

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: H3/9/11 S3/31/11

A Bill

HOUSE BILL 1859

5 By: Representative Slinkard
6

For An Act To Be Entitled

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

Subtitle

11 MAKING CERTAIN TECHNICAL AMENDMENTS TO
12 TITLE 16.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20
21 *SECTION 1. Arkansas Code § 16-10-305 [Effective January 1, 2012] is*
22 *amended to read as follows:*

23 *16-10-305. Court costs. [Effective January 1, 2012.]*

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

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

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

33 ~~*(3) For traffic offenses that are misdemeanors or violations*~~
34 ~~*under state law or town or city ordinance, excluding violations of the*~~
35 ~~*Omnibus DWI Act, § 5-65-101 et seq., in district court, seventy five dollars*~~
36 ~~*(\$75.00);*~~



1 ~~(4) For nontraffic offenses that are misdemeanors or violations~~
2 ~~under town, city, or county ordinance in district court, twenty five dollars~~
3 ~~(\$25.00); and~~

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

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

8 (A) The Omnibus DWI Act, § 5-65-101 et seq.;

9 (B) The Underage DUI Law, § 5-65-301 et seq.;

10 (C) Section 5-75-101 et seq.;

11 (D) Section 5-76-101 et seq.;

12 (E) Section 27-23-114; or

13 (F) Section 15-42-127;

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

16 (A) The Omnibus DWI Act, § 5-65-101 et seq.;

17 (B) The Underage DUI Law, § 5-65-301 et seq.;

18 (C) Section 5-75-101 et seq.;

19 (D) Section 5-76-101 et seq.;

20 (E) Section 27-23-114; or

21 (F) Section 15-42-127;

22 (3) In circuit court or district court, seventy-five dollars
23 (\$75.00) for traffic offenses that are misdemeanors or violations under state
24 law or local ordinance, excluding violations of:

25 (A) The Omnibus DWI Act, § 5-65-101 et seq.;

26 (B) The Underage DUI Law, § 5-65-301 et seq.;

27 (C) Section 5-75-101 et seq.;

28 (D) Section 5-76-101 et seq.;

29 (E) Section 27-23-114; or

30 (F) Section 15-42-127;

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

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

35 (A) The Omnibus DWI Act, § 5-65-101 et seq.;

36 (B) The Underage DUI Law, § 5-65-301 et seq.;

1 (C) Section 5-75-101 et seq.;

2 (D) Section 5-76-101 et seq.;

3 (E) Section 27-23-114; or

4 (F) Section 15-42-127; and

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

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

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

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

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

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

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

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

35 (2) The court costs applicable in district court shall be levied
36 and collected in all cases filed in city court in which a defendant pleads

1 *guilty or nolo contendere to an offense, is found guilty of an offense, or*
2 *forfeits bond in district court on or after January 1, 2012.*

3
4 *SECTION 2. Arkansas Code § 16-13-704(b) [Effective January 1, 2012],*
5 *concerning installment payments, is amended to read as follows:*

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

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

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

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

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

24 ~~(B)(i) Expenditures from the circuit court automation fund~~
25 ~~shall be approved by the administrative circuit judge of each judicial~~
26 ~~circuit.~~

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

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

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

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

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

7 (3)(A) One-half (1/2) of the installment fee collected in
8 district court shall be remitted by the tenth day of each month to the
9 Administration of Justice Funds Section, on a form provided by that section,
10 for deposit in the Judicial Fine Collection Enhancement Fund established by §
11 16-13-712.

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

17 (C) In any district court ~~which~~ that is funded solely by
18 the county, the other half of this fee shall be remitted by the tenth day of
19 each month to the county treasurer of the county in which the district court
20 is located to be deposited in the district court automation fund to be used
21 solely for district court-related technology.

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

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

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

34
35 SECTION 3. Arkansas Code § 16-13-706 is amended to read as follows:
36 16-13-706. Credit or debit card payments.

1 (a) The court or the agency designated under § 16-13-709 or § 16-92-
2 118 may accept payment of fines and associated costs by an approved credit
3 card or debit card.

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

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

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

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

19
20 SECTION 4. Arkansas Code § 16-17-136 is amended to add a new
21 subdivision read as follows:

22 16-17-136. Waiver of appearance and entry of plea to traffic violations
23 in district court and city court.

24 Notwithstanding any rule of criminal procedure to the contrary:

25 (1) A person who is charged in district court or city court with
26 committing an offense, excluding a violation of the Omnibus DWI Act, § 5-65-
27 101 et seq., or the Underage DUI Law, § 5-65-301 et seq., or any other
28 offense for which a court appearance is mandatory, may waive appearance and
29 trial and plead guilty or nolo contendere by a signed statement;

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

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

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

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

8
9 SECTION 5. Arkansas Code § 16-17-926, concerning the Woodruff County
10 District Court, is amended to read as follows:

11 16-17-926. Woodruff County District Court. [Effective January 1,
12 2012.]

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

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

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

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

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

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

21 (b) The Woodruff County District Court Judge shall be elected
22 countywide.

23 (c) The Woodruff County District Court shall have countywide
24 jurisdiction.

25
26 SECTION 6. Arkansas Code § 16-17-939 is amended to read as follows:

27 16-17-939. Conway County District Court. [Effective January 1, 2012.]

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

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

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

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

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

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

36 (b) The Conway County District Court Judge shall be elected

1 countywide.

2 (c) The Conway County District Court shall have countywide
3 jurisdiction.

4

5 SECTION 7. Arkansas Code § 16-17-951 is amended to read as follows:

6 16-17-951. Little River County District Court. [Effective January 1,
7 2012.]

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

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

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

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

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

14 (b) The Little River County District Court Judge shall be elected
15 countywide.

16 (c) The Little River County District Court shall have countywide
17 jurisdiction.

18

19 SECTION 8. Arkansas Code § 16-17-956 is amended to read as follows:

20 16-17-956. Perry County District Court. [Effective January 1, 2012.]

21 (a)(1) Perry County shall have one (1) district court with two (2)
22 departments located in Perryville+.

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

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

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

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

27 (c) The Perry County District Court shall have countywide
28 jurisdiction.

29

30 SECTION 9. Arkansas Code § 16-17-957 is amended to read as follows:

31 16-17-957. Clark County District Court. [Effective January 1, 2012.]

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

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

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

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

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

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

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

5 (c) The Clark County District Court shall have countywide
6 jurisdiction.

7

8 SECTION 10. Arkansas Code § 16-17-1202(d), concerning consolidation of
9 city courts with district courts, is amended to read as follows:

10 (d)(1)(A) A town or city that prior to January 1, 2012, operated a
11 city court that becomes a department of a district court may by ordinance of
12 the town or city in which the department is located abolish the department of
13 district court.

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

16 (2)(A) On and after the effective date of the ordinance
17 abolishing the department of a district court, the nearest district court in
18 the county shall be regarded as a continuation of the department of district
19 court that was abolished. ~~The transfer of administration shall be pursuant to~~
20 ~~§ 16-17-1101.~~

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

25 (C) Except as modified in accordance with this
26 subchapter, any of the following existing on the effective date of the
27 ordinance abolishing the department of a district court shall continue
28 unaffected:

- 29 (i) A writ;
- 30 (ii) An action;
- 31 (iii) A suit;
- 32 (iv) A proceeding;
- 33 (v) Civil liability;
- 34 (vi) Criminal liability;
- 35 (vii) A prosecution;
- 36 (viii) A judgment;

- 1 (ix) A decree;
2 (x) An order;
3 (xi) A sentence;
4 (xii) A regulation;
5 (xiii) A cause of action; and
6 (xiv) An appeal.
7

8 SECTION 11. Arkansas Code § 16-88-101(a)(4) [Effective until January
9 1, 2012], concerning jurisdiction of district courts, is amended to read as
10 follows:

11 (4) The district court shall have original jurisdiction, exclusive of
12 the circuit court, for the trial of violations of ordinances of any town,
13 city, or county within the territorial jurisdiction of the district court and
14 shall have original jurisdiction concurrent with the circuit court for the
15 trial of offenses defined as misdemeanors and violations by state law and
16 committed within the territorial jurisdiction of the district court.
17

18 SECTION 12. Arkansas Code § 16-88-101(a)(4) [Effective January 1,
19 2012.], concerning jurisdiction of district courts, is amended to read as
20 follows:

21 (4) The district court shall have original jurisdiction, exclusive of
22 the circuit court, for the trial of violations of ordinances of any town,
23 city, or county within the territorial jurisdiction of the district court and
24 shall have original jurisdiction concurrent with the circuit court for the
25 trial of offenses defined as misdemeanors and violations by state law and
26 committed within the territorial jurisdiction of the district court.
27

28 SECTION 13. Arkansas Code § 16-92-118(d) and (e), concerning
29 electronic collection of fines, is amended to read as follows:

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

34 (2) The fee provided for in subsection (d)(1) of this section
35 collected by the Administrative Office of the Courts shall be deposited by
36 the fifth day of each month into the Judicial Fine Collection Enhancement

1 Fund established by § 16-13-712.

2 (e)(1) This section does not prohibit the county or city official,
3 agency, or department designated under § 16-13-709 as primarily responsible
4 for the collection of fines assessed in a circuit court, district court, or
5 city court of this state from the electronic collection of fines. The quorum
6 court of each county may establish ~~an access fee not to exceed ten dollars~~
7 ~~(\$10.00)~~ a transaction fee to be charged by the county official, agency, or
8 department designated under § 16-13-709 as primarily responsible for the
9 collection of fines assessed in a circuit court within that county for any
10 electronic payment of a court-ordered fine by an approved credit card or
11 debit card.

12 ~~(3)(2)~~ The governing body or, if applicable and by mutual
13 agreement, each governing body of a political subdivision that contributes to
14 the expenses of a district court or the governing body of the city in which a
15 city court is located, may establish ~~an access fee not to exceed ten dollars~~
16 ~~(\$10.00)~~ a transaction fee to be charged by the city or county official,
17 agency, or department designated under § 16-13-709 as primarily responsible
18 for the collection of fines assessed in that district court or city court for
19 any electronic payment of a court-ordered fine by an approved credit card or
20 debit card.

21 ~~(4)(3)~~ The fee provided for in subdivisions ~~(e)(2) and (3)~~
22 (e)(1) and (2) of this section collected by the designated county or city
23 official, agency, or department shall be deposited by the tenth day of each
24 month in the appropriate circuit court automation fund, district court
25 automation fund, or city court automation fund established under § 16-13-704
26 to be used solely for the purposes stated in that section.

27

28 SECTION 14. Arkansas Code § 27-51-102(d), concerning disposition of
29 fines for certain offenses in district court, is amended to read as follows:

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

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

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/s/Slinkard