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2 90th General Assembly
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4

As Engrossed: S3/18/15

A Bill

SENATE BILL 886

5 By: Senator B. King
6

For An Act To Be Entitled

8 AN ACT TO ESTABLISH ACCOUNTING MEASURES FOR FINES,
9 COSTS, FEES, AND RESTITUTION ASSESSED BY THE CIRCUIT
10 COURT IN A CRIMINAL CASE; AND FOR OTHER PURPOSES.
11

Subtitle

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14 TO ESTABLISH ACCOUNTING MEASURES FOR
15 FINES, COSTS, FEES, AND RESTITUTION
16 ASSESSED BY THE CIRCUIT COURT IN A
17 CRIMINAL CASE.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code Title 16, Chapter 13, Subchapter 7, is
23 amended to add a new section to read as follows:

24 16-13-713. Collection of fines – Accounting.

25 (a) A county official, agency, department, or private contractor
26 authorized to collect fines ordered by the circuit court in a criminal case
27 under § 16-13-709(a)(1)(A)(i) shall use reasonable accounting practices and
28 keep proper records of all transactions.

29 (b)(1) The circuit clerk shall record in the court docket the total
30 amount of fines ordered as a condition of a defendant's sentence and shall
31 report that amount to the county official, agency, department, or private
32 contractor authorized to collect the fines under § 16-13-709(a)(1)(A)(i).

33 (2)(A) The circuit clerk or other county official, agency,
34 department, or private contractor authorized to collect the fines under § 16-
35 13-709(a)(1)(A)(i) shall record the fines assessed by the circuit court in an
36 automated database to be administered the Administrative Office of the



1 Courts.

2 (B) The Department of Finance and Administration shall
3 have read-only access to the automated database administered by the office
4 under this subsection.

5 (c) The county official, agency, department, or private contractor
6 authorized to collect the fines under § 16-13-709(a)(1)(A)(i) shall keep an
7 accurate accounting of all payments toward the fines assessed to a defendant,
8 including the following information:

9 (1) Date of payment;

10 (2) Amount of payment;

11 (3) Type of payment;

12 (4) Number of the check, money order, or cashier's check, if
13 applicable; and

14 (5) Court docket number.

15 (d)(1) A prenumbered manual receipt is required for all moneys
16 collected under this section.

17 (2) Prenumbered manual receipts shall meet the following minimum
18 standards:

19 (A) Receipt books containing the prenumbered manual
20 receipts shall be prenumbered by the printer, and a printer's certificate
21 shall be furnished to the police department, marshal's office, or county
22 sheriff's office, which shall be made available for inspection;

23 (B) The printer's certificate shall state the printing
24 date, the numerical sequence of prenumbered manual receipts printed, and the
25 printer's name; and

26 (C) All void or spoiled prenumbered manual receipts shall
27 be accounted for by attaching the original prenumbered manual receipt to the
28 duplicate copy of the prenumbered manual receipt in the receipt book, with
29 the reason for the void or spoiled prenumbered manual receipt documented and
30 retained for audit purposes.

31 (e) If an electronic receipting system is used, the electronic
32 receipting system shall be in compliance with the Information Systems Best
33 Practices Checklist provided by the Legislative Joint Auditing Committee.

34 (f) The prenumbered manual receipt shall be issued in the name of the
35 defendant regardless of who paid the fine or who collected the fine and shall
36 indicate the method of payment, such as cash, check, money order, or

1 cashier's check.

2 (g)(1) Fine payments collected under § 16-13-709(a)(1)(A)(i) shall be
3 deposited intact daily into the bank account maintained by the county
4 official, agency, department, or private contractor authorized to collect the
5 finer under § 16-13-709(a)(1)(A)(i).

6 (2)(A) The bank deposit slips prepared by the county official,
7 agency, department, or private contractor authorized to collect the fines
8 under § 16-13-709(a)(1)(A)(i) shall contain the range of prenumbered manual
9 receipt numbers evidencing the collection of the fines.

10 (B) In addition, the prenumbered manual receipts issued
11 shall be reconciled with the monthly bank deposits.

12 (3) A bank reconciliation shall be made at the end of each
13 month.

14 (h)(1) A cash receipts journal or electronic receipts listing shall be
15 established.

16 (2) The cash receipts journal or electronic receipts listing
17 shall:

18 (A) Indicate the prenumbered manual receipt number,
19 prenumbered manual receipt date, defendant's name, amount of the prenumbered
20 manual receipt, and classification of the prenumbered manual receipt;

21 (B) Be properly balanced and totaled monthly and on a
22 year-to-date basis; and

23 (C) Be reconciled monthly to total bank deposits as shown
24 on the bank statements.

25 (i) A cash disbursements journal or electronic check register shall be
26 established and shall:

27 (1) Indicate the date, payee, check number, and amount for each
28 check written, the court docket number of the applicable case to which the
29 fine is being paid, and the classification of the disbursement;

30 (2) Be properly balanced and totaled monthly and on a year-to-
31 date basis; and

32 (3) Be reconciled monthly to total bank disbursements as
33 indicated on the bank statements.

34 (j) Records under this section shall be permanently maintained.

35 (k) The county official, agency, department, or private contractor
36 authorized to collect the fines under § 16-13-709(a)(1)(A)(i) shall provide a

1 list of all open installment payment accounts, specifically listing accounts
2 over thirty (30) days delinquent and open accounts on which no payment has
3 yet to be made, to the following persons or agencies on the first day of each
4 month:

5 (1) All circuit court judges in the judicial district;

6 (2) The prosecuting attorney for the judicial district;

7 (3) The Director of the Department of Community Correction; and

8 (4) The Administrative Office of the Courts.

9 (1) Each person who has been authorized to collect circuit court fines
10 under § 16-13-709(a)(1)(A)(i) shall generate a report to be submitted to the
11 circuit court judges and the prosecuting attorney having jurisdiction by the
12 first of each month that shows all outstanding fines assessed by the circuit
13 court against a defendant and if:

14 (A) The defendant is current with his or her court-ordered
15 payment;

16 (B) The defendant is delinquent with his or her court-ordered
17 payment, and if so, the date of the last payment, and the outstanding balance
18 after each payment; and

19 (C) The defendant is currently incarcerated, if known."

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21 AND

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23 SECTION 2. DO NOT CODIFY. Entry of data.

24 (a) A circuit court clerk or other person authorized to collect the
25 fines under § 16-13-709(a)(1)(A)(i) that does not already record fine
26 assessment and collection data in an electronic database administered by or
27 otherwise approved by the Administrative Office of the Courts shall by
28 October 1, 2015, have entered fine assessment and collection data for at
29 least twenty-five percent (25%) of all circuit court cases since January 1,
30 2000, in which the circuit court assessed a fine as a condition of a person's
31 sentence.

32 (b) A circuit court clerk or other person authorized to collect the
33 fines under § 16-13-709(a)(1)(A)(i) that does not already record fine
34 assessment and collection data in an electronic database administered by or
35 otherwise approved by the Administrative Office of the Courts shall by
36 January 1, 2016, have entered fine assessment and collection data for at

1 least fifty percent (50%) of all circuit court cases since January 1, 2000,
2 in which the circuit court assessed a fine as a condition of a person's
3 sentence.

4 (c) A circuit court clerk or other person authorized to collect the
5 finer under § 16-13-709(a)(1)(A)(i) that does not already record fine
6 assessment and collection data in an electronic database administered by or
7 otherwise approved by the Administrative Office of the Courts shall by April
8 1, 2016, have entered fine assessment and collection data for at least
9 seventy-five percent (75%) of all circuit court cases since January 1, 2000,
10 in which the circuit court assessed a fine as a condition of a person's
11 sentence.

12 (d) A circuit court clerk or other person authorized to collect the
13 finer under § 16-13-709(a)(1)(A)(i) that does not already record fine
14 assessment and collection data in an electronic database administered by or
15 otherwise approved by the Administrative Office of the Courts shall by July
16 1, 2016, have entered fine assessment and collection data for all circuit
17 court cases since January 1, 2000, in which the circuit court assessed a fine
18 as a condition of a person's sentence.

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20 SECTION 3. DO NOT CODIFY. Committee established – Sunset provision.

21 (a) There is created a Circuit Court Accounting and Fine Collection
22 Committee.

23 (b) The Circuit Court Accounting and Fine Collection Committee shall
24 consist of the following members:

25 (1) The director of the Administrative Office of the Courts who
26 shall serve as chair;

27 (2) Two (2) circuit court judges to be appointed by the Arkansas
28 Judicial Council;

29 (3) The Director of the Department of Community Correction or
30 the director's designee;

31 (4) A prosecutor appointed by the Prosecutor Coordinator;

32 (5) A public defender appointed by the Executive Director of the
33 Arkansas Public Defender Commission;

34 (6) Two (2) circuit court clerks to be appointed by the Circuit
35 Clerks Association;

36 (7) One (1) county sheriff to be appointed by the Arkansas

1 Sheriff's Association; and

2 (8) One (1) representative from the Association of Arkansas
3 Counties.

4 (c) The chair or the chair's designee shall call promptly the first
5 meeting within thirty (30) days after the effective date of this act.

6 (d) The Circuit Court Accounting and Fine Collection Committee shall
7 be staffed by the Administrative Office of the Courts.

8 (e)(1) The Circuit Court Accounting and Fine Collection Committee
9 shall conduct its meetings at the State Capitol Building or at any place
10 designated by the chair or the chair's designee.

11 (2) Meetings shall be held at least one (1) time every three (3)
12 months but may occur more often at the call of the chair.

13 (f) If any vacancy occurs on the Circuit Court Accounting and Fine
14 Collection Committee, the vacancy shall be filled by the same process as the
15 original appointment.

16 (g) The Circuit Court Accounting and Fine Collection Committee shall
17 establish rules and procedures for conducting its business.

18 (h) Members of the Circuit Court Accounting and Fine Collection
19 Committee shall serve without compensation.

20 (i) A majority of the members of the Circuit Court Accounting and Fine
21 Collection Committee shall constitute a quorum for transacting any business
22 of the Circuit Court Accounting and Fine Collection Committee.

23 (j) The Circuit Court Accounting and Fine Collection Committee is
24 established to promote collaboration and provide recommendations to the
25 General Assembly on issues involving circuit court clerk accounting practices
26 and the assessment and collection of circuit court fines.

27 (k) The Circuit Court Accounting and Fine Collection Committee shall
28 submit a report of any of the committee's findings to the Chair of the House
29 Committee on City, County, and Local Affairs and to the Chair of the Senate
30 Committee on City, County, and Local Affairs no later than December 31, 2016.

31 (l) The Circuit Court Accounting and Fine Collection Committee shall
32 cease to exist on December 31, 2016.

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34 /s/B. King
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