

State of Arkansas

76th General Assembly

First Extraordinary Session, 1987

HOUSE BILL

1021

By: Representative Tullis

"AN ACT TO AMEND SECTION 1 OF ACT 942 OF 1981 AS AMENDED BY ACT 580 OF 1987 [ARK. STAT. 22-706.4] TO CLARIFY THE CASES COVERED BY THE ADDITIONAL COURT COST AUTHORIZED BY THE ACT AND TO PROVIDE CITIES AND COUNTIES THE OPTION TO CHANGE THE METHOD OF DISTRIBUTION OF THE FUNDS; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Section 1 of Act 942 of 1981, as amended by Act 580 of 1987, the same being Arkansas Statutes 22-706.4, is hereby amended to read as follows:

"Section 1. In addition to all other costs now or as may hereafter be provided by law, there may be levied and collected from each defendant upon each plea of guilty, nolo contendere, forfeiture of bond, or determination of guilt for misdemeanors or traffic violations in any municipal court, police or city court a sum not to exceed five dollars (\$5.00). In a municipal court, this additional court cost shall be applied to all such cases regardless of whether the violation occurred within or outside the municipality's boundaries. Provided that the additional court cost authorized by this Act shall be levied by ordinance of the governing body of the municipality wherein such municipal, police or city court is located. The moneys collected by the levy of this additional court cost shall be deposited in the appropriate city treasury. Provided, however, that in a municipality with a municipal court, the governing body of the city and the quorum court of the county are hereby authorized to enter into an agreement concerning the portion of such court costs to be retained by the municipality and the portion to be received by the county. The funds collected by the additional court cost authorized in this Act may be used for any permissible use in the administration of the municipal court including but not limited to salaries and cost of incarceration of

defendants."

SECTION 2. Section 2 of Act 942 of 1981, as amended, is hereby repealed.

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 4. EMERGENCY. It is hereby found and determined by the General Assembly of the State of Arkansas that because of unclear language regarding the application of the additional court cost some jurisdictions have not levied the cost and that currently only cities may receive funds generated by this additional court cost, which impairs the adequate financing of municipal court operations by county governments, and it is thereby necessary to clarify the application of this court cost and to provide cities and counties the option to change the proportion of funds received by various jurisdictions in order to provide for the efficient and effective administration of justice in each county. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

