

State of Arkansas

76th General Assembly

First Extraordinary Session, 1987

HOUSE BILL

1029

By: Rep. Matthews

"AN ACT TO AMEND ACT 431 OF 1987 TO PROVIDE THAT ACCOUNTING PROCEDURES FOR MUNICIPAL COURTS BE UNDER ACT 332 OF 1977; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 5 of Act 431 of 1987 is hereby amended to read as follows:

"Section 5. (a) The municipal court clerk shall collect the following filing fees in civil actions in municipal court in addition to those fees and costs established by statute for specific purposes, or where authorized through statute by the county quorum court or municipality including but not limited to municipal judge and court clerk retirement, library, legal education fund, victim/witness coordinator and Public Defender fees in non-small claims division cases.

(1) \$10.00 when the amount in controversy does not exceed One Thousand Dollars (\$1,000).

(2) \$30.00 when the amount in controversy exceeds One Thousand Dollars (\$1,000) but does not exceed Three Thousand Dollars (\$3,000).

These fees shall supersede those which may be currently authorized by the political subdivisions which contribute to the expenses of the municipal court which have not been statutorily authorized. The political subdivisions are hereby prohibited from increasing filing fees or costs in civil cases above these fees authorized herein except pursuant to specific statutory authorization.

(b) The municipal court clerk shall deposit all civil filing fees into a separate account. From these filing fees the Municipal Court Clerk shall deduct and remit those fees and costs established by statute or local ordinance for specific purposes including but not limited to municipal judge and court clerk retirement, library, legal education fund, victim/witness coor-

dinator, referee's fees under the Small Claims Procedure Act, if any, pre-paid postage, if any, and Public Defender fees in non-small claims division cases.

(c) The treasurers of the political subdivision shall establish a separate account to be known as the "Municipal Court Costs Fund" and shall deposit all moneys received from the clerk which represents that political subdivision's portion of the filing fees collected. Moneys deposited in this fund shall be used exclusively for operation and expenses of the municipal court through appropriation by the governing body of the political subdivision."

SECTION 2. Section 6 of Act 431 of 1987 is hereby amended to read as follows:

"Section 6. The municipal court clerk shall keep three (3) separate accounts of all fines, penalties, forfeitures, fees and costs received by him for any of the officers of the city, township or county, as in this Act provided. The first class shall embrace all sums collected in the municipal court in all criminal cases arising out of violations of the city ordinances and cases arising out of violation of state laws, committed within the corporate limits of the city where the court sits, where the arresting officer was a policeman or other officer of the city or where the arresting officer was a state policeman. The second class shall embrace all cases arising out of violation of any of the laws of the state where the arresting officer was not a policeman or other officer of the municipality, or where the offense was committed outside the corporate limits of the city and the arrest was made by a state policeman, and in all other criminal proceedings not specifically enumerated in this section. The third class shall embrace all sums collected in the municipal court in all civil cases. After deduction and remittance of those fees permitted and authorized herein the balance shall be disbursed to the treasurers of the political subdivisions which contribute to the expenses of the municipal court in proportionate amounts as each pays to the court. The municipal court shall, after deducting the fees and costs due the sheriff and constables, pay into the city treasury all sums arising from the first class of accounts, and he shall pay all sums arising out of said second class accounts into the county treasury. All disbursements from all three classes shall be pursuant to the provisions set forth in Act 332 of 1977, as amended."

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 that Act 431 of 1987 has an effective date of July 1, 1987, that the smooth implementation of the Amendment 64 requires that this law be enacted on the same date; therefore, this shall be effective July 1, 1987.

