709 or § 16-92-
19 118 may accept payment of fines and associated costs by an approved credit
20 card or debit card.

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

25 (2) When the offender pays fines or court costs by an approved
26 credit card or debit card, the court may assess the offender a ~~service or~~
27 ~~convenience~~ transaction fee.

28 (c)(1) All courts are authorized to enroll for service with and accept
29 payments from a third-party entity for the acceptance and collection of fines
30 and associated costs with an approved credit card for which the third-party
31 entity may charge the offender a ~~service or convenience fee if the credit~~
32 ~~card company will allow the charge~~ transaction fee.

33 (2) The State of Arkansas or any of its political subdivisions
34 shall not charge an ~~access~~ transaction fee for electronic payments of a
35 court-ordered fine paid through a third-party entity.

36

1 SECTION 3. Arkansas Code § 16-17-136 is amended to add a new
2 subdivision read as follows:

3 16-17-136. Waiver of appearance and entry of plea to traffic violations
4 in district court and city court.

5 Notwithstanding any rule of criminal procedure to the contrary:

6 (1) A person who is charged in district court or city court with
7 committing an offense, excluding a violation of the Omnibus DWI Act, § 5-65-
8 101 et seq., or the Underage DUI Law, § 5-65-301 et seq., or any other
9 offense for which a court appearance is mandatory, may waive appearance and
10 trial and plead guilty or nolo contendere by a signed statement;

11 (2)(A) With the signed statement, the person shall pay the fine and
12 court costs in an amount as established by the district court or city court
13 within the limits prescribed by law.

14 (B) Fines and court costs shall be paid to the county or city
15 official, agency, or department designated under § 16-13-709 as primarily
16 responsible for the collection of fines assessed in the district courts and
17 city courts of this state; ~~and~~

18 (3) The court shall accept the signed statement accompanied by the
19 fine and court costs assessed as a plea of guilty or nolo contendere and
20 shall proceed accordingly; and

21 (4) Submitting payment under subsection (2)(A) through a website
22 constitutes an agreement to be bound by an electronic record under The
23 Arkansas Electronic Records and Signatures Act § 25-31-104 and complies in
24 all respects with the requirements of this section.

25
26 SECTION 4. Arkansas Code § 16-17-926, concerning the Woodruff County
27 District Court, is amended to read as follows:

28 16-17-926. Woodruff County District Court. [Effective January 1,
29 2012.]

30 (a)(1) Woodruff County shall have one (1) district court with ~~three~~
31 ~~(3)~~ four (4) departments:

32 (A) One (1) located in Augusta;

33 (B) One (1) located in Cotton Plant; ~~and~~

34 (C) One (1) located in McCrory; and

35 (D) One (1) located in Patterson.

36 (2) All ~~three (3)~~ four (4) departments are to be served by one

1 (1) judge.

2 (b) The Woodruff County District Court Judge shall be elected
3 countywide.

4 (c) The Woodruff County District Court shall have countywide
5 jurisdiction.

6

7 SECTION 5. Arkansas Code § 16-17-939 is amended to read as follows:

8 16-17-939. Conway County District Court. [Effective January 1, 2012.]

9 (a)(1) Conway County shall have one (1) district court with ~~three (3)~~
10 four (4) departments:

11 (A) One (1) located in Morrilton;

12 (B) One (1) located in Menifee; ~~and~~

13 (C) One (1) located in Oppelo; and

14 ~~(D)~~ One (1) located in Plumerville.

15 (2) All ~~three (3)~~ four (4) departments are to be served by one
16 (1) judge.

17 (b) The Conway County District Court Judge shall be elected
18 countywide.

19 (c) The Conway County District Court shall have countywide
20 jurisdiction.

21

22 SECTION 6. Arkansas Code § 16-17-951 is amended to read as follows:

23 16-17-951. Little River County District Court. [Effective January 1,
24 2012.]

25 (a)(1) Little River County shall have one (1) district court with ~~two~~
26 ~~(2)~~ three (3) departments:

27 (A) One (1) located in Ashdown; ~~and~~

28 (B) One (1) located in Foreman--; and

29 (C) One (1) located in Winthrop.

30 (2) Both departments are to be served by one (1) judge.

31 (b) The Little River County District Court Judge shall be elected
32 countywide.

33 (c) The Little River County District Court shall have countywide
34 jurisdiction.

35

36 SECTION 7. Arkansas Code § 16-17-956 is amended to read as follows:

1 16-17-956. Perry County District Court. [Effective January 1, 2012.]
 2 (a)(1) Perry County shall have one (1) district court with two (2)
 3 departments located in Perryville+.

4 ~~(A) One (1) located in Perryville; and~~

5 ~~(B) One (1) located in Oppelo.~~

6 (2) Both departments are to be served by one (1) judge.

7 (b) The Perry County District Court Judge shall be elected countywide.

8 (c) The Perry County District Court shall have countywide
 9 jurisdiction.

10
 11 SECTION 8. Arkansas Code § 16-17-957 is amended to read as follows:

12 16-17-957. Clark County District Court. [Effective January 1, 2012.]

13 (a)(1) Clark County shall have one (1) district court with ~~two (2)~~
 14 four (4) departments:

15 (A) One (1) located in Arkadelphia; ~~and~~

16 (B) One (1) located in Amity+;

17 (C) One (1) located in Caddo Valley; and

18 (D) One (1) located in Gurdon.

19 (2) Both departments are to be served by one (1) ~~Judge~~ judge.

20 (b) The Clark County District Court ~~judge~~ Judge shall be elected
 21 countywide.

22 (c) The Clark County District Court shall have countywide
 23 jurisdiction.

24
 25 SECTION 9. Arkansas Code § 16-17-1202(d), concerning consolidation of
 26 city courts with district courts, is amended to read as follows:

27 (d)(1)(A) A town or city that prior to January 1, 2012, operated a
 28 city court that becomes a department of a district court may by ordinance of
 29 the town or city in which the department is located abolish the department of
 30 district court.

31 (B) A copy of the ordinance abolishing the department of a
 32 district court shall be sent to the Administrative Office of the Courts.

33 (2)(A) On and after the effective date of the ordinance
 34 abolishing the department of a district court, the nearest district court in
 35 the county shall be regarded as a continuation of the department of district
 36 court that was abolished. ~~The transfer of administration shall be pursuant to~~

1 ~~§ 16-17-1101.~~

2 (B) All papers and records pertaining to a department of a
3 district court abolished by ordinance shall be transferred to the appropriate
4 district court, and no suit or prosecution of any kind or nature shall abate
5 because of any change made by this subchapter.

6 (C) Except as modified in accordance with this
7 subchapter, any of the following existing on the effective date of the
8 ordinance abolishing the department of a district court shall continue
9 unaffected:

- 10 (i) A writ;
11 (ii) An action;
12 (iii) A suit;
13 (iv) A proceeding;
14 (v) Civil liability;
15 (vi) Criminal liability;
16 (vii) A prosecution;
17 (viii) A judgment;
18 (ix) A decree;
19 (x) An order;
20 (xi) A sentence;
21 (xii) A regulation;
22 (xiii) A cause of action; and
23 (xiv) An appeal.

24
25 SECTION 10. Arkansas Code § 16-88-101(a)(4) [Effective until January
26 1, 2012], concerning jurisdiction of district courts, is amended to read as
27 follows:

28 (4) The district court shall have original jurisdiction, exclusive of
29 the circuit court, for the trial of violations of ordinances of any town,
30 city, or county within the territorial jurisdiction of the district court and
31 shall have original jurisdiction concurrent with the circuit court for the
32 trial of offenses defined as misdemeanors and violations by state law and
33 committed within the territorial jurisdiction of the district court.

34
35 SECTION 11. Arkansas Code § 16-88-101(a)(4) [Effective January 1,
36 2012.], concerning jurisdiction of district courts, is amended to read as

1 follows:

2 (4) The district court shall have original jurisdiction, exclusive of
3 the circuit court, for the trial of violations of ordinances of any town,
4 city, or county within the territorial jurisdiction of the district court and
5 shall have original jurisdiction concurrent with the circuit court for the
6 trial of offenses defined as misdemeanors and violations by state law and
7 committed within the territorial jurisdiction of the district court.

8

9 SECTION 12. Arkansas Code § 16-92-118(d) and (e), concerning
10 electronic collection of fines, is amended to read as follows:

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

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

19 (e)(1) This section does not prohibit the county or city official,
20 agency, or department designated under § 16-13-709 as primarily responsible
21 for the collection of fines assessed in a circuit court, district court, or
22 city court of this state from the electronic collection of fines. The quorum
23 court of each county may establish ~~an access fee not to exceed ten dollars~~
24 ~~(\$10.00)~~ a transaction fee to be charged by the county official, agency, or
25 department designated under § 16-13-709 as primarily responsible for the
26 collection of fines assessed in a circuit court within that county for any
27 electronic payment of a court-ordered fine by an approved credit card or
28 debit card.

29 ~~(3)(2)~~ (2) The governing body or, if applicable and by mutual
30 agreement, each governing body of a political subdivision that contributes to
31 the expenses of a district court or the governing body of the city in which a
32 city court is located, may establish ~~an access fee not to exceed ten dollars~~
33 ~~(\$10.00)~~ a transaction fee to be charged by the city or county official,
34 agency, or department designated under § 16-13-709 as primarily responsible
35 for the collection of fines assessed in that district court or city court for
36 any electronic payment of a court-ordered fine by an approved credit card or

1 debit card.

2 ~~(4)(3)~~ The fee provided for in subdivisions ~~(e)(2) and (3)~~
3 (e)(1) and (2) of this section collected by the designated county or city
4 official, agency, or department shall be deposited by the tenth day of each
5 month in the appropriate circuit court automation fund, district court
6 automation fund, or city court automation fund established under § 16-13-704
7 to be used solely for the purposes stated in that section.

8

9 SECTION 13. Arkansas Code § 27-51-102(d), concerning disposition of
10 fines for certain offenses in district court, is amended to read as follows:

11 (d)~~(1)~~ All fines imposed for the violation of any of the provisions of
12 this act shall be ~~paid into the general free school fund in each county where~~
13 ~~the offense is committed~~ collected and disbursed under § 16-13-709.

14 ~~(2) All officers whose duty is to collect fines imposed for~~
15 ~~violations of this act shall do so, and all moneys received by them shall be~~
16 ~~turned in to the county treasury of the county where the fines are imposed,~~
17 ~~to be credited to the free school fund.~~

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19 /s/Slinkard

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