1 State of Arkansas

2 92nd General Assembly

A Bill

3 Regular Session, 2019   HOUSE BILL 1147

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5 By: Representative Capp

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For An Act To Be Entitled

8 AN ACT TO PERMIT THE REOPENING OF A CIRCUIT COURT

9 CASE WITHOUT THE PAYMENT OF A FILING FEE IN ORDER TO

10 ENFORCE A MONETARY JUDGMENT; AND FOR OTHER PURPOSES.

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Subtitle

14 TO PERMIT THE REOPENING OF A CIRCUIT

15 COURT CASE WITHOUT THE PAYMENT OF A

16 FILING FEE IN ORDER TO ENFORCE A MONETARY

17 JUDGMENT.

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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 § 21-6-403(e), concerning exceptions to the

23 payment of a fee to reopen a circuit court case, is amended to read as

24 follows:

25   (e)(1)(A) The fee established in subdivision (b)(3) of this section

26 shall be assessed and collected by the circuit clerk to reopen a cause of

27 action in which a final order has been entered, so long as the new claim

28 involves the same parties and the same issues as were present in the initial

29 cause of action.

30   (B) Otherwise, the circuit clerk shall assess and collect

31 the fee established in subdivision (b)(1) of this section.

32   (2) A fee shall not be charged or collected by the clerks of the

33 circuit courts for reopening a cause of action in the circuit court under the

34 following circumstances:

35   (A) Application is made for revocation of conditional

36 release of insanity acquittees ~~pursuant to~~ under § 5-2-316; ~~or~~

1   (B)   An agreed order or an order of income withholding is
2   presented to be filed, and a service of process is not required.; or
3   (C)   A party to the original cause of action for whom a
4   judgment for monetary damages was entered attempts to enforce the monetary
5   judgment by filing a pleading or through other court action, if the pleading
6   is filed or court action is taken within twelve (12) months of issuance of
7   the final judgment in the case.
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