

## INTERIM STUDY PROPOSAL 2021-085

1  
2 State of Arkansas  
3 93rd General Assembly  
4 Regular Session, 2021

**A Bill**

SENATE BILL 578

5  
6 By: Senators C. Tucker, B. Davis  
7 By: Representatives Hudson, Scott

8 Filed with: Arkansas Legislative Council  
9 pursuant to A.C.A. §10-3-217.

**For An Act To Be Entitled**

10  
11 AN ACT ELIMINATING THE COURT AUTOMATION FEE REQUIRED  
12 TO BE PAID WHEN A PERSON IS PAYING HIS OR HER COURT  
13 FINES ON AN INSTALLMENT BASIS; AND FOR OTHER  
14 PURPOSES.

**Subtitle**

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17 ELIMINATING THE COURT AUTOMATION FEE  
18 REQUIRED TO BE PAID WHEN A PERSON IS  
19 PAYING HIS OR HER COURT FINES ON AN  
20 INSTALLMENT BASIS.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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26 SECTION 1. Arkansas Code § 16-13-704 is amended to read as follows:  
27 16-13-704. Installment payments – Definition.

28 (a)(1) If the court concludes that the defendant has the ability to  
29 pay ~~the~~ a fine, but that requiring the defendant to make immediate payment in  
30 full would cause a severe and undue hardship for the defendant and the  
31 defendant's dependents, the court may authorize payment of the fine by means  
32 of installment payments in accordance with this subchapter.

33 (2)(A) When a court authorizes payment of a fine by means of  
34 installment payments, it shall issue, without a separate disclosure hearing,  
35 an order that the fine be paid in full by a date certain and that in default  
36 of payment, the defendant must appear in court to explain the failure to pay.

1 (B) In fixing the date of payment, the court shall issue  
2 an order which will complete payment of the fine as promptly as possible  
3 without creating a severe and undue hardship for the defendant and the  
4 defendant's dependents.

5 (3) When a person is authorized to pay a fine on an installment  
6 basis, any court cost assessed under § 9-15-202(d) or § 16-10-305(h) shall be  
7 collected from the initial installment payment first.

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

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

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

16 ~~(2)(A)(i) One half (½) of the installment fee collected in~~  
17 ~~circuit court shall be remitted by the tenth day of each month to the~~  
18 ~~Administration of Justice Funds Section of the Office of Administrative~~  
19 ~~Services of the Department of Finance and Administration, on a form provided~~  
20 ~~by that office, for deposit into the Judicial Fine Collection Enhancement~~  
21 ~~Fund established by § 16-13-712.~~

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

26 ~~(B)(i) Expenditures from the circuit court automation fund~~  
27 ~~shall be approved by the administrative circuit judge of each judicial~~  
28 ~~circuit and shall be authorized and paid under the state laws governing the~~  
29 ~~appropriation and payment of county expenditures.~~

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

33 ~~(iii) Funds in each county in a judicial district~~  
34 ~~may be pooled for expenditure pursuant to a circuit wide technology plan~~  
35 ~~approved by the administrative circuit judge.~~

1           ~~(3)(A) One half (½) of the installment fee collected in district~~  
2 ~~court shall be remitted by the tenth day of each month to the Administration~~  
3 ~~of Justice Funds Section, on a form provided by that section, for deposit~~  
4 ~~into the Judicial Fine Collection Enhancement Fund established by § 16-13-~~  
5 ~~712.~~

6           ~~(B) The other half of the installment fee collected in~~  
7 ~~district court shall be remitted by the tenth day of each month to the city~~  
8 ~~treasurer of the city in which the district court is located to be deposited~~  
9 ~~into a fund entitled the "district court automation fund" to be used solely~~  
10 ~~for district court related technology.~~

11           ~~(C) In any district court which is funded solely by the~~  
12 ~~county, the other half of this fee shall be remitted by the tenth day of each~~  
13 ~~month to the county treasurer of the county in which the district court is~~  
14 ~~located to be deposited into the district court automation fund to be used~~  
15 ~~solely for district court related technology.~~

16           ~~(D)(i) Expenditures from the district court automation~~  
17 ~~fund shall be approved by a district judge and shall be authorized and paid~~  
18 ~~under state laws governing the appropriation and payment of county or~~  
19 ~~municipal expenditures by the governing body or, if applicable, governing~~  
20 ~~bodies, that contribute to the expenses of a district court.~~

21           ~~(ii) Expenditures may be made for indirect expenses~~  
22 ~~related to implementation of new court related technology, including overtime~~  
23 ~~pay, personnel or travel expenses, and technology related supplies.~~

24           ~~(E)(i) In circuit court only, an installment fee of an~~  
25 ~~additional five dollars (\$5.00) per month shall also be assessed on the first~~  
26 ~~day of each month on each person who is ordered to pay a fine on an~~  
27 ~~installment basis with the additional five dollars (\$5.00) to be remitted to~~  
28 ~~the collecting official to be used to defray the cost of fine collection.~~

29           ~~(ii) In district court only, an installment fee of~~  
30 ~~an additional five dollars (\$5.00) per month shall also be assessed on the~~  
31 ~~first day of each month on each person who is ordered to pay a fine on an~~  
32 ~~installment basis with the additional five dollars (\$5.00) to be remitted by~~  
33 ~~the tenth day of each month to the Administration of Justice Funds Section on~~  
34 ~~a form provided by that section for deposit into the State Administration of~~  
35 ~~Justice Fund.~~

36           ~~(c) Any~~

1           **(b)** A defendant who has been authorized by the court to pay a fine by  
2 installments shall be considered to have irrevocably appointed the clerk of  
3 the court as his or her agent upon whom all papers affecting his or her  
4 liability may be served, and the clerk shall ~~forthwith~~ immediately notify the  
5 defendant ~~thereof~~ of any papers affecting the defendant's liability by  
6 ordinary mail at his or her last known address.

7           ~~(d) "Ability~~

8           **(c)** As used in this section, "ability to pay" means that the resources  
9 of the defendant, including all available income and resources, are  
10 sufficient to pay the fine and provide the defendant and his or her  
11 dependents with a reasonable subsistence compatible with health and decency.

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14 Referred requested by the Arkansas Senate

15 Prepared by: MBM/KFW  
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