

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: S2/5/97 S3/5/97 S3/6/97 S3/20/97

A Bill

SENATE BILL 26

5 By: Senator Dowd
6
7

For An Act To Be Entitled

9 "AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE
10 ANNOTATED TO PHASE IN THE TRANSFER OF FUNDING OF THE STATE
11 TRIAL COURT SYSTEM FROM COUNTY GOVERNMENT TO THE STATE;
12 AND FOR OTHER PURPOSES."
13

Subtitle

15 "TO PHASE IN THE TRANSFER OF FUNDING OF
16 THE STATE TRIAL COURT SYSTEM FROM COUNTY
17 GOVERNMENT TO THE STATE."
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. (a) It is hereby found by the General Assembly that the
22 current system of funding the state judicial system has created inequity in
23 the level of judicial services available to the citizens of the state. It is
24 further determined that, with the passage and implementation of Act 1256 of
25 1995, a uniform structure for the accounting and distribution of court
26 generated funds has been established and reliable data on the cost of
27 providing court services and the revenue produced by the court system now
28 exists.

29 (b) It is, therefore, the intent of this Act to begin to phase in the
30 responsibility of the funding of a part of the state trial court system from
31 county government to the state. It is, further, the intent of this Act to
32 continue and improve the reporting of information from cities and counties
33 concerning the costs of providing the court system and the revenues produced
34 from court costs, fees, and fines.
35

36 SECTION 2. Arkansas Code Annotated § 5-76-103 is amended to read as

1 follows:

2 "5-76-103. Penalties.

3 (a)~~(1)~~ Any person who pleads guilty or nolo contendere to, or who is
4 found guilty of violating, § 5-76-102, shall, in addition to other penalties
5 provided therein, be required to complete an alcohol education program as
6 prescribed and approved by the Arkansas Highway Safety Program or an
7 alcoholism treatment program as approved by the Bureau of Alcohol and Drug
8 Abuse Prevention of the Department of Health.

9 (b)(2) Such alcohol education program may collect a program fee of up
10 to fifty dollars (\$50.00) per enrollee to offset program costs.

11 (c)(1)(3)(A) A person ordered to complete an alcoholism treatment
12 program under this section may be required to pay, in addition to the costs
13 collected for treatment, a fee of up to twenty-five dollars (\$25.00) to offset
14 the additional costs associated with reporting requirements under this
15 chapter.

16 (2)(B) The alcohol education program shall report semiannually to
17 the Arkansas Highway Safety Program all revenue derived from this fee."

18 ~~_____ (b)(1) Within six (6) months of the final adjudication of guilt, the~~
19 ~~operator shall furnish proof of attendance at and completion of the alcoholism~~
20 ~~treatment or education program.~~

21 ~~_____ (2)(A) If such proof is not furnished, the operator shall be~~
22 ~~cited for contempt of court and assessed an additional court cost of two~~
23 ~~hundred dollars (\$200.00), with fifty dollars (\$50.00) retained by the~~
24 ~~municipal court.~~

25 ~~_____ (B)(i) The remaining moneys received from these additional~~
26 ~~court costs shall be remitted at least quarterly, by January 1, April 1, July~~
27 ~~1, and October 1 to the Director of the Department of Finance and~~
28 ~~Administration.~~

29 ~~_____ (ii) One-half (1/2) of the moneys so received by the~~
30 ~~director shall be deposited in the State Treasury to be credited to the~~
31 ~~Highway Safety Special Fund for use to support programs of the Arkansas~~
32 ~~Highway Safety Program.~~

33 ~~_____ (iii) The remaining one-half (1/2) of such moneys~~
34 ~~received by the director shall be deposited in the State Treasury to be~~
35 ~~credited to the Alcohol and Drug Safety Fund to support alcoholism treatment~~
36 ~~programs of the Bureau of Alcohol and Drug Abuse Prevention.~~

1

2 SECTION 3. Arkansas Code Annotated § 16-10-209 is amended to read as
3 follows:

4 "16-10-209. Court clerk - Activities and clerical duties.

5 The following activities and clerical duties relating to court functions
6 shall be required of all court clerks:

7 (1) Collection, Receipt, and Deposit Procedures:

8 (A) All receipt books must be prenumbered by the printer, and a
9 printer's certificate or other evidence shall be furnished to the court clerk,
10 which shall be made available for inspection;

11 (B) All void or spoiled receipts must be accounted for by
12 attaching the original copy of the receipt to the duplicate copy of the
13 receipt in the receipt book;

14 (C) For those checks forwarded with the arrest reports, the
15 receipt shall be issued in the name of the police department, marshal's
16 office, or sheriff's office; for those receipts issued at court date, the
17 court clerk shall issue such receipts in the name of the defendant, regardless
18 of who paid the bond or fine or who collected the bond or fine;

19 (D) A prenumbered receipt shall be issued for all moneys
20 collected, and such receipts shall be deposited intact daily into the separate
21 bank account maintained by the court clerk;

22 (E) The bank deposit slips prepared by the court clerk shall
23 contain the range or receipt numbers evidencing such collections;
24 additionally, the receipts issued shall be reconciled with the monthly bank
25 deposits;

26 (F) A bank reconciliation shall be made at the end of each month,
27 and any balance remaining in the bank account shall be identified with receipt
28 numbers for cases not yet adjudicated and the payments made on all unpaid
29 individual time accounts;

30 (G) The court clerk may maintain separate bank accounts for city
31 cases and for county cases.

32 (2) Preparation and Submission of Court Report:

33 (A) The court report shall contain columns for the following
34 information:

35 (i) Uniform traffic ticket number;

36 (ii) Defendant's name;

1 (iii) Nature of the offense;
 2 (iv) Name of arresting officer;
 3 (v) Court docket number;
 4 (vi) Disposition or date continued;
 5 (vii) Receipt number;
 6 (viii) Total fine and costs collected;
 7 (ix) Fine;
 8 (x) Costs itemized including all prosecuting attorney fees;
 9 (xi) Bond refund amount;
 10 (xii) Bond refund check number; and
 11 (xiii) Time payment amount.

12 (B) The court clerk at each court date shall prepare the court
 13 report from the arrest report supplied by the police department, marshal's
 14 office, or sheriff's office;

15 (C) At the end of each court date, the court clerk shall complete
 16 the court report for the court date and total the dollar amounts contained
 17 therein;

18 (D) The court reports prepared each court date shall be
 19 summarized at least monthly;

20 (E)(i) The court clerk shall make a direct monetary settlement on
 21 or before the fifth day of the next following month with each of the
 22 following:

23 (a) The city treasurer; and
 24 (b) The county treasurer; and
 25 (c) The prosecuting attorney. ~~The treasurer of the~~
 26 ~~alcohol safety fund; and~~

27 (d) If applicable, the treasurer of the policemen's
 28 pension and relief fund and the municipal judge and clerk's retirement fund.

29 (ii) For those fines, penalties, and other charges arising
 30 from tickets issued by the Arkansas Highway Police and the Arkansas State
 31 Highway and Transportation Department, the court clerk shall make a direct
 32 monetary settlement with them at the time the appropriate billing notice is
 33 received;

34 (F) The court clerk, in conjunction with the making of the above
 35 monetary settlement, will make reports in quadruplicate of the applicable
 36 individual court reports and distribute the reports in the following manner:

- 1 (i) One (1) copy to the mayor;
2 (ii) One (1) copy to the county clerk;
3 (iii) One (1) copy to the Administrative Office of the
4 Courts; and
5 (iv) One (1) copy to be retained by the clerk and made
6 available for inspection.

7 (3) Minimum Bookkeeping Requirements:

8 (A) The court clerk shall maintain a separate cash receipts and
9 disbursements journal for city cases and county cases. The journal shall
10 consist of sufficient columns in order to properly classify all moneys
11 receipted as to their proper nature, i.e., fines, ~~state police retirement~~
12 ~~fund, county law library, administration of justice fund,~~ etc. The journal
13 shall also contain sufficient columns to properly classify all moneys
14 disbursed as to their proper nature, i.e., general fund, county treasurer,
15 bond refunds, etc.;

16 (B) The court clerk shall total and balance the receipts and
17 disbursements journal monthly and establish and maintain year-to-date totals
18 monthly;

19 (C) The court clerk shall prepare monthly bank reconciliations
20 for each court bank account. The cash receipts and disbursements journal shall
21 be utilized in effecting the bank reconciliations;

22 (D) Copies of bank reconciliations shall be furnished to the
23 court's presiding judge, county judge, and mayor.

24 (4) Bond Refunds:

25 (A) All bond refunds shall be made only upon the authorization of
26 the presiding judge and shall be indicated as such on the court docket;

27 (B) All bond refunds shall be made only by a check drawn on the
28 court's bank account. Additionally, the check shall indicate the court docket
29 number for authorization;

30 (C) The court clerk shall enter all bond refunds on the
31 applicable court report.

32 (5) Time or Partial Payments:

33 (A) Time payments shall be allowed only upon the authorization of
34 the presiding judge and shall be indicated as such on the court docket;

35 (B) The court clerk shall establish and maintain individual time
36 payment account ledger cards, with a duplicate copy of the ledger card being

1 furnished to and maintained by the appropriate police department, marshal's
2 office, or sheriff's office. The ledger cards shall contain the following
3 minimum information:

- 4 (i) Name of individual;
- 5 (ii) Court docket number and court date;
- 6 (iii) Nature of violation;
- 7 (iv) Total fine and costs assessed;
- 8 (v) Receipt number, date, and amount of payment; and
- 9 (vi) Unpaid balance of fine, fees and costs.

10 (C) The police department, marshal's office, or sheriff's office
11 shall be responsible for collecting all time payments and shall enter all
12 collected time payments on each applicable arrest report;

13 (D) The court clerk shall establish and maintain a control total
14 for time payments, which is a summary of all unpaid individual time payment
15 accounts. The control total shall be reconciled monthly with the individual
16 time payment accounts;

17 (E) The court clerk shall furnish the presiding judge and the
18 police department, marshal's office, or sheriff's office monthly with a list
19 of all unpaid time payment accounts for which a payment has not been received
20 within the past thirty (30) days. The presiding judge shall then take the
21 necessary action deemed appropriate in the circumstances;

22 (F)(i) All time payments shall initially be deemed to be
23 collections of court costs until the costs have been collected in full, with
24 any remaining time payments representing collections of fines. The court clerk
25 shall prepare at least monthly a separate court report for all time payments
26 made on accounts. The monetary settlement for this separate court report shall
27 be made on or before the fifth day of the next-following month. No settlement
28 shall be made on any time payment account until all of the court costs
29 applicable to the account have been collected in full, except that court costs
30 on DWI cases may be settled as collected. Any subsequent collections on the
31 time payment account, representing fines collected, shall be settled on the
32 appropriate court report as they are collected.

33 (ii) A municipal or county governing body may provide by
34 appropriate municipal or county legislation an alternative method of time
35 payment allocation as follows:

36 (a) All time payments shall be allocated fifty

1 percent (50%) to court costs and fifty percent (50%) to fines. Whenever either
2 court costs or fines are fully paid, all remaining time payments shall be
3 allocated to remaining amounts due.

4 (b) The court clerk shall prepare at least monthly a
5 separate court report for all time payments made on accounts. The monetary
6 settlement for this separate court report shall be made on or before the fifth
7 day of the next-following month.

8 (6) Reconciliation of Completed Ticket Books to Arrest Report:

9 (A) The court clerk shall, on a quarterly basis, on or
10 before the fifteenth day of the month following the end of the calendar
11 quarter, reconcile the individual tickets in the completed ticket book to the
12 individual tickets as reflected on the arrest reports;

13 (B) For any discrepancies noted in the above
14 reconciliation, the court clerk shall prepare a written list and present this
15 list to the court's judge for his appropriate action."
16

17 SECTION 4. Arkansas Code Annotated § 16-10-305 is amended to read as
18 follows:

19 "16-10-305. Court costs.

20 (a) There shall be levied and collected from each defendant upon each
21 conviction, each plea of guilty or nolo contendere, or forfeiture of bond, the
22 following court costs:

23 (1) For misdemeanor or felony violation of state law, excluding
24 violation of the Omnibus DWI Act, ~~§ 5-65-101 et seq.~~, in circuit court,
25 ~~\$100.00~~ \$150.00;

26 (2) For ~~offenses which are misdemeanors or violations under state~~
27 ~~law or local ordinance~~ misdemeanor violations of state law, excluding
28 violation of the Omnibus DWI Act, ~~§ 5-65-101 et seq.~~, in municipal ~~court, city~~
29 ~~court, or police~~ court, ~~\$50.00~~ \$75.00;

30 (3) For traffic offenses which are misdemeanors or violations
31 under state law or local ordinance, excluding violation of the Omnibus DWI
32 Act, ~~§ 5-65-101 et seq.~~, in municipal ~~court, city court, or police~~ court,
33 ~~\$50.00~~ \$75.00;

34 (4) For non-traffic offenses which are violations under local
35 ordinance in municipal, city, or police court, \$25.00;

36 ~~—————(4)(5) For violation of the Omnibus DWI Act, § 5-65-101 et seq.,~~

1 in circuit ~~court~~, municipal ~~court~~, and city, or police court, \$300.00.

2

3 (6) For offenses which are misdemeanors or violations under state
4 law or local ordinance, excluding violation of the Omnibus DWI Act, \$50.00 in
5 city and police courts.

6 (b)~~(1)~~ The costs set forth in this section shall be imposed at the
7 conclusion of any criminal case enumerated in subparagraph (a) that does not
8 end in an acquittal, dismissal, or, with the consent of the prosecution, a
9 nolle prosequi.

10 ~~—————(2)~~ They shall be imposed at the conclusion of cases involving a
11 suspended or probated sentence even though that sentence may be expunged or
12 otherwise removed from the defendant's record.

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

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

22 (e) This section shall become effective July 1, 1997 and the revised
23 court costs shall be imposed on all cases which come before the court for
24 final disposition on or after July 1, 1997."

25

26 SECTION 5. Establishment of City and County Shares.

27 (a) Pursuant to Arkansas Code Annotated §§ 16-10-307(c) and
28 16-10-308(c), each city and county may retain a portion of the uniform court
29 costs and filing fees collected and deposited into the city or county
30 administration of justice fund. On or before the first day of October of each
31 year, the Department of Finance and Administration shall certify in writing to
32 each county and to each city which operates a municipal, city, or police court
33 the amount of money which may be retained during each month of the following
34 calendar year by the city or county.

35 (b) In case of a disagreement between the state and a city or county as
36 to the appropriate amount of the city or county share, the Director of the

1 Department of Finance and Administration is authorized to establish an
2 administrative review process and, when necessary, adjust the city or county
3 share upon a finding of gross inadequacy.
4

5 SECTION 6. Arkansas Code Annotated 16-10-307 is amended to read as
6 follows:

7 "16-10-307. County administration of justice fund.

8 (a) There is hereby created in each county a fund in the office of the
9 county treasurer to be known as the county administration of justice fund.

10 (b) The county administration of justice fund shall be used to defray a
11 part of the expenses of the administration of justice in the county. From the
12 fund, the county shall continue to finance the following county agencies and
13 programs which are currently funded, in whole or in part, by filing fees
14 and/or court costs, at a funding level equal to not less than the greater of
15 the amount which was ~~disbursed~~ collected by the county from filing fees and/or
16 court costs ~~to~~ for the agency or program in the calendar year ending December
17 31, 1994, or the amount appropriated by ordinance enacted prior to December
18 31, 1994, or on February 13, 1995, or on February 14, 1995, or by resolution
19 dated February 9, 1995, to the agency or program for the calendar year ending
20 December 31, 1995:

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

23 (2) The prosecuting attorney's victim-witness program fund;

24 (3) The public defender/indigent defense fund and public defender
25 investigator fund, including all grant funds awarded and appropriated for the
26 calendar year ending December 31, 1995;

27 (4) The county law library fund;

28 (5) The county jail fund; and

29 (6) The intoxication detection equipment fund.

30 (c)(1) The county administration of justice fund of each county may
31 retain an amount equal to the amount which was ~~disbursed~~ collected by the
32 county from court costs and filing fees for county administration of justice
33 expense in the calendar year ending December 31, 1994, or the amount
34 appropriated from court costs and filing fees by ordinance enacted prior to
35 December 31, 1994, or on February 13, 1995, or on February 14, 1995, or by
36 resolution dated February 9, 1995, for county administration of justice

1 expense from court costs and filing fees for the calendar year ending December
2 31, 1995, plus, for each year after calendar year 1995, an additional amount
3 based upon the average percentage increase in the Consumer Price Index for All
4 Urban Consumers or its successor, as published by the ~~Bureau of Labor~~
5 ~~Statistics of the Department of Labor, using the greater amount disbursed in~~
6 ~~calendar year 1994 or the amount appropriated for calendar year 1995 as the~~
7 ~~base, which base shall be increased by the percentage that the Consumer Price~~
8 ~~Index for December of the succeeding year bears to the base~~ U. S. Department
9 of Labor for the two years immediately preceding.

10 (2) For the calendar year beginning January 1, 1998, the base
11 amount to be retained shall be:

12 (A) increased by any increase in the Consumer Price Index,
13 as provided for in subsection (c)(1) of this section; and

14 (B) decreased by eighty five percent (85%) of the total
15 dollar amount which was certified by the county as having been collected
16 during calendar year 1994 and for the purpose of funding the office and
17 operation of the public defender and public defender investigator.

18 (d) Nothing in this Act shall prevent the county from funding any
19 additional costs for the administration of justice from these or other county
20 funds.

21 ~~——(d)~~(e) The county shall, on or before the tenth day of November, 1995,
22 and on or before the tenth day of each month thereafter, remit all sums
23 received in excess of the amounts necessary to fund the expenses enumerated in
24 subsections (b) and (c) of this section during the previous month from the
25 uniform filing fees provided for in §§ 16-14-105 and 21-6-304 and the uniform
26 court costs provided for in § 16-10-305 to the Department of Finance and
27 Administration, Administration of Justice Funds Section, for deposit in the
28 State Administration of Justice Fund."

29

30 SECTION 7. Procedure - County Administration of Justice Fund.

31 (a) Pursuant to Arkansas Code Annotated § 16-10-307, each county is to
32 create a county administration of justice fund. Each county treasurer should
33 deposit into the fund:

34 (1) All receipts from the collection of uniform filing fees
35 established by Arkansas Code Annotated 21-6-403 and Arkansas Code Annotated
36 16-14-105 which are collected by the circuit clerk, county clerk, or other

1 official and remitted to the county treasurer;

2 (2) All receipts from the collection of uniform court costs
3 established by Arkansas Code Annotated 16-10-305 which are collected by the
4 circuit clerk, county clerk, county sheriff, or other official and remitted to
5 the county treasurer;

6 (3) All receipts of the county's share of uniform filing fees
7 established by Arkansas Code Annotated 16-17-705 and 16-10-303 which are
8 collected by the municipal, city, and police courts within the county and
9 remitted to the county treasurer; and

10 (4) All receipts of the county's share of uniform court costs
11 established by Arkansas Code Annotated 16-10-305 which are collected by the
12 municipal, city, and police courts within the county and remitted to the
13 county treasurer.

14 (b) From the county administration of justice fund, the county treasurer
15 is to make, on a monthly basis, the following fund transfers or disbursements;

16 (1) Pursuant to Arkansas Code Annotated 16-10-307(c) and Section
17 11 of this Act, the Department of Finance and Administration will certify for
18 each county the county's monthly share of uniform court costs and filing fees
19 to be retained by the county. Each year the quorum court shall establish the
20 amount of uniform filing fees and court costs to be appropriated to each of
21 the county programs or agencies enumerated in Arkansas Code Annotated
22 16-10-307(b) from the county's share of uniform court costs and filing fees,
23 provided that each program or agency shall receive, as a minimum, the amount
24 established by Arkansas Code Annotated 16-10-307(b).

25 (2) The excess of the monthly receipts into the fund from
26 subsection (a)(1) and (2) of this section less the county's certified monthly
27 share and the county treasurer's commission, if any, as authorized by Arkansas
28 Code Annotated § 21-6-302, shall be remitted to the Department of Finance and
29 Administration, pursuant to Arkansas Code Annotated § 16-10-307(d).

30

31 SECTION 8. Arkansas Code Annotated § 16-10-308 is amended to read as
32 follows:

33 "16-10-308. City administration of justice fund.

34 (a) There is hereby created in each municipality which operates a
35 police, city, or municipal court a fund in the office of the city treasurer to
36 be known as the city administration of justice fund.

1 (b) The city administration of justice fund shall be used to defray a
2 part of the expense of the administration of justice in the city. From the
3 fund, the city shall continue to finance the following city agencies and
4 programs which are currently funded, in whole or in part, by filing fees
5 and/or court costs, at a funding level equal to not less than the greater of
6 the amount which was ~~disbursed~~ collected by the city from court costs and/or
7 filing fees ~~to~~ for the agency or program in the calendar year ending December
8 31, 1994, or the amount appropriated by ordinance enacted prior to December
9 31, 1994, to the agency or program for the calendar year ending December 31,
10 1995:

- 11 (1) The municipal court judge and clerk retirement fund;
- 12 (2) The police and fire pension fund;
- 13 (3) The intoxication detection equipment fund;
- 14 (4) All municipal-level programs and agencies funded in whole or
15 in part by court costs and filing fees assessed and collected by the
16 municipal, city, or police court, notwithstanding the repeal by this act of
17 laws authorizing the collection of court costs and filing fees; and
- 18 (5) All county-level programs and agencies funded in whole or in
19 part by court costs and filing fees assessed and collected by the municipal,
20 city, or police court, notwithstanding the repeal by this act of laws
21 authorizing the collection of court costs and filing fees and the disbursement
22 of all or a part thereof to the county.

23 (c)(1) The city administration of justice fund of each city may retain
24 an amount equal to the amount which was ~~disbursed~~ collected by the city from
25 court costs and filing fees for city administration of justice expense in the
26 calendar year ending December 31, 1994, or the amount appropriated from court
27 costs and filing fees by ordinance enacted prior to December 31, 1994, for
28 city or county administration of justice expense from court costs and filing
29 fees for the calendar year ending December 31, 1995, plus, for each year after
30 calendar year 1995, an additional amount based upon the average percentage
31 increase in the Consumer Price Index for All Urban Consumers or its successor,
32 as published by the ~~Bureau of Labor Statistics of the Department of Labor,~~
33 ~~using the greater of the amount disbursed in calendar year 1994 or the amount~~
34 ~~appropriated for calendar year 1995 as the base, which base shall be increased~~
35 ~~by the percentage that the Consumer Price Index for December of the succeeding~~
36 ~~year bears to the base~~ U. S. Department of Labor for the two years immediately

1 preceding.

2 (2) For the calendar year beginning January 1, 1998, the base
3 amount to be retained shall be:

4 (A) increased by any increase in the Consumer Price Index,
5 as provided for in subsection (c)(1) of this section;

6 (B) decreased by eighty-five percent (85%) of the total
7 dollar amount which was certified by the city as having been collected during
8 calendar year 1994 for the purpose of funding the office and operation of the
9 public defender and public defender investigator; and

10 (d) Nothing in this act shall prevent the city from funding any
11 additional costs for the administration of justice from other city funds.

12 (e) The city shall, on or before the tenth day of November, 1995, and
13 on or before the tenth day of each month thereafter, remit all sums received
14 in excess of the amounts necessary to fund the expenses enumerated in
15 ~~subsections~~ subsections (b) and (c) of this section during the previous month
16 from the uniform filing fees provided for in §§ 16-10-303 and 16-17-705 and
17 the uniform court costs provided for in § 16-10-305 to the Department of
18 Finance and Administration, Administration of Justice Funds Section, for
19 deposit in the State Administration of Justice Fund.

20

21 SECTION 9. Procedure - City Administration of Justice Fund.

22 (a) Pursuant to Arkansas Code Annotated 16-10-308, each municipality
23 which operates a police, city, or municipal court is to create a city
24 administration of justice fund. There shall be deposited into the fund:

25 (1) All receipts from the collection of uniform filing fees
26 established by Arkansas Code Annotated 16-17-705 and Arkansas Code Annotated
27 16-10-303 which are collected by the police, city, or municipal court operated
28 by the municipality; and

29 (2) All receipts from the collection of uniform court costs
30 established by Arkansas Code Annotated 16-10-305 which are collected by the
31 police, city, or municipal court operated by the municipality.

32 (b) From the city administration of justice fund, the following fund
33 transfers or disbursements shall be made on a monthly basis:

34 (1) Pursuant to Arkansas Code Annotated 16-10-308(c) and Section
35 11 of this Act, the Department of Finance and Administration will certify for
36 each city the city's monthly share of uniform court costs and filing fees to

1 be retained by the city. Each year the city council shall establish the
2 amount of uniform filing fees and court costs to be appropriated to each of
3 the city programs or agencies enumerated in Arkansas Code Annotated
4 16-10-308(b) from the city's share of uniform court costs and filing fees,
5 provided that each program or agency shall receive, as a minimum, the amount
6 established by Arkansas Code Annotated 16-10-308(b). Each program or agency
7 shall be paid, by warrant or fund transfer, a monthly installment of at least
8 one-twelfth (1/12) of the annual appropriation provided for each by the city
9 council.

10 (2) Pursuant to Arkansas Code Annotated 16-10-308(b)(5), the city
11 shall remit to the county treasurer for deposit into the county administration
12 of justice fund a portion of the city's share of uniform court costs and
13 filing fees. The amount of the remittance shall be based upon the amount, if
14 any, of uniform court costs and filing fees which had been remitted by the
15 city to the county to fund county-level programs and agencies during the base
16 year defined in Arkansas Code Annotated 16-10-308(b). By common agreement,
17 cities and counties may establish a different fixed dollar amount or
18 percentage of the city's monthly share of filing fees and court costs which
19 shall be remitted to the county treasurer;

20 (3) For the calendar year beginning January 1, 1998 the amount of
21 the remittance shall be based upon the amount, if any, of uniform court costs
22 and filing fees which had been remitted by the city to fund county-level
23 programs and agencies during the base year defined in Arkansas Code Annotated
24 § 16-10-308(b) less eighty-five percent (85%) of the total dollar amount which
25 was certified by the city as having been collected during calendar year 1994
26 for the purpose of funding the office and operation of the public defender and
27 public defender investigator.

28 (4) The excess of the monthly receipts into the fund less the
29 city's certified monthly share shall be remitted to the Department of Finance
30 and Administration, pursuant to Arkansas Code Annotated 16-10-308(e).

31 (c) If a municipal court is operated solely by a county rather than a
32 city and all of the uniform court costs and filing fees collected by the court
33 are remitted to the county, the city shall not be required to create a city
34 administration of justice fund; rather, the city's share of uniform court
35 costs and filing fees shall be remitted directly to the county treasurer for
36 deposit into the county administration of justice fund.

1 (d) For any municipal, city, or police court which was created after
2 January 1, 1994, such that the base year used to calculate the city share
3 pursuant to Arkansas Code Annotated 16-10-308 was not complete, the city share
4 shall be deemed to be fifty percent (50%) of the uniform court costs and
5 filing fees collected and remitted to the city administration of justice fund.
6 From this fifty percent (50%) share, the city shall disburse or transfer
7 funds to the local programs or agencies pursuant to subsection (b)(1) of this
8 section and to the county treasurer, pursuant to subsection (b) (2) of this
9 section. The remaining fifty percent (50%) shall be remitted to the
10 Department of Finance and Administration, pursuant to Arkansas Code Annotated
11 16-10-308(e).

12

13 SECTION 10. Arkansas Code Annotated § 16-10-310 is amended to read as
14 follows:

15 "16-10-310. Distribution of revenue.

16 At the close of books on the twentieth working day of November, 1995,
17 and on or before the twentieth working day of each month thereafter, the
18 Department of Finance and Administration shall make the following distribution
19 of revenue received for the previous month and credited to the State
20 Administration of Justice Fund:

21 The following state programs and agencies ~~which are currently funded by~~
22 ~~court costs and filing fees~~ shall be paid at an annual rate, at not less than
23 the amounts certified by the Department of Finance and Administration which
24 were received by the program or agency in the fiscal year ending June 30,
25 1995, in a monthly installment of at least one-twelfth (1/12) of the annual
26 appropriation provided for each agency for this purpose from the State
27 Administration of Justice Fund:

28 (1) The Board of Trustees of the University of Arkansas for the
29 purpose and as regulated by §§ 6-64-604 - 6-64-606;

30 (2) The Public Health Fund and the Drug Abuse Prevention and
31 Treatment Funds for use in the drug abuse prevention and treatment program of
32 the Bureau of Alcohol and Drug Abuse Prevention ~~of the Department of Health;~~

33 (3) The Highway Safety Special Fund for programs of the Highway
34 Safety Program;

35 (4) The Department of Arkansas State Police for the State Police
36 Retirement Fund;

1 (5) The Crime Victims Reparations Revolving Fund for the purpose
2 and as regulated by § 16-90-701 et seq.;

3 (6) The Prosecutor Coordinator's office for deposit in the Law
4 Enforcement and Prosecutor Drug Enforcement Training Fund;

5 (7) The Arkansas Code Revision Fund for the purpose and as
6 regulated by § 1-2-305;

7 (8) The Crime Information System Fund;

8 (9) The Justice Building Construction Fund;

9 ~~_____ (9) (10)~~ The Municipal Court Judge and Municipal Court Clerk
10 Education Fund;

11 ~~_____ (10) (11)~~ The Arkansas Judicial Retirement System Fund;

12 ~~_____ (11) (12)~~ The State Central Services Fund for the benefit of the
13 Arkansas Public Defender Commission;

14 ~~_____ (12) (13)~~ The Court Reporter Fund;

15 ~~_____ (13) (14)~~ The Justice Building Fund;

16 ~~_____ (14) (15)~~ The Arkansas Counties Alcohol and Drug Abuse and Crime
17 Prevention Program Fund; and

18 ~~_____ (15) (16) Effective July 1, 1996, the~~ The Administration of
19 Justice Fund for disbursement by the Auditor of State to fund the trial court
20 staff persons authorized by § 16-10-133; and

21 (17) The Department of Arkansas State Police Fund.

22

23 SECTION 11. Arkansas Code Annotated § 16-14-105(a) is amended to read
24 as follows:

25 "16-14-105. Uniform ~~advance~~ filing fees and court costs.

26 (a)(1) The uniform ~~advance~~ filing fees to be charged by the clerks of
27 the probate court for initiating a cause of action in probate court in this
28 state shall be ~~one hundred twenty dollars (\$120)~~ one hundred dollars (\$100),
29 and no portion of the ~~advance fees~~ filing fee shall be refunded.

30 (2) The filing fee for reopening a cause of action in the probate
31 court shall be thirty dollars (\$30.00); provided, however, that this fee shall
32 not apply to revocation of conditional release of insanity acquittees pursuant
33 to § 5-16-316.

34 ~~_____ (2) (3)~~ No county shall authorize, and no chancery or probate
35 court clerk shall assess or collect, any other filing fees than those
36 authorized, unless specifically provided by state law."

1
2 SECTION 12. Funding of Public Defenders.

3 (a) Effective January 1, 1998, the Arkansas Public Defender Commission
4 shall be responsible for the payment of the following:

5 (1) the salaries of public defenders;

6 (2) the salaries of secretaries and other support staff of the
7 public defender's office;

8 (3) the payment of the costs of certain expenses, as authorized by
9 Arkansas Code Annotated § 16-87-212.

10 (b) Effective January 1, 1998, each county of counties within a judicial
11 district shall be responsible for the payment of the following:

12 (1) the cost of facilities, equipment, supplies, and other office
13 expenses of the public defender's office; and

14 (2) the compensation of additional personnel within the office of
15 the public defender, when approved in advance by the quorum court.

16 SECTION 13. Selection and Qualifications of Public Defenders.

17 (a) Each person selected as a public defender shall be:

18 (1) licensed to practice law in the State of Arkansas; and

19 (2) experienced in the defense of criminal cases.

20 (b) Any person interested in being considered for appointment as a
21 public defender in a judicial district shall submit his name to the Arkansas
22 Public Defender Commission. The Commission shall evaluate each candidate and
23 make a recommendation to the circuit, chancery, and circuit-chancery judges
24 within the judicial district. The judges shall, by majority vote, choose the
25 public defender from the list of all persons considered and evaluated by the
26 Commission.

27 (c) The public defender in each judicial district shall be appointed for
28 a term of two years to begin January 1, 1998 and shall be removed by the
29 Commission before the expiration of his term only for just cause. Just cause
30 for removal shall consist of permanent physical or mental disability seriously
31 interfering with the performance of duties, willful misconduct in office,
32 willful and persistent failure to perform public defender duties, habitual
33 intemperance, or conduct prejudicial to the administration of justice.

34 (d) The public defender shall be eligible for reappointment.

35 (e) Vacancies in the office shall be filled in the same manner as the
36 initial appointment.

1 SECTION 14. Distribution and Placement of Public Defender Positions.

2 (a) Effective January 1, 1998, there shall be created within the
3 Arkansas Public Defender Commission a number of positions, including chief
4 public defenders, public defenders, investigators, and secretaries.

5 (b) The Arkansas Public Defender commission shall allocate positions to
6 each county and/or judicial district based on an appropriate formula adopted
7 by the Commission. In the distribution of positions, the Commission shall be
8 guided by:

9 (1) the current distribution and type of positions across the
10 state;

11 (2) an evaluation of court case filings and dispositions, the
12 number of judges, the size and population of the county or district, and other
13 appropriate factors; and

14 (3) the desire to avoid the necessity of appointing outside public
15 defenders or private counsel due to conflicts of interest.

16 (c)(1) There shall be at least one public defender position allocated to
17 each judicial district.

18 (2) Where appropriate, a position or positions may be assigned to
19 a single county. In counties where more than one position is allocated, the
20 Commission may designate one or more of the positions as chief public
21 defenders.

22 (3) When one or more chief public defenders is assigned to a
23 county or judicial district and said chief public defender shall have
24 administrative authority over other public defenders within the county or
25 district, the chief public defender may be given the authority to select the
26 other public defenders in consultation with the Arkansas Public Defender
27 Commission, if such selection process is approved by the judges within the
28 judicial district. If such a selection process is approved, the chief public
29 defender, and not the judges as authorized by Section 13 (b) of this Act,
30 shall select the public defenders.

31 (4) Public defender positions may be allocated on a full-time or
32 part-time basis. When a public defender is employed on a part-time basis, he
33 may engage in the general practice of law. No person shall serve as a
34 part-time public defender who also serves as a part-time municipal court
35 judge, city court judge, or deputy prosecuting attorney in any judicial
36 district.

1 (d) The Commission shall develop the initial allocation of public
2 defender positions to all counties and judicial districts on or before August
3 1, 1997. The plan shall be reviewed by the Joint Interim Committee on
4 Judiciary on or before October 1, 1997.

5 SECTION 15. Salaries of Public Defenders.

6 (a) The entry level salaries of public defenders and public defender
7 staff positions shall be consistent with that established by the state pay
8 plan for the appropriate grade of each position.

9 (b) The public defenders and public defender staff positions shall be
10 subject to the Uniform Attendance and Leave Policy Act.

11 SECTION 16. The public defender in each judicial district shall have
12 the following duties:

13 (1) Defend indigents within the District as determined by the circuit,
14 municipal, city, police, juvenile, probate or chancery courts in the district
15 in all felony, misdemeanor, juvenile, guardianship, and mental health cases,
16 all traffic cases punishable by incarceration, and all contempt proceedings
17 punishable by incarceration.

18 (2) In all capital cases where the death penalty is sought two
19 attorneys shall be appointed, unless the prosecuting attorney informs the
20 circuit court at the arraignment of the defendant that the death penalty will
21 not be sought. The Capital, Conflicts, and Appellate Office of the Public
22 Defender Commission may be appointed, consistent with Arkansas Code Annotated
23 § 16-87-205. It should be presumed for purposes of this section that the
24 death penalty will be sought.

25 SECTION 17. Trial Public Defender Office.

26 There is hereby created within the Arkansas Public Defender Commission
27 the Trial Public Defender Office to be comprised as follows:

28 (1) The Trial Public Defender Office shall supervise the development
29 and operations of each of the components of the Arkansas trial public defender
30 system pursuant to the rules, regulations and standards for governing the
31 system adopted by the Commission.

32 (2) The Executive Director of the Commission shall appoint a defense
33 services administrator. The administrator shall be chosen solely on the basis
34 of training, experience, and other qualifications. The administrator need not
35 be licensed to practice law.

36 (3) The administrator may hire support staff and other personnel as

1 necessary to properly discharge the duties assigned to the Trial Public
2 Defender Office to the extent allowed and as funds are appropriated by the
3 General Assembly.

4 SECTION 18. Arkansas Code Annotated § 16-87-203(a) is amended to read
5 as follows:

6 "(a) The commission shall have the following powers and duties:

7 (1) To establish policies and standards for the public defender
8 system throughout the state, including standards for determining who qualifies
9 as an indigent person;

10 (2) To establish policies and standards for the organization and
11 operation of ~~trial~~ public defender's offices throughout the state, including
12 funding, compensation, staffing, and standards of experience for attorneys
13 assigned to particular cases;

14 (3) To allocate personnel ~~approve the annual budget~~ for each
15 ~~trial~~ public defender's office throughout the state;

16 (4) To require annual reports regarding expenditures, caseloads,
17 and status of cases from each ~~trial~~ public defender;

18 (5) To evaluate the performance of the Executive Director of the
19 Arkansas Public Defender Commission, the Capital, Conflicts, and Appellate
20 Office, the Trial Public Defender Office, each ~~trial~~ public defender, and
21 private attorneys assigned to represent indigent persons;

22 (6) To approve the reassignment of cases from one ~~trial~~ public
23 defender to another ~~trial~~ public defender in an adjacent area for the purpose
24 of avoiding conflicts or adjusting caseloads;

25 (7) To approve the purchase, rental, and sharing of office space,
26 equipment, or personnel among ~~trial~~ public defenders in the event and to the
27 extent such items have been provided through an appropriation of the General
28 Assembly;

29 (8) To establish employee personnel policies for the commission
30 and the ~~trial~~ public defenders;

31 (9) To accept and to authorize a ~~trial~~ public defender to accept
32 moneys, gifts, grants, or services from any public or private source;

33 (10) To enter and authorize a ~~trial~~ public defender to enter into
34 contracts with individuals, educational institutions, nonprofit associations,
35 or state or federal agencies, including contracts for the provision of legal
36 services related to the defense of indigent persons;

1 (11) To maintain for each judicial district a current list of
2 private attorneys who are willing to accept court appointments and who meet
3 any other qualifications established by the commission; and

4 (12) To maintain a separate list of private attorneys who are
5 willing to accept court appointments in capital cases and who meet any other
6 qualifications established by the commission."

7 SECTION 19. Arkansas Code Annotated § 16-87-204(b) is amended to read
8 as follows:

9 "(b) The executive director shall have the following powers and duties:

10 (1) To supervise the operations of the Capital, Conflicts, and
11 Appellate Office, and the Trial Public Defender Office;

12 (2) To maintain records of the operation of the public defender
13 system, including, but not limited to, the following:

14 (A) Detailed descriptions of the organization of each ~~trial~~
15 public defender's office;

16 (B) The caseload of each ~~trial~~ public defender's office,
17 including cases assigned to private attorneys;

18 (C) Budgets and actual expenditures of the commission and
19 each ~~trial~~ public defender's office;

20 (D) Reassignment of cases from one ~~trial~~ public defender to
21 another ~~trial~~ public defender in an adjacent area; and

22 (E) Assignment of cases to private attorneys.

23 (3) To present to the commission within ninety (90) days after
24 the end of the fiscal year an annual report on the operation of the public
25 defender system which shall include an accounting of all funds received and
26 disbursed, an evaluation of the cost-effectiveness of the public defender
27 system, and recommendations for improvement;

28 (4) To prepare a budget for the operations of the commission;

29 (5) To allocate and disburse funds appropriated for the
30 operations of the commission and the public defender system pursuant to
31 guidelines established by the commission;

32 (6) To allocate public defenders, investigators, and secretary
33 positions to the office of the public defender in each county or judicial
34 district, based upon a formula established by the commission;

35 ~~—————(6)(7)~~ (7) To establish procedures for evaluating the performance of
36 public defenders and private attorneys participating in the public defender

- 1 system, pursuant to policies and standards developed by the commission;
- 2 ~~_____ (7)(8)~~ To appear before and provide assistance to the General
- 3 Assembly and other relevant bodies regarding matters related to the public
- 4 defender system;
- 5 ~~_____ (8)(9)~~ To convene conferences and training seminars related to
- 6 the public defender system;
- 7 ~~_____ (9)(10)~~ To compile and disseminate statutes, court opinions, and
- 8 other information to ~~trial~~ public defenders and private attorneys
- 9 participating in the public defender system;
- 10 ~~_____ (10)(11)~~ To maintain a brief bank for use in connection with
- 11 appeals; and
- 12 ~~_____ (11)(12)~~ To perform other duties related to the administration of
- 13 the public defender system as the commission may direct.

14 SECTION 20. Conflicts of Interest.

15 If a court determines that a conflict of interest exists between an

16 indigent person and the public defender, the case shall be reassigned as

17 follows:

18 (1) If there is, within the county or judicial district, another public

19 defender, the appointment of whom would not create a conflict of interest, the

20 judge shall appoint that public defender to defend the person.

21 (2) If there is no other public defender within the county or judicial

22 district eligible to represent the person, the judge shall notify the Arkansas

23 Public Defender Commission, which may appoint a public defender from an

24 adjacent area.

25 (3) As a last resort, a private attorney may be appointed by the judge,

26 pursuant to Section 21 of this Act.

27 SECTION 21. Arkansas Code Annotated § 16-87-210 is amended to read as

28 follows:

29 "16-87-210. Attorney fees and expenses.

30 (a) When private attorneys ~~or trial public defenders from another area~~

31 are appointed to represent an indigent person and authorized by the Public

32 Defender Commission, the attorneys or trial public defenders shall be paid by

33 ~~the county wherein the crime was committed~~ the Commission.

34 (b) The ~~courts~~ Commission may authorize the disbursement of interim

35 fees in complex cases.

36 (c) The attorneys ~~or trial public defenders~~ shall also be reimbursed

1 for reasonable expenses.

2 SECTION 22. Arkansas Code Annotated § 16-87-212(a) is amended to read
3 as follows:

4 "16-87-212. Court fees and expenses.

5 (a)(1) The commission is authorized to pay for certain expenses
6 regarding the defense of indigents, ~~other than salaries, attorney's fees, and~~
7 ~~regular office expenses.~~

8 (2) The expenses shall include, but shall not necessarily be
9 limited to, fees for appointed counsel, expert witnesses, temporary
10 investigators, testing, and travel.

11 (3)~~(A)~~ Whenever, in a case involving an indigent person, a judge
12 orders the payment of funds for the aforementioned expenses, the judge shall
13 transmit a copy of the order to the commission, which is authorized in its
14 discretion to pay the funds."

15 ~~_____ (B) If the commission declines to pay the funds, the funds~~
16 ~~shall be paid by the county wherein the crime was committed, provided that the~~
17 ~~Arkansas Supreme Court may promulgate rules for the stay of such orders in the~~
18 ~~event that they are contested.~~

19 SECTION 23. Transition to State Funding.

20 (a) It is the intent of the General Assembly, in the transition to a
21 state-funded public defender system, to provide an appropriate and adequate
22 level of legal representation to indigent persons in all areas of the state.
23 It is recognized by the General Assembly that in many areas of the state,
24 resources have not been available to support a public defender system at the
25 necessary level. It is also recognized, however, that in other areas, a
26 system has been developed which is appropriately and successfully serving
27 indigent persons and the justice system. With the transition from local
28 funding of the system to state funding of the system, it is not the intent of
29 the General Assembly to adversely affect those systems which are working well
30 or to put in place a system which is too inflexible to respond to local needs
31 or restrictions.

32 (b) In its administration of the system, therefore, the Arkansas Public
33 Defender Commission is charged with the authority and responsibility to
34 establish and maintain a system of public defenders which equitably serves all
35 areas of the state, provides quality representation, makes prudent use of
36 state resources, and works with others in the justice system at the state and

1 local level to provide an appropriate level of legal services to indigent
2 persons in our state.

3 SECTION 24. Arkansas Code Annotated § 16-96-403 is amended to read as
4 follows:

5 "16-96-403. Imposition by circuit court on appeal - Costs.

6 ~~—— The fines, penalties, forfeitures, and costs imposed by the circuit~~
7 ~~court for the violation of municipal ordinances or any law, in cases appealed~~
8 ~~from the inferior courts of cities of the first class, cities of the second~~
9 ~~class, or incorporated towns, shall be collected and disbursed by the sheriff~~
10 ~~in the following manner:~~

11 ~~—— (1) The fine or penalty imposed for the violation of the city or town~~
12 ~~ordinance or any law shall be immediately paid to the city or town treasury of~~
13 ~~the city or town whose ordinance or any law was violated for city or town~~
14 ~~purposes;~~

15 ~~—— (2) The inferior court costs shall be retaxed in the circuit court and~~
16 ~~shall be paid immediately to the city or town treasury for city or town~~
17 ~~purposes;~~

18 ~~—— (3) The costs taxed for the trial in the circuit court shall be paid to~~
19 ~~the county treasurer for county purposes.~~

20 The fines, penalties, forfeitures, and costs imposed by the circuit
21 court for offenses which are misdemeanors or violations under state law or
22 local ordinance or for traffic offenses which are misdemeanors or violations
23 under state law or local ordinance, in cases appealed from the municipal, city
24 or police courts of this state, shall be collected and disbursed in the
25 following manner:

26 (1) If the appeal proceeds to a de novo bench trial or jury trial, the
27 fines, penalties, forfeitures and costs imposed by the circuit court shall be
28 collected by the sheriff and paid to the county treasurer;

29 (2) If the defendant pleads guilty or nolo contendere or the circuit
30 court dismisses the appeal, the judgment of the municipal, city or police
31 court shall be affirmed;

32 (i) The circuit court clerk shall, within thirty days, of the
33 affirmance or dismissal, notify in writing the municipal, city or police court
34 from which the appeal originated, of the affirmance or dismissal;

35 (ii) Upon receipt of the notice of affirmance or dismissal, the
36 municipal, city or police court shall collect and disburse the fines,

1 penalties, forfeitures and costs pursuant to 16-17-707.

2 (3) Nothing in this act shall affect the right of municipal, city or
 3 police courts to require a supersedeas bond for an appeal to circuit court nor
 4 the ability of these courts to collect any fine, penalty, forfeiture or costs
 5 imposed in the absence of a supersedeas bond."

6 SECTION 25. Arkansas Code Annotated § 21-6-403 is amended to read as
 7 follows:

8 "21-6-403. Circuit and chancery court clerks - Uniform filing fees.

9 (a)(1) The uniform filing fees to be charged by the clerks of the
 10 circuit and chancery courts for initiating or reopening a cause of action in
 11 the circuit and chancery courts in the state shall be as prescribed in this
 12 section.

13 (2) No portion of the filing fees shall be refunded.

14 (b)(1) For initiating a cause of action in the circuit court, including
 15 appeals ~~\$110.00~~ \$100.00

16 (2) For initiating a cause of action in the chancery court ~~110.00~~ \$100.00

17 (3) For reopening a cause of action in the chancery court 30.00

18 (c) No fee shall be charged or collected by the clerks of the circuit
 19 and chancery courts when the court, by order, pursuant to Arkansas Rules of
 20 Civil Procedure, Rule 72, allows an indigent person to prosecute a cause of
 21 action in forma pauperis.

22 (d) No initial filing fee shall be charged for domestic violence
 23 petitions filed pursuant to Arkansas Code Annotated § 9-15-201 et. seq.
 24 Established filing fees may be assessed pursuant to Act 401 of 1995.

25 ~~——(e)~~(e) No fee shall be charged or collected by the clerks of the
 26 circuit and chancery courts for reopening a cause of action in the chancery
 27 court under the following circumstances:

28 (1)(A) An agreed order is presented to be filed; or

29 (B) An order of income withholding is to be filed; and

30 (2) No service of process is required.

31 ~~——(d)~~(f) No county shall authorize, and no circuit or chancery court
 32 clerk shall assess or collect, any other filing fees than those authorized by
 33 this section, unless specifically provided by state law.

34

35 SECTION 26. Arkansas Code Annotated § 16-10-133 is amended to read as
 36 follows:

1 "16-10-133. Trial court staff.

2 (a) Beginning July 1, 1996, positions shall be authorized and funds
3 appropriated to the Auditor of State from the State Administration of Justice
4 Fund to provide one (1) staff person for each of the judges of the circuit,
5 chancery, and probate courts. The staff person may be employed to perform
6 secretarial, docketing, and management services. Each judge of the circuit,
7 chancery, or probate court shall report to the Administrative Office of the
8 Courts his intention to employ such a staff person. Two (2) or more judges
9 within a judicial district may employ jointly, in their discretion, one (1)
10 staff person when coordinated with the Administrative Office of the Courts.

11 (b) The circuit, chancery, or probate judges authorized by subsection
12 (a) of this section to employ a staff person shall have the authority to
13 select and hire the person who will serve, and any person so employed shall
14 serve at the will and pleasure of the judge.

15 (c) The entry level salary of a trial court staff person shall be equal
16 to that established in the state pay plan at grade 16. No trial court staff
17 person authorized by this act shall receive a salary from the state in excess
18 of twenty-five thousand dollars (\$25,000); provided, however, that beginning
19 July 1, 1997, those persons who have reached the maximum salary limit may
20 receive such increases in salary as are recommended for other State employees
21 Personnel Pay Plan adopted by the General Assembly.

22 (d) A county or counties shall be authorized to supplement the
23 base salary of any trial court staff person, when approved by the quorum
24 court. Any county or counties that employed trial court administrative
25 assistants as of July 1, 1996 and that supplemented their salaries
26 pursuant to this subsection shall be required to continue to provide
27 said supplement so long as the trial court administrative assistant
28 shall continue to be employed in that position in the county.

29 ~~(d)~~ (e) The staff persons shall be subject to the Uniform
30 Attendance and Leave Policy Act, § 21-4-210 et seq., as administered by
31 the judge by whom they are employed.

32 ~~(e)~~ (f) A trial judge who already has one (1) or more staff
33 persons on April 13, 1995 shall designate one (1) such staff person to
34 be subject to and paid by the provisions of this act.

35

36 SECTION 27. Arkansas Code Annotated § 26-60-112 is amended to read as

1 follows:

2 "26-60-112. Disposition of funds collected.

3 (a) The revenues from the additional tax levied by § 26-60-105(b) shall
4 be deemed special revenues and shall be deposited and distributed according to
5 § 15-12-103.

6 (b) The revenues derived from the tax levied by § 26-60-105(a) shall be
7 deposited by the Director of the Department of Finance and Administration in
8 the State Treasury, and the Treasurer of State shall, after deducting three
9 percent (3%) thereof for distribution to the Constitutional Officers Fund and
10 the State Central Services Fund to be used for the purposes as provided by
11 law, distribute the net amount thereof as follows:

12 (1) Ten percent (10%) of the remainder shall be distributed as
13 special revenues, as follows:

14 (A) The first forty thousand dollars (\$40,000) thereof
15 during each fiscal year shall be credited to the County and Circuit Clerks
16 Continuing Education Fund, which is established in the State Treasury, to be
17 used for defraying the expenses of training seminars and other educational
18 projects benefiting county and circuit clerks in this state, as provided by
19 appropriations enacted by the General Assembly; and

20 (B) The remainder of the ten percent (10%) thereof
21 available for distribution during each fiscal year shall be credited as
22 special revenues to the County Aid Fund, to be distributed in the manner
23 provided by law to the circuit clerk in the county in which the property upon
24 which the tax is paid is situated, to be paid over by the circuit clerk to the
25 county general fund;

26 (2) Ninety percent (90%) of the remainder thereof shall be
27 distributed as follows:

28 (A) The entire amount collected during each fiscal year
29 until there has been collected an amount of such tax equaling the amount of
30 tax collected under this chapter during fiscal year 1982-83 shall be credited
31 as general revenues to be allocated to the various funds participating in the
32 distribution of general revenues in the amount of each such fund as provided
33 by and to be used for the respective purposes set forth in the Revenue
34 Stabilization Law, § 19-5-101 et seq.; and

35 (B) After making the distribution thereof as provided in
36 subdivision (b)(2)(A) of this section, the remainder available each fiscal

1 year shall be credited as special revenues to the ~~County Aid Administration of~~
2 Justice Fund to be used for supplementing moneys therein for court reporter
3 salaries and expenses as provided by law in the event that the moneys
4 available in the Court Reporters Fund are inadequate during any fiscal year to
5 make the necessary payments for salary and related expenses of the various
6 court reporters of the state. Any amount received over and above this amount
7 shall be ~~deposited into the State Treasury as general revenues~~ credited as
8 special revenues to the County Aid Fund.

9 SECTION 28. Adoption of Additional Court Costs and Filing Fees.

10 (a) All bills introduced in either house of the General Assembly to add
11 any additional court costs or filing fees to be assessed by circuit, chancery,
12 probate, municipal, city, or police courts shall be referred to the Senate
13 Judiciary Committee, if the bill is from the Senate, or the House Judiciary
14 Committee, if the bill is from the House of Representatives.

15 (b) The Senate or House Judiciary Committee shall request a letter
16 certifying whether or not the proposed cost or fee has been evaluated and is
17 recommended by the Arkansas Judicial Council, which shall be certified by the
18 secretary-treasurer of the Arkansas Judicial Council.

19 (c) No bill to add any additional court costs or filing fees shall be
20 acted upon in either committee until a letter certifying that the change has
21 been evaluated and including a recommendation has been attached to the bill.

22 (d) Upon suspension of the Joint Rules of the House and Senate, a bill
23 may be withdrawn from the House or Senate Judiciary Committee and acted upon
24 without the certification of the Arkansas Judicial Council attached thereto.

25

26 SECTION 29. Funding of Official Court reporters.

27 (a) The state, rather than individual counties, shall bear the
28 responsibility of funding the salaries and expenses of official state court
29 reporters.

30 (b) Each county or counties within a judicial district shall continue to
31 bear the responsibility of providing, at the county's expense, each official
32 court reporter with appropriate office space and operating expenses, when
33 approved in advance by the quorum court.

34

35 SECTION 30. Arkansas Code Annotated § 16-13-511 is repealed effective
36 July 1, 1997.

1 ~~16-13-511. Court Reporters' Fund - Transfer of funds from County Aid~~
2 ~~Fund to pay salaries and expenses.~~

3 ~~(a) If, during any month, moneys in the Court Reporters' Fund in the~~
4 ~~State Treasury are inadequate to pay salaries and expenses, as authorized by~~
5 ~~law, of the various court reporters of the state, then, upon certification~~
6 ~~thereof by the Chief Fiscal Officer of the State, the Treasurer of State shall~~
7 ~~transfer to the Court Reporters' Fund from the County Aid Fund general revenue~~
8 ~~turnback funds such additional amounts as may be necessary to make such~~
9 ~~payments of salaries and expenses of the court reporters. The amounts so~~
10 ~~transferred shall be considered a temporary loan from the County Aid Fund to~~
11 ~~be repaid on or before the end of the fiscal year from funds available~~
12 ~~therefor, if any, in the Court Reporters' Fund. If, at the end of any fiscal~~
13 ~~year, there are not adequate funds in the Court Reporters' Fund to repay the~~
14 ~~full amount of loans made from the County Aid Fund to the Court Reporters'~~
15 ~~Fund during said fiscal year, the Chief Fiscal Officer of the State shall~~
16 ~~certify such fact to the Treasurer of State and the Treasurer of State shall~~
17 ~~write the same off the books as a permanent transfer from the County Aid Fund~~
18 ~~to the Court Reporters' Fund.~~

19 ~~(b) It is the intent of this section that if during any fiscal year it~~
20 ~~is necessary to transfer funds from the County Aid Fund to the Court~~
21 ~~Reporters' Fund to provide moneys for the payment of the salaries and expense~~
22 ~~allowances provided herein for court reporters, and if during such fiscal year~~
23 ~~funds in the Court Reporters' Fund are not adequate to make repayment to the~~
24 ~~County Aid Fund, the amount so transferred to the Court Reporters' Fund from~~
25 ~~the County Aid Fund during that fiscal year shall be considered a direct cost~~
26 ~~to county government to be charged against general revenue turnback to the~~
27 ~~counties for such year.~~

28

29 SECTION 31. Arkansas Code Annotated §§ 16-17-706, 16-18-106, and
30 16-90-115 are repealed.

31 ~~16-17-706. Disposition of filing fees - Municipal court costs fund.~~

32 ~~(a) The municipal court clerk shall deposit all civil filing fees into~~
33 ~~a separate account. From these filing fees, the municipal court clerk shall~~
34 ~~deduct and remit those fees and costs established by statute or local~~
35 ~~ordinance for specific purposes, including, but not limited to, municipal~~
36 ~~judge and court clerk retirement, library, legal education fund,~~

1 ~~victim/witness coordinator, referee's fees under the Small Claims Procedure~~
2 ~~Act, § 16-17-601 et seq., if any, prepaid postage, if any, and public defender~~
3 ~~fees in nonsmall claims division cases.~~

4 ~~_____ (b) The treasurer of the political subdivision shall establish a~~
5 ~~separate account to be known as the municipal court costs fund and shall~~
6 ~~deposit all moneys received from the clerk which represents that political~~
7 ~~subdivision's portion of the filing fees collected. Moneys deposited in this~~
8 ~~fund shall be used exclusively for operation and expenses of the municipal~~
9 ~~court through appropriation by the governing body of the political~~
10 ~~subdivision.~~

11 ~~_____ 16-18-106. Disposition of additional court costs.~~

12 ~~_____ (a) All moneys received from the additional court costs imposed by the~~
13 ~~provisions of § 5-65-113 [repealed] on persons who plead guilty or nolo~~
14 ~~contendere to, or are found guilty of, driving while intoxicated or driving~~
15 ~~while impaired shall be remitted at least quarterly, by January 1, April 1,~~
16 ~~July 1, and October 1 of each year, to the Director of the Department of~~
17 ~~Finance and Administration.~~

18 ~~_____ (b)(1) The city or the county of the court which has levied such~~
19 ~~additional court costs shall retain for its use and benefit one hundred~~
20 ~~dollars (\$100) of the amount.~~

21 ~~_____ (2)(A) All moneys received by the director shall be deposited in~~
22 ~~the State Treasury as follows:~~

23 ~~_____ (i) Eighty-three and three-tenths percent (83.3%) to~~
24 ~~the Highway Safety Special Fund; and~~

25 ~~_____ (ii) Sixteen and seven-tenths percent (16.7%) to the~~
26 ~~Alcohol and Drug Safety Fund.~~

27 ~~_____ (B) From the amounts deposited in the Highway Safety~~
28 ~~Special Fund, the Director of the Highway Safety Program shall cause to be~~
29 ~~transferred from time to time an amount equal to four hundred thousand dollars~~
30 ~~(\$400,000) each fiscal year to the Department of Arkansas State Police Fund.~~

31 ~~_____ (C) The Alcohol and Drug Safety Fund shall be authorized to~~
32 ~~receive temporary loans from the Budget Stabilization Trust Fund under the~~
33 ~~provisions of § 19-5-501 for funds established in the Revenue Classification~~
34 ~~Law of Arkansas, § 19-6-101 et seq.~~

35 ~~_____ 16-90-115. Suspension of sentence.~~

36 ~~_____ (a)(1) In all instances where courts have the authority to suspend the~~

1 ~~imposition of sentences or otherwise grant suspensions, the courts may also~~
2 ~~suspend execution of sentences under the same circumstances.~~

3 ~~_____ (2) Suspension of execution of sentence means the procedure~~
4 ~~whereby a defendant who pleads guilty to, or is found guilty of, a criminal~~
5 ~~offense is released by the court after pronouncement of sentence.~~

6 ~~_____ (b) All courts of record in this state shall have the authority to~~
7 ~~suspend the execution of sentences, or the imposition of fines, or both, in~~
8 ~~all criminal cases pending before the courts, unless specifically prohibited~~
9 ~~by law.~~

10 ~~_____ (c) At any time before a court has entered a judgment of conviction~~
11 ~~against a criminal defendant, the court may dismiss the case, and, in that~~
12 ~~instance, any fine imposed against the defendant shall be considered a civil~~
13 ~~penalty.~~

14

15 SECTION 32. 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.

18

19 SECTION 33. 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.

24

25 SECTION 34. All laws and parts of laws in conflict with this act are
26 hereby repealed.

27

28 /s/Dowd