

1 State of Arkansas

Call Item 10

2 80th General Assembly

A Bill

3 First Extraordinary Session, 1995

SENATE BILL

6

4 By: Senator Dowd

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For An Act To Be Entitled

8 "AN ACT TO MAKE MISCELLANEOUS AMENDMENTS TO ACTS 1256 AND
9 1346 OF 1995 INVOLVING THE ASSESSMENT AND COLLECTION OF
10 UNIFORM COURT COSTS AND FILING FEES AND THE COLLECTIONS OF
11 CRIMINAL FINES; AND FOR OTHER PURPOSES."

12

13

Subtitle

14

"TO MAKE MISCELLANEOUS AMENDMENTS TO
15 ACTS 1256 AND 1346 OF 1995"

16

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

18

19 SECTION 1. Section 2 of Act 1256 of 1995 is amended to read as
20 follows:

21 "SECTION 2. (a) Except as otherwise provided by this Act, all filing
22 fees and all court costs shall be uniform for each type of case in all
23 general and limited jurisdiction courts of this state.

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

27 (c) In all cases filed in such courts prior to July 1, 1995, all court
28 costs and filing fees shall be assessed according to law in existence on the
29 date of the filing, but shall be disbursed in accordance with this act .

30 However, nothing in this subsection (c) shall prevent, upon determination by
31 a county as evidenced by a county court order or upon determination by a
32 municipality as evidenced by a municipal resolution, the continued
33 distribution of all court costs and filing fees assessed prior to July 1,
34 1995 under such authorization existing prior to July 1, 1995.

35 (d) Prosecuting Attorneys filing actions on behalf of the State, with

1 the exception of child support cases, shall be exempt from paying filing
2 fees."

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4 SECTION 2. Section 15 of Act 1256 of 1995 is amended to read as
5 follows:

6 "SECTION 15. At the close of books on the twentieth (20th) working day
7 of November, 1995, and on or before the twentieth (20th) working day of each
8 month thereafter, the Department of Finance and Administration shall make the
9 following distribution of revenue received for the previous month and
10 credited to the State Administration of Justice Fund:

11 The following State programs and agencies which are currently funded by
12 court costs and filing fees shall be paid at an annual rate, at not less than
13 the amounts certified by the Department of Finance and Administration which
14 were received by the program or agency in the fiscal year ending June 30,
15 1995, in a monthly installment of at least one-twelfth (1/12) of the annual
16 appropriation provided for each agency for this purpose from the State
17 Administration of Justice Fund:

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

20 (2) the Public Health Fund for use in the Drug Abuse Prevention and
21 Treatment program of the Division of Alcohol and Drug Abuse Prevention;

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

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

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

28 (6) the Prosecutor Coordinator's office for deposit in the Law
29 Enforcement and Prosecutor Drug Enforcement Training Fund;

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

32 (8) the Crime Information System Fund;

33 (9) the Municipal Court Judge and the Municipal Court Clerk Education
34 Fund;

35 (10) the Arkansas Judicial Retirement System Fund;

1 (11) the state Central Services Fund for the benefit of the Public
2 Defender Commission;

3 (12) the Court Reporter Fund;

4 (13) the Justice Building Fund;

5 (14) the Arkansas Counties Alcohol and Drug Abuse and Crime Prevention
6 Fund; and

7 (15) effective July 1, 1996, the Administration of Justice Fund to
8 fund the trial court staff persons authorized by Section 16 of this act."

9

10 SECTION 3. Section 17 of Act 1256 of 1985 is amended to read as
11 follows:

12 "SECTION 17. The uniform filing fees and court costs established by
13 Sections 3 through 7 of this act shall become effective on July 1, 1995;
14 however, from the period beginning July 1, 1995, through September 30, 1995,
15 all courts shall deduct from the uniform fees and costs the individual fees
16 and costs owed to local, county, and state level agencies and disburse those
17 funds in accordance with this act . Excess funds shall be retained by the
18 city or county and utilized as directed by the governing body, but are,
19 however, intended to provide a sufficient level of funds as to allow for the
20 change in the disbursement of funds as required by Sections 12 and 13 of this
21 act."

22

23 SECTION 4. Section 20 of Act 1256 of 1995 is amended to read as
24 follows:

25 "SECTION 20. Arkansas Code Annotated §§ 1-2-306, 5-64-416, 5-64-709,
26 5-65-113, 5-65-115(c), 5-65-307(c)(1) and (2), 6-64-603, 12-41-617,
27 14-20-102(b) and (d), 14-20-115, 14-42-112(e), 16-17-109, 16-17-110,
28 16-17-111, 16-17-112, 16-17-113, 16-17-123, 16-17-402(c) and (d), 16-17-614,
29 16-19-413, 16-20-107, 16-21-106(b)(2)(B) and (C), 16-21-113(f),
30 16-21-1103(b), 16-21-1503(a), 16-23-103, 16-87-111(b), 16-90-718, 16-92-110,
31 16-92-111, 16-92-116, 20-7-123(b)(1)(C) and (F), 20-18-405, 20-18-502(c),
32 21-6-404, 21-6-405, 21-6-410, 22-3-920, 24-8-303, 24-8-315(e), 24-8-402,
33 26-76-201, and 27-50-401 are hereby repealed effective October 1, 1995."

34

35 SECTION 5. Section 21 of Act 1256 of 1995 is amended to read as

1 follows:

2 "SECTION 21. Section 2 of Act 685 of 1971 as amended by Acts 995 and
3 1081 of 1975, Act 311 of 1981, Act 472 of 1981, Act 958 of 1981, Act 972 of
4 1981, Act 978 of 1981, Act 989 of 1981, Act 4 of 1983, Act 300 of 1983,
5 Section 3 of Act 335 of 1983, Section 7 of Act 485 of 1983, Act 576 of 1983,
6 Act 607 of 1983, Act 610 of 1983, Act 682 of 1983, Act 803 of 1983, Act 919
7 of 1983, Act 322 of 1987, Act 543 of 1987, Act 782 of 1987, Act 851 of 1987,
8 Act 255 of 1989, Act 349 of 1989, Act 398 of 1989, Act 442 of 1989, Section 2
9 of Act 665 of 1991, Act 1149 of 1991, Act 1150 of 1991, Act 311 of 1993, Act
10 1243 of 1995, Section 9 of Act 1300 of 1995, and Section 1(ww)(7) of Act 1346
11 of 1995 are hereby repealed effective October 1, 1995."

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13 SECTION 6. (a) Section 1(nnnn) of Act 1346 of 1995 is amended to read
14 as follows:

15 "(nnnn) The Sheridan Municipal Court Judge shall receive an annual
16 salary of not less than eight thousand six hundred dollars (\$8,600) nor more
17 than twenty thousand dollars (\$20,000) as approved by the quorum court to be
18 paid as follows: four thousand five hundred sixty dollars (\$4,560) by the
19 City of Sheridan and the balance by Grant County. The Sheridan Municipal
20 Court Clerk shall receive an annual salary of not less than nine thousand
21 dollars (\$9,000) nor more than fifteen thousand dollars (\$15,000), as
22 approved by the quorum court. The municipal clerk's salary shall be paid as
23 follows: three thousand nine hundred ninety-nine dollars and twelve cents
24 (\$3,999.12) to be paid by the City of Sheridan and eleven thousand dollars
25 and eighty-eight
26 cents to be paid by Grant County.

27 (b) Section 1(fffff) of Act 1346 of 1995 is amended to read as follow:

28 "(fffff) The Wynne Municipal Court Judge shall receive an annual
29 salary of not less than twenty-four thousand dollars (\$24,000) nor more than
30 twenty-six thousand dollars (\$26,000). Said salary and the salaries of all
31 court employees shall be as determined by the governing body of the City of
32 Wynne. The Judge of the Wynne Municipal Court may appoint a small claims
33 referee to hear small claims cases in the Wynne Municipal Court. If a
34 referee is appointed, the small claims referee of the Wynne Municipal Court
35 shall receive a salary as fixed by the quorum court."

1

2 SECTION 7. Section 10(b) and (c) of Act 1256 of 1995 is amended to
3 read as follows:

4 "(b) The County Administration of Justice Fund shall be used to defray
5 a part of the expenses of the administration of justice in the county. From
6 the Fund, the county shall continue to finance the following county agencies
7 and programs which are currently funded, in whole or in part, by filing fees
8 and/or court costs, at a funding level equal to not less than the greater of
9 the amount which was disbursed by the county from filing fees and/or court
10 costs to the agency or program in the calendar year ending December 31, 1994,
11 or the amount appropriated by ordinance enacted prior to December 31, 1994,
12 or on February 13, 1995, or on February 14, 1995, or by Resolution dated
13 February 9, 1995, to the agency or program for the calendar year ending
14 December 31, 1995:

15 (1) the prosecuting attorney fund including all grant funds
16 awarded and appropriated for calendar year ending December 31, 1995;

17 (2) the prosecuting attorney_s victim-witness program fund;

18 (3) the public defender/indigent defense fund and public defender
19 investigator fund including all grant funds awarded and appropriated for
20 calendar year ending December 31, 1995;

21 (4) the county law library fund;

22 (5) the county jail fund; and

23 (6) the intoxication detection equipment fund.

24 (c) The County Administration of Justice Fund of each county may
25 retain an amount equal to the amount which was disbursed by the county from
26 court costs and filing fees for county administration of justice expense in
27 the calendar year ending December 31, 1994, or the amount appropriated from
28 court costs and filing fees by ordinance enacted prior to December 31, 1994,
29 or on February 13, 1995, or on February 14, 1995, or by Resolution dated
30 February 9, 1995, for county administration of justice expense from court
31 costs and filing fees for the calendar year ending December 31, 1995, plus
32 for each year after calendar year 1995 an additional amount based upon the
33 increase in the Consumer Price Index as published by the Bureau of Labor
34 Statistics of the Department of Labor using the greater of the amount
35 disbursed in calendar year 1994 or the amount appropriated for calendar year

1 1995 as the base, which base shall be increased by the percentage that the
2 Consumer Price Index for December of the succeeding year bears to the base."

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4 SECTION 8. Section 5 of Act 1227 of 1995 is hereby amended to read as
5 follows:

6 "SECTION 5. APPROPRIATIONS. There is hereby appropriated, to the
7 Department of Finance and Administration - Disbursing Officer, to be payable
8 from the State Administration of Justice Fund, for distribution to state
9 programs and agencies and reimbursements/refunds to cities or counties of
10 court costs and filing fees remitted by the cities and counties by the
11 Department of Finance and Administration - Disbursing Officer, for the
12 biennial period ending June 30, 1997, the following:

13

14 ITEM	FISCAL YEARS	
15 NO.	1995-96	1996-97
16 (01)DISTRIBUTION TO STATE PROGRAMS &		
17 AGENCIES	\$ 10,263,178	\$ 13,549,178
18 (02)REIMBURSEMENTS/REFUNDS TO		
19 CITIES OR COUNTIES	<u>5,000,000</u>	<u>5,000,000</u>
20 TOTAL AMOUNT APPROPRIATED	<u>\$ 15,263,178</u>	<u>\$ 18,549,178"</u>

21

22 SECTION 9. Section 7 of Act 1227 of 1995 is hereby amended to read as
23 follows:

24 "SECTION 7. ALLOCATION RESTRICTIONS. There is hereby allocated to
25 state programs and agencies, as set out herein, the following maximum
26 allocations of funds appropriated in Item (01) of Section 5, to the
27 Department of Finance and Administration - Disbursing Officer, there to be
28 used as provided by law.

29

30	Maximum Allocation	
31 Item	Fiscal Years	
32 No.	1995-96	1996-97

33 (1)Board of Trustees of the University
34 of Arkansas for the purpose and as
35 regulated by Arkansas Code Annotated

1	§ 6-64-604 - 606	\$ 2,565,979	\$2,565,979
2	(2)Public Health Fund for use in the Drug		
3	Abuse Prevention and Treatment program		
4	of the Division of Alcohol and Drug		
5	Abuse Prevention	75,000	75,000
6	(3)Highway Safety Special Fund for		
7	programs of the Arkansas Highway		
8	Safety Program	994,117	994,117
9	(4)Department of Arkansas State Police		
10	for the State Police Retirement Fund	1,169,971	1,169,971
11	(5)Crime Victims/Reparations Revolving		
12	Fund for the purpose and as regulated		
13	by Arkansas Code Annotated § 16-90-701		
14	et seq.	1,669,971	1,669,971
15	(6)Prosecutor Coordinator's office for		
16	deposit in the Law Enforcement and		
17	Prosecutor Drug Enforcement Training Fund	59,012	59,012
18	(7)Code Revision Fund for the purpose and as		
19	regulated by Arkansas Code Annotated		
20	§ 1-2-305	137,656	137,656
21	(8)Crime Information System Fund	49,489	49,489
22	(9)Municipal Court Judge and the Municipal		
23	Court Clerk Education Fund	19,569	19,569
24	(10)Arkansas Judicial Retirement System Fund	836,361	836,361
25	(11)State Central Services Fund for the		
26	benefit of the Public Defender Commission	505,611	505,611
27	(12)Court Reporter Fund	1,610,104	1,610,104
28	(13)Justice Building Fund	200,000	200,000
29	(14)Arkansas Counties Alcohol and Drug		
30	Abuse and Crime Prevention Fund	370,338	370,338
31	(15)Effective July 1, 1996, the Administration		
32	of Justice Fund to fund the trial court		
33	staff persons as authorized by law	0	3,286,000
34	TOTAL AMOUNT ALLOCATED	<u>\$10,263,178</u>	<u>\$13,549,178"</u>

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