

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

*As Engrossed: H3/24/05 H4/1/05*

# A Bill

HOUSE BILL 2554

5 By: Representative Pate  
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7

## For An Act To Be Entitled

9 AN ACT TO FUND AND REINSTATE THE CONSUMER PRICE  
10 INDEX INCREASE FOR THE COUNTY AND CITY  
11 ADMINISTRATION OF JUSTICE FUNDS; TO INCREASE  
12 FILING FEES IN DISTRICT COURTS; AND FOR OTHER  
13 PURPOSES.  
14

## Subtitle

15 AN ACT TO FUND AND REINSTATE THE  
16 CONSUMER PRICE INDEX INCREASE FOR THE  
17 COUNTY AND CITY ADMINISTRATION OF  
18 JUSTICE FUNDS AND TO INCREASE FILING  
19 FEES IN DISTRICT COURTS.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code § 16-10-307(c), pertaining to the amount  
26 retained in the county administration of justice fund, is amended to read as  
27 follows:

28 (c)(1)(A) The county administration of justice fund of each county may  
29 retain an amount equal to the amount which was collected by the county from  
30 court costs and filing fees for county administration of justice expense in  
31 the calendar year ending December 31, 1994, or the amount appropriated from  
32 court costs and filing fees by ordinance enacted prior to December 31, 1994,  
33 or on February 13, 1995, or on February 14, 1995, or by resolution dated  
34 February 9, 1995, for county administration of justice expense from court  
35 costs and filing fees for the calendar year ending December 31, 1995, plus,  
36 for calendar years 1995 - 2001, an additional amount based upon the average



1 percentage increase in the Consumer Price Index for All Urban Consumers or  
2 its successor, as published by the United States Department of Labor for the  
3 two (2) years immediately preceding.

4 (B)(i) The amount retained during calendar ~~year~~ years  
5 2002, 2003, 2004, and 2005 ~~and each calendar year thereafter~~ shall be the  
6 amount retained during calendar year 2001.

7 (ii) Except as provided in subdivision  
8 (c)(1)(B)(iii) of this section, for calendar years beginning 2006 and each  
9 calendar year thereafter, an additional amount shall be added to the amount  
10 to be retained based upon the average percentage increase in the Consumer  
11 Price Index for All Urban Consumers or its successor, as published by the  
12 United States Department of Labor for the two (2) years immediately  
13 preceding.

14 (iii) The provisions of subdivision (c)(1)(B)(ii) of  
15 this section shall not be effective if the Chief Fiscal Officer of the State  
16 determines that the additional amount retained under subdivision  
17 (c)(1)(B)(ii) of this section has exceeded one million dollars (\$1,000,000)  
18 in a calendar year and any additional amount to be retained must be  
19 authorized by the General Assembly.

20 (C) Notwithstanding the creation of the Arkansas District  
21 Judge Retirement System on January 1, 2005, all local ordinances of the  
22 counties and cities authorized and adopted under § 24-8-318 shall remain in  
23 full force and effect.

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

26 (A) Increased by any increase in the Consumer Price Index,  
27 as provided for in subdivision (c)(1) of this section; and

28 (B) Decreased by eighty-five percent (85%) of the total  
29 dollar amount which was certified by the county as having been collected  
30 during calendar year 1994 and for the purpose of funding the office and  
31 operation of the public defender and public defender investigator.

32  
33 SECTION 2. Arkansas Code § 16-10-308(c), pertaining to the amount  
34 retained in the city administration of justice fund, is amended to read as  
35 follows:

36 (c)(1)(A) The city administration of justice fund of each city may

1 retain an amount equal to the amount which was collected by the city from  
2 court costs and filing fees for city administration of justice expense in the  
3 calendar year ending December 31, 1994, or the amount appropriated from court  
4 costs and filing fees by ordinance enacted prior to December 31, 1994, for  
5 city or county administration of justice expense from court costs and filing  
6 fees for the calendar year ending December 31, 1995, plus, for calendar years  
7 1995 - 2001, an additional amount based upon the average percentage increase  
8 in the Consumer Price Index for All Urban Consumers or its successor, as  
9 published by the United States Department of Labor for the two (2) years  
10 immediately preceding.

11 (B)(i) The amount retained during calendar ~~year~~ years  
12 2002, 2003, 2004, and 2005 and each calendar year thereafter shall be the  
13 amount retained during calendar year 2001.

14 (ii) Except as provided in subdivision  
15 (c)(1)(B)(iii) of this section, for calendar years beginning 2006 and each  
16 calendar year thereafter, an additional amount shall be added to the amount  
17 to be retained based upon the average percentage increase in the Consumer  
18 Price Index for All Urban Consumers or its successor, as published by the  
19 United States Department of Labor for the two (2) years immediately  
20 preceding.

21 (iii) The provisions of subdivision (c)(1)(B)(ii) of  
22 this section shall not be effective if the Chief Fiscal Officer of the State  
23 determines that the additional amount retained under subdivision  
24 (c)(1)(B)(ii) of this section has exceeded one million dollars (\$1,000,000)  
25 in a calendar year and any additional amount to be retained must be  
26 authorized by the General Assembly.

27 (C) Notwithstanding the creation of the Arkansas District  
28 Judge Retirement System on January 1, 2005, all local ordinances of the  
29 counties and cities authorized and adopted under § 24-8-318 shall remain in  
30 full force and effect.

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

33 (A) Increased by any increase in the Consumer Price Index,  
34 as provided for in subdivision (c)(1) of this section; and

35 (B) Decreased by eighty-five percent (85%) of the total  
36 dollar amount which was certified by the city as having been collected during

1 calendar year 1994 for the purpose of funding the office and operation of the  
2 public defender and public defender investigator.

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4 SECTION 3. Arkansas Code § 16-17-705 is amended to read as follows:  
5 16-17-705. Filing fees and costs. [Effective January 1, 2005.]

6 (a)(1) ~~The~~ Effective January 1, 2006, the uniform filing fee to be  
7 charged by the clerks of the district courts for initiating a cause of action  
8 in ~~municipal~~ district court in this state shall be as prescribed in this  
9 section.

10 (2) No portion of the filing fee shall be refunded.

11 (b)(1) For initiating a cause of action in the civil division of  
12 district court .....~~\$35.00~~ \$50.00

13 (2) For initiating a cause of action in the small claims  
14 division of district court, if that division is established pursuant to the  
15 Arkansas Constitution, Amendment 80, § 7(D) .....\$25.00

16 (c) No municipality shall authorize, and no district court clerk shall  
17 assess or collect, any other filing fees than those authorized by this act,  
18 unless specifically provided by state law.

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20 /s/ Pate  
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