

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

State of Arkansas
90th General Assembly
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As Engrossed: S3/18/15 H3/30/15
A Bill

SENATE BILL 886

By: Senator B. King

For An Act To Be Entitled

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

Subtitle

TO ESTABLISH ACCOUNTING MEASURES FOR
FINES, COSTS, FEES, AND RESTITUTION
ASSESSED BY THE CIRCUIT COURT IN A
CRIMINAL CASE.

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

SECTION 1. Arkansas Code Title 16, Chapter 13, Subchapter 7, is amended to add a new section to read as follows:

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

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

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

(2) The circuit clerk or other county official, agency, department, or private contractor authorized to collect the fines under § 16-13-709(a)(1)(A)(i) shall record the fines assessed by the circuit court in an automated database.



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

- (1) Date of payment;
- (2) Amount of payment;
- (3) Type of payment;
- (4) Number of the check, money order, or cashier's check, if applicable; and
- (5) Court docket number.

(d)(1) Unless the receipting system is electronic, a prenumbered manual receipt is required for all moneys collected under this section.

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

(A) Receipt books containing the prenumbered manual receipts shall be prenumbered by the printer, and a printer's certificate shall be furnished and shall be made available for inspection;

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

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

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

(f) The prenumbered receipt shall be issued in the name of the defendant regardless of who paid the fine or who collected the fine and shall indicate the method of payment, such as cash, check, money order, credit card, debit card, or cashier's check.

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

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

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

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

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

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

(A) Indicate the prenumbered receipt number, prenumbered receipt date, defendant's name, amount of the fine payment listed on the prenumbered receipt, and classification of the prenumbered receipt;

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

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

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

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

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

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

SECTION 2. DO NOT CODIFY. Entry of data.

(a) A circuit court clerk or other person authorized to collect the fines under § 16-13-709(a)(1)(A)(i) that does not already record fine assessment and collection data in an electronic database shall by October 1, 2015, have entered fine assessment and collection data for at least twenty-five percent (25%) of all circuit court cases since January 1, 2000, for which court records are still available in which the circuit court assessed a

fine as a condition of a person's sentence.

(b) A circuit court clerk or other person authorized to collect the fines under § 16-13-709(a)(1)(A)(i) that does not already record fine assessment and collection data in an electronic database shall by January 1, 2016, have entered fine assessment and collection data for at least fifty percent (50%) of all circuit court cases since January 1, 2000, for which court records are still available in which the circuit court assessed a fine as a condition of a person's sentence.

(c) A circuit court clerk or other person authorized to collect the fines under § 16-13-709(a)(1)(A)(i) that does not already record fine assessment and collection data in an electronic database shall by April 1, 2016, have entered fine assessment and collection data for at least seventy-five percent (75%) of all circuit court cases since January 1, 2000, for which court records are still available in which the circuit court assessed a fine as a condition of a person's sentence.

(d) A circuit court clerk or other person authorized to collect the fines under § 16-13-709(a)(1)(A)(i) that does not already record fine assessment and collection data in an electronic database shall by July 1, 2016, have entered fine assessment and collection data for all circuit court cases since January 1, 2000, for which court records are still available in which the circuit court assessed a fine as a condition of a person's sentence.

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

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

(b) The Circuit Court Accounting and Fine Collection Committee shall consist of the following members, with the members under subdivisions (b)(3)-(7) of this section to be appointed by the Governor:

(1) The Director of the Administrative Office of the Courts who shall serve as chair;

(2) The Director of the Department of Community Correction or his or her designee;

(3) A prosecuting attorney recommended by the Prosecutor Coordinator;

(4) A public defender recommended by the Executive Director of

the Arkansas Public Defender Commission;

(5) Two (2) circuit court clerks recommended by the Arkansas Circuit Clerks Association;

(6) One (1) county sheriff recommended by the Arkansas Sheriff's Association; and

(7) One (1) representative of the Association of Arkansas Counties.

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

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

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

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

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

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

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

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

(j) The Circuit Court Accounting and Fine Collection Committee is established to:

(1) Promote collaboration and provide recommendations to the General Assembly on issues involving circuit court clerk accounting practices and the assessment and collection of circuit court fines;

(2) Establish strict guidelines and timetables for each judicial district's implementation of an automated circuit court fine, fee, and restitution collection system for those judicial districts that are not already automated; and

(3) Study the use, effectiveness, and cost of various automated

fine, fee, and restitution systems used by different judicial districts.

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

(l) Arkansas Legislative Audit shall be given prior notice of any meeting of the Circuit Court Accounting and Fine Collection Committee and is permitted to attend in order to offer assistance.

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

/s/B. King