

Stricken language would be deleted from and underlined language would be added to present law.
Act 38 of the Regular Session

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1245

5 By: Representative Dalby
6 By: Senator G. Stubblefield
7

For An Act To Be Entitled

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

Subtitle

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

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

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

30 (a) The General Assembly finds that:

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

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



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

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

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

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

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

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

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

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

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

28 (A) All funding sources for the court system;

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

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

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

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

1 and consider input from interested parties, including without limitation:

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

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

17 (f) The study required under this section shall expire on December 31,
18 2024.

21 **APPROVED: 2/9/23**