

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1245

By: Representative Dalby
By: Senator G. Stubblefield

For An Act To Be Entitled

AN ACT TO REQUIRE A LEGISLATIVE STUDY OF FINANCIAL MATTERS RELATED TO THE COURT SYSTEM; TO REQUIRE THE CONSIDERATION OF ANY LEGISLATIVE CHANGES NECESSARY TO ADDRESS ISSUES IDENTIFIED DURING THE STUDY OF FINANCIAL MATTERS RELATED TO THE COURT SYSTEM; AND FOR OTHER PURPOSES.

Subtitle

TO REQUIRE A LEGISLATIVE STUDY OF FINANCIAL MATTERS RELATED TO THE COURT SYSTEM; AND TO REQUIRE CONSIDERATION OF LEGISLATION NECESSARY TO ADDRESS ISSUES IDENTIFIED DURING THE STUDY.

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

SECTION 1. TEMPORARY LANGUAGE. DO NOT CODIFY. Legislative study of financial matters related to the court system – Intent – Scope – Requirements.

(a) The General Assembly finds that:

(1) With the passage of Arkansas Constitution, Amendment 80, the judicial power was clearly vested in the judicial department of state government, but ambiguity exists concerning the funding and revenue sharing of the court system;

(2) A study by the legislature of the statutory funding of the court system is necessary to better understand whether the financial benefits



provided to municipalities, counties, and the state are equal to the amount of funding provided by these entities;

(3) Substantial amounts of money are assessed on defendants by the court system in the form of court costs, fees, and fines;

(4) The defendant paying the court costs, fees, and fines assessed by the court system is often unable to do so in light of the substantial increase of those court costs, fees, and fines over the past decade;

(5) Many of the court costs, fees, and fines assessed by the court system have little or nothing to do with the operations of an individual court or the court system in its entirety; and

(6) The foregoing financial issues are inextricably linked to a fair and equitable court system and ultimately should be studied and potentially addressed by the General Assembly.

(b)(1) The House Committee on Judiciary and the Senate Committee on Judiciary shall meet jointly to conduct a study of financial matters related to the court system.

(2) Joint meetings for the purpose of conducting the study required under this section shall be held at least one (1) time every three (3) months but may occur more often at the call of the Chair of the House Committee on Judiciary and the Chair of the Senate Committee on Judiciary.

(c)(1) The purpose of the study required under this section is to study financial matters related to the court system and to consider related legislation that may be necessary to remedy any issues identified during the course of the study.

(2) The study required under this section shall include without limitation a study of:

(A) All funding sources for the court system;

(B) The collections and distribution systems of the court system;

(C) All other financial matters related to the court system; and

(D) Legislation that may be necessary to address any issues identified in the course of the study conducted under this section.

(d) In conducting the study required under this section, the House Committee on Judiciary and the Senate Committee on Judiciary shall include

and consider input from interested parties, including without limitation:

- (1) The Arkansas Supreme Court;
- (2) District court judges in the state;
- (3) Circuit court judges in the state;
- (4) The Administrative Office of the Courts;
- (5) Mayors of Arkansas cities;
- (6) The Arkansas Municipal League;
- (7) County judges of Arkansas counties; and
- (8) The Association of Arkansas Counties.

(e) On or before October 1, 2024, the House Committee on Judiciary and the Senate Committee on Judiciary shall file with the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Arkansas Supreme Court a final written report of the activities, findings, and recommendations of the House Committee on Judiciary and the Senate Committee on Judiciary under this section, including any draft legislation.

(f) The study required under this section shall expire on December 31, 2024.

APPROVED: 2/9/23