

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: S3/18/15 H3/30/15

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

12
13 TO ESTABLISH ACCOUNTING MEASURES FOR
14 FINES, COSTS, FEES, AND RESTITUTION
15 ASSESSED BY THE CIRCUIT COURT IN A
16 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) 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.



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

5 (1) Date of payment;

6 (2) Amount of payment;

7 (3) Type of payment;

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

10 (5) Court docket number.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29
30 SECTION 2. DO NOT CODIFY. Entry of data.

31 (a) A circuit court clerk or other person authorized to collect the
32 finances under § 16-13-709(a)(1)(A)(i) that does not already record fine
33 assessment and collection data in an electronic database shall by October 1,
34 2015, have entered fine assessment and collection data for at least twenty-
35 five percent (25%) of all circuit court cases since January 1, 2000, for
36 which court records are still available in which the circuit court assessed a

1 fine as a condition of a person's sentence.

2 (b) A circuit court clerk or other person authorized to collect the
3 finer under § 16-13-709(a)(1)(A)(i) that does not already record fine
4 assessment and collection data in an electronic database shall by January 1,
5 2016, have entered fine assessment and collection data for at least fifty
6 percent (50%) of all circuit court cases since January 1, 2000, for which
7 court records are still available in which the circuit court assessed a fine
8 as a condition of a person's sentence.

9 (c) A circuit court clerk or other person authorized to collect the
10 finer under § 16-13-709(a)(1)(A)(i) that does not already record fine
11 assessment and collection data in an electronic database shall by April 1,
12 2016, have entered fine assessment and collection data for at least seventy-
13 five percent (75%) of all circuit court cases since January 1, 2000, for
14 which court records are still available in which the circuit court assessed a
15 fine as a condition of a person's sentence.

16 (d) A circuit court clerk or other person authorized to collect the
17 finer under § 16-13-709(a)(1)(A)(i) that does not already record fine
18 assessment and collection data in an electronic database shall by July 1,
19 2016, have entered fine assessment and collection data for all circuit court
20 cases since January 1, 2000, for which court records are still available in
21 which the circuit court assessed a fine as a condition of a person's
22 sentence.

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

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

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

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

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

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

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

1 the Arkansas Public Defender Commission;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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13 /s/B. King
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