

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

4 By: Representative M. Wilson

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For An Act To Be Entitled

8

"AN ACT TO PROVIDE FOR UNIFORM FILING FEES AND COURT
9 COSTS; AND FOR OTHER PURPOSES."

10

11

Subtitle

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"TO PROVIDE FOR UNIFORM FILING FEES AND
13 COURT COSTS"

14

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

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17 SECTION 1. (a) Except as otherwise provided by this Act, all filing
18 fees and all court costs shall be uniform for each type of case in all
19 general and limited jurisdiction courts of this state.

20 (b) In all cases filed in such courts on or after July 1, 1995, the
21 court costs and filing fees shall be assessed and distributed according to
22 this act.

23 (c) In all cases filed in such courts prior to July 1, 1995, all court
24 costs and filing fees shall be assessed and distributed according to law in
25 existence on the date of the filing, including monies collected on and after
26 July 1, 1995.

27 (d) The State shall be exempt from paying all filing fees and court
28 costs.

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30 SECTION 2. Arkansas Code Annotated 21-6-403 is amended to read as
31 follows:

32 "21-6-403. Circuit and chancery court clerks - Uniform filing fees.

33 (a) The uniform filing fees to be charged by the clerks of the circuit
34 and chancery courts for initiating or reopening a cause of action in the
35 circuit and chancery courts in the state shall be as prescribed in this

1 section. No portion of the filing fees shall be refunded:

- 2 (1) For initiating a cause of action in the circuit court (including appeals)
- 3 \$100.00
- 4 (2) For initiating a cause of action in the chancery court \$100.00
- 5 (3) For reopening a cause of action in the chancery court \$30.00

6 (b) No fee shall be charged or collected by the clerks of the circuit
7 and chancery courts for reopening a cause of action in the chancery court
8 under the following circumstances:

- 9 (1)(A) An agreed order is presented to be filed; or
- 10 (B) An order of income withholding is to be filed; and
- 11 (2) No service of process is required.

12 (c) No county shall authorize and no circuit or chancery court clerk
13 shall assess or collect any other filing fees than those authorized by this
14 act, unless specifically provided by state law."
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16 SECTION 3. Arkansas Code Annotated 16-14-105 is amended to read as
17 follows:

18 "16-14-105. Uniform advance fees and court costs.

19 (a) The uniform advance fees to be charged by the clerks of the probate
20 court for initiating a cause of action in probate court in this state shall
21 be one hundred dollars (\$100.00), and no portion of the advance fees shall be
22 refunded.

23 (b) Miscellaneous fees shall be as follows:

- 24 (1) Dissolutions of incorporation \$10.00
- 25 (2) Articles of incorporation 15.00
- 26 (3) Amendments to articles of incorporation 15.00
- 27 (4) Filing last will and testament for safekeeping 2.00
- 28 (5) Authentication certificate 3.50
- 29 (6) Certify and seal document 3.00
- 30 (7) Marriage license 20.00
- 31 (8) Certified copy of marriage license 5.00
- 32 (9) Underage marriages - petition and order 5.00
- 33 (10) Small estates 10.00
- 34 (11) Assumed names 10.00
- 35 (12) Limited partnerships and limited liability companies 10.00

1 (13) Alcoholics and insane persons 10.00
2 (14) Clerk's tax deed 10.00
3 (15) Recording doctors' and nurses' credentials 5.00
4 (16) Recording ministers' credentials 5.00
5 (17) Filing affidavit of claim against an estate 3.00
6 (18) Filing power of attorney 10.00
7 (19) For filing and recording all accounts and settlements 25.00
8 (20) Certified copies of all letters 3.00
9 (21) For issuing subpoena or summons 3.00
10 (22) For putting up advertisement of settlement of executors,
11 administrators, and guardians 3.00
12 (23) For preparing notices of settlements to be published in paper each
13 month 2.00
14 (24) For filing exceptions, etc. 3.50"

15
16 SECTION 4. Arkansas Code Annotated 16-17-705 is amended to read as
17 follows:

18 "16-17-705. Filing fees and costs.

19 (a) The uniform filing fee to be charged by the clerks of the
20 municipal courts for initiating a cause of action in municipal court in this
21 state shall be as prescribed in this section. No portion of the filing fee
22 shall be refunded.

23 (1) For initiating a cause of action in the civil division of municipal
24 court \$35.00

25 (2) For initiating a cause of action in the small claims division of
26 municipal court \$25.00

27 (b) No municipality shall authorize, and no municipal court clerk
28 shall assess or collect, any other filing fees than those authorized by this
29 act, unless specifically provided by state law."

30
31 SECTION 5. (a) The uniform filing fee to be charged by clerks for
32 initiating a cause of action in city or police courts, courts of common
33 pleas, or any other court of limited jurisdiction in this state shall be
34 twenty-five dollars (\$25.00). No portion of the filing fee shall be
35 refunded.

1 (b) No city shall authorize, and no city court clerk shall assess or
2 collect, any other filing fees than those authorized by this act, unless
3 specifically provided by state law.

4

5 SECTION 6. (a) There shall be levied and collected from each
6 defendant upon each conviction, each plea of guilty or nolo contendere, or
7 forfeiture of bond the following court costs:

8 (1) For misdemeanor or felony violation of state law, excluding violation of
9 the Omnibus DWI Act, in circuit court \$100.00

10 (2) For misdemeanor violation of state law or local ordinance, excluding
11 violation of the Omnibus DWI Act, in municipal, city, or police court . \$50.00

12 (3) For traffic violations for violation of state law or local ordinance,
13 excluding violation of the Omnibus DWI Act, in municipal, city, or police
14 court \$50.00

15 (4) For violation of the Omnibus DWI Act in circuit, municipal, and city
16 court \$300.00

17 (b) The costs set forth in this act shall be imposed at the conclusion
18 of any criminal case that does not end in an acquittal, dismissal, or, with
19 the consent of the prosecution, a nolle prosequi. They shall be imposed at
20 the conclusion of cases involving a suspended or probated sentence even
21 though that sentence may be expunged or otherwise removed from the
22 defendant_s record.

23 (c) No county, municipality, or town shall be liable for the payment
24 of the costs taxed under this section in any instance where they are not
25 collected, or in any case in which the defendant pays the costs by serving
26 time in a jail, on a county farm, or at any other official place of detention
27 or work.

28 (d) No municipality or county shall authorize and no police, city,
29 municipal, or circuit court shall assess or collect any other court costs
30 other than those authorized by this act, unless specifically provided by
31 state law.

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33 SECTION 7. There is hereby created in the Office of the State
34 Treasurer an Administration of Justice Funds Division, to which the state_s
35 share of all court costs and filing fees assessed and collected by the

1 police, city, municipal, chancery, probate, and circuit courts in this state
2 shall be remitted. Said funds shall be deposited by the Division in the
3 State Central Services Fund. The Division shall keep an accurate account of
4 all receipts by type of case and type and location of court from which costs
5 are submitted. The Division shall also prescribe appropriate forms for
6 reporting and allocation of funds, and require the use thereof by all parties
7 remitting funds.

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9 SECTION 8. (a) There is hereby created in each county a fund in the
10 Office of the County Treasurer to be known as the County Administration of
11 Justice Fund.

12 (b) The County Administration of Justice Fund shall be used
13 exclusively for the county's share of the costs of the administration of
14 justice in the county, including but not limited to the operation of the
15 circuit, chancery, probate courts and the county share of municipal courts
16 and their employees; and until the State assumes responsibility for the
17 following payments: the operation of the office of the prosecuting attorney
18 and his employees, the operation of the office of the deputy prosecuting
19 attorney and his employees, the operation of the prosecuting attorney victim
20 witness program, the maintenance and operation of the county law library, and
21 the provision of indigent defense services.

22 (c) Nothing in this act shall prevent the county from funding any
23 additional costs for the administration of justice from other county funds.

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25 SECTION 9. (a) There is hereby created in each city or town which
26 operates a police, city, or municipal court a fund in the Office of the City
27 Treasurer to be known as the City Administration of Justice Fund.

28 (b) The City Administration of Justice Fund shall be used exclusively
29 for the costs of the administration of justice in the city, including but not
30 limited to the operation of the municipal courts, the salaries of the
31 municipal judges, clerks, and their employees, the municipal judges and
32 clerks retirement fund, the police pension and benefits fund, and the
33 provision of indigent defense services in the municipal court.

34 (c) Nothing in this act shall prevent the city from funding any
35 additional costs for the administration of justice from other city funds.

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2 SECTION 10. The clerks of the circuit, chancery, and probate courts
3 shall, on or before the fifth (5th) day of the month next following the month
4 of collection, remit all sums received from the uniform filing fees provided
5 for in Sections 2 and 3 herein, the uniform court costs provided for in
6 Section 6 herein, and the juvenile court costs provided for in ACA 9-27-330,
7 on the following schedule:

8 (a) On and after July 1, 1995, thirty-five percent (35%) to the County
9 Treasurer to be deposited in the County Administration of Justice Fund and
10 sixty-five percent (65%) to the State Treasurer to be deposited in the State
11 Central Services Fund; and

12 (b) On and after July 1, 1996, ten percent (10%) to the County
13 Treasurer to be deposited in the County Administration of Justice Fund and
14 ninety percent (90%) to the State Treasurer to be deposited in the State
15 Central Services Fund.

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17 SECTION 11. The clerks of the police, municipal, and city courts
18 shall, on or before the fifth (5th) day of the month next following the month
19 of collection, remit all sums received from the uniform filing fees provided
20 for in Sections 4 and 5 herein and the uniform court costs provided for in
21 Section 6 herein on the following schedule:

22 (a) On and after July 1, 1995, fifty percent (50%) to the City
23 Treasurer to be deposited in the City Administration of Justice Fund and
24 fifty percent (50%) to the State Treasurer to be deposited in the State
25 Central Services Fund;

26 (b) On and after July 1, 1996, thirty-five percent (35%) to the City
27 Treasurer to be deposited in the City Administration of Justice Fund and
28 sixty-five percent (65%) to the State Treasurer to be deposited in the State
29 Central Services Fund.

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31 SECTION 12. All provisions of this act of a general and permanent
32 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
33 Code Revision Commission shall incorporate the same in the Code.

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35 SECTION 13. If any provision of this act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect
2 other provisions or applications of the act which can be given effect without
3 the invalid provision or application, and to this end the provisions of this
4 act are declared to be severable.

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6 SECTION 14. *Arkansas Code Annotated 1-2-306, 5-64-416, 5-64-709,*
7 *5-65-113, 5-75-115(c) 5-65-307(c)(1) and (2), 6-64-603, 12-41-617, 14-20-*
8 *102(b), 14-20-115, 14-42-112(e), 16-13-511, 16-17-109, 16-17-110, 16-17-111,*
9 *16-17-112, 16-17-113, 16-17-123, 16-17-402(c) and (d), 16-17-614, 16-19-413,*
10 *16-20-107, 16-21-106(b)(2)(B) and (C), 16-21-113(f), 16-21-1103(b), 16-21-*
11 *1503(a), 16-23-103, 16-87-111(b), 16-90-718, 16-92-110, 16-92-111, 16-92-116,*
12 *20-7-123(a)(1)(C)and (F), 20-18-405, 20-18-502, 21-6-404, 21-6-405, 21-6-410,*
13 *21-6-411, 22-3-920, 24-8-303, 24-8-315(e), 24-8-402 and 27-50-401 are hereby*
14 *repealed.*

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16 SECTION 15. *Section 2 of Act 685 of 1971 as amended by Acts 995 and*
17 *1081 of 1975, Act 311 of 1981, Act 472 of 1981, Act 958 of 1981, Act 972 of*
18 *1981, Act 978 of 1981, Act 989 of 1981, Act 4 of 1983, Act 300 of 1983,*
19 *Section 3 of Act 335 of 1983, Section 7 of Act 485 of 1983, Act 576 of 1983,*
20 *Act 607 of 1983, Act 610 of 1983, Act 682 of 1983, Act 803 of 1983, Act 919*
21 *of 1983, Act 322 of 1987, Act 543 of 1987, Act 782 of 1987, Act 851 of 1987,*
22 *Act 255 of 1989, Act 349 of 1989, Act 398 of 1989, Act 442 of 1989, Act 1149*
23 *of 1991, Act 1150 of 1991, and Act 311 of 1993 are hereby repealed.*

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25 SECTION 16. *All other laws and parts of laws in conflict with this act*
26 *are hereby repealed.*

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/s/M. Wilson

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