

Subchapter 3 — Uniform Filing Fees and Court Costs

16-10-306. Administration of Justice Funds Section.

Statute text

(a) There is created in the Department of Finance and Administration an Administration of Justice Funds Section.

(b) The court costs and filing fees enumerated in §§ 16-10-305, 16-17-705, and 21-6-403, which are assessed and collected in the district courts and circuit courts in this state, shall be remitted to the Administration of Justice Funds Section.

(c) The Administration of Justice Funds Section shall:

(1) Deposit the court costs and filing fees remitted under subsection (b) of this section into the State Administration of Justice Fund; and

(2) Keep an accurate account of all receipts by type of case and type and location of court from which the court costs and filing fees are submitted.

History. Acts 1995, No. 1256, § 9; 2003, No. 1185, § 50; 2007, No. 663, § 26; 2013, No. 282, § 5; 2013, No. 504, § 1.

Annotations

A.C.R.C. Notes. Pursuant to § 1-2-207, the amendments to this section by Acts 2013, No. 282, § 5, are superseded by the amendments to this section by Acts 2013, No. 504, § 1. Acts 2013, No. 282, § 5, amended this section to read as follows:

“(a) There is created in the Department of Finance and Administration an Administration of Justice Funds Section, to which shall be remitted the court costs and filing fees enumerated in §§ 21-6-403, 16-17-12 705, and 16-10-305, which are assessed and collected in the district courts and circuit courts in this state.

“(b) The section shall deposit the court costs and filing fees enumerated in §§ 21-6-403, 16-17-705, and 16-10-305 into the State Administration of Justice Fund.

“(c) The section shall keep an accurate account of all receipts by type of case and type and location of court from which the court costs and filing fees enumerated in §§ 21-6-403, 16-17-705, and 16-10-305 are submitted.”

Amendments. The 2007 amendment, in (b)(1), deleted “16-14-105” following “21-6-403,” “16-10-303” following “16-17-705,” and “city courts” preceding “district” and made related changes; and deleted (c).

The 2013 amendment rewrote the section.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-10-310. State Administration of Justice Fund — Distribution of revenue.

Statute text

(a) At the close of books on or before the twentieth working day of each month, the Department of Finance and Administration shall distribute revenue credited to the State Administration of Justice Fund and received for the previous month as provided in this section.

(b) The revenue described in subsection (a) of this section shall be distributed to the following state programs and state agencies in monthly installments of at least one-twelfth (1/12) of the annual allocation provided for each state program or state agency from the State Administration of Justice Fund subject to the limitations stated in this section:

- (1) The Board of Trustees of the University of Arkansas for the purpose of and as regulated by §§ 6-64-604 — 6-64-606;
- (2) The Public Health Fund and the Drug Abuse Prevention and Treatment Fund for use in the drug abuse prevention and treatment program of the Division of Behavioral Health Services;
- (3) The Department of Arkansas State Police for the State Police Retirement Fund;
- (4) The Crime Victims Reparations Revolving Fund for the purpose of and as regulated by the Arkansas Crime Victims Reparations Act, § 16-90-701 et seq.;
- (5) The Prosecutor Coordinator's office for deposit into the Law Enforcement and Prosecutor Drug Enforcement Training Fund;
- (6) The Crime Information System Fund;
- (7) The Justice Building Construction Fund;
- (8) The District Court Judge and District Court Clerk Education Fund;
- (9) The Judges Retirement Fund;
- (10) The State Central Services Fund for the benefit of the Arkansas Public Defender Commission;
- (11) The Court Reporter's Fund;
- (12) The Justice Building Fund;
- (13) The Arkansas Counties Alcohol and Drug Abuse and Crime Prevention Program Fund;
- (14) The Administrative Office of the Courts to fund the Trial Court Administrator Fund;
- (15) The Department of Arkansas State Police Fund;
- (16) The State Central Services Fund for the benefit of the Division of Dependency-Neglect Representation of the Administrative Office of the Courts;
- (17) The Miscellaneous Agencies Fund Account for the benefit of the State Crime Laboratory;
- (18) The Arkansas District Judges Council for the Executive Director;

(19) The Public Legal Aid Fund;

(20) The Administrative Office of the Courts for county reimbursements for jurors; and

(21) The Administrative Office of the Courts to reimburse the State Central Services Fund for the Drug Court Coordinator.

(c) If the Chief Fiscal Officer of the State determines that the State Administration of Justice Fund balance and estimated revenue to be received by the State Administration of Justice Fund are inadequate to fully fund all authorized monthly allocations from the State Administration of Justice Fund:

(1)(A) The available revenue and remaining State Administration of Justice Fund balance shall be distributed first to fully fund the monthly allocation for:

(i) The Court Reporter's Fund;

(ii) The Arkansas District Judges Council for the Executive

Director; and

(iii) The Administrative Office of the Courts to fund the Trial Court Administrator Fund.

(B) Funds or allocations for a state program or state agency listed in subdivision (c)(1)(A) of this section shall not be affected if a deficit occurs in other State Administration of Justice Fund appropriations, allocations, or funds not listed in subdivision (c)(1)(A) of this section for that particular state program or state agency;

(2) The Chief Fiscal Officer of the State shall notify the disbursing officer of each state agency and state program not listed in subdivision (c)(1)(A) of this section of the amount of the state agency's or state program's portion of any reduction required from the state agency's or state program's authorized allocation in order to maintain the State Administration of Justice Fund with a projected positive balance; and

(3)(A) The total funds remaining in the State Administration of Justice Fund after the distribution is made under subdivision (c)(1)(A) of this section shall be distributed to the state programs and state agencies not listed in subdivision (c)(1)(A) of this section in an amount equal to the proportion of the State Administration of Justice Fund that each state program would have received under subsection (b) of this section.

(B) A funding shortage from one (1) month shall be recouped from future months' payments as funds become available.

(d)(1) If required to help meet the commitments of the State Administration of Justice Fund and if funds are determined to be available, the Chief Fiscal Officer of the State may transfer a sum not to exceed four million dollars (\$4,000,000) during any fiscal year from the Budget Stabilization Trust Fund to the State Administration of Justice Fund.

(2) As determined by the Chief Fiscal Officer of the State, if a positive fund balance remains in the State Administration of Justice Fund at the end of a fiscal year, the Chief Fiscal Officer of the State may transfer the positive fund balance from the State Administration of Justice Fund to the Budget Stabilization Trust Fund to reimburse for any transfers made under subdivision (d)(1) of this section.

History. Acts 1995, No. 1256, § 15; 1995 (1st Ex. Sess.), No. 13, § 2; 1997, No. 788, § 10; 1997, No. 1341, § 10; 2003, No. 1185, § 54; 2009, No. 166, § 2; 2011, No. 1132, § 3; 2013, No. 504, § 2; 2013, No. 1107, § 13; 2015, No. 268, §§ 1, 2.

Annotations

A.C.R.C. Notes. The Highway Safety Program referred to in (b)(3) was the former Highway Safety Special Fund, a fund repealed by Acts 1997, No. 298.

The language removed in former (b)(3) relating to the Highway Safety Special Fund was only in reference to the previously repealed special revenue fund by that name and in no way alters the distribution to the miscellaneous fund by that name.

Acts 2013, No. 1443, § 58, provided: "DISTRIBUTION OF ADMINISTRATION OF JUSTICE FUNDS.

In the event that the fund balance in the Administration of Justice Fund is inadequate to fund the monthly allocation to State Agencies, the funds will be distributed as follows:

“(a) The available revenue and remaining State Administration of Justice Fund balance shall be distributed first to fully fund the monthly allocations found in Section 59 herein for

“(1) the Auditor of State to fund the Trial Court Administrative Assistants Fund,

“(2) the District Judges Association for the District Court Coordinator, and

“(3) the Court Reporter Fund.

“(b) The total funds remaining in the State Administration of Justice Fund after the monthly distribution is made under subdivision (a) of this section shall be distributed to the remaining state programs and state agencies listed in Section 59 herein but not listed in subdivision (a) of this section and shall be funded in the percentage of the total funds available in the Administration of Justice Fund; that is, if less than 100% of the total monthly allocation is available for distribution, monthly allocations for the remaining agencies will be funded at an equal percentage consistent with the remaining available funds, provided that any of the allocations listed in Section 59 that have been fully pledged prior to January 1, 2001 to the repayment of a bond issue or bond issues shall not be reduced below the amount listed in Section 59. Any shortage from one month will be adjusted in future months' payments as funds become available.

“The provisions of this section shall be in effect only from July 1, 2013 through June 30, 2014.”

Acts 2014, No. 105, § 36, provided:

“TRANSFER AUTHORITY. The Department of Finance and Administration shall transfer funds, from time to time, from the State Administration of Justice Fund to the State Central Services Fund in such amounts as are required to reimburse the State Central Services Fund for a portion of the expenses of the Administrative Office of the Courts — Division of Dependency-Neglect Representation.

“The provisions of this section shall be in effect only from July 1, 2014 through June 30, 2015.”

Acts 2014, No. 285, § 61, provided:

“DISTRIBUTION OF ADMINISTRATION OF JUSTICE FUNDS. In the event that the fund balance in the Administration of Justice Fund is inadequate to fund the monthly allocation to State Agencies, the funds will be distributed as follows:

“(a) The available revenue and remaining State Administration of Justice Fund balance shall be distributed first to fully fund the monthly allocations found in Section 62 of this Act for

“(1) The Auditor of State to fund the Trial Court Administrative Assistants Fund,

“(2) the District Judges Association for the District Court Coordinator, and

“(3) the Court Reporter Fund.

“(b) The total funds remaining in the State Administration of Justice Fund after the monthly distribution is made under subdivision (a) of this section shall be distributed to the remaining state programs and state agencies listed in Section 62 of this Act but not listed in subdivision (a) of this section shall be funded in the percentage of the total funds available in the Administration of Justice Fund; that is if less than 100% of the total monthly allocation is available for distribution, monthly allocations for the remaining agencies will be funded at an equal percentage consistent with the remaining available funds, provided that any of the allocations listed in Section 62 that have been fully pledged prior to January 1, 2001 to the repayment of a bond issue or bond issues shall not be reduced below the amount listed in Section 62 of this Act. Any shortage from one month will be adjusted in future months' payments as funds become available.

“The provisions of this section shall be in effect only from July 1, 2014 through June 30, 2015.”

Acts 2015, No. 1070, § 59, provided: “DISTRIBUTION OF ADMINISTRATION OF JUSTICE FUNDS

In the event that the fund balance in the Administration of Justice Fund is inadequate to fund the monthly allocation to State Agencies, the funds will be distributed as follows:

“(a) The available revenue and remaining State Administration of Justice Fund balance shall be distributed first to fully fund the monthly allocations found in Section 59 of this Act for

“(1) The Auditor of State to fund the Trial Court Administrative Assistants Fund,

“(2) the District Judges Association for the District Court Coordinator, and

“(3) the Court Reporter Fund.

“(b) The total funds remaining in the State Administration of Justice Fund after the monthly distribution is made under subdivision (a) of this section shall be distributed to the remaining state programs and state agencies listed in Section 59 of this Act but not listed in subdivision (a) of this section shall be funded in the percentage of the total funds available in the Administration of Justice Fund; that is if less than 100% of the total monthly allocation is available for distribution, monthly allocations for the remaining agencies will be funded at an equal percentage consistent with the remaining available funds, provided that any of the allocations listed in Section 59 that have been fully pledged prior to January 1, 2001 to the repayment of a bond issue or bond issues shall not be reduced below the amount listed in Section 59 of this Act. Any shortage from one month will be adjusted in future months' payments as funds become available.

“The provisions of this section shall be in effect only from July 1, 2015 through June 30, 2016.”

Publisher's Notes. Acts 1997, No. 855, § 5, set out the maximum allocation to each fund for fiscal years 1997-98 and 1998-99.

Amendments. The 2009 amendment rewrote (2), deleted (7) and redesignated the remaining subsections accordingly; substituted "Judges Retirement" for "Arkansas Judicial Retirement System" in (10); inserted "State" in (15); added (16) through (22); and made related changes.

The 2011 amendment deleted "of the Division of Behavioral Health of the Department of Human Services" following "Office of Alcohol and Drug Abuse Prevention" in (b)(2); deleted former (b)(3) and redesignated the remaining subdivisions accordingly; and, in (b)(18), substituted "Arkansas District Judges Council" for "District Judges Association" and "Executive Director" for "District Court Coordinator."

The 2013 amendment by No. 504 added "State Administration of Justice Fund" to the section heading; rewrote (a) and the introductory language of (b); inserted "the Arkansas Crime Victims Reparations Act" in (b)(4); rewrote (b)(14); and added (c) and (d).

The 2013 amendment by No. 1107 substituted "Division of Behavioral Health Services" for "Office of Alcohol and Drug Abuse Prevention" in (b)(2).

The 2015 amendment substituted "Administrative Office of the Courts" for "Auditor of State" and "Trial Court Administrator" for "Trial Court Administrative Assistant" in (b)(14) and (c)(1)(A)(iii).

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Legislative intent of Acts 1997, Nos. 788 and 1341, § 16-10-601.

Transition to state funding, § 16-87-301.