

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

A Bill

SENATE BILL 505

4
5 By: Senator Luker
6
7

For An Act To Be Entitled

9 AN ACT TO EMPOWER THE LEGISLATIVE JOINT AUDITING
10 COMMITTEE TO DIVEST AUTHORITY OF A CITY COURT IF
11 THAT CITY COURT FAILS TO COMPLY WITH CERTAIN
12 REQUIREMENTS; AND FOR OTHER PURPOSES.
13

Subtitle

14
15 TO EMPOWER THE LEGISLATIVE JOINT
16 AUDITING COMMITTEE TO DIVEST AUTHORITY
17 OF A CITY COURT IF THAT CITY COURT FAILS
18 TO COMPLY WITH CERTAIN REQUIREMENTS.
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code Title 16, Chapter 10, Subchapter 2 is amended
24 to add a new section regarding city court accounting practices to read as
25 follows:

26 16-10-212. City courts - Loss of authority - Enforcement by
27 legislative audit. [Effective until January 1, 2012.]

28 (a) If the Division of Legislative Audit determines that a city court
29 is not in substantial compliance with this subchapter the division shall
30 report the findings to the Legislative Joint Auditing Committee.

31 (b)(1) If a public official or a private accountant determines that a
32 city court is not in substantial compliance with this subchapter, the
33 official or accountant shall notify the committee of his or her findings.

34 (2) Upon notification, the committee shall direct the division
35 to review the city court's compliance with this subchapter.

36 (3) Upon confirmation of a substantial lack of compliance, the



1 division shall report the findings to the committee.

2 (c)(1) Upon notification of noncompliance by the division, the
3 committee shall notify in writing the mayor, the city or town council, the
4 city court judge, and the city court clerk that the city court's accounting
5 records are not in substantial compliance with this subchapter.

6 (2) The city court shall have ninety (90) days after the date of
7 notification to bring the city court's accounting records into substantial
8 compliance with this subchapter.

9 (3)(A) After the ninety (90) days allowed for compliance or upon
10 request by the appropriate city court officials, the division shall review
11 the city court's accounting records to determine if the city court is in
12 substantial compliance with this subchapter.

13 (B) The division shall report its findings to the
14 committee.

15 (d) If the city court has not achieved substantial compliance within
16 the ninety-day period, the committee shall notify both the Administrative
17 Office of the Courts and the city court of the noncompliance and inform the
18 city court that it no longer has authority to operate.

19
20 SECTION 2. Arkansas Code Title 16, Chapter 10, Subchapter 3 is amended
21 to add a new section regarding payment by a city court to the state and
22 county administration of justice funds to read as follows:

23 16-10-315. City courts - Loss of authority - Enforcement by Department
24 of Finance and Administration. [Effective until January 1, 2012.]

25 (a) If the Department of Finance and Administration determines that a
26 city court is not in substantial compliance with § 16-10-306 or § 16-10-308
27 of this subchapter, the department shall report the findings to the
28 Legislative Joint Auditing Committee.

29 (b)(1) Upon notification of noncompliance by the department, the
30 committee shall notify in writing the mayor, the city or town council, the
31 city court judge, and the city court clerk that the city court is not in
32 substantial compliance with this subchapter.

33 (2) The city court shall have ninety (90) days after the date of
34 notification to substantially comply with this subchapter.

35 (3)(A) After the ninety (90) days allowed for compliance or upon
36 request by the appropriate city court officials, the department shall review

1 the city court's records to determine if the city court is in substantial
2 compliance with this subchapter.

3 (B) The department shall report its findings to the
4 committee.

5 (d) If the city court has not achieved substantial compliance within
6 the ninety-day period, the committee shall notify both the Administrative
7 Office of the Courts and the city court of the noncompliance and inform the
8 city court that it no longer has authority to operate.