

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

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 590

By: Senator C. Tucker

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING COURT INSTALLMENT
FEES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING COURT
INSTALLMENT FEES.

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

SECTION 1. DO NOT CODIFY. Legislative purpose and intent.

(a) The General Assembly finds that:

(1) The current system of funding the state judicial system has a disproportionate impact on the lower income citizens of the state; and

(2) The current system of funding the Judicial Fine Collection Enhancement Fund and court automation funds utilized by the circuit and district courts of this state has created inequity in the level of judicial services available to the citizens of the state.

(b) It is the intent of the General Assembly to:

(1) Eliminate the collection and assessment of the installment payment fee currently funding:

(A) The Judicial Fine Collection Enhancement Fund;

(B) The circuit court automation funds;

(C) The district court automation funds; and

(D) A portion of the State Administration of Justice Fund;

and

(2) Fund the cost of the judicial system from other sources as determined by the General Assembly.



SECTION 2. Arkansas Code § 16-13-704 is amended to read as follows:
16-13-704. Installment payments – Definition.

(a)(1) If the court concludes that the defendant has the ability to pay the fine, but that requiring the defendant to make immediate payment in full would cause a severe and undue hardship for the defendant and the defendant’s dependents, the court may authorize payment of the fine by means of installment payments in accordance with this subchapter.

(2)(A) When a court authorizes payment of a fine by means of installment payments, it shall issue, without a separate disclosure hearing, an order that the fine be paid in full by a date certain and that in default of payment, the defendant must appear in court to explain the failure to pay.

(B) In fixing the date of payment, the court shall issue an order which will complete payment of the fine as promptly as possible without creating a severe and undue hardship for the defendant and the defendant’s dependents.

(3) When a person is authorized to pay a fine on an installment basis, any court cost assessed under § 9-15-202(d) or § 16-10-305(h) shall be collected from the initial installment payment first.

(4) As used in this section, “ability to pay” means that the resources of the defendant, including all available income and other resources, are sufficient to pay the fine and provide the defendant and his or her dependents with a reasonable subsistence compatible with health and decency.

~~(b)(1)(A) In addition to the fine and any other assessments authorized by this subchapter, an installment fee of five dollars (\$5.00) per month shall be assessed on each person who is authorized to pay a fine on an installment basis.~~

~~(B) This fee shall be collected in full each month in which a defendant makes an installment payment.~~

~~(C) This fee shall accrue each month that a defendant does not make an installment payment and the fine has not been paid in full. As of December 31, 2023, funds held in circuit court automation funds shall be used solely for:~~

(A) Court-related technology and technology-related supplies;

- (B) Court-related security;
- (C) Enhancement of judicial office facilities and courtrooms;
- (D) Judicial education for judges and court personnel;
- (E) Court-related digital audio recording equipment; and
- (F) Other expenditures related to the administration of justice.

~~(2)(A)(i) One half (1/2) of the installment fee collected in circuit court shall be remitted by the tenth day of each month to the Administration of Justice Funds Section of the Office of Administrative Services of the Department of Finance and Administration, on a form provided by that office, for deposit into the Judicial Fine Collection Enhancement Fund established by § 16-13-712.~~

~~(ii) The other half of the installment fee shall be remitted by the tenth day of each month to the county treasurer to be deposited into a fund entitled the "circuit court automation fund" to be used solely for circuit court-related technology.~~

~~(B)(i) Expenditures from the circuit court automation fund shall be approved by the administrative circuit judge of each judicial circuit and shall be authorized and paid under the state laws governing the appropriation and payment of county expenditures.~~

~~(ii) Expenditures may be made for indirect expenses related to implementation of new court-related technology, including overtime pay, personnel or travel expenses, and technology-related supplies.~~

~~(iii)(3) Funds in each county in a judicial district may be pooled for expenditure pursuant to a circuit-wide technology plan approved by the administrative circuit judge.~~

~~(3)(A) One half (1/2) of the installment fee collected in district court shall be remitted by the tenth day of each month to the Administration of Justice Funds Section, on a form provided by that section, for deposit into the Judicial Fine Collection Enhancement Fund established by § 16-13-712.~~

~~(B) The other half of the installment fee collected in district court shall be remitted by the tenth day of each month to the city treasurer of the city in which the district court is located to be deposited into a fund entitled the "district court automation fund" to be used solely~~

~~for district court related technology.~~

~~(C) In any district court which is funded solely by the county, the other half of this fee shall be remitted by the tenth day of each month to the county treasurer of the county in which the district court is located to be deposited into the district court automation fund to be used solely for district court related technology.~~

(4) An administrative circuit judge may approve expenditures from the circuit court automation fund in any amount not to exceed the balance in the circuit court automation fund.

(c)(1) As of December 31, 2023, funds held in district court automation funds shall be used solely for:

(A) Court-related technology and technology-related supplies;

(B) Court-related security;

(C) Enhancement of judicial office facilities and courtrooms;

(D) Judicial education for judges and court personnel;

(E) Court-related digital audio recording equipment; and

(F) Other expenditures related to the administration of justice.

~~(D)(i)(2) Expenditures from the district court automation fund shall be approved by a district judge and shall be authorized and paid under state laws governing the appropriation and payment of county or municipal expenditures by the governing body or, if applicable, governing bodies, that contribute to the expenses of a district court.~~

~~(ii) Expenditures may be made for indirect expenses related to implementation of new court related technology, including overtime pay, personnel or travel expenses, and technology related supplies.~~

(3) Funds of each municipality and county in a judicial district may be pooled for expenditure pursuant to a district-wide technology plan approved by the district judge.

(4) A district judge may approve expenditures from the district court automation fund in any amount not to exceed the balance in the district court automation fund.

~~(E)(i)(d) In circuit court only, an installment a designated collector fee of an additional five dollars (\$5.00) per month~~

shall also be assessed on the first day of each month on each person who is ordered to pay a fine on an installment basis with the ~~additional~~ five dollars (\$5.00) to be remitted to the collecting official to be used to defray the cost of fine collection.

~~(ii) In district court only, an installment fee of an additional five dollars (\$5.00) per month shall also be assessed on the first day of each month on each person who is ordered to pay a fine on an installment basis with the additional five dollars (\$5.00) to be remitted by the tenth day of each month to the Administration of Justice Funds Section on a form provided by that section for deposit into the State Administration of Justice Fund.~~

~~(e)~~(e) Any defendant who has been authorized by the court to pay a fine by installments shall be considered to have irrevocably appointed the clerk of the court as his or her agent upon whom all papers affecting his or her liability may be served, and the clerk shall forthwith notify the defendant thereof by ordinary mail at his or her last known address.

~~(d) "Ability to pay" means that the resources of the defendant, including all available income and resources, are sufficient to pay the fine and provide the defendant and his or her dependents with a reasonable subsistence compatible with health and decency.~~

SECTION 3. Arkansas Code Title 16, Chapter 13, Subchapter 7, is amended to add additional sections to read as follows:

16-13-713. Elimination of installment fee.

(a) Except as otherwise provided in this section, beginning January 1, 2024, the assessment and collection of an installment fee is prohibited.

(b) In district court, the collection of an installment fee assessed before December 31, 2023, is prohibited.

(c)(1) In circuit court, an installment fee that is uncollected as of December 31, 2023, shall be reduced by fifty percent (50%).

(2) An installment fee collected under subdivision (c)(1) of this section may be collected and remitted to the collecting official to be used to defray the costs of collection.

16-13-714. Administration of Arkansas Judicial Innovation Fund - Circuit courts and district courts.

(a) The Director of the Administrative Office of the Courts may administer funds in the Arkansas Judicial Innovation Fund appropriated for use by the circuit courts and district courts.

(b) Payments from the Arkansas Judicial Innovation Fund shall be paid from funds appropriated for that purpose to the Administrative Office of the Courts.

(c)(1) On or before August 1 of each year, the Administrative Office of the Courts shall notify all circuit judges and district judges of the amount of his or her share of the funds in the Arkansas Judicial Innovation Fund.

(2) The proportional share of each circuit judge shall be equal to one-third (1/3) of the total amount appropriated divided by the total number of circuit judges.

(3) The proportional share of each district judge shall be equal to two-thirds (2/3) of the amount appropriated divided by the total number of district judges.

(d) Upon request, the Administrative Office of the Courts shall distribute funds in the Arkansas Judicial Innovation Fund to the district court judicial innovation fund or circuit court judicial innovation fund in the cities or counties designated by the requesting judge.

(e) Any funds remaining on January 1 of each year shall be retained by the office and may be distributed as supplemental funding for other state or local expenditures related to the administration of justice.

16-13-715. Arkansas Judicial Innovation Fund Program – Circuit courts and district courts.

(a)(1) There is created a circuit court judicial innovation fund for each judicial circuit in the state.

(2) Funds held in a circuit court judicial innovation fund shall be used solely for:

(A) Court-related technology and technology-related supplies;

(B) Court-related security;

(C) Enhancement of judicial office facilities and courtrooms;

(D) Judicial education for judges and court personnel;

(E) Court-related digital audio recording equipment; and
(F) Other expenditures related to the administration of justice.

(3) Expenditures from a circuit court judicial innovation fund shall be approved by the circuit judge and shall be authorized and paid under the state laws governing the appropriation and payment of county expenditures.

(4) Funds in each county in a judicial district may be pooled for expenditure pursuant to a circuit-wide technology plan.

(5) A circuit judge may approve expenditures from the circuit court judicial innovation fund in any amount not to exceed the balance in the circuit court judicial innovation fund.

(b)(1) There is created a district court judicial innovation fund for each district court judicial district in the state.

(2) Funds held in a district court judicial innovation fund shall be used solely for:

(A) Court-related technology and technology-related supplies;

(B) Court-related security;

(C) Enhancement of judicial office facilities and courtrooms;

(D) Judicial education for judges and court personnel;

(E) Court-related digital audio recording equipment; and

(F) Other expenditures related to the administration of justice.

(3) Expenditures from a district court judicial innovation fund shall be approved by the district judge and shall be authorized and paid under state laws governing the appropriation and payment of county or municipal expenditures by the governing body or, if applicable, governing bodies, that contribute to the expenses of a district court.

(4) Funds in each municipality and county in a judicial district may be pooled for expenditure pursuant to a district-wide technology plan approved by the district judge.

(5) A district judge may approve expenditures from the district court judicial innovation fund in any amount not to exceed the balance in the district court judicial innovation fund.

SECTION 4. Arkansas Code Title 19, Chapter 5, Subchapter 12, is amended to add an additional section to read as follows:

19-5-1277. Arkansas Judicial Innovation Fund – State.

(a) There is established on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a miscellaneous fund to be known as the “Arkansas Judicial Innovation Fund”.

(b) The fund shall consist of funds appropriated by the General Assembly to be used by the Administrative Office of the Courts for technological development, maintenance and support for the judiciary, and other state agencies with whom the Administrative Office of the Courts exchanges data.

SECTION 5. Arkansas Code § 19-5-1085(b), concerning the Judicial Fine Collection Enhancement Fund, is amended to read as follows:

(b) The fund shall consist of the ~~time-payment fees established by § 16-13-704,~~ electronic payment access fees established by § 16-92-118, court technology fees established by § 21-6-416, federal court certified question fees and fees for Court of Appeals or Supreme Court decision petitions for rehearing established by § 21-6-401(a)(2) and (3), respectively, and fees for electronic filing and public online access to court decisions and other court records established by § 21-6-401(d), there to be used by the Administrative Office of the Courts for the purchase of computer hardware and software as set out in § 16-13-712.