

Arkansas District Judges Council



July 24, 2024

Dale K. Ramsey
President
Carroll and Madison Counties District Judge

To: Joint Legislative Committee Studying Court Costs, Fines, and Fees

Mark Leverett
Vice President
Pulaski County - Little Rock District Judge

From: Hon. Dale Ramsey
President, Arkansas District Judges Council

Danny Thraikill
Secretary/Treasurer
Polk, Montgomery, and Scott Counties
District Judge

Re: Survey results from Arkansas District Judges

Date: July 24, 2024

Jodi Carney
First District Representative
Baxter and Marion Counties District Judge

In response to a request from Rep. Carol Dalby at the conclusion of your last meeting, we surveyed district judges and ask them to offer suggestions as to resolution of on-going problems that exist as they relate to imposition and collection of costs, fines, and fees. Enclosed is a two page summary of suggestions from that group.

Milas Hale III
Second District Representative
Pulaski County - Sherwood District Judge

The suggestions come from both large courts and smaller ones, from rural courts and urban courts.

Graham Nations
Third District Representative
Washington County District Judge

District judges will be glad to meet with you to explain anything in this report that needs more explanation.

Billy Jack Gibson
Fourth District Representative
Grant and Hot Spring Counties District Judge

Thank you for reaching out to us and allowing us the opportunity to provide input.

Randy Hill
Immediate Past President
Clark County District Judge

DKR/ksp
Enclosure

Kay S. Palmer
Executive Director
P. O. Box 8491
Hot Springs Village, AR 71910
kayspalmer@outlook.com

Suggestions from Arkansas District Judges regarding costs, fines, fees:

- District Courts do not assess a “late fee.” The appropriate term is “time payment fee” and refers to the \$10 fee that is assessed and accumulates when the defendant does not make his/her agreed upon payment. This is not a late fee; rather, it is, by law, a time payment fee.
- We have heard reference to a “late fee” being assessed by the Courts for individuals that owe unpaid fines and costs. However, the fee is not a penalty for having unpaid fines or paying fines after a set deadline. The “time pay fee” as it is commonly referred to is set forth in Ark Code Ann 16-13-704 and is required to be assessed each month on each person who is authorized to pay a fine on an installment basis. The statute further requires that said fee “accrue each month that a Defendant does not make an installment payment and the fine has not been paid in full.”

This time pay fee has a practical effect of being a high interest rate on a Defendant’s payment. The vast majority of my defendants on time pay fees pay either \$100 or \$50 per month. Therefore, a \$10 fee coming off the top of that payment is equivalent to 10 or 20% interest, respectively.

- The answer to the question is for the state to completely take over the funding of the courts 100% and at the same time, the state would collect 100% of all fines collected.
- Consider re-evaluating the amounts that are returned to each city and county. Those numbers were first developed in 1996 by the Legislature and have not changed. Court caseloads have changed in the past 28 years and those current “turn back” amounts are no longer equitable.
- If the State’s new case management system provides: online payment, automated monthly withdrawals, text and email reminders, multiple payment options-credit online apps: Apple Pay, Cash App, Pay Pal, etc. - collections should improve statewide.- It is where we, “the world”, has moved. My Court is behind. Clerks only process cash, checks and money orders. We use a company, paymyfine.com to process credit cards. The company charges litigants/users exorbitant fees and it is a bit of a hassle for clerks to process the collections. Making it easy and providing payment reminders should increase collections.
- Change laws that require Defendants to pay other fees/cost/assessments. There is a limit on how much is charged/required for certain offenses.
- DWI/Driving While Intoxicated court costs could be increased if Defendants were not required to have the driver control requirements of the ignition interlock device, classes and victim impact fees. I know these are well intended, but candidly are not necessary for some Defendants to rehabilitate. Defendants are paying out a lot of money to private companies for sometimes unnecessary/unhelpful requirements.

- Driver Control Reinstatement Fees (\$100) is excessive when Defendants have multiple suspensions and there is no judicial discretion unless there is an error. It is not uncommon to see Defendants that owe over \$1k in reinstatement fees to get his/her Driver's license back. The reinstatement fees collected are designated to State Police retirement fund so it would take from other agencies/departments that require funding if modified. I believe collection of this fee would increase if there were a cap or there was judicial discretion on waiving some of the reinstatement fees.
- There are other fees collected: Keep Arkansas Beautiful, Domestic Violence, etc. Legislator should look at each program to see if it is still necessary and if the program is still utilizing the funds collected.
- Consider having one court clerk per District Court District designated as a state employee.
- Please do not eliminate the \$2.50 part of the court automation fee that remains with district courts. These funds are used primarily to purchase hardware, software, and computer services (installation, repair, consultation, security) for our courts. If this funding is eliminated, we will have to ask the counties and cities that fund our courts to offset these losses in their annual court budgets. By having this dedicated funding mechanism, it allows our courts to enter into multi-year computer related contracts and be assured that we will have funding for those contracts. If this funding is subject to being eliminated or changed annually, it could result in disabling problems with our computers, and could even result in us having to breach the contracts we have signed for these services.

In addition, please note that our courts and clerks spend quite a bit more time on those who set up time pay contracts than we do for those who pay immediately. Taking a payment typically takes less than 5 minutes. Setting up a time pay contract and explaining it to a defendant takes double that time. Then, each month when a payment is made (or missed) defendants often call to talk to a clerk for some reason -- another 10 minutes. If the payments are spread over a year, for example, then 12 payments must be processed, at 5 minutes each, for a total of an hour. Many defendants miss time payments or review dates, and this results in failure to appear warrants, and suspension of drivers' licenses. This takes more time and often generates more calls. The bottom line is that this court automation fee isn't just "interest" or a "late penalty," but often reflects costs of additional work done by court staff.

- I also have to stand firm in the belief that District Courts should retain the \$2.50 assessment to be applied to maintain our court automation budgets. I have a pretty healthy court automation budget in each of my two counties and if not for said budget, I believe I would have difficulty maintaining our technology. That being said, for accounting purposes, it might be more efficient to make it a whole number without the 0.50.
- Cities and Counties could be relieved of the portion they pay for the district judges' salaries. If district judges are State employees (Constitutional Officers) why are the local governments required to pay a portion of those salaries?