

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

4 By: Representative M. Wilson

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7

# A Bill

HOUSE BILL

1025

## For An Act To Be Entitled

8

"AN ACT TO PROVIDE FOR THE STATE FUNDING OF THE ARKANSAS

9

COURT SYSTEM; AND FOR OTHER PURPOSES."

10

11

## Subtitle

12

"TO PROVIDE FOR THE STATE FUNDING OF THE

13

ARKANSAS COURT SYSTEM"

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

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17 SECTION 1. Except as otherwise provided by this act, the expenses of  
18 the operation of the Arkansas judicial system, including the costs of the  
19 operation of all trial and appellate courts, shall be paid by the State.

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21 SECTION 2. The state assumption of financial responsibility for the  
22 operation of the judicial system shall be phased in over two (2) fiscal years  
23 as follows:

24 (a) The state shall be responsible for the following beginning in the  
25 1995-1996 fiscal year:

26 (1) Salaries and expenses of the justices and judges of the  
27 Supreme Court, Court of Appeals, circuit courts, chancery courts, and probate  
28 courts;

29 (2) The state contribution to the Arkansas Judicial Retirement  
30 System for all justices and judges of the Supreme Court, Court of Appeals,  
31 circuit courts, chancery courts, and probate courts;

32 (3) Salaries of the Attorney General, prosecuting attorneys, and  
33 the Deputy Prosecuting Attorney in the Eleven-West Judicial Circuit;

34 (4) Salaries and expenses of the official court reporters of the  
35 circuit, chancery, and probate courts;

1           (5) Salaries of employees and the cost of operation of the  
2 Supreme Court, Court of Appeals, and the Administrative Office of the Courts;

3           (6) Salaries of employees and the cost of operation of the  
4 Office of Prosecutor Coordinator and the Arkansas Public Defender Commission;

5           (7) Salaries of employees and the cost of operation of the  
6 Office of Attorney General;

7           (8) Salaries of employees and the cost of operation of the  
8 Judicial Discipline and Disability Commission;

9           (9) State\_s share of the salaries of juvenile intake and  
10 probation officers;

11           (10) Salaries of employees of the Administration of Justice  
12 Funds Division of the State Treasurer\_s Office.

13           (11) The following state programs and agencies which are  
14 currently funded by court costs and filing fees, at a rate not less than the  
15 amount certified by the Department of Finance and Administration which were  
16 received by the program or agency in the fiscal year immediately preceding  
17 the effective date of this act:

18           (i) the Board of Trustees of the University of Arkansas  
19 for the purpose and as regulated by Arkansas Code Annotated §6-64-604 - 606;

20           (ii) the Drug Abuse Prevention and Treatment Fund of the  
21 Division of Alcohol and Drug Abuse Prevention;

22           (iii) the Highway Safety Special Fund for programs of the  
23 Arkansas Highway Safety Program;

24           (iv) the Department of Arkansas State Police for the State  
25 Police Retirement Fund;

26           (v) the Crime Victims Reparations Revolving Fund for the  
27 purpose and as regulated by Arkansas Code Annotated §16-90-701 et seq.;

28           (vi) the Prosecutor Coordinator\_s office for deposit in  
29 the Law Enforcement and Prosecutor Drug Enforcement Training Fund;

30           (vii) the Code Revision Fund for the purpose and as  
31 regulated by Arkansas Code Annotated §1-2-305;

32           (viii) the Crime Information System Fund;

33           (ix) the Municipal Court Judge and the Municipal Court  
34 *Clerk Education Fund.*

35           (x) *the Arkansas Judicial Retirement System Fund;*

1           (xi) *the state Public Defender Commission Fund;*

2           (xii) *the Court Reporter Fund.*

3           (b) The State shall be responsible for the following beginning in the  
4 1996-1997 fiscal year:

5                   (1) All items enumerated in subdivision (a) of this section;

6                   (2) Salaries of trial court administrative assistants, as  
7 provided for in Section 6 of this act;

8                   (3) Salaries of public defenders, as provided for in Section 7  
9 of this act;

10                  (4) Salaries of deputy prosecuting attorneys, support personnel,  
11 and victim witness programs, as provided for in Section 8 of this act;

12                  (5) Salaries of deputy public defenders and support personnel,  
13 as provided for in Section 9 of this act;

14                  (6) Salaries of juvenile intake and probation officers, as  
15 provided for in Section 10 of this act;

16                  (7) Operating expenses, office supplies, and travel, and trial  
17 related expenses of circuit, chancery and probate judges, prosecutors, public  
18 defenders, trial court administrative assistants, deputy prosecuting  
19 attorneys, deputy public defenders, and juvenile intake and probation  
20 officers, as provided for in Section 5 of this act.

21

22           SECTION 3. (a) The salaries and expenses imposed by subsections  
23 (a)(1), (a)(2), and (a)(3) of Section 2 of this act shall be paid from the  
24 Constitutional Officers Fund.

25           (b) The salaries and expenses imposed by all other provisions of  
26 subsections (a) and (b) of Section 2 of this act shall be paid from the State  
27 Central Services Fund.

28

29           SECTION 4. The counties shall continue to be responsible for the  
30 payment of all other costs of the operation of the judicial system, including  
31 but not limited to the providing of courtrooms, offices, and other necessary  
32 space, the maintenance thereof and utilities, equipment and furniture  
33 therefor, bailiffs, court clerks and their staff, and law libraries. All  
34 counties shall continue to support the operation of the judicial system which  
35 was in place on the effective date of this act, except that the county

1 expenditures may be decreased to the extent and for those items which were  
2 formerly paid by the county and which are assumed by the State pursuant to  
3 Section 2 of this act.

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5 SECTION 5. In order to facilitate the prompt purchase and payment of  
6 office supplies and expenses necessary for the operation of the judicial  
7 system, the following procedures shall be established:

8 (a) There shall be created in each judicial district a judicial system  
9 budget committee, made up of the prosecuting attorney, the public defender,  
10 two judges elected by all of the circuit, chancery, and circuit/chancery  
11 judges in the district, one juvenile division judge, elected by all of the  
12 juvenile division judges in the district, and one county judge, elected by  
13 all of the county judges in the district. The committee shall elect its  
14 chair.

15 (b) Each year the committee shall solicit and receive from each judge,  
16 prosecuting attorney, and public defender a request for office supplies and  
17 expenses of operation of their office, and in the case of prosecuting  
18 attorneys and public defenders the anticipated witness fees and other trial  
19 expenses. The committee shall, not less than ninety (90) days prior to the  
20 beginning of each fiscal year, submit to the Arkansas Judicial System Budget  
21 Commission the total request for expenses and supplies for the public  
22 defender and deputy public defenders, prosecuting attorney and deputy  
23 prosecuting attorneys, judges, court reporters, trial court administrative  
24 assistants, and juvenile intake and probation officers.

25 (c) The Arkansas Judicial System Budget Commission shall thereupon  
26 review each request and shall determine and allot to each budget committee  
27 the amount of funds to be approved and set aside within the funds  
28 appropriated by the State for the purpose of paying for office supplies and  
29 operating expenses. No budget committee shall order or purchase supplies or  
30 pay expenses in excess of the allotment therefor. The Commission shall  
31 maintain a reserve to fund emergency or extraordinary trial related expenses  
32 which may arise during the fiscal year from which disbursements can be made  
33 directly to a prosecuting attorney whose request has been approved by the  
34 Commission.

35 (d) The budget committee shall designate in each county of the

1 judicial district, by instrument in writing, a state or county office or  
2 employee as the local court purchasing agent, who shall abide by all state  
3 purchasing laws and procedures. The purchasing agent shall submit purchase  
4 orders and expense reimbursement payment requests to the Judicial System  
5 Budget Commission for approval in writing; and upon such approval, the  
6 purchasing agent shall then execute the purchase by delivery of the purchase  
7 order to the vendor for delivery of the item. Upon receipt of the item,  
8 together with an itemized invoice from the vendor, the purchasing agent shall  
9 acknowledge receipt and shall forward all documents to the judicial System  
10 Budget Commission, which shall deliver the documents to the Department of  
11 Finance and Administration for payment.

12 (e)(1) There is hereby created the Arkansas Judicial System Budget  
13 Commission, which shall consist of seven (7) members. The Governor shall  
14 appoint two members, one of whom shall be the chair and who shall be an  
15 attorney licensed to practice law in the State of Arkansas, and one of whom  
16 shall not be an attorney. The remaining members shall consist of one trial  
17 judge elected by the Arkansas Judicial Council, one prosecuting attorney  
18 elected by the Arkansas Prosecuting Attorneys Association, one county judge  
19 elected by the County Judges Association, one public defender appointed by  
20 the Public Defender Commission, and one juvenile intake or probation officer  
21 elected by the Juvenile Intake and Probation Association.

22 (2) Members of the Commission shall serve for a four (4) year  
23 term, commencing January 1, 1995, and shall be eligible to succeed  
24 themselves. If any member dies, resigns, or is otherwise unable to serve  
25 prior to the expiration of the term, the appointing entity shall appoint a  
26 successor to serve the unexpired portion of the term.

27 (3) Members of the Commission are not entitled to compensation  
28 but are entitled to reimbursement for actual and necessary expenses incurred  
29 in performing their official duties as Commission members.

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31 SECTION 6. (a) The state shall appropriate funds and authorize  
32 positions to the Administrative Office of the Courts to provide trial court  
33 administrative assistants for each of the judges of the circuit, chancery,  
34 and probate courts. The administrative assistant may be employed to perform  
35 secretarial, docketing, management, and/or legal research services. Each

1 judge of the circuit, chancery, or probate court may apply to the  
2 Administrative Office of the Courts for authorization to employ an  
3 administrative assistant. Two or more judges within a judicial district may  
4 employ jointly, in their discretion, one or more administrative assistants on  
5 authorization by the Administrative Office of the Courts.

6 (b) The circuit, chancery, or probate judges authorized by paragraph  
7 (a) of this section to employ one or more administrative assistants shall  
8 have the authority to select and hire the person who will serve, and any  
9 person so employed shall serve at the will and pleasure of the judge or  
10 judges.

11 (c) The administrative assistants shall be subject to the Uniform  
12 Attendance and Leave Policy Act, as administered by the judge or judges by  
13 whom they are employed.

14

15 SECTION 7. (a) The State shall appropriate funds and authorize  
16 positions to the Arkansas Public Defender Commission for the employment,  
17 pursuant to guidelines which shall be adopted and published by the  
18 Commission, of public defenders in each judicial district, provided, however,  
19 one person may be designated for more than one district.

20 (b) Public defenders shall have the duty to defend indigent persons in  
21 the circuit, juvenile, probate, or chancery and municipal courts in the  
22 state, and on appeals therefrom to the Court of Appeals and Supreme Court in  
23 all cases including contempt proceedings, punishable by incarceration; unless  
24 the court determines that incarceration will not be sought or included in the  
25 sentence. The duty to defend a specific defendant shall commence after a  
26 court makes a finding that the defendant is an indigent person and enters an  
27 order for the public defender to defend such defendant; the duty ends when  
28 such defendant is found not guilty or his conviction becomes final, or the  
29 public defender is relieved by a court.

30 (c) Public defenders shall be subject to the Uniform Attendance and  
31 Leave Policy Act, and their maximum salaries and expenses shall be  
32 established by the Commission.

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34 SECTION 8. (a) The State shall appropriate funds and authorize  
35 positions to the Prosecutor Coordinator for the employment of deputy

1 prosecuting attorneys, support personnel, and victim witness programs in each  
2 judicial district. Each prosecutor may apply to the Prosecutor Coordinator  
3 for the authorization to employ one or more deputy prosecutors.

4 (b) The Prosecution Coordination Commission, established by Arkansas  
5 Code Annotated §16-21-203, shall have the authority to designate the  
6 placement of deputy prosecutors and support personnel, pursuant to guidelines  
7 which shall be adopted and published by the Commission.

8 (c) The prosecutors authorized by paragraph (a) of this section to  
9 employ one or more deputy prosecutors and support personnel shall have the  
10 authority to select and hire the person who will serve, and any person so  
11 employed shall serve at the will and pleasure of the prosecutor.

12 (d) The deputy prosecutors and support personnel shall be subject to  
13 the Uniform Attendance and Leave Policy Act, as administered by the  
14 prosecutor by whom they are employed.

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16 SECTION 9. (a) The State shall appropriate funds and authorize  
17 positions to the Arkansas Public Defender Commission for the employment of  
18 deputy public defenders and support personnel in each judicial district.  
19 Each public defender may apply to the Executive Director of the Commission  
20 for the authorization to employ one or more deputies.

21 (b) The Public Defender Commission shall have the authority to  
22 designate the placement of deputy public defenders and support personnel,  
23 pursuant to guidelines which shall be adopted and published by the  
24 Commission.

25 (c) The public defenders, authorized by paragraph (a) of this section  
26 to employ one or more deputy public defenders and support personnel, shall  
27 have the authority to select and hire the person who will serve, and any  
28 person so employed shall serve at the will and pleasure of the public  
29 defender.

30 (d) The deputy public defenders and support personnel shall be subject  
31 to the Uniform Attendance and Leave Policy Act, as administered by the public  
32 defender by whom they are employed.

33

34 SECTION 10. (a) The State shall appropriate funds and authorize  
35 positions to the Juvenile Intake and Probation Commission for the employment

1 of intake and probation officers for the Juvenile Division of Chancery Court  
2 in each judicial district. Each juvenile division judge may apply to the  
3 Commission for the authorization to employ one or more officers.

4 (b) The Commission shall have the authority to designate the placement  
5 of intake and probation officers, pursuant to guidelines which shall be  
6 adopted and published by the Commission.

7 (c) The juvenile division judge authorized by paragraph (a) of this  
8 section to employ one or more intake and probation officers shall have the  
9 authority to select and hire the person who will serve, and any person so  
10 employed shall serve at the will and pleasure of the juvenile division judge.

11 (d) The juvenile intake and probation officers shall be subject to the  
12 Uniform Attendance and Leave Policy Act, as administered by the judge by whom  
13 they are employed.

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15 SECTION 11. All provisions of this act of a general and permanent  
16 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
17 Code Revision Commission shall incorporate the same in the Code.

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19 SECTION 12. If any provision of this act or the application thereof to  
20 any person or circumstance is held invalid, such invalidity shall not affect  
21 other provisions or applications of the act which can be given effect without  
22 the invalid provision or application, and to this end the provisions of this  
23 act are declared to be severable.

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25 SECTION 13. All laws and parts of laws in conflict with this act are  
26 hereby repealed.

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*/s/M. Wilson*

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