

ARKANSAS SENATE
90th General Assembly - Regular Session, 2015
Amendment Form

Subtitle of Senate Bill No. 886

TO ESTABLISH ACCOUNTING MEASURES FOR FINES, COSTS, FEES, AND RESTITUTION ASSESSED
BY THE CIRCUIT COURT IN A CRIMINAL CASE.

Amendment No. 1 to Senate Bill No. 886

Amend Senate Bill No. 886 as originally introduced:

Page 1, delete lines 29 through 32, and substitute the following:

"(b)(1) The circuit clerk shall record in the court docket the total amount of fines ordered as a condition of a defendant's sentence and shall report that amount to the county official, agency, department, or private contractor authorized to collect the fines under § 16-13-709(a)(1)(A)(i).

(2)(A) The circuit clerk or other county official, agency, department, or private contractor authorized to collect the fines under § 16-13-709(a)(1)(A)(i) shall record the fines assessed by the circuit court in an automated database to be administered the Administrative Office of the Courts.

(B) The Department of Finance and Administration shall have read-only access to the automated database administered by the office under this subsection.

AND

Page 3, delete line 36, and substitute the following:

"(4) The Administrative Office of the Courts.

(1) Each person who has been authorized to collect circuit court fines under § 16-13-709(a)(1)(A)(i) shall generate a report to be submitted to the circuit court judges and the prosecuting attorney having jurisdiction by the first of each month that shows all outstanding fines assessed by the circuit court against a defendant and if:

(A) The defendant is current with his or her court-ordered payment;

(B) The defendant is delinquent with his or her court-ordered payment, and if so, the date of the last payment, and the outstanding balance after each payment; and

(C) The defendant is currently incarcerated, if known.



SECTION 2. DO NOT CODIFY. Entry of data.

(a) A circuit court clerk or other person authorized to collect the fines under § 16-13-709(a)(1)(A)(i) that does not already record fine assessment and collection data in an electronic database administered by or otherwise approved by the Administrative Office of the Courts shall by October 1, 2015, have entered fine assessment and collection data for at least twenty-five percent (25%) of all circuit court cases since January 1, 2000, in which the circuit court assessed a fine as a condition of a person's sentence.

(b) A circuit court clerk or other person authorized to collect the fines under § 16-13-709(a)(1)(A)(i) that does not already record fine assessment and collection data in an electronic database administered by or otherwise approved by the Administrative Office of the Courts shall by January 1, 2016, have entered fine assessment and collection data for at least fifty percent (50%) of all circuit court cases since January 1, 2000, in which the circuit court assessed a fine as a condition of a person's sentence.

(c) A circuit court clerk or other person authorized to collect the fines under § 16-13-709(a)(1)(A)(i) that does not already record fine assessment and collection data in an electronic database administered by or otherwise approved by the Administrative Office of the Courts shall by April 1, 2016, have entered fine assessment and collection data for at least seventy-five percent (75%) of all circuit court cases since January 1, 2000, in which the circuit court assessed a fine as a condition of a person's sentence.

(d) A circuit court clerk or other person authorized to collect the fines under § 16-13-709(a)(1)(A)(i) that does not already record fine assessment and collection data in an electronic database administered by or otherwise approved by the Administrative Office of the Courts shall by July 1, 2016, have entered fine assessment and collection data for all circuit court cases since January 1, 2000, in which the circuit court assessed a fine as a condition of a person's sentence.

SECTION 3. DO NOT CODIFY. Committee established – Sunset provision.

(a) There is created a Circuit Court Accounting and Fine Collection Committee.

(b) The Circuit Court Accounting and Fine Collection Committee shall consist of the following members:

(1) The director of the Administrative Office of the Courts who shall serve as chair;

(2) Two (2) circuit court judges to be appointed by the Arkansas Judicial Council;

(3) The Director of the Department of Community Correction or the director's designee;

(4) A prosecutor appointed by the Prosecutor Coordinator;

(5) A public defender appointed by the Executive Director of the Arkansas Public Defender Commission;

(6) Two (2) circuit court clerks to be appointed by the Circuit Clerks Association;

(7) One (1) county sheriff to be appointed by the Arkansas Sheriff's Association; and

(8) One (1) representative from the Association of Arkansas

Counties.

(c) The chair or the chair's designee shall call promptly the first meeting within thirty (30) days after the effective date of this act.

(d) The Circuit Court Accounting and Fine Collection Committee shall be staffed by the Administrative Office of the Courts.

(e)(1) The Circuit Court Accounting and Fine Collection Committee shall conduct its meetings at the State Capitol Building or at any place designated by the chair or the chair's designee.

(2) Meetings shall be held at least one (1) time every three (3) months but may occur more often at the call of the chair.

(f) If any vacancy occurs on the Circuit Court Accounting and Fine Collection Committee, the vacancy shall be filled by the same process as the original appointment.

(g) The Circuit Court Accounting and Fine Collection Committee shall establish rules and procedures for conducting its business.

(h) Members of the Circuit Court Accounting and Fine Collection Committee shall serve without compensation.

(i) A majority of the members of the Circuit Court Accounting and Fine Collection Committee shall constitute a quorum for transacting any business of the Circuit Court Accounting and Fine Collection Committee.

(j) The Circuit Court Accounting and Fine Collection Committee is established to promote collaboration and provide recommendations to the General Assembly on issues involving circuit court clerk accounting practices and the assessment and collection of circuit court fines.

(k) The Circuit Court Accounting and Fine Collection Committee shall submit a report of any of the committee's findings to the Chair of the House Committee on City, County, and Local Affairs and to the Chair of the Senate Committee on City, County, and Local Affairs no later than December 31, 2016.

(l) The Circuit Court Accounting and Fine Collection Committee shall cease to exist on December 31, 2016."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator B. King

BPG/LNS - 03-18-2015 11:23:22

BPG496

Secretary