

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: H3/22/11

A Bill

HOUSE BILL 1701

5 By: Representative Summers
6

For An Act To Be Entitled

8 AN ACT REGARDING THE ARKANSAS DISTRICT COURTS
9 ACCOUNTING LAW; AND FOR OTHER PURPOSES.
10

Subtitle

11 REGARDING THE ARKANSAS DISTRICT COURTS
12 ACCOUNTING LAW.
13
14
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16

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

18
19 *SECTION 1. Arkansas Code § 16-10-202 is amended to read as follows:*
20 *16-10-202. Definition. [Effective January 1, 2012.]*

21 *As used in this subchapter:*

22 *(1) "Citation" means a written order or electronic ticket, issued by a*
23 *law enforcement officer or employee of the department of public safety of a*
24 *city or incorporated town who is authorized to make an arrest, requiring a*
25 *person accused of violating the law to appear in a designated court or*
26 *governmental office at a specified date and time;*

27 ~~*unless the context otherwise requires, "court"*~~

28 *(2) "Court" means a district court in the State of Arkansas.* ~~*;*~~ *and*

29 *(3) "Electronic ticket" means an electronic citation or warning*
30 *printed by a law enforcement officer and issued to a person accused of*
31 *violating the law.*
32

33 *SECTION 2. Arkansas Code § 16-10-204 is amended to read as follows:*
34 *16-10-204. Bank accounts for court funds.*

35 ~~*(a)(1) Each municipal police department, city or town marshal,*~~
36 ~~*sheriff's office, and court shall maintain court funds separately in*~~



1 ~~depositories approved for such purposes by law.~~

2 ~~(2) All disbursements from such accounts shall be evidenced by~~
 3 ~~prenumbered checks.~~

4 ~~(3) The separate bank accounts shall be maintained and styled and~~
 5 ~~funds therein shall be disbursed only upon signatures as prescribed in this~~
 6 ~~section.~~

7 ~~(b)(a)(1)~~ Each municipal police department and each city or town
 8 marshal shall maintain court funds separately in depositories approved for
 9 those specific purposes by law.

10 ~~(2)~~ Court funds must be deposit court funds deposited in into an
 11 account styled "(Name of Municipality) Police Department Bond and Fine
 12 Account", and such the funds shall be disbursed only on the signature of the
 13 chief of police or marshal of the municipality and the signature of one (1)
 14 other authorized person.

15 ~~(e)(b)(1)~~ Each office of county sheriff shall maintain court funds
 16 separately in depositories approved for those specific purposes by law.

17 ~~(2)~~ Court funds must be deposit court funds deposited in into an
 18 account styled "(Name of County) County Sheriff's Bond and Fine Account", and
 19 such the funds shall be disbursed only on the signature of the sheriff of the
 20 county and the signature of one (1) other authorized person.

21 ~~(d)(c)(1)~~ Each court shall maintain court funds separately in
 22 depositories approved for those specific purposes by law.

23 ~~(2)(A)~~ Court funds must be deposit court funds deposited in into
 24 an account styled "(Name of Court) Court Account", and such the funds shall
 25 be disbursed only upon the signature of the court clerk and the signature of
 26 one (1) other person to be authorized by the court's presiding judge.

27 ~~(d)~~ All disbursements from the accounts in this section must be
 28 evidenced by prenumbered checks.

29 ~~(e)~~ Subsections (a) and (b) of this section do not apply if the court
 30 clerk has been designated to be primarily responsible for the collection of
 31 finer under § 16-13-709.

32
 33 SECTION 3. Arkansas Code § 16-10-205 is amended to read as follows:
 34 16-10-205. Uniform traffic tickets Citations.

35 (a) Each municipal police department, city or town marshal, and county
 36 sheriff's office shall maintain and issue uniform ~~traffic ticket books,~~

1 ~~sometimes called citation books, summons books, or ticket books,~~ written
2 citations or electronic citations for violation of all municipal and state
3 laws.

4 (b)(1) All uniform ~~traffic ticket~~ written citation books must be
5 prenumbered by the printer and a printer's certificate ~~or other evidence~~
6 shall be furnished to the police department, marshal's office, or sheriff's
7 office, and the certificate ~~or other evidence~~ shall be made available for
8 inspection.

9 (2) The certificate must state the printing date, the numerical
10 sequence of citations printed, and the printer's name.

11 (c) All void or spoiled ~~tickets~~ written citations must be accounted
12 for by attaching all copies to the hard copy in the uniform ~~traffic ticket~~
13 citation book.

14 (d)(1) All ~~uniform traffic ticket books~~ written citations must have at
15 least an original and three (3) copies used and distributed as follows:

16 (A) Hard copy: Violator's copy;

17 (B) White copy: Police department, marshal's office, or
18 sheriff's office copy;

19 (C)(i) Yellow copy: Court clerk's copy, to be forwarded
20 to the Office of Driver Services of the Revenue Division of the Department of
21 Finance and Administration as provided in this subdivision (d)(1)(C).

22 (ii) Within five (5) business days after a
23 conviction or forfeiture of bail of a person charged with a violation of any
24 law regulating the operation of vehicles on a highway, § 3-3-203(a) or § 5-
25 27-503(a)(3), the clerk shall forward the yellow copy covering the case in
26 which the person was convicted or forfeited bail.

27 (iii) The yellow copy shall be certified by the
28 person required to prepare it and shall include the name and address of the
29 party charged, the registration number of the vehicle involved, the nature of
30 the offense, the date of hearing, the plea, the judgment or whether bail was
31 forfeited, and the amount of the fine or forfeiture.

32 (iv) Within five (5) business days after the
33 disposition of any case, the clerk shall forward the yellow copy of the
34 citation and the resulting disposition of the case.

35 (v) A court using the case management system
36 provided by the Administrative Office of the Courts or the electronic

1 reporting system of the Office of Driver Services is not required to submit
2 the yellow copy to the Office of Driver Services but must enter the
3 disposition or judgment of conviction into the case management system or the
4 electronic reporting system within the time required in this section; and

5 (D) Pink copy: Remains in uniform ~~traffic ticket~~ citation
6 book.

7 (2) ~~Tickets issued but unprocessed shall be filed by the court~~
8 ~~date in the police department, marshal's office, or sheriff's office~~ The
9 citations shall be given to the police department, marshal's office,
10 sheriff's office, or court clerk at least seven (7) business days before the
11 court date.

12 (e) If an electronic citation is used:

13 (1) A printed copy of the electronic citation must be given to
14 the violator;

15 (2) A copy of the electronic citation must be maintained by the
16 issuing police department, marshal's office, or sheriff's office; and

17 (3)(A) A copy of the electronic citation must be forwarded to the
18 court clerk in either electronic or written format, as designated by the
19 court clerk, at least seven (7) business days before the court date.

20 (B) The court clerk's copy shall be forwarded to the Office
21 of Driver Services as provided in subdivision (d)(1)(C) of this section.

22 (f) If an electronic citation system is used, the system must be in
23 compliance with the Information Systems Best Practices Checklist provided by
24 the Legislative Joint Auditing Committee.

25 (g) Controls for citations.

26 (1) A list of all uniform written citation books and the
27 corresponding range of citations in each book shall be kept in the police
28 department, office of city or town marshal, or sheriff's office.

29 (2) The chief of police, marshal, or sheriff, shall issue the
30 uniform written citation books, unless the chief of police, marshal, or
31 sheriff designates in writing another person to perform this duty.

32 (3) The chief of police, marshal, or sheriff shall ensure that
33 all citations issued are entered on the arrest report or in the electronic
34 case management system.

35 (4) Upon completion, each uniform written citation book shall
36 immediately be filed with the court clerk and made available for inspection.

1 (5) Upon case adjudication, the police department, office of city
2 or town marshal, or sheriff's office shall file its copy of the citation
3 either alphabetically or numerically.

4
5 SECTION 4. Arkansas Code § 16-10-206 is amended to read as follows:
6 16-10-206. Court docket.

7 (a) All violations shall be docketed and all judgments shall be
8 rendered by the court's presiding judge.

9 (b) The court docket ~~sheet~~ shall reflect the complete history of the
10 violation and the disposition of each case, and shall contain the following
11 information:

12 (1) The ~~uniform traffic ticket~~ citation number;

13 (2) The date and nature of the violation;

14 (3) The date the court convened to hear the case;

15 (4) The names of arresting officers and witnesses, if any;

16 (5) The judgment rendered by the court;

17 (6) The signature or initials of the judge;

18 (7) The total amount of the fine and costs ~~itemized~~;

19 (8) The receipt number and dollar amount evidencing payment of
20 fine and costs; and

21 (9) If applicable, the check number and dollar amount evidencing
22 authorized bond refund. The check itself will indicate the docket number
23 evidencing authorization.

24 (c) The docket ~~sheets~~ shall be numbered by the court clerk in
25 accordance with the Rules of the Supreme Court of Arkansas.

26 (d)(1) ~~The~~ For manual dockets, the docket pages shall be prenumbered
27 by the printer, and a printer's certificate or other evidence shall be
28 furnished to the court's clerk which shall be made available for inspection.

29 (2) Docket pages must be either bound or loose-leaf, provided
30 that accountability and control are maintained over loose-leaf docket pages.

31 ~~(2)(e) The~~ For manual or electronic dockets, the docket pages shall be
32 numbered independently of court docket numbers assigned by the court clerk
33 and ~~shall permit sequential use of all printed docket pages.~~

34 ~~(e) The docket sheets shall be either bound or loose-leaf, provided~~
35 ~~that accountability and control is maintained over the loose-leaf docket~~
36 ~~sheets.~~

1 (f) The court clerk shall keep separate court dockets, one (1) for
2 city cases and one (1) for county cases.

3
4 SECTION 5. Arkansas Code § 16-10-207 is amended to read as follows:
5 16-10-207. Police department and marshal's and sheriff's offices -
6 Activities and clerical duties required.

7 The following activities and clerical duties relating to court
8 functions shall be required of all police departments, city or town marshals,
9 and sheriff's offices:

10 ~~(1) Controls for Uniform Traffic Tickets.~~

11 ~~(A) A list of all uniform traffic ticket books and the~~
12 ~~corresponding range of tickets in each book shall be kept in the police~~
13 ~~department, office of city or town marshal, or sheriff's office.~~

14 ~~(B) The issuance of the uniform traffic ticket books shall be~~
15 ~~the responsibility of the chief of police, marshal, or sheriff, or someone~~
16 ~~who is delegated the authority to do so.~~

17 ~~(C) Each patrolman, including also the chief of police, marshal,~~
18 ~~or sheriff, shall sign a receipt for each uniform traffic ticket book issued~~
19 ~~to him or her. This receipt book shall be made available for inspection.~~

20 ~~(D) The chief of police, marshal, or sheriff shall be~~
21 ~~responsible for ensuring that all uniform traffic tickets issued shall be~~
22 ~~entered on the arrest report.~~

23 ~~(E) As each uniform traffic ticket book is completed, it shall~~
24 ~~immediately be filed with the court clerk and made available for inspection.~~

25 ~~(2) [Repealed.]~~

26 ~~(3)~~(1) Preparation and Submission of Arrest Report.

27 (A) Separate arrest reports shall be prepared for city
28 cases and county cases.

29 (B) The arrest report shall contain ~~columns for the~~
30 following information:

- 31 (i) ~~Uniform traffic ticket~~ Citation number;
32 (ii) Violator's name;
33 (iii) Nature of the offense;
34 (iv) Name of the arresting officer;
35 (v) Receipt number, if applicable;
36 (vi) Fine and costs collected, if applicable; and

1 (vii) Any other additional information deemed
2 appropriate or necessary.

3 (C)~~(i)~~ Prior to Before the court date, the arrest report
4 shall be prepared from the ~~tickets~~ citations accumulated in the court date
5 file in the police department office, marshal's office, or sheriff's office.

6 ~~(ii) After the case has been adjudicated and the~~
7 ~~court's determination entered on the uniform traffic ticket, the processed~~
8 ~~police department or sheriff's office copy of the uniform traffic ticket~~
9 ~~shall then be filed either alphabetically or numerically.~~

10 (D) ~~The~~ If applicable, the fine and costs ~~column~~ collected
11 shall be totaled, and a check shall be drawn payable to the court fund ~~which~~
12 that represents moneys collected and receipts issued by the police
13 department, marshal's office, or sheriff's office for those ~~tickets~~ citations
14 contained on the arrest report.

15 (E) A completed copy of the arrest report accompanied by
16 the police department's, marshal's office, or sheriff's office check, if
17 applicable, shall be delivered to the court clerk, ~~and at least seven (7)~~
18 business days before the court date.

19 ~~(4)~~ (2) Collection, Receipt, and Deposit Procedures.

20 (A) This subdivision (2) does not apply if the court clerk
21 has been designated to be primarily responsible for the collection of fines
22 under § 16-13-709.

23 (B) A prenumbered receipt must be issued for all moneys
24 collected.

25 (C) Prenumbered manual receipts must meet the following
26 minimum standards:

27 ~~(A)~~ (i) All receipt books must be prenumbered by the
28 printer, and a printer's certificate ~~or other evidence~~ shall be furnished to
29 the police department, marshal's office, or sheriff's office, which shall be
30 made available for inspection;

31 (ii) The certificate must state the printing
32 date, the numerical sequence of receipts printed, and the printer's name;
33 and

34 ~~(B)~~ (iii) All void or spoiled receipts must be
35 accounted for by attaching the original copy of the receipt to the duplicate
36 copy of the receipt in the receipt book, with the reason for the void or

1 spoiled receipt documented and retained for audit purposes.

2 (D) If an electronic receipting system is used, the system
3 must be in compliance with the Information Systems Best Practices Checklist
4 provided by the Legislative Joint Auditing Committee.

5 ~~(G)~~(E) The receipt shall be issued in the name of the
6 violator regardless of who paid the bond or fine or who collected the bond or
7 fine, and must indicate the method of payment, such as cash, check, money
8 order, or credit card.

9 ~~(D)(i)~~(F)(i) ~~A prenumbered receipt shall be issued for all~~
10 ~~moneys collected, and such receipts~~ Receipts shall be deposited intact daily
11 ~~into~~ into the bank account maintained by the police department, marshal's
12 office, or sheriff's office.

13 (ii) All receipt numbers shall be entered on the
14 arrest report by the police department, marshal's office, or sheriff's
15 office.

16 ~~(E)~~(G) The police department, marshal's office, or
17 sheriff's office may maintain separate bank accounts for city cases and
18 county cases.

19 ~~(F)~~(H)(i) The bank deposit slips prepared by the police
20 department, marshal's office, or sheriff's office shall contain the range of
21 receipt numbers evidencing such collections.

22 (ii) In addition, the receipts issued shall be
23 reconciled with the monthly bank deposits.

24 ~~(G)~~(I) A bank reconciliation shall be made at the end of
25 each month, and any balance remaining in the bank account shall be identified
26 with receipts issued but not yet entered on the arrest report.

27 (J)(i) A cash receipts journal or electronic receipts
28 listing shall be established.

29 (ii) The receipts journal or electronic receipts
30 listing must indicate the receipt number, receipt date, violator's name,
31 amount of the receipt, and classification of the receipt.

32 (iii) The receipts journal or electronic receipts
33 listing shall be properly balanced and totaled monthly and on a year-to-date
34 basis.

35 (iv) The receipts journal or electronic receipts
36 listing shall be reconciled monthly to total bank deposits as shown on the

1 bank statements.

2 (K)(i) A cash disbursements journal or electronic check
3 register shall be established.

4 (ii) The disbursements journal or electronic check
5 register must indicate the date, payee, check number, amount for each check
6 written, and the classification of the disbursement.

7 (iii) The disbursements journal or electronic check
8 register shall be properly balanced and totaled monthly and on a year-to-date
9 basis.

10 (iv) The disbursements journal or electronic check
11 register shall be reconciled monthly to total bank disbursements as indicated
12 on the bank statements.

13
14 SECTION 6. Arkansas Code § 16-10-208 is amended to read as follows:

15 16-10-208. Court clerk or court administrator – Eligibility.

16 The court clerk or court administrator shall not be a member of the
17 police department, marshal's office, or sheriff's office.

18
19 SECTION 7. Arkansas Code § 16-10-209 is amended to read as follows:

20 16-10-209. Court clerk – Activities and clerical duties.

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

23 (1) Collection, receipt, and deposit procedures.

24 (A) A prenumbered receipt must be issued for all moneys
25 collected.

26 (B) Prenumbered manual receipts must meet the following minimum
27 standards:

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

31 (ii) The certificate must state the printing date, the
32 numerical sequence of receipts printed, and the printer's name; and

33 ~~(B)(iii)~~ All void or spoiled receipts must be accounted
34 for by attaching the original copy of the receipt to the duplicate copy of
35 the receipt in the receipt book, with the reason for the void or spoiled
36 receipt documented and retained for audit purposes.

1 (C) If an electronic receipting system is used, the system must
2 be in compliance with the Information Systems Best Practices Checklist
3 provided by the Legislative Joint Auditing Committee.

4 ~~(G)(i)~~(D)(i) For those checks forwarded with the arrest reports,
5 the receipt shall be issued in the name of the police department, marshal's
6 office, or sheriff's office.

7 (ii) For those receipts issued at court date, the court
8 clerk shall issue such receipts in the name of the defendant, regardless of
9 who paid the bond or fine or who collected the bond or fine, indicating on
10 the receipt the method of payment, such as cash, check, money order, or
11 credit card.

12 ~~(D)(E)~~ A prenumbered receipt shall be issued for all moneys
13 ~~collected, and such receipts~~ Receipts shall be deposited intact daily into
14 the separate bank account maintained by the court clerk.

15 ~~(E)(i)~~(F)(i) The bank deposit slips prepared by the court clerk
16 shall contain the range ~~or~~ of receipt numbers evidencing such collections.

17 (ii) Additionally, the receipts issued shall be reconciled
18 with the monthly bank deposits.

19 ~~(F)(G)~~ A bank reconciliation shall be made at the end of each
20 month, and any balance remaining in the bank account shall be identified with
21 receipt numbers for cases not yet adjudicated and the payments made on all
22 unpaid individual time accounts; ~~and.~~

23 ~~(G)(H)~~ The court clerk may maintain separate bank accounts for
24 city cases and for county cases; ~~.~~

25 (2) Preparation and submission of ~~court~~ distribution report.

26 (A) The ~~court~~ distribution report shall contain ~~columns for~~ the
27 following information:

28 (i) The ~~uniform traffic ticket~~ citation number;

29 (ii) The defendant's name;

30 (iii) The nature of the offense;

31 (iv) The name of arresting officer;

32 (v) The court docket number;

33 (vi) The disposition or date continued;

34 (vii) The receipt number;

35 (viii) The total fine and costs collected;

36 (ix) The fine;

1 (x) ~~The fees and costs itemized, including all prosecuting~~
2 ~~attorney's fees;~~

3 (xi) The bond refund amount;

4 (xii) The bond refund check number; and

5 (xiii) The installment payment amount.

6 (B) The court clerk at each court date shall prepare the ~~court~~
7 distribution report from the arrest report supplied by the police department,
8 marshal's office, or sheriff's office.

9 (C) At the end of each court date, the court clerk shall
10 complete the ~~court~~ distribution report for the court date and total the
11 dollar amounts contained in the ~~court~~ report.

12 (D) The ~~court~~ distribution reports prepared each court date
13 shall be summarized at least monthly.

14 (E) The court clerk shall make a direct monetary settlement on
15 or before the tenth day of the next-following month with each of the
16 following:

17 (i) The city treasurer;

18 (ii) The county treasurer;

19 ~~(iii) The prosecuting attorney;~~

20 ~~(iv) If applicable, the treasurer of the policemen's~~
21 ~~pension and relief fund and the district judge and clerk's retirement fund;~~

22 ~~(v)(iii)~~ The Administration of Justice Funds Section of
23 the Office of Administrative Services of the Department of Finance and
24 Administration; and

25 ~~(vi)(iv)~~ Any other state agency or entity which receives
26 fines or fees assessed by the court and collected pursuant to law.

27 ~~(F) The court clerk, in conjunction with the making of the~~
28 ~~monetary settlement in subdivision (2)(E)(ii) [repealed] of this section,~~
29 ~~will make reports in quadruplicate of the applicable individual court reports~~
30 ~~and distribute the reports in the following manner:~~

31 ~~(i) One (1) copy to the mayor;~~

32 ~~(ii) One (1) copy to the county clerk;~~

33 ~~(iii) One (1) copy to the Administrative Office of the~~
34 ~~Courts; and~~

35 ~~(iv) One (1) copy to be retained by the clerk and made~~
36 ~~available for inspection;~~

1 (3) *Minimum bookkeeping requirements.*

2 (A)(i) *The court clerk shall maintain a ~~separate~~ cash receipts*
3 *and disbursements journal for city cases and county cases or electronic*
4 *receipts listing.*

5 *(ii) The court clerk may maintain separate cash receipts*
6 *journals or electronic receipts listings for city cases and county cases.*

7 ~~*(ii)(iii) The receipts journal shall consist of sufficient*~~
8 ~~*columns in order to properly classify all moneys received as to their proper*~~
9 ~~*nature, e.g., fines, administration of justice fund, etc. or electronic*~~
10 ~~*receipts listing must indicate the receipt number, receipt date, violator's*~~
11 ~~*or payor's name, amount of the receipt, and classification of the receipt.*~~

12 *(iv) The receipts journal or electronic receipts listing*
13 *shall be properly balanced and totaled monthly and on a year-to-date basis.*

14 *(v) The receipts journal or electronic receipts listing*
15 *shall be reconciled monthly to total bank deposits as shown on the bank*
16 *statements.*

17 (B)(i) *The court clerk shall maintain a cash disbursements*
18 *journal or electronic check register.*

19 *(ii) The court clerk may maintain separate cash*
20 *disbursements journals or electronic check registers for city cases and*
21 *county cases.*

22 *(iii) The disbursements journal or electronic check*
23 *register must indicate the date, payee, check number, amount for each check*
24 *written, and classification of the disbursement.*

25 ~~*(iii)(iv) The disbursements journal or electronic check*~~
26 ~~*register shall also contain sufficient columns to properly classify all*~~
27 ~~*moneys disbursed as to their proper nature, e.g., general fund, county*~~
28 ~~*treasurer, bond refunds, etc. be properly balanced and totaled monthly and on*~~
29 ~~*a year-to-date basis.*~~

30 *(v) The disbursements journal or electronic check register*
31 *shall be reconciled monthly to total bank disbursements as indicated on the*
32 *bank statements.*

33 ~~*(B) The court clerk shall total and balance the receipts and*~~
34 ~~*disbursements journal monthly and establish and maintain year-to-date totals*~~
35 ~~*monthly.*~~

36 ~~*(C)(i) The court clerk shall prepare monthly bank*~~

1 ~~reconciliations for each court bank account.~~

2 ~~(ii) The cash receipts and disbursements journal shall be~~
3 ~~utilized in effecting the bank reconciliations.~~

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

6 (4) Bond refunds.

7 (A) All bond refunds shall be made only upon the authorization
8 of the presiding judge and shall be indicated as such on the court docket.

9 (B)(i) All bond refunds shall be made only by a check drawn on
10 the court's bank account.

11 (ii) Additionally, the check shall indicate the court
12 docket number for authorization.

13 (C) The court clerk shall enter all bond refunds on the
14 applicable ~~court~~ distribution report.

15 (5) Installment payments.

16 (A) Installment payments shall be allowed only upon the
17 authorization of the presiding judge and shall be indicated as such on the
18 court docket.

19 (B)(i) The court clerk shall establish and maintain individual
20 installment payment account ledger ~~cards~~ records, with a duplicate copy of
21 the ledger ~~card~~ record being furnished to and maintained by the county or
22 city official, agency, or department designated under § 16-13-709 as
23 primarily responsible for the collection of fines assessed in district courts
24 ~~and city courts.~~

25 (ii) The ledger ~~cards~~ records shall contain the following
26 minimum information:

27 (a) Name of the individual;

28 (b) Court docket number and court date;

29 (c) Nature of the violation;

30 (d) Total fine and costs assessed;

31 (e) Receipt number, date, and amount of payment; and

32 (f) Unpaid balance of fine, fees, and costs.

33 (C) The county or city official, agency, or department
34 designated under § 16-13-709 as primarily responsible for the collection of
35 fines assessed in district courts ~~and city courts~~ shall be responsible for
36 collecting all installment payments and shall enter all collected installment

1 payments on each applicable arrest or distribution report.

2 (D)(i) The court clerk shall establish and maintain a control
3 total for installment payments, which is a summary of all unpaid individual
4 installment payment accounts.

5 (ii) The control total shall be reconciled monthly with
6 the individual installment payment accounts.

7 (E)(i) The court clerk shall furnish the county or city
8 official, agency, or department designated under § 16-13-709 as primarily
9 responsible for the collection of fines assessed in district courts ~~and city~~
10 ~~courts~~ and the presiding judge monthly with a list of all unpaid installment
11 payment accounts for which a payment has not been received within the past
12 thirty (30) days.

13 (ii) The presiding judge shall then take the necessary
14 action deemed appropriate in the circumstances.

15 (F)(i)~~(a)~~ All installment payments shall initially be deemed to
16 be collections of restitution, and then court costs until the costs have been
17 collected in full, with any remaining installment payments representing
18 collections of fines.

19 ~~(b) The court clerk shall prepare at least monthly a~~
20 ~~separate court report for all installment payments made on accounts.~~

21 ~~(c) The monetary settlement for this separate court~~
22 ~~report shall be made on or before the tenth day of the next following month.~~

23 (ii) A municipal or county governing body may provide by
24 appropriate municipal or county legislation an alternative method of
25 installment payment allocation as follows:

26 (a) All installment payments are initially deemed
27 collections of restitution;

28 ~~(a)(b)~~ All After restitution is fully collected, all
29 installment payments shall be allocated fifty percent (50%) to court costs
30 and fifty percent (50%) to fines; ~~and~~

31 (c) Whenever either court costs or fines are fully
32 paid, all remaining installment payments shall be allocated to remaining
33 amounts due;

34 ~~(b) The court clerk shall prepare at least monthly a~~
35 ~~separate court report for all installment payments made on accounts. The~~
36 ~~monetary settlement for this separate court report shall be made on or before~~

1 ~~the tenth day of the next following month; and~~

2 (6) Reconciliation of completed ~~ticket~~ citation books ~~to arrest~~
3 ~~report.~~

4 (A) The court clerk shall reconcile on a quarterly basis on or
5 before the fifteenth day of the month following the end of the calendar
6 quarter the individual ~~tickets~~ citations in the completed ~~ticket~~ citation
7 book to the individual ~~tickets~~ citations as reflected on the arrest reports
8 or court dockets.

9 (B)(i) For any discrepancies noted in the reconciliation in
10 subdivision (6)(A) of this section, the court clerk shall prepare a ~~written~~
11 list and present this list to the court's judge for his or her appropriate
12 action.

13 (ii) This list shall be maintained for audit purposes.

14 (C) If the court clerk is designated under § 16-13-709 to be
15 primarily responsible for the collection of fines, the reconciliation of
16 completed citation books described in this subdivision (6) shall be performed
17 by someone outside of the court clerk's office as determined by the court
18 judge.

19
20 SECTION 8. Arkansas Code § 16-10-211 is amended to read as follows:
21 16-10-211. Record retention schedule.

22 (a) All towns, cities, and counties of the State of Arkansas shall
23 maintain records for the district courts ~~and city courts~~ and are to:

24 (1) Permanently maintain:

25 (A) Case indices for all courts;

26 (B) Case dockets for all courts;

27 (C) ~~Unserved~~ Active warrants;

28 (D) Waivers;

29 (E) Expungement and sealed records;

30 (F) ~~Circuit court judgments;~~

31 ~~(G)~~(F) Files concerning convictions under the Omnibus DWI
32 Act, § 5-65-101 et seq.; and

33 ~~(H) Files concerning cases resulting in a suspended~~
34 ~~imposition of sentence; and~~

35 ~~(I)~~(G) Domestic battering files;

36 (2) Maintain for a period of at least seven (7) years and in no

1 event dispose of ~~prior to~~ before being audited:

2 ~~(A) Records and reports of court costs;~~

3 ~~(B) Fines and fees assessed and collected;~~

4 ~~(G)(A) Complete case files and written exhibits for all~~
5 courts;

6 ~~(D) Month-end settlements;~~

7 ~~(E) Monthly distribution reports;~~

8 ~~(F)(B) Show cause orders;~~

9 ~~(G)(C) Case information, including arrest reports and~~
10 affidavits; and

11 ~~(H) Alternative service or community service time sheets;~~

12 and

13 (D) Files concerning cases resulting in a suspended
14 imposition of sentence; and

15 (3) Maintain for a period of at least three (3) years and in no
16 event dispose of ~~prior to~~ before being audited:

17 (A) Bank reconciliations;

18 (B) Check book registers and check listings;

19 (C) Cancelled checks;

20 (D) Bank statements;

21 (E) Receipts;

22 (F) Deposit collection records;

23 (G) ~~Budget packets or books~~ Receipts listings;

24 (H) ~~Accounts payable~~ Distribution reports;

25 (I) ~~Payroll time sheets~~ Receipt and disbursement journals;

26 (J) ~~Information concerning vacation and sick leave~~ Time

27 payment records;

28 (K) ~~Month-end payroll~~ Citation book logs;

29 (L) ~~Uniform traffic ticket~~ Citation books from each police
30 department and sheriff's office; and

31 (M) Served warrants;

32 (N) Copies of citations;

33 (O) Alternative service or community service time sheets;

34 (P) Uniform filing fees collection remittance forms and

35 fine report; and

36 (Q) Miscellaneous fee and fine collection reports.

1 (b) After a town, city, or county has maintained records for the time
2 periods required by subdivisions (a)(2) or (3) of this section and after the
3 records described in subdivisions (a)(2) or (3) of this section have been
4 audited, the records may be destroyed.

5 (c) When records are destroyed under subsection (b) of this section,
6 the town, city, or county shall document the destruction by the following
7 procedure:

8 (1) An affidavit is to be prepared stating:

9 (A) Which records are being destroyed and to which period
10 of time the records apply; and

11 (B) The method of destruction, ~~and,~~

12 ~~(2)(A) For city court records, the affidavit described in~~
13 ~~subdivision (e)(1) of this section is to be signed by the town or city~~
14 ~~employee performing the destruction and one (1) town or city council member.~~

15 ~~(B)(2) For district court records, the The affidavit described~~
16 ~~in subdivision (e)(1) of this section is to be signed by the town, city, or~~
17 ~~county employee performing the destruction and one (1) employee of the~~
18 ~~governing body or, if applicable, governing bodies ~~which~~ that contribute to~~
19 ~~the expenses of the court.~~

20 ~~(d)(1) In addition to the procedure described in subsection (e) of~~
21 ~~this section, the approval of the town or city council for destruction of~~
22 ~~documents shall be obtained prior to the destruction of city court records~~
23 ~~and an appropriate note of the approval indicated in the town or city council~~
24 ~~minutes along with the destruction affidavit.~~

25 ~~(2) In addition to the procedure described in subsection (c) of~~
26 ~~this section, the approval of the governing body or, if applicable, governing~~
27 ~~bodies that contribute to the expenses of the court shall be obtained ~~prior~~~~
28 ~~~~to~~ before the destruction of district court records and an appropriate note~~
29 ~~of the approval indicated in the minutes of the governing body or bodies~~
30 ~~along with the destruction affidavit.~~

31
32 SECTION 9. Arkansas Code § 16-17-211 is amended to read as follows:
33 16-17-211. District court clerks generally.

34 (a) The judge of any district court may appoint a clerk for the court,
35 who shall be designated and known as the district court clerk.

36 (b)(1) The city council of the city in which the court is located

1 shall fix the salary of the district court clerk at a reasonable sum, the
2 salary to be computed on an annual basis ~~and payable in equal monthly~~
3 ~~installments.~~

4 (2) However, where the county in which the court is located is
5 to pay any portion of the clerk's salary, the salary must also be approved by
6 the quorum court of that county. Further, if the expenses and salaries of any
7 district court are paid entirely by the county in which the court is located,
8 the salary of the clerk shall be fixed by the quorum court of the county and
9 not by the city council.

10 (c) The district court clerk shall keep a fair record of all the acts
11 done and proceedings had in the court and shall enter all judgments of the
12 court, under the direction of the judge.

13 (d) The district court clerk shall:

14 (1) Administer oaths, including special judges of district court
15 under § 16-17-210;

16 (2) Take affidavits required or permitted in the progress of the
17 action;

18 (3) Keep a complete docket of all proceedings to the extent and
19 in the manner directed by the judge;

20 (4) ~~Seasonably record~~ Record the judgments, rules, orders, and
21 other civil or criminal proceedings of the court and keep an alphabetical
22 index thereof;

23 (5) Keep such other dockets, books, and indices as may be
24 required by law or by the judge; and

25 (6) Issue and attest all process.

26 ~~(e) The district court clerk shall render for each month, not later~~
27 ~~than the tenth day of the succeeding month, reports in triplicate of all~~
28 ~~civil and criminal cases tried. These reports shall show all fines,~~
29 ~~penalties, forfeitures, fees, and costs taxed, assessed, and collected during~~
30 ~~the month and also show the nature of each case. One (1) copy of such report~~
31 ~~is to be forwarded or delivered to the mayor of the city and one (1) copy to~~
32 ~~the clerk of the county court.~~

33 ~~(f)~~(e) Where the duties of the office of district court clerk do not
34 require a full-time employee, the city council may require that the duties of
35 the clerk be performed by any other officer of the city, except a member of
36 the police department or marshal's office.

