

INTERIM STUDY PROPOSAL 2021-001

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3 REQUESTING THAT THE HOUSE COMMITTEE ON JUDICIARY STUDY ALL
4 FINANCIAL DISTRIBUTIONS RELATED TO THE DISTRICT COURT SYSTEM,
5 SPECIFICALLY DISTRIBUTIONS FROM THE STATE ADMINISTRATION OF
6 JUSTICE FUND, TO ADDRESS THE UNEVEN DISTRIBUTION OF FUNDS AMONG
7 THE STATE, COUNTIES, AND MUNICIPALITIES AND ANY RELATED
8 LEGISLATION THAT MAY BE NECESSARY TO CORRECT INEQUITIES.
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10 WHEREAS, since the passage of Arkansas Constitution, Amendment 80, the
11 General Assembly has put in place many laws to redefine the jurisdiction and
12 organization of the district court system in Arkansas; and
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14 WHEREAS, the General Assembly has focused on the collection and
15 distribution of court costs and other fines and fees to support a variety of
16 state entities and programs with little regard for local governmental need
17 and ability to collect moneys; and
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19 WHEREAS, historically, cities and towns have paid most of the costs
20 related to the operation of municipal and city courts while the State of
21 Arkansas has not paid any costs and the counties have paid very few, and the
22 practice continues to this day in most district courts; and
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24 WHEREAS, since district courts are now an integral part of the state's
25 three-tiered judicial system and the State of Arkansas, as well as many
26 counties, receives significant revenue from that system while paying little
27 or nothing to operate the district courts, an inequity exists that should be
28 studied and addressed by the General Assembly; and
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30 WHEREAS, a fair and equitable system to share the operational costs of
31 a district court would be to divide the operational costs on a pro rata basis
32 based on the use of the district court by all branches of government; and
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34 WHEREAS, during the 2013 Regular Session, the Eighty-Ninth General
35 Assembly recognized the merit of such a system on a limited basis by passing

1 Acts 2013, No. 1346, codified in part as § 16-17-108(47)(B)(i) and (ii),
2 which requires that the pro rata computation be used in Lonoke County; and
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4 WHEREAS, substantial amounts of money are collected by the district
5 court system in the form of court costs, fees, and fines; and
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7 WHEREAS, the State of Arkansas receives through the State
8 Administration of Justice Fund a significant portion of the moneys collected
9 by district courts and pays nothing to local governments to assist with the
10 operational costs of the district courts; and
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12 WHEREAS, financial matters concerning the distribution of moneys
13 collected by the district courts are inextricably linked to a fair and
14 equitable local court system and ultimately should be addressed by the
15 General Assembly,
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17 NOW THEREFORE,

18 BE IT PROPOSED BY THE HOUSE COMMITTEE ON JUDICIARY OF THE NINETY-THIRD
19 GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 THAT the House Committee on Judiciary conduct an interim study of all
22 financial distributions related to the district court system, including
23 without limitation distributions from the State Administration of Justice
24 Fund, the operational costs of district courts, the distribution of court
25 costs, fees, and fines, whether the operational costs are proportionately
26 divided among the state, counties, and municipalities, and any related
27 legislation that may be necessary to correct inequities.
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29 Respectfully submitted,
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33 Representative Jimmy Gazaway
34 District 57
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36 Prepared by: BPG/BPG