

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4

# A Bill

HOUSE BILL 2511

5 By: Representative Childers  
6  
7

## For An Act To Be Entitled

9 AN ACT TO MAKE TECHNICAL CORRECTIONS FOR THE  
10 ADMINISTRATIVE OFFICE OF THE COURTS; AND FOR  
11 OTHER PURPOSES.  
12

## Subtitle

13 AN ACT TO MAKE TECHNICAL CORRECTIONS FOR  
14 THE ADMINISTRATIVE OFFICE OF THE COURTS.  
15  
16  
17

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

20 SECTION 1. Arkansas Code § 16-10-136 is amended to read as follows:

21 16-10-136. Extra-judicial activities of justices and judges.

22 Restrictions on extrajudicial activities found in Arkansas

23 Constitution, Amendment 80, shall not preclude a justice or judge from:

24 (1) Being a member of the reserve units of any branch of the  
25 United States Armed Forces;

26 (2) Being a member of the National Guard;

27 (3) Teaching;

28 (4) Serving on any state or United States boards or commissions  
29 which relate to the law for the administration of justice; ~~or~~

30 (5) Serving in an extrajudicial capacity which is not prohibited  
31 by the Arkansas Code of Judicial Conduct~~;~~ or

32 (6) Serving as judge of a city court.  
33

34 SECTION 2. Arkansas Code § 16-10-206(c), pertaining to the numbering  
35 of court docket sheets, is amended to read as follows:

36 (c) The docket sheets shall be numbered by the court clerk in



1 accordance with the Rules of the Supreme Court of Arkansas ~~Administrative~~  
2 ~~Ruling No. 73-240, beginning with the last two (2) digits of the current year~~  
3 ~~and the number assigned to the case beginning with the number one (1), e.g.,~~  
4 ~~77-1.~~

5  
6 SECTION 3. Arkansas Code § 16-10-209(2), pertaining to court reports  
7 and court clerk monetary settlements, is amended to read as follows:

8 (2) Preparation and submission of court report:

9 (A) The court report shall contain columns for the  
10 following information:

- 11 (i) Uniform traffic ticket number;
- 12 (ii) Defendant's name;
- 13 (iii) Nature of the offense;
- 14 (iv) Name of arresting officer;
- 15 (v) Court docket number;
- 16 (vi) Disposition or date continued;
- 17 (vii) Receipt number;
- 18 (viii) Total fine and costs collected;
- 19 (ix) Fine;
- 20 (x) Costs itemized, including all prosecuting
- 21 attorney's fees;
- 22 (xi) Bond refund amount;
- 23 (xii) Bond refund check number; and
- 24 (xiii) Installment payment amount;

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

28 (C) At the end of each court date, the court clerk shall  
29 complete the court report for the court date and total the dollar amounts  
30 contained therein;

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

33 (E)~~(i)~~ The court clerk shall make a direct monetary  
34 settlement on or before the tenth day of the next following month with each  
35 of the following:

- 36 ~~(a)~~(i) The city treasurer;

1                   ~~(b)(ii)~~ The county treasurer;  
2                   ~~(e)(iii)~~ The prosecuting attorney; ~~and~~  
3                   ~~(d)(iv)~~ If applicable, the treasurer of the  
4 policemen’s pension and relief fund and the ~~municipal~~ district judge and  
5 clerk’s retirement fund;

6                   ~~(ii) For those fines, penalties, and other charges~~  
7 ~~arising from tickets issued by the Arkansas Highway Police Division of the~~  
8 ~~Arkansas State Highway and Transportation Department the court clerk shall~~  
9 ~~make a direct monetary settlement with them at the time the appropriate~~  
10 ~~billing notice is received;~~

11                   (v) The Administration of Justice Fund Section of  
12 the Office of Administrative Services of the Department of Finance and  
13 Administration; and

14                   (vi) Any other state agency or entity which may  
15 receive fines or fees assessed by the court and collected pursuant to law;

16                   (F) The court clerk, in conjunction with the making of the  
17 monetary settlement in subdivision (2)(E)(ii) of this section, will make  
18 reports in quadruplicate of the applicable individual court reports and  
19 distribute the reports in the following manner:

20                   (i) One (1) copy to the mayor;  
21                   (ii) One (1) copy to the county clerk;  
22                   (iii) One (1) copy to the Administrative Office of  
23 the Courts; and

24                   (iv) One (1) copy to be retained by the clerk and  
25 made available for inspection;

26

27                   SECTION 4. Arkansas Code § 16-10-308(e), concerning the date the city  
28 must remit funds and the city administration of justice fund report, is  
29 amended to read as follows:

30                   (e) The city shall, on or before the ~~tenth day of November, 1995, and~~  
31 ~~on or before the tenth~~ fifteenth day of each month ~~thereafter~~, remit all sums  
32 received in excess of the amounts necessary to fund the expenses enumerated  
33 in subsections (b) and (c) of this section during the previous month from the  
34 uniform filing fees provided for in §§ 16-10-303 and 16-17-705 and the  
35 uniform court costs provided for in § 16-10-305 to the Department of Finance  
36 and Administration, Administration of Justice Funds Section, for deposit in

1 the State Administration of Justice Fund.

2  
 3 SECTION 5. Arkansas Code § 16-10-309 is amended to read as follows:  
 4 16-10-309. Failure to submit funds or reports.

5 (a) In the event a town, city, or county fails to timely or adequately  
 6 submit funds and reports required by § 16-10-306, § 16-10-307(d), ~~or § 16-10-~~  
 7 308(e), or other state law requiring a town, city, or county to submit funds  
 8 and reports to the Administration of Justice Fund Section of the Office of  
 9 Administrative Services of the Department of Finance and Administration:

10 (1)(A)(i) The Attorney General may file a civil suit in circuit  
 11 court against the town, city, or county alleged to have failed to submit the  
 12 funds ~~required by this act.~~

13 (ii) If the county, town, or city is found by the  
 14 court to have failed to submit the funds and reports ~~required by this act,~~  
 15 the court shall impose a civil penalty on such county, town, or city of ten  
 16 percent (10%) of the amount required to be remitted for the period of time  
 17 the county, town, or city has failed to be in compliance ~~with this act.~~

18 (iii) ~~Such actions~~ The action may be brought in the  
 19 circuit court of the subject county or the Circuit Court of Pulaski County.

20 (iv) The Attorney General shall be allowed to  
 21 recover costs and attorney's fees associated with the civil suit from the  
 22 county, town, or city found to have ~~violated the provisions of this act~~  
 23 failed to be in compliance; or

24 (B) The Chief Fiscal Officer of the State may, upon a  
 25 finding that the town, city, or county has failed to submit the funds and  
 26 reports ~~required by this act,~~ withhold from month to month an equal amount  
 27 from the town's, city's, or county's share of the state turnback funds owed  
 28 to ~~such the town, city, or county,~~ until the funds required to be paid by  
 29 ~~this act~~ have been submitted; and

30 (2)(A) Provided the failure to act continues for a period of  
 31 sixty (60) days, the state may, upon a finding by the Chief Fiscal Officer of  
 32 the State, require ~~such the~~ the county, town, or city to remit all costs, ~~and~~  
 33 fees, or other funds however designated generated by this act under  
 34 subsection (a) of this section.

35 (B) ~~Such~~ The county, town, or city will thereafter receive  
 36 its share of these funds at a time and in the manner prescribed by

1 regulations of the Chief Fiscal Officer of the State.

2 (b)(1) All funds received pursuant to under subsection (a) of this  
3 ~~section § 16-10-306, § 16-10-307(d), or § 16-10-308(e)~~ shall be transferred  
4 to the State Administration of Justice Fund to be held and distributed  
5 ~~pursuant to this act~~ under this subchapter.

6 (2) All other funds received shall be transferred to the  
7 appropriate state fund as provided by law.

8

9 SECTION 6. Arkansas Code § 16-13-701 is amended to read as follows:  
10 16-13-701. Scope.

11 (a) The procedures established by this subchapter shall apply to the  
12 assessment and collection of all monetary fines, however designated, imposed  
13 by circuit courts, district courts, or city courts, ~~or police courts~~ for  
14 criminal convictions, traffic convictions, civil violations, and juvenile  
15 delinquency adjudications and shall be utilized to obtain prompt and full  
16 payment of all such fines.

17 (b) For purposes of this subchapter, the term 'fine' or 'fines' means  
18 all monetary penalties imposed by the courts of this state, which include  
19 fines, court costs, restitution, probation fees, and public service work  
20 supervisory fees.

21

22 SECTION 7. Arkansas Code § 16-13-704 is amended to read as follows:  
23 16-13-704. Installment payments. [Effective January 1, 2005.]

24 (a)(1) If the court concludes that the defendant has the ability to  
25 pay the fine, but that requiring the defendant to make immediate payment in  
26 full would cause a severe and undue hardship for the defendant and the  
27 defendant's dependents, the court may authorize payment of the fine by means  
28 of installment payments in accordance with this subchapter.

29 (2)(A) When a court authorizes payment of a fine by means of  
30 installment payments, it shall issue, without a separate disclosure hearing,  
31 an order that the fine be paid in full by a date certain and that in default  
32 of payment the defendant must appear in court to explain the failure to pay.

33 (B) In fixing the date of payment, the court shall issue  
34 an order which will complete payment of the fine as promptly as possible  
35 without creating a severe and undue hardship for the defendant and the  
36 defendant's dependents.

1 (b)(1) In addition to the fine and any other assessments authorized by  
 2 this subchapter, an installment fee of five dollars (\$5.00) per month shall  
 3 be assessed on each person who is authorized to pay a fine on an installment  
 4 basis. This fee shall be collected in full each month in which a defendant  
 5 makes an installment payment. This fee shall accrue each month that a  
 6 defendant does not make an installment payment and the fine has not been paid  
 7 in full.

8 (2)(A) One-half (1/2) of the installment fee collected in  
 9 circuit court shall be remitted by the tenth day of each month to the  
 10 Administration of Justice Fund Section of the Office of Administrative  
 11 Services of the Department of Finance and Administration, on a form provided  
 12 by that office, for deposit in the Judicial Fine Collection Enhancement Fund,  
 13 as established by § 16-13-712, and the other half of the installment fee  
 14 shall be remitted by the tenth day of each month to the county treasurer to  
 15 be deposited in a fund entitled the circuit court automation fund to be used  
 16 solely for circuit court-related technology.

17 (B) Expenditures from the circuit court automation fund  
 18 shall be approved by the administrative circuit judge of each judicial  
 19 circuit. Funds in each county in a judicial circuit may be pooled for  
 20 expenditure pursuant to a circuitwide technology plan approved by the  
 21 administrative circuit judge. All expenditures from the circuit court  
 22 automation fund shall be authorized, pursuant to the county accounting law,  
 23 by the quorum court.

24 (3)(A) One-half (1/2) of the installment fee collected in  
 25 district court or city court shall be remitted by the tenth day of each month  
 26 to the Administration of Justice Fund Section of the Office of Administrative  
 27 Services of the Department of Finance and Administration, on a form provided  
 28 by that office, for deposit in the Judicial Fine Collection Enhancement Fund  
 29 as established by § ~~6-13-712~~ 16-13-712.

30 (B)(i) The other half of the installment fee collected in  
 31 district court shall be remitted by the tenth day of each month to the city  
 32 treasurer of the city in which the district court is located to be deposited  
 33 in a fund entitled the district court automation fund to be used solely for  
 34 district court-related technology.

35 (ii) The other half of the installment fee collected  
 36 in city court shall be remitted by the tenth day of each month to the

1 treasurer of the city or town in which the city court is located to be  
 2 deposited in a fund entitled "the city court automation fund" to be used  
 3 solely for city court-related technology.

4 (C) In any district court which is funded solely by the  
 5 county, the other half of this fee shall be remitted by the tenth day of each  
 6 month to the county treasurer of the county in which the district court is  
 7 located to be deposited in the district court automation fund to be used  
 8 solely for district court-related technology.

9 (D) Expenditures from the district court automation fund  
 10 shall be approved by a district judge and shall be authorized, pursuant to  
 11 state accounting law, by the governing body or, if applicable, governing  
 12 bodies which contribute to the expenses of a district court.

13 (E) Expenditures from the city court automation fund shall  
 14 be approved by the city court judge and shall be authorized, pursuant to  
 15 state accounting law, by the governing body of the city or town in which the  
 16 city court is located.

17 (c) Any defendant who has been authorized by the court to pay a fine  
 18 by installments shall be considered to have irrevocably appointed the clerk  
 19 of the court as his or her agent upon whom all papers affecting his or her  
 20 liability may be served, and the clerk shall forthwith notify the defendant  
 21 thereof by ordinary mail at his or her last known address.

22 (d) "Ability to pay" means that the resources of the defendant,  
 23 including all available income and resources, are sufficient to pay the fine  
 24 and provide the defendant and his or her dependents with a reasonable  
 25 subsistence compatible with health and decency.

26  
 27 SECTION 8. Arkansas Code 16-13-709 is amended to read as follows:  
 28 16-13-709. Responsibility for collection.

29 (a)(1)(A)(i) The quorum court of each county of the state shall  
 30 designate a county official, agency, or department, who shall be primarily  
 31 responsible for the collection of fines assessed in the circuit courts of  
 32 this state.

33 (ii) All fines collected in circuit court by the  
 34 designated county official, agency, or department shall be disbursed by the  
 35 fifth working day of each month to the appropriate county fund, state entity,  
 36 or state agency as provided by law, the county administration of justice

1 fund, and the State Administration of Justice Fund.

2 (iii) The county sheriff shall remain responsible  
3 for collecting bail or money deposited in lieu of bail on behalf of  
4 defendants discharged from incarceration pursuant to law in circuit court.

5 (B)(i) The quorum court may delegate the responsibility  
6 for the collection of delinquent fines assessed in circuit court to a private  
7 contractor.

8 (ii) The contractor may receive, under a written  
9 contract, a commission on delinquent fines collected for circuit court.

10 (C)(i) The commission agreed to be received by the private  
11 contractor shall be a portion of the total fine owed by a defendant.

12 (ii) The court shall credit the defendant with the  
13 gross amount remitted to the private contractor.

14 (iii) The private contractor shall remit the gross  
15 amounts collected to the county official, agency, or department designated  
16 under subdivision (a)(1)(A) of this section on at least a monthly basis.

17 (iv) Payment of the commission shall be through the  
18 county claims process.

19 (v) The county treasurer shall make a pro rata  
20 disbursement of the remaining fines to the appropriate county fund, state  
21 entity, or state agency as provided by law, the county administration of  
22 justice fund, and the State Administration of Justice Fund.

23 (2)(A)(i) The governing body or, if applicable, each governing  
24 body of a political subdivision which contributes to the expenses of a  
25 district court, or the governing body of the city in which a city ~~or police~~  
26 `court is located, shall designate a county or city official, agency, or  
27 department who shall be primarily responsible for the collection of fines  
28 assessed in the district courts, city courts, or police courts of this state.

29 (ii) All fines collected in district court or a  
30 department of district court by the designated county or city official,  
31 agency, or department shall be disbursed by the tenth working day of each  
32 month pursuant to § 16-17-707.

33 (B) All fines collected in city courts by the designated  
34 city official, agency, or department shall be disbursed by the tenth working  
35 day of each month to the general fund or other city fund, state agency, or  
36 state entity as provided by law, the city administration of justice fund, the



1 county administration of justice fund, and the State Administration of  
 2 Justice Fund.

3 (C) The chief of police of the town or city in which a  
 4 district court or city court is located shall remain responsible for  
 5 collecting bail or money deposited in lieu of bail on behalf of defendants  
 6 discharged from incarceration pursuant to law in district court or city  
 7 court.

8 ~~(B)(D)~~(i) The governing body or, if applicable, each  
 9 governing body of a political subdivision which contributes to the expenses  
 10 of a district court, or the governing body of the city in which a city ~~or~~  
 11 ~~police~~ court is located, may delegate the responsibility for the collection  
 12 of delinquent fines assessed in district court, or city court, ~~or police~~  
 13 ~~court~~, to a private contractor.

14 (ii) The contractor may receive under a written  
 15 contract a commission on delinquent fines collected for district court, or  
 16 city court, ~~or police court~~.

17 ~~(i)~~ (iii) The commission agreed to be received by  
 18 the private contractor shall be a portion of the total fine owed by a  
 19 defendant.

20 ~~(ii)~~ (iv) The court shall credit the defendant with  
 21 the gross amount remitted to the private contractor.

22 ~~(iii)~~ (v) The private contractor shall remit the  
 23 gross amounts collected to the county or city official, agency, or department  
 24 designated under subsection (a)(2)(A) on a monthly basis.

25 ~~(iv)~~ (vi) The commission expense shall be  
 26 apportioned among each governing body of a political subdivision which  
 27 contributes to the expenses of a district court in proportion to the gross  
 28 amount of fines collected for that political subdivision.

29 ~~(v)~~ (vii) Payment of the commission shall be  
 30 according to accounting procedures prescribed by law.

31 ~~(vi)~~ (viii) Payment of the commission for city  
 32 courts ~~and police courts~~ shall be made by the governing body of the city in  
 33 which the court is located.

34 ~~(vii)~~ (ix) The remainder of fines received shall be  
 35 disbursed pro rata under this section and §§ 16-10-209, 16-10-308, 16-17-707,  
 36 16-18-104, 14-44-108, and 14-45-106.

1 (3) "Delinquent" means any fines assessed in the circuit courts,  
 2 district courts, or city courts, ~~or police courts~~ of this state which have  
 3 not been paid as ordered for a period of ninety (90) days or three (3)  
 4 payments, either consecutive or concurrent, since payment was ordered or  
 5 since last partial payment was received.

6 (4) A copy of the ordinance making such designation shall be  
 7 provided to the Administrative Office of the Courts.

8 (b)(1) If a private contractor is selected to collect delinquent  
 9 fines, then to ensure the integrity of the court and to protect the county or  
 10 city, the contractor shall register with the Secretary of State and shall  
 11 file with the Secretary of State a surety bond or certificate of deposit.

12 (2) The amount of the surety bond or certificate of deposit  
 13 shall be fifty thousand dollars (\$50,000).

14 (3) The county, city, or any person suffering damage by reason  
 15 of the acts or omissions of the contractor may bring action on the bond for  
 16 damages.

17 (4) A contractor shall be ineligible to provide such services if  
 18 the owner, operator, partner, or employee shall have been convicted of a  
 19 felony.

20  
 21 SECTION 9. Arkansas Code § 16-17-124 is amended to read as follows:

22 16-17-124. Fee for appeal transcript - Disposition.

23 (a) When required to make a certification of disposition of court  
 24 proceedings, including certified copies of the docket, certified copies of  
 25 civil or small claims judgments, and appeal transcripts, the district court  
 26 shall collect a fee of not less than five dollars (\$5.00) per case for  
 27 preparation of the original.

28 (b) All funds derived from the fee shall be paid into the ~~city~~  
 29 treasury of each political subdivision which contributes to the expenses of  
 30 the district court based on the percentage of the expenses contributed by the  
 31 political subdivision to be appropriated for any permissible use in the  
 32 administration of the district court.

33  
 34 SECTION 10. Arkansas Code § 16-17-126 is amended to read as follows:

35 16-17-126. Fee for filing and issuing writs of garnishment and  
 36 executions - Disposition.

1 (a) The district court clerk shall collect a fee of ten dollars  
 2 (\$10.00) for filing or issuing writs of garnishment and executions. This fee  
 3 is in addition to those fees and costs established by law for specific  
 4 purposes or where authorized by the county quorum court or municipality.

5 (b) All funds derived from such fee shall be paid into the ~~city~~  
 6 treasury of each political subdivision which contributes to the expenses of  
 7 the district court based on the percentage of the expenses contributed by the  
 8 political subdivision to be appropriated for any permissible use in the  
 9 administration of the district court.

10  
 11 SECTION 11. Arkansas Code § 16-17-214 is amended to read as follows:  
 12 16-17-214. Collection of fines in district court - Reports to mayor.

13 (a) The county or city official, agency, or department designated  
 14 under § 16-13-709 as primarily responsible for the collection of fines  
 15 assessed in district courts ~~shall collect all fines, penalties, forfeitures,~~  
 16 ~~fees, and costs assessed in district court and~~ shall pay over to the district  
 17 court clerk daily by the fifth working day of each month all sums collected.

18 (b) The county or city official, agency, or department designated  
 19 under § 16-13-709 shall render to the ~~mayor~~ governing body or, if applicable,  
 20 each governing body of a political subdivision that contributes to the  
 21 expenses of a district court for each month, a report, under oath, of all  
 22 fines, penalties, forfeitures, fees, and costs collected during the month,  
 23 ~~giving the title of the cause and the arresting officer,~~ and attaching to the  
 24 report receipts of the district court clerk for all sums collected during the  
 25 period.

26  
 27 SECTION 12. Arkansas Code § 16-17-707 is amended to read as follows:  
 28 16-17-707. Separate ~~accounts~~ accounting records of fines, etc. -  
 29 Disbursements.

30 (a) The district court clerk, shall keep three (3) separate ~~accounts~~  
 31 accounting records of all fines, penalties, forfeitures, fees, and costs  
 32 received by him for any of the officers of the town, city, ~~township,~~ or  
 33 county, as provided in this subchapter.

34 (1) The first class of ~~accounts~~ accounting records shall embrace  
 35 all sums collected in the district court in all non-traffic cases which are  
 36 misdemeanors or violations of the town or city ordinances and all cases which

1 are misdemeanors or violations under state law or traffic offenses which are  
 2 misdemeanors or violations under state law or ~~local~~ town or city ordinance  
 3 committed within the corporate limits of the town or city where the court  
 4 sits, where the arresting officer was a police officer or other officer of  
 5 the town or city, a Department of Arkansas State Police officer or other  
 6 certified law enforcement officer of the state, or an officer of a private or  
 7 public college or university located within the corporate limits of the town  
 8 or city where the court sits.

9 (2) The second class of ~~accounts~~ accounting records shall  
 10 embrace all sums collected in the district court in all nontraffic cases  
 11 which are misdemeanors or violations of county ordinances or are misdemeanors  
 12 or violations of any of the laws of the state where the arresting officer  
 13 was the county sheriff or a deputy sheriff, or was not a police officer or  
 14 other officer of the ~~municipality~~ town or city where the court sits, and the  
 15 offense was committed outside the corporate limits of the town or city where  
 16 the court sits and in all other criminal or traffic proceedings not  
 17 specifically enumerated in this section; and

18 (3)(A) The third class of accounting records shall embrace all  
 19 sums collected in the district court in all civil and small claims cases.

20 (B) The uniform filing fee collected under § 16-17-705  
 21 shall be remitted to the city administration of justice fund.

22 (C) The uniform court costs collected under § 16-10-305  
 23 shall be remitted to the city administration of justice fund.

24 ~~(C)(D)~~ All other fees shall be disbursed to the treasurers  
 25 of the political subdivisions which contribute to the expense of the district  
 26 court in accordance with a written agreement between the political  
 27 subdivisions.

28 (b)(1) After deducting the fees ~~and costs~~ due the ~~sheriff and~~  
 29 ~~constables~~ police department, marshal's and sheriff's offices, the district  
 30 court shall pay into the town or city treasury all sums ~~arising~~ collected  
 31 from the first class of ~~accounts~~ accounting records, and the court shall pay  
 32 all sums ~~arising~~ collected ~~out of~~ from the second class of ~~accounts~~  
 33 accounting records into the county treasury.

34 (2) Any district court that is funded solely by the county shall  
 35 pay all sums collected from the first or second class of accounting records  
 36 into the county treasury and shall pay all uniform filing fees and court

1 costs collected into the county administration of justice fund.

2 ~~(2)~~(3) Direct monetary settlements shall be made with state  
3 entities or agencies as provided by law.

4 (c) All disbursements from all three (3) classes of accounting records  
5 shall be pursuant to the provisions set forth in the Arkansas ~~Municipal~~  
6 ~~Courts, Police Courts, City Courts, District Courts and Justice of the Peace~~  
7 City Courts Accounting Law of 1977, § 16-10-201 et seq.

8

9 SECTION 13. Arkansas Code § 23-13-264 is amended to read as follows:  
10 23-13-264. Disposition of forfeited bonds and fines.

11 One-half (1/2) of the amount of forfeited bonds and one-half (1/2) of  
12 the fines ~~assessed~~ collected by any court or justice of the peace for  
13 violations of this subchapter shall be remitted by the ~~court, by the clerk~~  
14 ~~thereof, or by the justice of the peace, or collecting officer, to the~~  
15 ~~Arkansas Transportation Commission [abolished] to be deposited in the State~~  
16 ~~Treasury to the credit of the General Revenue Fund Account of the State~~  
17 ~~Apportionment Fund~~ tenth day of each month to the Administration of Justice  
18 Fund Section of the Office of Administrative Services of the Department of  
19 Finance and Administration on a form provided by that office for deposit in  
20 the General Revenue Fund Account of the State Apportionment Fund.

21

22 SECTION 14. Arkansas Code § 24-11-413(a), relating to moneys added to  
23 police retirement funds, is amended to read as follows:

24 (a) There shall be added to the fund the following moneys:

25 (1) All forfeitures and fines imposed upon any member of the  
26 police department by way of discipline;

27 (2) All money given or donated to the fund;

28 (3) All money deducted from the salary of any member of the  
29 police department on account of absence or loss of time;

30 (4) All rewards paid for any purpose;

31 (5) Ten percent (10%) of all fines and forfeitures, not  
32 including court costs, collected by the county or city official, agency, or  
33 department designated pursuant to § 16-13-709 as primarily responsible for  
34 the collection of fines assessed in the district courts of this state ~~police~~  
35 ~~department of the city~~ for violation of ordinances or state law that pursuant  
36 to law would be deposited in the city general fund and are not designated by

1 law as payable to the county or state agencies or entities; and

2 (6)(A) Six percent (6%) of the monthly salary of each member of  
 3 the department, to be deducted each month by the city and immediately paid to  
 4 the board of trustees of the policemen’s pension and relief fund.

5 (B) However, the monthly deduction shall be four percent  
 6 (4%) for police officers contributing to social security unless increased,  
 7 but not to exceed six percent (6%), by the majority vote of the contributing  
 8 members of a police department covered by social security.

9  
 10 SECTION 15. Arkansas Code § 27-14-601(e), concerning penalties for  
 11 violations of the motor vehicle registration and licensing laws, is amended  
 12 to read as follows:

13 (e) Penalty. (1) Any person owning a vehicle on which a fee is  
 14 required to be paid under the terms of this section who shall operate it or  
 15 permit it to be operated on a public road in this state without having paid  
 16 the fee required by this section shall be guilty of a misdemeanor and upon  
 17 conviction shall be fined in a sum not less than double the fee provided for  
 18 and not more than three thousand dollars (\$3,000).

19 (2) If the arresting officer is:

20 (A) An officer of the Department of Arkansas State Police,  
 21 the fine collected shall be remitted by the tenth day of each month to the  
 22 Administration of Justice Fund Section of the Office of Administrative  
 23 Services of the Department of Finance and Administration on a form provided  
 24 by that office deposited in the State Treasury and credited to for deposit in  
 25 the Department of Arkansas State Police Fund, to be used for the purchase and  
 26 maintenance of state police vehicles;

27 (B) An officer of the Arkansas Highway Police Division of  
 28 the Arkansas State Highway and Transportation Department, the fine collected  
 29 shall be remitted by the tenth day of each month to the Administration of  
 30 Justice Fund Section of the Office of Administrative Services of the  
 31 Department of Finance and Administration on a form provided by that office  
 32 deposited for deposit in the State Highway and Transportation Department  
 33 Fund, to be used for the purchase and maintenance of highway police vehicles;

34 (C) A county law enforcement officer, the fine collected  
 35 shall be deposited in the county fund used for the purchase and maintenance  
 36 of rescue, emergency medical, and law enforcement vehicles, communications

1 equipment, animals owned or used by law enforcement agencies, lifesaving  
 2 medical apparatus, and law enforcement apparatus, to be used for those  
 3 purposes; and

4 (D) A municipal law enforcement officer, the fine  
 5 collected shall be deposited in that municipality's fund used for the  
 6 purchase and maintenance of rescue, emergency medical, and law enforcement  
 7 vehicles, communications equipment, animals owned or used by law enforcement  
 8 agencies, lifesaving medical apparatus, and law enforcement apparatus, to be  
 9 used for those purposes.

10  
 11 SECTION 16. Arkansas Code § 27-15-305(c), concerning the disbursement  
 12 of penalties for illegal parking in areas designated for the disabled, is  
 13 amended to read as follows:

14 (c)(1) Thirty percent (30%) of ~~every fine~~ all fines and fee collected  
 15 under this section ~~by a law enforcement agency and a court of competent~~  
 16 ~~jurisdiction~~ in district court or city court shall be for the purpose of  
 17 funding activities of the Governor's Commission on People with Disabilities  
 18 and shall be collected and remitted by the tenth day of each month to the  
 19 Administration of Justice Fund Section of the Office of Administrative  
 20 Services of the Department of Finance and Administration, on a form provided  
 21 by that office, for deposit in a special fund established and maintained by  
 22 the Treasurer of State.

23 (2) Seventy percent (70%) of the ~~funds collected from~~ fines and  
 24 ~~fees~~ collected in district court or city court under this section shall be  
 25 paid by the tenth day of each month to the city general fund of the ~~local~~  
 26 ~~municipality~~ town or city in which the violation occurred to assist that  
 27 political subdivision in paying the expenses it incurs in complying with  
 28 requirements of the Americans with Disabilities Act.

29  
 30 SECTION 17. Arkansas Code § 27-23-128 is amended to read as follows:  
 31 27-23-128. Deferment of sentence - Restrictions. [Effective January 1,  
 32 2005.]

33 No circuit or district court judge may utilize the provisions of §§ 5-  
 34 4-311, 5-4-321, 16-90-115, or 16-93-301 - 16-93-303 or any other program to  
 35 defer imposition of sentence in instances where the defendant holds a  
 36 commercial driver license and is charged with violating any state or local

1 traffic law other than a parking violation.

2

3 SECTION 18. Arkansas Code § 27-34-107(a), relating to the Child  
 4 Passenger Protection Fund, is amended to read as follows:

5 (a)(1) A special fund is created which shall be known as the Arkansas  
 6 Child Passenger Protection Fund.

7 (2) The Arkansas Child Passenger Protection Fund shall consist  
 8 of seventy-five percent (75%) of all fines which are collected for violations  
 9 of this chapter, which shall be remitted by the tenth day of each month to  
 10 the Administration of Justice Fund Section of the Office of Administrative  
 11 Services of the Department of Finance and Administration, on a form provided  
 12 by that office, to be deposited in the Arkansas Child Passenger Protection  
 13 Fund and other moneys that may be appropriated, allocated, or donated for the  
 14 purpose of being placed in the Arkansas Child Passenger Protection Fund.

15 (3) Twenty-five percent (25%) of the fines collected shall be  
 16 retained by the ~~municipalities~~ town or city wherein they are collected to be  
 17 deposited in a fund called the Public Safety Fund to be used solely for  
 18 promotion of public safety.

19 (4) Twenty-five percent (25%) of the fines collected in a  
 20 district court that is funded solely by the county shall be retained by the  
 21 county in which they are collected to be deposited in a fund called the  
 22 Public Safety Fund to be used solely for promotion of public safety.

23

24 SECTION 19. Arkansas Code § 27-35-202(b)(1)(A), relating to the  
 25 penalties for overweight vehicles, is amended to read as follows:

26 27-35-202. Penalties for overweight vehicles.

27 (b)(1) If the weight of the vehicle and load exceeds the maximum as  
 28 prescribed by this subchapter or the gross weight as provided by a special  
 29 permit, the operator or any owner, principal, employer, lessor, lessee,  
 30 agent, or officer of any firm or corporation who permits such operator to  
 31 exceed the weight load provided in this subchapter or as provided by a  
 32 special permit shall, in addition, pay a penalty to be computed as follows:

33 (A) Overweight one thousand pounds (1,000 lbs.) or less, a  
 34 minimum penalty of ten dollars (\$10.00) or a maximum penalty of ~~not more than~~  
 35 ~~two cents (2¢) per pound of excess weight~~ twenty dollars (\$20.00);

36



SECTION 20. Arkansas Code § 27-35-211 is amended to read as follows:  
 27-35-211. Disposition of fees and penalties.

All fees and penalties collected under the provisions of §§ 27-35-202 and 27-35-210 shall ~~immediately be remitted by the tenth day of each month to the Administration of Justice Fund Section of the Office of Administrative Services of the Department of Finance and Administration on a form provided by that office be deposited in the State Treasury as special revenues. The net amount shall be credited to~~ for deposit in the State Highway and Transportation Department Fund, there to be used for the operation and maintenance of the Arkansas Highway Police Division of the Arkansas State Highway and Transportation Department.

SECTION 21. Arkansas Code § 27-37-705 is repealed.

~~27-37-705. Reduction of fine.~~

~~When any motor vehicle operator is stopped by a law enforcement officer and the law enforcement officer notes that the provisions of this subchapter have not been violated, any fine levied for a moving traffic violation against the motor vehicle operator as a result of being stopped shall be reduced by ten dollars (\$10.00) as an incentive to comply with this subchapter.~~

SECTION 22. Arkansas Code § 27-37-706 is amended to read as follows:

27-37-706. Penalties - Court costs.

(a) Any person who violates this subchapter shall be subject to a fine not to exceed twenty-five dollars (\$25.00).

(b) When a person is convicted, pleads guilty, pleads nolo contendere, or forfeits bond for violation of this subchapter, no court costs pursuant to § 16-10-305 or other costs or fees shall be assessed.

SECTION 23. Arkansas Code § 27-50-408(b), concerning fines for moving traffic violations in a highway work zone, is amended to read as follows:

(b)(1)(A) In addition to ~~all fines and penalties~~ the fine otherwise provided by law, after the conviction of any person for any moving traffic violation committed while the person is driving through a highway work zone in this state and if construction personnel were present in the highway work zone when the offense occurred, the trial judge shall assess an additional

1 fine ~~or penalty~~ equivalent to all other fines and penalties the fine imposed  
 2 by law upon that person for committing a moving traffic violation in the  
 3 highway work zone. Equivalent additional court costs pursuant to § 16-10-305  
 4 shall not be assessed.

5 (B) Any bond posted pursuant to a charge of committing any  
 6 moving traffic violation while in a highway work zone in this state shall ~~be~~  
 7 ~~double~~ include the additional equivalent fine in the amount of the bond  
 8 otherwise required.

9 (2)(A) All fines, ~~penalties, and other amounts collected by any~~  
 10 ~~court in~~ collected by the county or city official, agency, or department  
 11 designated pursuant to § 16-13-709 as primarily responsible for the  
 12 collection of fines assessed in the circuit courts, district courts, or city  
 13 courts of this state as a result of this section shall be paid ~~over~~ by the  
 14 ~~court clerk or the~~ collecting official to the county treasurer or ~~municipal~~  
 15 town or city treasurer pursuant to law.

16 (B) All such amounts collected in ~~county cases~~ circuit  
 17 court shall be remitted to the county treasurer, ~~and all such amounts~~  
 18 ~~collected in municipal cases shall be remitted to the municipal treasurer.~~

19 (C) ~~Amounts received by the county treasurer may be used~~  
 20 ~~for general county purposes, and amounts received by the municipal treasurer~~  
 21 ~~may be used for general municipal purposes.~~ All amounts collected pursuant to  
 22 subdivision (b)(2)(A) of this section in district court shall be paid to the  
 23 county or city treasurer pursuant to § 16-17-707.

24 (D) All amounts collected pursuant to subdivision  
 25 (b)(2)(A) of this section in city court shall be paid to the treasurer of the  
 26 town or city in which the city court is located.

27 ~~(C)(E)~~ (E) Amounts received by the county treasurer may be  
 28 used for general county purposes, and amounts received by the ~~municipal~~ city  
 29 treasurer may be used for general ~~municipal~~ city purposes.

30  
 31 SECTION 24. Arkansas Code Title 16, Chapter 17, Subchapter 1 is  
 32 amended to add an additional section to read as follows:

33 16-17-135. Waiver of appearance and entry of plea to traffic  
 34 violations in district court and city court.

35 Notwithstanding any rule of criminal procedure to the contrary:

36 (1) A person who is charged in district court or city court with

1 committing a traffic offense that is a violation under state law or local  
2 ordinance, excluding a violation of the Omnibus DWI Act, § 5-65-101 et seq.,  
3 or the Underage DUI Law, § 5-65-301 et seq., and in which the only sentence  
4 available is a monetary fine and court costs, may waive appearance and trial  
5 and plead guilty or nolo contendere by a signed statement;

6 (2) The person shall pay the fine and court costs in an amount  
7 as established, within the limits prescribed by law, by the district court or  
8 city court with the signed statement. Fines and court costs shall be paid to  
9 the county or city official, agency, or department designated pursuant to §  
10 16-13-709 as primarily responsible for the collection of fines assessed in  
11 the district courts and city courts of this state; and

12 (3) The court shall accept the signed statement accompanied by  
13 the fine and court costs assessed as a plea of guilty or nolo contendere and  
14 shall proceed accordingly.

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