

Financial Matters Related to the Court System Legislative Study

House and Senate Committees on Judiciary

Final Report
September 2024

I. Background.

During the 2023 Regular Session, the Arkansas General Assembly passed Act 38 of 2023 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 (*See Attachment A*). Pursuant to Act 38 of 2023, the House Committee on Judiciary and Senate Committee on Judiciary (herein referred to as the Committees) met jointly to consider this study. The purpose of this 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.

The legislative study 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 court of the study conducted under this section.

The Act required on or before October 1, 2024, the Committees 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 Committees, including any draft legislation.

II. Work of the Committees

The Committees met jointly on the following dates to study the financial matters related to the court system: December 5, 2023; March 4, 2024; June 6, 2024; August 1, 2024; September 9, 2024; and September 23, 2024.

The Committees heard from various state departments and associations from the state, county, and local levels including the following:

- Administrative Office of the Courts;
- Arkansas District Judges Council;
- Arkansas Legislative Audit;

- Arkansas Municipal League;
- Association of Arkansas Counties; and
- County Judges' Association of Arkansas.

In September 2024, the Committees began discussions of the recommendations to be included in the final report. The Committees did not recommend draft legislation to be included in this report.

III. Recommendations to the Governor, Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Arkansas Supreme Court.

The Committees met jointly on September 9, 2024, and adopted the following recommendations for the Financial Matters Related to the Court System legislative study:

1. Eliminate the cost-sharing requirement of state district judge salaries with cities and counties.

In 2006, there were over 140 limited court jurisdiction judges, previously known as municipal judges, city court judges, and local district judges. The General Assembly found that the system that existed at the time “consists of a combination of full-time and part-time district and city courts funded by city and county governments” and “Because the current system of limited jurisdiction courts is not uniform, it is contrary to the interest of the state to merely shift the funding of the system from local government to state government without addressing the structure of the district court system.” As the General Assembly found in 2011, “A state-funded system should include an analysis by the state that furthers the goal of a unified and equitable system for the delivery of judicial services.” The General Assembly established the District Court Resource Assessment Board to begin that analysis process by establishing a pilot program that created a limited number of state-funded district court judgeships and a process for the study and consideration of establishing additional district courts in the future. In 2011, the General Assembly established a process for cost-sharing the salary of the newly created State District Court Judges. Every year, cities and counties that operate departments of a district court must sign cost-sharing agreements that require them to contribute \$58,650 toward the salary of each state district court judge in their judicial district. This amount is paid to the State and is equal to one-half the base cost of a state district judge’s salary established in 2009. The state is responsible for paying the remainder of a state district judge’s salary and benefits. Effective January 1, 2025, the State will complete the transition of the district court system from Local District Courts to State District Courts. Effective January 1, 2025, the number of district judges will be reduced to 70 full-time State District Judges.

Proposed Legislative Action:

- Amend Ark. Code Ann. § 16-17-1106 to eliminate the cost-sharing requirement of state district judge salaries with cities and counties.
- The estimated fiscal impact to the State is \$4,105,500 (70 State District Judges x \$58,650 = \$4,105,500).

2. Eliminate the \$10.00 installment fee in district courts.

The “installment payment fee” is a \$10.00 monthly fee charged to a defendant who cannot immediately pay the amount of fines, fees, and court costs due at the time a case is adjudicated. The fee is made up of two \$5.00 fees that accrue every month a defendant has an outstanding balance. (See A.C.A. § 16-13-704) In circuit court, the first \$5.00 fee is split in half, with \$2.50 disbursed to the Judicial Fine Collection Enhancement Fund and \$2.50 disbursed to the county treasurer for the Circuit Court Automation Fund. The second \$5.00 fee is disbursed to the official primarily responsible for the collection of circuit court fines and is used to defray the costs of collection. In district court, the first \$5.00 is split in half, with \$2.50 disbursed the Judicial Fine Collection Enhancement Fund and \$2.50 is disbursed to the city treasurer for the District Court Automation Fund. The second \$5.00 fee is disbursed to the State Administration of Justice Fund.

Proposed Legislative Action:

- Amend A.C.A. § 16-13-704 to eliminate the two \$5.00 installment fees collected in district courts.
- If the \$10.00 installment payment fee is eliminated in district courts, additional legislative action should be taken simultaneously to ensure that current funding priorities continue to be met:
 - (1) Identify Replacement Funding for the Judicial Fine Collection Enhancement Fund.
 - \$2.66 million dollars of replacement funding should be identified and appropriated to the Judicial Fine Collection Enhancement Fund.
 - Revenues deposited into the Judicial Fine Collection Enhancement Fund are used by the Administrative Office of the Courts to purchase, develop, and maintain the computer hardware and software used statewide to assist with the uniform assessment, collection, management, and reporting of fines. Additionally, these funds are used to support the data exchanges currently in place with multiple executive branch agencies.
 - \$2.66 million dollars represents the estimated revenue collected in district courts from this portion of installment payment fees and disbursed for this priority in 2023.
 - (2) Identify Replacement Funding for District Court Automation Funds.
 - \$2.66 million dollars of replacement funding should be identified and appropriated to the Administrative Office of the Courts to be used for a new district court technology grant program.
 - Revenues deposited in local “district court automation funds” are currently used solely for district court-related technology. 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.
 - This new appropriation would replace local “district court automation funds” with a pool of money that courts could apply for based on need. The Administrative Office of the Courts would administer this grant program.

\$2.66 million dollars represents the estimated revenue collected in district courts from this portion of installment payment fees and disbursed for this priority in 2023.

3. Recalculate the “retained share” of uniform filing fees and court costs from the current fixed amount to a 50/50 split between City Administration of Justice Funds and County Administration of Justice Funds with the State Administration of Justice Funds.

Prior to 1995, cities and counties could establish their own local fees and court costs. The General Assembly found that locally established fees and court costs led to “inequity in the level of judicial services available to the citizens of the state.” To remedy the inequity, the General Assembly established Uniform Fees and Court Costs in 1995. (See A.C.A. § 16-10-601) Act 1256 of 1995 and Act 788 of 1997 established a system whereby each city and county “retained” a fixed amount of Uniform Fees and Court Costs locally based on the greater amount of one of several possible measures of funds collected in 1994 or 1995. (See A.C.A. § 16-10-602) This “retained” share amount is deposited into a local Administration of Justice Fund and used to fund preexisting obligations related to the local administration of justice. (See A.C.A. § 16-10-307 and § 16-10-308) Examples include a prosecuting attorney fund, prosecuting attorney's victim-witness program fund, public defender/indigent defense fund, public defender investigator fund, county law library fund, county jail fund, the intoxication detection equipment fund, police and fire pension fund, and municipal judge and clerk retirement fund. Any amount of fees and costs collected over the “retained” share amount is dispersed to the State Administration of Justice Fund. The current fixed “retained” shares are based on a fiscal study from 1995 and only increase by an average of 1.64% annually.

The effect of this fixed retained share amount is that cities and counties that had high retained shares due to high local fees and costs in 1995 and have experienced decreased population or fewer case filings or the Uniform Fees and Court Costs are lower than their previous local fees and costs, seldom or never contribute to the State Administration of Justice Fund. Conversely, cities and counties that had low retained shares due to lower local fees and costs in 1995 and have experienced population growth or high case filings or Uniform Fees and Court Costs that are higher than their previous local fees and costs, always contribute large sums to the State Administration of Justice. The formula for “retained” shares made sense at the time of the legislation because the fiscal impact to cities and counties was neutral. Today there is a growing disparity between the cities and counties that contribute to the State Administration of Justice Fund and thereby, the inequitable result of certain cities and counties retaining large sums while others always have to send their collections to the State. A 50/50 split will result in both local administration of justice funds and the State Administration of Justice Fund receiving funds each month. Some local governments that have benefited from the current system may experience some revenue loss; however, the local governments that have suffered under the current system will be treated more fairly.

Proposed Legislative Action:

- Conduct a Fiscal Impact Study to determine the financial impact of converting all city and county “retained shares” of uniform filing fees and court costs from the current fixed amount to a 50/50 split between City Administration of Justice Funds and County Administration of Justice Funds with the State Administration of Justice Fund.
- The study should consider the impact of potential changes in population size, the number of case filings, and the collection rates of uniform filing fees and court costs on City Administration of Justice Fund, County Administration of Justice Funds, and the State Administration of Justice Fund.
- The study should consider the overall financial health of City Administration of Justice Funds, County Administration of Justice Funds, and the State Administration of Justice Fund. Additionally, the study should evaluate the ability of each fund to continue to finance the entities and programs included in A.C.A. § 16-10-307, § 16-10-308, § 16-10-310, § 16-10-313, and § 16-10-314.
- Repeal the section of A.C.A. § 16-10-209 that authorizes a municipal or county governing body that adopted municipal or county legislation before July 1, 2012, to provide an alternative method of installment payment allocation.

4. Conduct a study of the State Administration of Justice Fund.

Established by Act 1256 of 1995, the Administration of Justice Fund came into existence with Uniform Fees and Court Costs as a repository where fees and court costs could be collected and disbursed to different entities in the state judicial system. This fund’s purpose in 1995 was, “to eliminate the current system of collecting and assessing a large number of individual court costs and filing fees, to replace it with a uniform cost and fee to be applied statewide, and to prohibit the implementation of new costs and fees for specific programs in the future. It is, further, the intent of this act to put in place a reporting system which will allow the General Assembly to obtain accurate data to determine the cost to the state for the funding of the judicial system, so as to allow the state, in the 1997–1999 biennium, to fund the cost of the judicial system from the costs, fees, fines, and such other sources as the General Assembly shall determine.” The Administration of Justice Fund intended to track how money for the state justice system came in and was then distributed to other funds. It was meant to collect data on what a statewide system with uniform fees and costs would cost to maintain. However, in the past 30 years, instead of using the data from that fund to make policy decisions about how to fund the justice system, the fund has been used simply to fund the justice system. The original funds or agencies benefitting from the State Administration of Justice Fund included:

- (1) The Board of Trustees of the University of Arkansas for the purpose and as regulated by A.C.A. § 6-64-604, § 6-64-605, and § 6-64-606;
- (2) The Public Health Fund for use in the Drug Abuse Prevention and Treatment program of the Division of Alcohol and Drug Abuse Prevention;
- (3) The Highway Safety Special Fund for programs of the Arkansas Highway Safety Program;

- (4) The Department of Arkansas State Police for the State Police Retirement Fund;
- (5) The Crime Victims Reparations Revolving Fund for the purpose and as regulated by A.C.A. § 16-90-701 et seq.;
- (6) The Prosecutor Coordinator's office for deposit in the Law Enforcement and Prosecutor Drug Enforcement Training Fund;
- (7) The Code Revision Fund for the purpose and as regulated by A.C.A. § 1-2-305;
- (8) The Crime Information System Fund;
- (9) The Municipal Court Judge and the Municipal Court Clerk Education Fund;
- (10) The Arkansas Judicial Retirement System Fund;
- (11) The state Central Services Fund for the benefit of the Public Defender Commission;
- (12) The Court Reporter Fund;
- (13) The Justice Building Fund;
- (14) Until June 30, 1996, the Arkansas Counties Alcohol and Drug Abuse and Crime Prevention Fund; and
- (15) Effective July 1, 1996, the Administration of Justice Fund to fund the trial court staff persons authorized by Section 16 of this act.

Additional programs have been added to the fund over time; today 21 programs or entities benefit from the State Administration of Justice Fund. Some entities and programs only have vague connections to the state court system or are “justice partners.” While many of these entities and programs may have value, if the intent of the Committees is to discover and make decisions on the funding of the state justice system, the Committees should consider eliminating unnecessary and unrelated entities and programs from the State Administration of Justice Fund.

Proposed Legislative Action:

- Conduct a study of the State Administration of Justice Fund.
- The study should consider 1) the priorities established between the programs and entities receiving funds, 2) the elimination all programs and entities from the fund whose purposes are not directly related to the state court system, 3) the effectiveness and continued need of programs and entities receiving funds, 4) the elimination of payment of state employee salaries out of the fund and 5) identify replacement general revenue sources for payment of state employee salaries.

5. The Committees recognize that the District Court Resources Assessment Board (DCRAB) should consider items of importance that the General Assembly would need to consider in the next legislative session, and the General Assembly will look to DCRAB for possible solutions, as it pertains to financial matters related to the court system, including but not limited to security issues, the consolidation of departments within a district county, minimum standards for departments within a district court, and cost savings.

“Department” means the physical location where sessions of court are held. (See A.C.A. § 16-17-1102) It is mandatory for a district judge to hold court in each department of the district at least one (1) time a month unless mutually waived by the district court judge and the governing body of the city or town in which the department is located (See A.C.A. § 16-17-1102). The Arkansas Code does not contain minimum standards required to operate as a department of district court. A lack of minimum standards has resulted in regular findings by Arkansas Legislative Audit for non-compliance with District Court Accounting Law, investigations related to embezzlement and theft of funds by public employees, inadequate courtroom facilities, and inadequate security for court personnel and for members of the public who conduct business in the State’s district courts. The District Court Resource Assessment Board is tasked with recommending to the General Assembly at each regular session: Criteria for the creation and placement of full-time, state-funded district court judgeships and revisions of current district court judgeships or the redistricting of the district court districts of this state. (A.C.A. § 16-17-1003) The District Court Resources and Assessment Board is an appropriate body to formulate a recommendation on what minimum standards should be required to operate as a department of district court.

Proposed Legislative Action:

- Request that the District Court Resources Assessment Board formulate a recommendation to the General Assembly on minimum standards that should be required to operate as a department of a district court.
- The General Assembly should pass a statute incorporating the recommended minimum standards for operating as a department of district court.

A potential standards should include: physical requirements to ensure adequate courtroom facilities, required employment of at least two full-time district court clerks to ensure the segregation of duties as required pursuant to District Court Accounting Law, regular operating hours for district court clerks, security requirements such as a dedicated court security personnel or security equipment to ensure the safety of court personnel and members of the public who conduct business in the state’s district courts, minimum case volume requirements such as an average annual caseload, and minimum case accounting requirements such as a maximum number repeated audit findings before triggering a mandatory dissolution process for the department.

6. The judicial branch is encouraged to develop a web-based application that automatically notifies individuals, via text-message or other automated electronic notification, when they have an upcoming court appearance, in an effort to reduce the number of failures to appear in the state.

IV. Conclusion

It is the intention of the Committees to strive to fulfill its obligation under Act 38 of 2023 to determine solutions to financial matters related to the court system. Please see Attachments A-F which were submitted to the Committees for consideration in this legislative study.

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

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



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**

Special Report *Arkansas Legislative Audit*

Information Regarding Arkansas District Courts

For the Period January 1, 2023 through December 31, 2023



INTRODUCTION

This report is issued pursuant to a request, approved by the Legislative Joint Auditing Committee, for Arkansas Legislative Audit (ALA) to obtain selected information concerning Arkansas District Courts, which were excluded from a previously issued ALA special report that addressed the same objectives for the Arkansas Supreme Court, Court of Appeals, and Circuit Courts.¹ This report was requested to help the House and Senate Judiciary Committees comply with Act 38 of 2023, which requires (a) a legislative study of financial matters related to the court system and (b) consideration of any legislative changes necessary to address issues identified during the study. Overall, for the period reviewed, annualized revenues or funding inflows for the State's District Courts totaled \$119.4 million, while annualized expenditures or funding outflows totaled \$80.2 million, as shown in **Exhibit VII on page 13**.

OBJECTIVES

The objectives of this report were to:

- Provide the structure and history of District Courts in the State.
- Categorize caseloads of District Courts.
- Describe how funds for District Courts flow between state government and local governments.
- Compile a list of revenue by source, by District.²
- Provide local- and state-funded salary expenditures by District.
- Provide additional local- and state-funded expenditures by District.

SCOPE AND METHODOLOGY

This review was conducted for period January 1, 2023 through December 31, 2023. The information provided in the report was obtained from the Arkansas Administrative Statewide Information System (AASIS); certain relevant sections of Arkansas Code; relevant reports from various state agencies; and documentation from local government entities, as requested by ALA staff. It should be noted that three entities, identified in **Appendix A**, provided none of the information ALA requested, and ALA could not obtain the information through alternate procedures.

¹ Special Report – Information Regarding the Arkansas Supreme Court, Court of Appeals, and Circuit Courts – For the Period January 1, 2013 through June 30, 2015 (SPSA01315) is available on the ALA website at www.arklegaudit.gov.

² The word "District," when used in isolation in this report, refers to the 39 Districts for State District Courts and the 10 Districts for Local District Courts that are identified in **Exhibit II on page 4**.

ARKANSAS LEGISLATIVE AUDIT
500 Woodlane Street, Suite 172, Little Rock, AR 72201
Phone: 501-683-8600 • Fax: 501-683-8605
www.arklegaudit.gov

Report ID: SPSA61723

Report Date: July 29, 2024



STRUCTURE AND HISTORY OF ARKANSAS COURTS

The current structure of the Arkansas court system is provided in **Exhibit I on page 3**. This report focuses on State and Local District Courts.

Arkansas District Courts

Prior to 2001, the State maintained separate courts of law and courts of equity,³ resulting in confusion regarding proper jurisdiction. Effective July 1, 2001, Amendment 80 to the Arkansas Constitution eliminated the separate courts of law and equity. As a result, Circuit Courts became the general jurisdiction trial courts for the State, hearing civil and criminal cases not exclusively belonging to another court. Based on its authority over lower courts, the Supreme Court required Circuit Courts to establish five subject matter divisions in each county: criminal, civil, domestic relations, probate, and juvenile.

Although Circuit Courts are the general jurisdiction courts for the State, some matters are assigned to District Courts. Ark. Const. amend. 80, § 7, established District Courts as the trial courts of limited jurisdiction as to amount and subject matter, subject to the right of appeal to Circuit Courts for a new trial. There shall be at least one District Court in each county, and a District Judge may serve in one or more counties. Ark. Const. amend. 80, § 10, states that the General Assembly shall have the power to establish judicial districts and the number of judges for District Courts, provided districts are comprised of contiguous territories.

Arkansas Supreme Court Administrative Order 18, effective January 1, 2005, required that District Court Judges establish four subject-matter divisions in each district court: criminal, civil, traffic, and small claims. Although sessions of District Court may be held in multiple departments or physical locations, each department maintains its own docket.

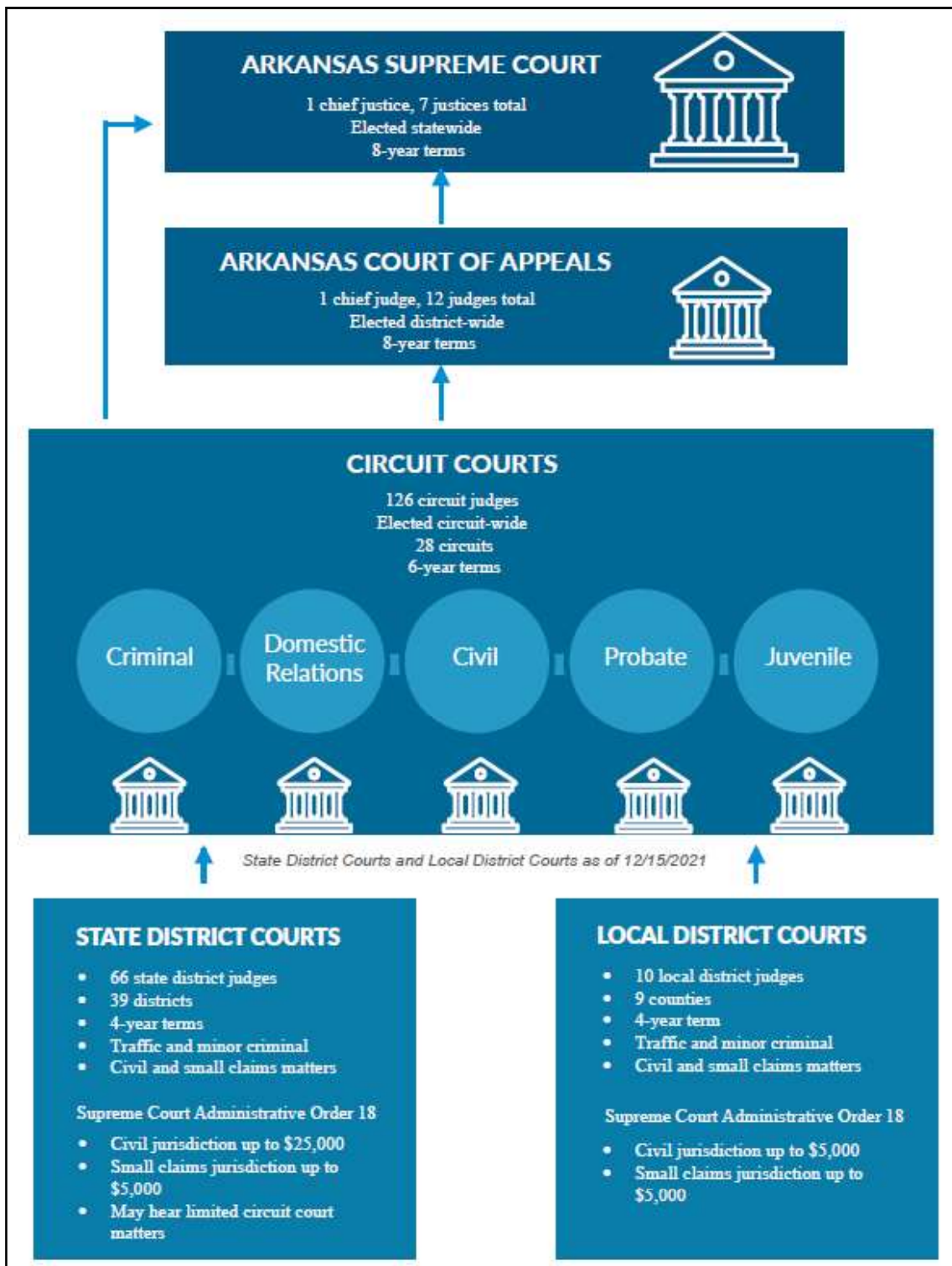
Act 663 of 2007 created the District Court Resource Assessment Board (DCRAB), a pilot program of full-time District Court Judges who are employees of the State, and consolidated City Courts with District Courts. As noted in this Act, the General Assembly found that the goal expressed with the adoption of Ark. Const. amend. 80 was the creation of a three-tiered, unified court system; the current structure of the limited jurisdiction courts at the time consisted of a combination of full-time and part-time District and City Court Judges funded by city and county governments; and the cumulative effect of the creation and funding of these courts by local governments was an unequal level of access to, and an inequitable distribution of, judicial services to communities. As there was a state interest in providing a more uniform level of judicial resource to all, it was determined that a pilot program that created a limited number of state-funded District Court judgeships be implemented. An analysis by the State regarding the goal of a unified and equitable system for the delivery of judicial services was to be performed in the consideration of establishing additional District Courts in the future.

Act 1219 of 2011 created State District Courts. As noted in this Act, DCRAB studied the effectiveness of the State's creation of the pilot District Courts and found that they were successful in creating a more uniform and equitable judicial system, reducing the number of District and City Court Judges, maintaining the level of service to the communities served by the District and City Courts, allowing the shift of cases from Circuit to District Courts, decreasing the number of conflicts that required the appointment of special judges, and improving public access to the court system. As such, it was decided that the State would continue the incremental creation of the State District Courts served by full-time judges. It should be noted that, pursuant to Ark. Code Ann. § 16-17-1202, as of January 1, 2012, all City Courts were consolidated with District Courts, and former City Courts became known as departments of a District Court.

³ Often called "chancery courts," courts of equity handled lawsuits and petitions requesting remedies other than damages, such as writs, injunctions, and specific performance (<https://dictionary.law.com>).

Exhibit I

Arkansas Courts Organizational Structure



Source: <https://arcourts.gov/sites/default/files/Arkansas-Court-Structure.pdf> (unaudited by Arkansas Legislative Audit)

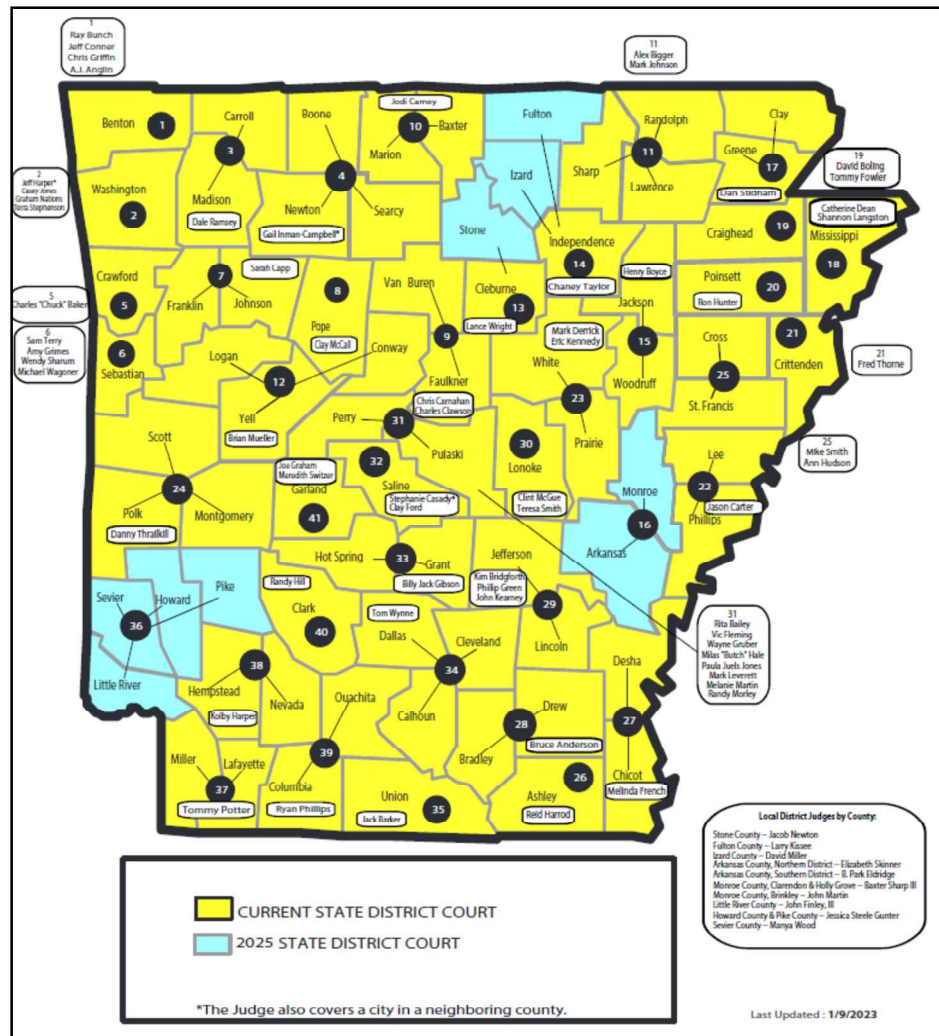
Information Regarding Arkansas District Courts

During calendar year 2023, the State had a total of 39 State District (numbered 1 – 41, except 16 and 36) and 10 Local District Courts, as shown in **Exhibit II**, which also indicates the judges in each District. The remaining 10 Local District Courts will no longer exist beginning in calendar year 2025 when they will become State District Courts as a result of Ark. Code Ann. §§ 16-17-1114 – 16-17-1116, and as shown in **Exhibit III on page 5**. **Appendix A** provides the counties, departments, and outlying jurisdictions that make up each District.

As reflected in **Exhibit I on page 3**, during calendar year 2023, there were 66 full-time State District Judges from the 39 districts and 10 Local District Judges; each judge serves a four-year term. Supreme Court Administrative Order 18 allows for State District Courts to have civil jurisdiction up to \$25,000 and small claims jurisdiction up to \$5,000, and they may hear limited Circuit Court matters. Administrative Order 18 allows for Local District Courts to have civil jurisdiction up to \$5,000 and small claims jurisdiction up to \$5,000. Both State District Courts and Local District Courts also hear traffic violations and minor criminal matters.

Exhibit II

Map of District Courts As of January 9, 2023



Source: <https://arcourts.gov/sites/default/files/arkansas-district-courts-map.pdf> (unaudited by Arkansas Legislative Audit)

Exhibit III

**District Court Structure
Beginning January 1, 2025**

State District Courts	Local District Courts
70 State District Judges 41 Districts 4-Year Terms <p align="center">Jurisdiction</p> Traffic & Minor Criminal Civil Matters up to \$25, 0000 Small Claims Matters up to \$5,000 Limited Circuit Court Matters	No Longer Exist

Source: Administrative Office of the Courts Report to Joint Judiciary Committee, March 2024 (unaudited by Arkansas Legislative Audit)

State Legal Personnel

Prosecuting Attorneys and Deputy Prosecuting Attorneys

The State's Prosecuting Attorneys, who are state officials, are elected to four-year terms. Each Prosecuting Attorney serves one Circuit Court Judicial District. Deputy Prosecuting Attorneys provide assistance to, are appointed by, and may be removed by the elected Prosecuting Attorney. After being traditionally paid by counties, Deputy Prosecuting Attorneys became state employees in 1999, with each county becoming responsible for a portion of the costs of regular salaries and matching benefits as of January 1, 2000.

According to the Office of the Prosecutor Coordinator, Prosecuting Attorneys have a significant role in the prosecution of District Court cases. The 28 elected Prosecuting Attorneys and 280 state-funded Deputy Prosecuting Attorneys could occasionally represent the State in District Court prosecutions; however, only some regularly practice in District Court. During the review period, 89 Deputy Prosecuting Attorneys regularly practiced in District Court, and no Prosecuting Attorneys regularly appeared in District Court.

Public Defenders

Until 1953, appointed Public Defenders for indigent defendants served without compensation. The entire cost of indigent defense was the responsibility of counties until 1985, when a series of Arkansas Supreme Court cases determined that the State was responsible for paying for the attorneys of indigent defendants, leading to the creation of the Arkansas Public Defender Commission (Commission) in 1993.

Currently, the Commission is responsible for payment of salaries for Public Defenders and support staff, as well as certain other expenses for indigent defendants listed in Ark. Code Ann. § 16-87-212. Public Defenders paid by the Commission are either state employee attorneys or contract attorneys. The Commission also pays costs related to expert witnesses, private investigators, and interpreters for indigent defendants.

According to the Commission, although contract attorneys can be appointed in District Court cases, very few were appointed during calendar year 2023. Expenses for contract attorneys, interpreters, and other professional services expenses for calendar year 2023 totaled \$8,389, as reflected in **Appendix K**.

Court Administration

Administrative Office of the Courts

The Administrative Office of the Courts (AOC) was established in 1965 as the Arkansas Judicial Department and renamed in 1989. The purpose of the AOC is to provide general support to the judicial branch for all non-judicial business through its various divisions. These divisions include functions such as human resource management, research and statistics, court interpretation, court technology administration, and judicial continuing education.

Other Court Personnel

In addition to the offices described above, District Court Clerks also contribute to the operation of the court system. In accordance with Ark. Code Ann. § 16-17-211, the judge of any District Court may appoint a Clerk for the Court. The Court Clerk is employed and paid by the city or county. When the duties of the Court Clerk do not require a full-time employee, a city council may require that the Clerk's duties be performed by any other office of the city, except a member of the police department or marshal's office. The District Court Clerk shall keep a fair record of all the acts and proceedings of the court and shall enter all judgments of the court, under the direction of the judge.

CASELOAD INFORMATION

Caseload information for calendar year 2023 for the District Courts and Public Defenders is presented by District in **Appendix B**.

FLOW OF STATE-LEVEL COURT FUNDING

State-level funding support for operation of the District Court system comes from a variety of sources, which are discussed in the sections that follow.

Uniform Filing Fees and Court Costs

At the various District Courts throughout the State, uniform filing fees and court costs of \$65 in the civil division and \$50 in the small claims division are collected for initiating a cause of action, in accordance with Ark. Code Ann. § 16-17-705. Additional court costs applicable to District Courts are authorized under Ark. Code Ann. § 16-10-305 and include \$300 for violations of the Omnibus DWI Act or the Underage DUI Law, \$75 for traffic offenses, \$100 for misdemeanor offenses, \$25 for non-traffic violations of local ordinances, \$25 for violation of mandatory seat belt law, and \$25 for failure to present proof of insurance.

Administration of Justice (AOJ) Funds

Remittances To

The various cities and counties are allowed to keep a designated amount of the uniform filing fee and court costs (often referred to as their "retained share") to fund their city- or county-level AOJ Fund. The designated amount is set forth in Ark. Code Ann. §§ 16-10-307, -308 and

certified by the Department of Finance and Administration (DFA) annually. **Appendix C** provides a copy of the Uniform Filing Fees Collection Remittance Form and Fine Report submitted to DFA monthly. The bottom portion of the form shown on **page C-1** applies to District Court collections, and **page C-2** further explains what makes up the collections, including the applicable authoritative guidance for the individual collections. **Appendix D** provides a list of the maximum retained share allowed, both monthly and annualized, by District. Amounts collected in excess of the DFA-certified amounts are remitted to the State AOJ Fund. An additional \$5 installment fee for District Courts only is collected in accordance with Ark. Code Ann. §16-13-704(b)(3)(E)(ii) and also remitted to the State AOJ Fund.

Appendix E provides a list of total remittances to the State AOJ Fund by the various District Courts. The amounts are broken out by amounts (a) exceeding the allowed retained share and (b) related to the \$5 monthly installment fee applicable to District Court operations only. **Exhibit IV** provides the top five and bottom five Courts that contribute to the State's AOJ Fund.

In addition to fees collected by the District Courts, uniform filing fees and court costs, as well as other miscellaneous fees or fines assessed by Circuit Courts, are deposited into the AOJ Fund. For calendar year 2023, the amounts deposited into the AOJ Fund totaled \$19.4 million for District Courts and \$5.3 million from Circuit Court collections.

Exhibit IV

Top Five and Bottom Five Districts that Remitted Funds to the State Administration of Justice (AOJ) Fund Calendar Year 2023

Top 5 Excess Over Allowed Retained Share			Top 5 Installment Fee		
1	District 1	\$ 1,473,487	1	District 31	\$ 539,653
2	District 25	\$ 788,671	2	District 1	\$ 492,380
3	District 23	\$ 761,207	3	District 2	\$ 411,803
4	District 29	\$ 719,153	4	District 9	\$ 395,789
5	District 2	\$ 630,472	5	District 23	\$ 339,292
Bottom 5 Excess Over Allowed Retained Share			Bottom 5 Installment Fee		
1	District 35	\$ 6,238	1	Local District Court - Monroe County, Clarendon/Holly Grove	\$ 2,125
2	District 40	\$ 15,380	2	District 22	\$ 5,778
3	Local District Court - Monroe County, Brinkley	\$ 25,758	3	Local District Court - Monroe County, Brinkley	\$ 9,601
4	Local District Court - Monroe County, Clarendon/Holly Grove	\$ 27,406	4	Local District Court - Fulton County	\$ 11,395
5	Local District Court - Arkansas County, Southern District	\$ 46,568	5	Local District Court - Izard County	\$ 12,523

Top 5 Overall			Bottom 5 Overall		
1	District 1	\$ 1,965,867	1	District 40	\$ 28,000
2	District 23	\$ 1,100,499	2	Local District Court - Monroe County, Clarendon/Holly Grove	\$ 29,531
3	District 2	\$ 1,042,275	3	Local District Court - Monroe County, Brinkley	\$ 35,359
4	District 25	\$ 918,523	4	District 22	\$ 57,044
5	District 31	\$ 853,872	5	District 35	\$ 61,524

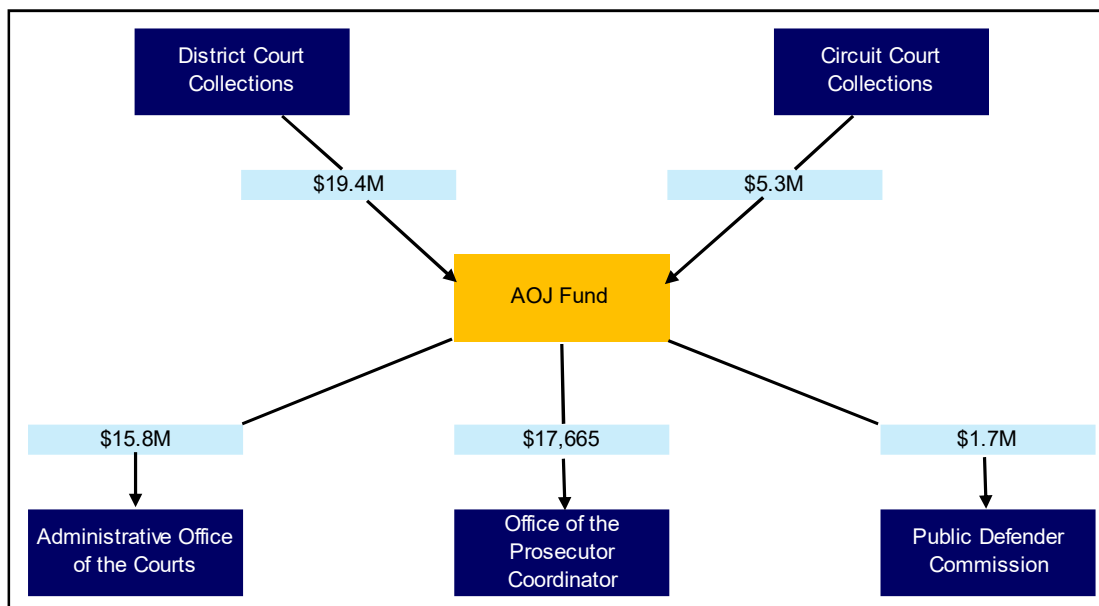
Source: Department of Finance and Administration – AOJ Database (unaudited by Arkansas Legislative Audit)

Distributions From

Monthly distributions are made from the AOJ Fund to various other state and non-state entities, as prescribed by Ark. Code Ann. § 16-10-310. Because of past shortfalls in the fund balance, legislation requires that salaries for court reporters, trial court administrators, and the Arkansas District Judges Council be funded at 100%. Additionally, bond requirements provide for preferential payments to the Justice Building Construction Fund. Distributions outside of these preferential categories are proportionally reduced in equal percentages. **Appendix F** provides all distributions from the AOJ Fund for calendar year 2023, which totaled \$21.4 million. It should be noted that, among these distributions, amounts were transferred into the AOC, the Office of the Prosecutor Coordinator, and the Arkansas Public Defenders Commission, as shown in **Exhibit V**. Of the \$15.8 million transferred to AOC, \$34,149 funded District court expenditures for District Judges' and Clerks' continuing education, as reflected in **Appendix K**.

Exhibit V

Remittances to and Distributions from the Administration of Justice (AOJ) Fund Calendar Year 2023



Source: Department of Finance and Administration – AOJ Database (unaudited by Arkansas Legislative Audit)

Miscellaneous Fines Collected and Remitted to DFA

Other miscellaneous fees are collected by both District and Circuit Courts, remitted to DFA, and deposited into various other funds that do not flow through the AOJ Fund. The Miscellaneous Fees and Fines form submitted monthly to DFA by both District and Circuit Courts is provided in **Appendix G**.

During calendar year 2023, District Courts collected approximately \$6.2 million, as noted in **Appendix H**. Items for which collections totaled a minimum of \$100,000 are noted in **Exhibit VI on page 9**. These seven items compose nearly 95% (approximately \$5.8 million) of all District Court collections.

Two of these, installment fee revenue (MJF) and court technology fees (MJF2) are for the benefit of AOC and are deposited into the Judicial Fine Collection Enhancement Fund. These collections are utilized to purchase computer hardware that is made available to designated entities responsible for

Exhibit VI

Miscellaneous Fines Exceeding \$100,000
Collected by District Courts and Remitted to the Department of Finance and Administration (DFA)
(Excluding Administration of Justice [AOJ] Activity)
Calendar Year 2023

DFA Miscellaneous Item/Fund	Total Collections	Arkansas Code Reference	Description of Intended Use
Item 3 - MJF	\$ 2,577,102	16-13-704	Installment fee revenue for the benefit of the Judicial Fine Collection Enhancement fund at the Administrative Office of the Courts (AOC)
Item 9 - SMP3	1,201,031	27-22-103(d)(1)	Fines for no liability insurance (from State Police citation) to be utilized for the purchase and maintenance of State Police vehicles
Item 10 - SCP	111,826	27-34-107	Child passenger protection violation fines/fees for the benefit of the Child Passenger Protection Fund
Item 12 - AGA2	250,055	23-13-264	Large truck ticket safety violation fines/fees for deposit into the General Revenue Fund Account of the State Apportionment Fund
Item 15 - RRA2	509,956	27-35-211	Overweight/over length truck fines/fees collected for the benefit of the State Highway and Transportation Department Fund
Item 20 - SEP	631,247	12-17-106	Drug crime special assessment for the benefit of the State Drug Crime Enforcement and Prosecution Grant Fund
Item 22 - MJF2	543,897	21-6-416(b)	Court technology fee revenue for the benefit of the Judicial Fine Collection Enhancement fund at the AOC
Total of all Items that Exceed \$100k	\$ 5,825,114		
Overall District Court Collections	\$ 6,156,227		
% of Item Total Above to Overall Collections	94.62%		
MJF = Fine Installment Fees for Judicial Fine Collection Enhancement Fund		RRA2 = Overweight/Over Length Trucks	
SMP3 = Fines for No Liability Insurance		SEP = Drug Crime Special Assessment	
SCP = Child Passenger Protection Fund		MJF2 = Court Technology Fee for Judicial Fine Collection Enhancement Fund	
AGA2 = Tickets Safety Violations for Large Trucks			

Source: Department of Finance and Administration – AOJ Database (unaudited by Arkansas Legislative Audit)

assisting with the assessment, collection, and reporting of fines. AOC also utilizes the funds to purchase or develop computer software to provide for the uniform assessment, collection, management, and reporting of fines.

The installment fee revenue is authorized under Ark. Code Ann. § 16-13-704 and, as previously noted, consists of a \$5 monthly installment fee applicable to District Courts that helps fund the AOJ Fund. An additional \$5 installment fee creates an overall monthly installment fee totaling \$10. Of this additional \$5 fee, \$2.50 goes to fund the AOC Judicial Fine Collection Enhancement Fund, and \$2.50 is retained locally, in the District Court Automation Fund, to be used to fund District Court-related technology.

The court technology fee, authorized under Ark. Code Ann. § 21-6-416, requires a \$15 fee per filing, and the entire fee is remitted to the AOC Judicial Fine Collection Enhancement Fund. **Appendix I** provides the total Judicial Fine Collection Enhancement Fund remittances by District for calendar year 2023. Also included are the total amounts collected and remitted by the Circuit Courts and some eFiling fees collected and remitted by the Arkansas Supreme Court, which are also for the benefit of the Judicial Fine Collection Enhancement Fund at AOC. Neither Circuit Court nor Supreme Court collections are reflected in **Exhibit VI**.

Collections for District Judges' Salaries (Proportional Share) Remitted to Auditor of State

In accordance with Ark. Code Ann. § 16-17-1106, the State shall pay the salary and benefits of State District Court Judges. However, each county and town or city in a District in which a State District Court judgeship was created is required to remit a proportionate share of one-half of the base salary established by law to the AOJ Funds Section at DFA. The total proportional amount for each State District Judge is \$58,650. For calendar year 2023, there were 66 State District Court Judges, and the total proportional amount remitted to DFA was \$3.8 million, as reflected in **Appendix J**.

It should be noted that DFA records this amount as revenue of the Auditor of State, specifically as "Collections for District Judges' Salaries," since the Auditor of State pays the salaries of all State District Court Judges. However, this amount may also be reflected as an expense for local entities, as it is an outflow of funds at the local level.

County Aid Fund

Throughout the year, funds are transferred from the County Aid Fund to the Auditor of State for payment of Deputy Prosecuting Attorney salaries. This amount totaled approximately \$5.0 million for calendar year 2023. However, as reflected in **Appendix J**, only the proportional amount, totaling \$1.2 million, applicable to the salary expense of the Deputy Prosecuting Attorneys who regularly participate in District Court is included.

Constitutional Officers Fund

Sufficient amounts are transferred from the Constitutional Officer's Fund to the Auditor of State to pay salaries, benefits, and travel expenses of the State District Court Judges. As reflected in **Appendix J**, after adjusting for the proportional share of District Judges' salaries remitted to the Auditor of State, these transfers totaled \$10.6 million for calendar year 2023.

Public Defender User/Attorney and Bond Issuance Fees

In addition to the funds received from the State Central Services Fund and the AOJ Fund, the Public Defender Commission receives fees paid by indigent defendants for the use of Public Defenders and funds via professional bail bondsman fees, as defined by Ark. Code Ann. § 17-19-301. As reflected in **Appendix J**, these amounts totaled \$238,915 and \$904,560, respectively, for calendar year 2023. It should be noted that the bail bondsman fees are applicable to both District Court and Circuit Court activities and cannot be broken out between the two.

State Central Services Fund

Much of the state-level support of court operations comes from the State Central Services Fund, which is comprised of special revenues, a share of certain fees calculated on general and special revenues, and service charges from agencies with cash funds. As reflected in **Appendix J**, distributions in relation to District Court operations of the following entities totaled \$11.9 million for calendar year 2023:

- \$6.5 million to the Auditor of State.
- \$4.0 million to the Public Defender Commission.
- \$1.1 million to the Office of the Prosecutor Coordinator.
- \$333,690 to AOC.

Funds from Other Sources

Funds from other sources flow into the court system to support operations. These include federal grant funds received by both the Office of the Prosecutor Coordinator as well as AOC. The relevant amounts are presented in **Appendix J**.

Flow of Local-Level Court Funding

Like state-level funding, local-level funding support for operations of the District Courts comes from a variety of sources, including counties, cities, and towns. Certain fees that produce this funding, as established by Arkansas Code, are described below:

- Bail bond fee of \$20 is remitted to the Public Defender Commission. Of each \$20 fee, \$3 is remitted quarterly to the county to defray the operating expenses of the Public Defender Office (Ark. Code Ann. § 17-19-301).⁴
- District Court installment fees are to be used to fund District Court-related technology (Ark. Code Ann. § 16-13-704). This is the \$2.50 portion of the installment fee, previously noted on **page 9**, that is retained locally in the District Court Automation Fund.

Additional funding comes from the Court Security Grant Program, which is administered by the AOC to provide financial assistance to local governments for implementation of physical security and emergency preparedness plans for Circuit and District Courts (Ark. Code Ann. § 16-10-1006). Although considered a funding source or revenue for the local government, it is also considered an expense at the state level. **Appendix K**, which presents the state non-personnel expenditures by District Court, includes the composition of the \$155,797 in Court Security Grants issued by the AOC during calendar year 2023.

In addition, Ark. Code Ann. §§ 16-10-307 and -308 established the County AOJ Funds and City AOJ Funds, respectively. The uniform filing fees previously discussed, which are collected by District Courts, fund either the City AOJ Fund or the County AOJ Fund before any amounts that exceed the DFA-authorized retained share are sent to the State AOJ Fund. It should be noted that the amounts fund the City AOJ Fund unless the District Court is funded solely by the county. If funded solely by the county, then the amount funds the County AOJ Fund. The County and City AOJ Funds are used to defray part of the expenses of the administration of justice and to fund local agencies and programs previously funded from local filing fees and court costs.

The largest portion of funding comes from the collection of various fines that the counties, cities, and towns are primarily allowed to retain. In accordance with Ark. Code Ann. § 16-17-707, all fines that arise from the “first class of accounting records”⁵ that are not specified by law to go to a particular fund from city cases go to the City General Fund, and all fines that arise from the “second class of accounting records”⁶ not specified by law to go to a particular fund from county cases go to the County General Fund. **Appendix L** provides the local revenues for calendar year 2023 by District Court.

⁴ County Public Defenders participate in both Circuit and District Courts.

⁵ “The first class of accounting records shall embrace all sums collected in the district court in all nontraffic cases which are misdemeanors or violations of the town or city ordinances and all cases which are misdemeanors or violations under state law or traffic offenses which are misdemeanors or violations under state law or town or city ordinance committed **within the corporate limits of the town or city where the court sits**, where the arresting officer was a police officer or other officer of the town or city, a Division of Arkansas State Police officer or other certified law enforcement officer of the state, or an officer of a private or public college or university located within the corporate limits of the town or city where the court sits” (Ark. Code Ann. § 16-17-707(a)(1)) (emphasis added).

⁶ “The second class of accounting records shall embrace all sums collected in the district court in all nontraffic cases which are misdemeanors or violations of county ordinances or are misdemeanors or violations of any of the laws of the state **where the arresting officer was the county sheriff or a deputy sheriff** or was not a police officer or other officer of the town or city where the court sits, and the offense was committed outside the corporate limits of the town or city where the court sits, and in all other criminal or traffic proceedings not specifically enumerated in this section” (Ark. Code Ann. § 16-17-707(a)(2)) (emphasis added).

COURT EXPENDITURES

Court Salary Costs

State salary costs information, as noted in **Appendix M**, includes salaries and benefits paid to the 66 State District Judges, and those Deputy Prosecuting Attorneys and Public Defenders who have been identified as regularly participating in District Court operations. Additional state salary costs include salary and benefits of the (a) Office of the Prosecutor Coordinator, as its employees produce and promote in-state training and continuing education programs as well as provide various other resources that assist Prosecuting Attorneys and of (b) AOC Court Automation personnel, as these positions are funded with Judicial Fine Collection Enhancement funds. As previously noted, AOC court automation is utilized in part to develop computer software to provide for the uniform assessment, collection, management, and reporting of fines.

Local salary costs include salaries and benefits of District Judges, District Court clerks, and other personnel who participate in District Court operations. These amounts can be found in **Appendix N**.

Local costs can be funded in a variety of ways by various entities in the District, including counties, cities, or towns. This cost-sharing agreement may or may not be documented in what is often referred to as an Interlocal Agreement. A list of all entities that are part of a District and whether an Interlocal Agreement was provided as part of this review can be found in **Appendix A**.

Court Non-Salary Costs

State non-salary costs, as noted in **Appendix K**, include District Judges' travel reimbursement expenses, AOC interpreter expenses, AOC Court Security Grants, AOC training expenditures for both District Judges' and Clerks' continuing education, AOC court automation expenses, contract attorneys, interpreters and other professional services of the Public Defender Commission, and non-personnel expenses of the Prosecutor Coordinator's Office.

Local non-salary costs includes expenses related to supplies, other services and charges, capital outlay, and debt services that pertain to District Court operations. These amounts can be found in **Appendix N**.

As previously noted, costs may be shared by various entities, as reflected in **Appendix A**.

SUMMARY

Overall, District Court annualized revenues, or funding inflows, totaled \$119.4 million, including \$59.3 million from state-generated revenues and \$60.1 million from local entities, as shown in **Exhibit VII on page 13** and **Appendices J and L**. Annualized expenditures totaled \$80.2 million, including \$35.9 million in state costs and \$44.3 million from local entities. The breakout of these costs is reflected in **Appendices K, M, and N**. The \$23.4 million excess at the state level is primarily attributed to including the State AOJ revenues of \$24.7 million, as reflected in **Appendices E and J**, and there being minimal expenses associated with District Courts.

Exhibit VII

Annualized District Court Related Revenues/Inflows and Expenditures/Outflows
Calendar Year 2023

	Revenues/Inflows		Expenditures/Outflows	
State	\$	59,308,958	\$	35,934,040
Local		60,129,752		44,291,739
Total	\$	119,438,710	\$	80,225,779

Source: Department of Finance and Administration, Auditor of State, Administrative Office of the Courts, Public Defender Commission, Office of the Prosecutor Coordinator, Arkansas Administrative Statewide Information System (AASIS), and various cities and counties (unaudited by Arkansas Legislative Audit)

Appendices

Appendix A – Entities by District

Appendix B – Caseload Information for District Courts and Public Defenders –
Calendar Year 2023

Appendix C – Uniform Filing Fees Collection Remittance Form and Fine Report

Appendix D – Maximum Retained Share Allowed for Cities and Counties – Calendar Year
2023

Appendix E – Administration of Justice (AOJ) Fund – Uniform Filing Fees and Miscellaneous
Revenues – Calendar Year 2023

Appendix F – Distributions from the Administration of Justice (AOJ) Fund – Calendar Year
2023

Appendix G – Miscellaneous Fees and Fines Form – Submitted Monthly by District and
Circuit Courts to the Department of Finance and Administration

Appendix H – Miscellaneous Fees Collected by District Courts and Remitted to the
Department of Finance and Administration (Excluding Administration of Justice Activity) –
Calendar Year 2023

Appendix I – Administrative Office of the Courts (AOC) Judicial Fine Collection Enhancement
Fund Collections Remitted to the Department of Finance and Administration – Calendar
Year 2023

Appendix J – State Revenue or Funding Inflows by District – Calendar Year 2023

Appendix K – State Non-Salary Expenditures by District – Calendar Year 2023

Appendix L – Local Revenue by District – Calendar Year 2023

Appendix M – State Salary Expenditures (Including Taxes and Benefits) by District – Calendar
Year 2023

Appendix N – Local Expenditures by District – Calendar Year 2023

Appendix A

Entities by District

District	Entity	Financial Data Provided	Interlocal Agreement Provided
State - 1	Benton County	Yes	No
State - 1	Rogers	Yes	No
State - 1	Bentonville	Yes	No
State - 1	Pea Ridge	Yes	No
State - 1	Bella Vista	Yes	No
State - 1	Cave Springs	Yes	No
State - 1	Siloam Springs	Yes	No
State - 1	Gentry	Yes	No
State - 1	Decatur	Yes	No
State - 1	Gravette	Yes	No
State - 1	Highfill	Yes	No
State - 1	Lowell	Yes	No
State - 1	Centerton	Yes	No
State - 1	Little Flock	Yes	No
State - 2	Washington County	Yes	No
State - 2	Springdale	Yes	No
State - 2	Prairie Grove	Yes	No
State - 2	Farmington	Yes	No
State - 2	Lincoln	Yes	No
State - 2	Elm Springs	Yes	No
State - 2	Tontitown	Yes	No
State - 2	Johnson	Yes	No
State - 2	West Fork	Yes	No
State - 2	Fayetteville	Yes	No
State - 2	Elkins	Yes	Yes
State - 2	Goshen	Yes	Yes
State - 2	Greenland	Yes	No
State - 3	Carroll County	Yes	No
State - 3	Berryville	Yes	No
State - 3	Eureka Springs	Yes	No
State - 3	Green Forest	Yes	No
State - 3	Madison County	Yes	No
State - 3	Huntsville	Yes	No
State - 4	Newton County	Yes	No
State - 4	Jasper	Yes	No
State - 4	Searcy County	Yes	No
State - 4	Marshall	Yes	No
State - 4	Alpena (Note)	No	No
State - 4	Boone County	Yes	No
State - 4	Harrison	Yes	No
State - 5	Crawford County	Yes	No
State - 5	Van Buren	Yes	No
State - 5	Kibler	Yes	No
State - 5	Cedarville	Yes	No
State - 5	Mountainburg	Yes	No
State - 5	Mulberry	Yes	No
State - 5	Dyer	Yes	No
State - 5	Alma	Yes	No
State - 5	Chester	Yes	No

Appendix A (Continued)

District	Entity	Financial Data Provided	Interlocal Agreement Provided
State - 6	Sebastian County	Yes	Yes
State - 6	Fort Smith	Yes	Yes
State - 6	Greenwood	Yes	No
State - 6	Hackett	Yes	No
State - 6	Hartford	Yes	No
State - 6	Huntington	Yes	No
State - 6	Mansfield	Yes	No
State - 6	Lavaca	Yes	No
State - 6	Bonanza	Yes	No
State - 6	Central City	Yes	No
State - 6	Barling	Yes	No
State - 7	Franklin County	Yes	Yes
State - 7	Ozark	Yes	Yes
State - 7	Charleston	Yes	Yes
State - 7	Altus	Yes	Yes
State - 7	Johnson County	Yes	Yes
State - 7	Clarksville	Yes	Yes
State - 7	Coal Hill	Yes	Yes
State - 7	Lamar	Yes	Yes
State - 8	Pope County	Yes	No
State - 8	Russellville	Yes	No
State - 8	Atkins	Yes	No
State - 8	Pottsville	Yes	No
State - 8	Dover	Yes	No
State - 8	London	Yes	No
State - 9	Faulkner County	Yes	No
State - 9	Conway	Yes	No
State - 9	Greenbrier	Yes	No
State - 9	Guy	Yes	No
State - 9	Mayflower	Yes	No
State - 9	Vilonia	Yes	No
State - 9	Van Buren County	Yes	Yes
State - 9	Clinton	Yes	Yes
State - 9	Damascus	Yes	No
State - 9	Fairfield Bay	Yes	Yes
State - 10	Baxter County	Yes	No
State - 10	Mountain Home	Yes	No
State - 10	Cotter	Yes	No
State - 10	Gassville	Yes	No
State - 10	Lakeview	Yes	No
State - 10	Norfork	Yes	No
State - 10	Briarcliff	Yes	No
State - 10	Marion County	Yes	Yes
State - 10	Yellville	Yes	Yes
State - 10	Flippin	Yes	No
State - 10	Bull Shoals	Yes	No

Appendix A (Continued)

District	Entity	Financial Data Provided	Interlocal Agreement Provided
State - 11	Randolph County	Yes	No
State - 11	Pocahontas	Yes	No
State - 11	Sharp County	Yes	No
State - 11	Cherokee Village	Yes	No
State - 11	Ash Flat	Yes	No
State - 11	Lawrence County	Yes	No
State - 11	Walnut Ridge	Yes	No
State - 11	Hoxie	Yes	No
State - 11	Black Rock	Yes	No
State - 11	Ravenden	Yes	No
State - 11	Portia	Yes	No
State - 12	Logan County	Yes	Yes
State - 12	Paris	Yes	Yes
State - 12	Booneville	Yes	Yes
State - 12	Magazine	Yes	No
State - 12	Yell County	Yes	No
State - 12	Dardanelle	Yes	No
State - 12	Danville	Yes	No
State - 12	Ola	Yes	No
State - 12	Plainview	Yes	No
State - 12	Conway County	Yes	No
State - 12	Morrilton	Yes	No
State - 12	Plumerville	Yes	No
State - 12	Oppelo	Yes	No
State - 12	Menifee	Yes	No
State - 13	Cleburne County	Yes	No
State - 13	Heber Springs	Yes	No
State - 13	Greers Ferry	Yes	No
State - 13	Concord	Yes	No
State - 13	Quitman	Yes	No
State - 14	Independence County	Yes	No
State - 14	Batesville	Yes	No
State - 14	Pleasant Plains	Yes	No
State - 15	Jackson County	Yes	No
State - 15	Newport	Yes	Yes
State - 15	Diaz	Yes	Yes
State - 15	Tuckerman	Yes	Yes
State - 15	Swifton	Yes	Yes
State - 15	Woodruff County	Yes	No
State - 15	Augusta	Yes	Yes
State - 15	McCrary	Yes	No
State - 15	Cotton Plant	Yes	Yes
State - 15	Patterson	Yes	Yes
State - 17	Green County	Yes	Yes
State - 17	Paragould	Yes	Yes
State - 17	Marmaduke	Yes	No
State - 17	Clay County	Yes	Yes
State - 17	Corning	Yes	Yes
State - 17	Piggott	Yes	Yes
State - 17	Rector	Yes	Yes

Appendix A (Continued)

District	Entity	Financial Data Provided	Interlocal Agreement Provided
State - 18	Mississippi County	Yes	No
State - 18	Osceola	Yes	No
State - 18	Blytheville	Yes	No
State - 18	Dell	Yes	No
State - 18	Gosnell	Yes	No
State - 18	Leachville	Yes	No
State - 18	Manila	Yes	No
State - 19	Craighead County	Yes	Yes
State - 19	Jonesboro	Yes	Yes
State - 19	Bay	Yes	Yes
State - 19	Bono	Yes	Yes
State - 19	Brookland	Yes	Yes
State - 19	Cash	Yes	Yes
State - 19	Egypt	Yes	Yes
State - 19	Monette	Yes	Yes
State - 19	Caraway	Yes	Yes
State - 19	Lake City	Yes	Yes
State - 19	Black Oak	Yes	Yes
State - 20	Poinsett County	Yes	No
State - 20	Harrisburg	Yes	No
State - 20	Marked Tree	Yes	No
State - 20	Tyronza	Yes	No
State - 20	Lepanto	Yes	No
State - 20	Trumann	Yes	No
State - 21	Crittenden County	Yes	No
State - 21	West Memphis	Yes	No
State - 21	Marion	Yes	No
State - 21	Earle	Yes	No
State - 21	Turrell	Yes	No
State - 21	Gilmore	Yes	No
State - 21	Jericho	Yes	No
State - 22	Lee County	Yes	No
State - 22	Marianna	Yes	No
State - 22	Phillips County	Yes	No
State - 22	Helena-West Helena	Yes	No
State - 22	Lake View	Yes	No
State - 22	Marvell	Yes	No
State - 22	Elaine	Yes	No
State - 23	Prairie County	Yes	No
State - 23	Des Arc	Yes	No
State - 23	DeValls Bluff	Yes	No
State - 23	Hazen	Yes	No
State - 23	White County	Yes	No
State - 23	Searcy	Yes	No
State - 23	Beebe	Yes	No
State - 23	Bald Knob	Yes	No
State - 23	Bradford	Yes	No
State - 23	Judsonia	Yes	No
State - 23	Kensett	Yes	No
State - 23	Higgenson	Yes	No
State - 23	McRae	Yes	No
State - 23	Rose Bud	Yes	No

Appendix A (Continued)

District	Entity	Financial Data Provided	Interlocal Agreement Provided
State - 24	Polk County	Yes	No
State - 24	Mena	Yes	No
State - 24	Grannis	Yes	No
State - 24	Montgomery County	Yes	No
State - 24	Mount Ida	Yes	No
State - 24	Scott County	Yes	No
State - 24	Waldron	Yes	No
State - 25	Cross County	Yes	No
State - 25	Wynne	Yes	No
State - 25	Cherry Valley	Yes	No
State - 25	Parkin	Yes	No
State - 25	St. Francis County	Yes	No
State - 25	Forrest City	Yes	No
State - 25	Madison	Yes	No
State - 25	Palestine	Yes	No
State - 26	Ashley County	Yes	Yes
State - 26	Hamburg	Yes	Yes
State - 26	Crossett	Yes	No
State - 27	Desha County	Yes	Yes
State - 27	Dumas	Yes	Yes
State - 27	McGehee	Yes	No
State - 27	Chicot County	Yes	No
State - 27	Dermott	Yes	No
State - 27	Lake Village	Yes	No
State - 27	Eudora	Yes	No
State - 28	Bradley County	Yes	No
State - 28	Warren	Yes	No
State - 28	Drew County	Yes	No
State - 28	Monticello	Yes	No
State - 29	Lincoln County	Yes	No
State - 29	Star City	Yes	No
State - 29	Grady	Yes	No
State - 29	Gould	Yes	No
State - 29	Jefferson County	Yes	No
State - 29	Pine Bluff	Yes	No
State - 29	Altheimer	Yes	No
State - 29	Wabbaseka	Yes	No
State - 29	Humphrey	Yes	No
State - 29	Redfield	Yes	No
State - 29	White Hall	Yes	No
State - 30	Lonoke County	Yes	Yes
State - 30	Lonoke	Yes	Yes
State - 30	Carlisle	Yes	Yes
State - 30	England	Yes	No
State - 30	Cabot	Yes	No
State - 30	Austin	Yes	No
State - 30	Ward	Yes	No

Appendix A (Continued)

District	Entity	Financial Data Provided	Interlocal Agreement Provided
State - 31	Pulaski County	Yes	No
State - 31	Little Rock	Yes	No
State - 31	North Little Rock	Yes	No
State - 31	Jacksonville	Yes	No
State - 31	Maumelle	Yes	No
State - 31	Perry County	Yes	No
State - 31	Sherwood	Yes	No
State - 32	Saline County	Yes	Yes
State - 32	Benton	Yes	Yes
State - 32	Bryant	Yes	Yes
State - 32	Alexander	Yes	No
State - 32	Bauxite	Yes	No
State - 32	Haskell (Note)	No	Yes
State - 32	Shannon Hills	Yes	Yes
State - 33	Hot Spring County	Yes	Yes
State - 33	Malvern	Yes	Yes
State - 33	Rockport (Note)	No	Yes
State - 33	Grant County	Yes	Yes
State - 33	Sheridan	Yes	Yes
State - 34	Calhoun County	Yes	No
State - 34	Hampton	Yes	No
State - 34	Cleveland County	Yes	No
State - 34	Dallas County	Yes	No
State - 34	Fordyce	Yes	No
State - 34	Sparkman	Yes	No
State - 35	Union County	Yes	Yes
State - 35	El Dorado	Yes	Yes
State - 35	Smackover	Yes	Yes
State - 35	Strong	Yes	Yes
State - 35	Norphlet	Yes	Yes
State - 35	Huttig	Yes	Yes
State - 35	Felsenthal	Yes	Yes
State - 35	Calion	Yes	Yes
State - 35	Junction City	Yes	Yes
State - 37	Miller	Yes	No
State - 37	Fouke	Yes	No
State - 37	Texarkana	Yes	No
State - 37	Lafayette County	Yes	No
State - 37	Lewisville	Yes	No
State - 37	Bradley	Yes	No
State - 37	Stamps	Yes	No
State - 38	Hempstead County	Yes	No
State - 38	Hope	Yes	No
State - 38	Nevada County	Yes	No
State - 38	Prescott	Yes	No

Appendix A (Continued)

District	Entity	Financial Data Provided	Interlocal Agreement Provided
State - 39	Columbia County	Yes	Yes
State - 39	Magnolia	Yes	Yes
State - 39	Waldo	Yes	No
State - 39	Ouachita County	Yes	No
State - 39	Camden	Yes	No
State - 39	Stephens	Yes	No
State - 39	East Camden	Yes	No
State - 39	Bearden	Yes	No
State - 39	Chidester	Yes	No
State - 40	Clark County	Yes	No
State - 40	Arkadelphia	Yes	No
State - 40	Amity	Yes	No
State - 40	Gurdon	Yes	No
State - 40	Caddo Valley	Yes	No
State - 41	Garland County	Yes	Yes
State - 41	Hot Springs	Yes	Yes
State - 41	Mountain Pine	Yes	No
Stone County	Stone County	Yes	Yes
Stone County	Mountain View	Yes	Yes
Fulton County	Fulton County	Yes	No
Fulton County	Salem	Yes	No
Fulton County	Mammoth Spring	Yes	No
Izard County	Izard	Yes	No
Izard County	Melbourne	Yes	No
Izard County	Horseshoe Bend	Yes	No
Arkansas County Northern	Arkansas County	Yes	No
Arkansas County Northern	Stuttgart	Yes	No
Arkansas County Southern	Arkansas County	Yes	No
Arkansas County Southern	DeWitt	Yes	No
Arkansas County Southern	Gillett	Yes	No
Arkansas County Southern	St. Charles	Yes	No
Monroe County - Clarendon/Holly Grove	Monroe County	Yes	No
Monroe County - Clarendon/Holly Grove	Clarendon	Yes	No
Monroe County - Clarendon/Holly Grove	Holly Grove	Yes	No
Monroe County - Brinkley	Monroe County	Yes	No
Monroe County - Brinkley	Brinkley	Yes	No
Little River County	Little River County	Yes	No
Little River County	Ashdown	Yes	No
Little River County	Foreman	Yes	No
Howard/Pike Counties	Howard County	Yes	No
Howard/Pike Counties	Nashville	Yes	No
Howard/Pike Counties	Dierks	Yes	No
Howard/Pike Counties	Mineral Springs	Yes	No
Howard/Pike Counties	Tollette	Yes	No
Howard/Pike Counties	Pike County	Yes	No
Howard/Pike Counties	Murfreesboro	Yes	No
Howard/Pike Counties	Glenwood	Yes	No
Sevier County	Sevier County	Yes	No
Sevier County	DeQueen	Yes	No

Note: Alpena and Rockport provided none of the requested information to ALA, and ALA could not obtain the information through alternate procedures. Haskell contracts with Bryant to run the Court; therefore, most of the expenditures (including Court Automation) were included with that Court. However, Haskell did not provide any general fund revenues (fines and costs) or expenditures other than contract payments.

Source: Information obtained from various cities and counties (unaudited by Arkansas Legislative Audit)

Appendix B

Caseload Information for District Courts and Public Defenders Calendar Year 2023

State District	District Courts (Note 1)	Public Defenders (Note 2)
	Cases Filed	Cases
1	62,660	1,377
2	58,050	1,794
3	14,432	148
4	15,167	232
5	13,009	270
6	30,753	3,718
7	11,461	45
8	18,309	12
9	24,977	413
10	12,230	120
11	18,968	287
12	22,762	111
13	6,322	183
14	6,717	178
15	10,994	343
17	18,063	3
18	17,813	283
19	30,953	1,095
20	20,569	0
21	25,379	966
22	8,548	30
23	30,524	432
24	8,394	178
25	29,928	98
26	8,825	253
27	11,103	244
28	11,833	111
29	27,386	17
30	12,894	454
31	128,135	15,440
32	33,320	894
33	15,410	249
34	9,918	3
35	8,635	110
37	18,599	9
38	11,388	131
39	12,979	65
40	4,264	231
41	27,967	1,122

Appendix B (Continued)

Local District	District Courts (Note 1)	Public Defenders (Note 2)
	Cases Filed	Cases
Stone County	1,835	44
Fulton County	2,415	91
Izard County	1,842	44
Arkansas County, Northern District	5,519	70
Arkansas County, Southern District	2,914	0
Monroe County, Clarendon/Holly Grove	1,915	0
Monroe County, Brinkley	3,173	178
Little River County	7,892	29
Howard County & Pike County	6,938	51
Sevier County	5,297	20
Totals	899,378	32,176

Note 1: According to Administrative Office of the Courts personnel, District Court case filings are composed of data from two sources: "Contexte Courts," which report case data individually through the centralized electronic case management system, and "Paper Courts," which report case data in the aggregate through monthly paper forms. Approximately two-thirds of the overall statewide volume of District Court filings are reported via paper forms. Both may be incomplete or underreported; however, data from Contexte Courts are absent on a case-by-case basis, while data from Paper Courts are missing by month, which may be more substantial. Also, Paper Courts report traffic and criminal charges individually because they are counted by type of violation, rather than by case. Criminal and traffic filings from Contexte Courts are also reported by charge, rather than case, for consistency. Civil and small claims filings are reported by case, which inflates the ratio of traffic/criminal to civil/small claims filings.

Note 2: According to the Public Defender Commission, these amounts only include the cases that the Commission is aware of, as they were self-reported by their Judicial District Offices. A complete count cannot be obtained since Public Defenders are being appointed without the proper paperwork formulated, which prevents statistics from being reported. This includes Affidavits of Indigency and User Fee forms.

Note 3: No central repository of information concerning Prosecuting Attorney caseload information was identified by Arkansas Legislative Audit.

Source: Administrative Office of the Courts and the Public Defender Commission (unaudited by Arkansas Legislative Audit)

Appendix C

Uniform Filing Fees Collection Remittance Form and Fine Report

DEPARTMENT OF FINANCE AND ADMINISTRATION OFFICE OF ADMINISTRATIVE SERVICES ADMINISTRATION OF JUSTICE FUND SECTION ACT 1256-95 AND LEGISLATED CHANGES THROUGH 2015			
UNIFORM FILING FEES COLLECTION REMITTANCE FORM AND FINE REPORT			
ID: 0«ID No» Court: «Court Name» County: «County»			
<input type="checkbox"/> Please check this Box if your address or phone number has changed. Make correction on back of this form.			
I. TOTAL UNIFORM FILING FEES/COURT COSTS COLLECTED DURING THE MONTH OF:			2016 (LIST BY LETTER DESIGNATION - SEE SUMMARY OF COURT COSTS)
(A)	CIR	\$	
(B)	CIR/CR	\$	
(C)	CIR/DWI	\$	
(E)	CIR/REOPEN	\$	
(Y)	CIR/TRANS	\$	
(Z)	CIR/FORECLO	\$	
(AF)	CIR/TR	\$	
(AG)	CIR/DRUG	\$	(AG) "Repealed per Act 895 of 2015 Effective April 1, 2015"
Only the portion below applies to District Courts.			
(H)	DIST/CV	\$	
(I)	DIST/SC	\$	
(J)	DIST/CR	\$	
(K)	DIST/TR	\$	
(L)	DIST/DWI	\$	
(M)	LOC/ORD	\$	
(HM)	DIST/DRUG	\$	(HM) "Repealed per Act 895 of 2015 Effective April 1, 2015"
TOTAL UNIFORM FILING FEES/COURT COSTS COLLECTED:			\$
LESS COUNTY TREASURER'S COMMISSION (COUNTIES ONLY):			\$
LESS MONTHLY SHARE OF UNIFORM FILING FEES/COURT COSTS (The amount certified by DFA—Administration of Justice fund):			\$
EQUALS STATE SHARE OF FILING FEES/COURT COSTS REMITTED:			\$
<div style="position: absolute; top: 50%; left: 50%; transform: translate(-50%, -50%); font-size: 2em; font-weight: bold;">0.00</div>			
Make checks payable to the Department of Finance and Administration, Administration of Justice Fund.			
Mail to: Department of Finance & Administration Office of Administrative Services Administration of Justice Fund Section PO Box 2485, Room 732 Little Rock, AR 72203-2485			
CERTIFIED AND SUBMITTED BY _____			
		Signature/Telephone Number	
		Date	
		Title	
Revised November 2015			

**DEPARTMENT OF FINANCE AND ADMINISTRATION
OFFICE OF ADMINISTRATIVE SERVICES
ADMINISTRATION OF JUSTICE FUND SECTION
BEGINNING WITH ACT 1256-95 AND INCLUDING ALL LEGISLATED CHANGES THROUGH 2015**

**SUMMARY OF UNIFORM FILING FEES AND COURT COSTS
FOR**

UNIFORM FILING FEES COLLECTION REMITTANCE FORM AND FINE REPORT

Circuit Courts

A.	For initiating a cause of action in the circuit court (including appeals) first \$110.00 of court fee to AOJF Additional \$40.00 to State Treasurer § 21-6-403(b)(1)	\$ 150.00
B.	For misdemeanor or felony violation of state law § 16-10-305(a)(1)	\$ 150.00
C.	For violations of the Omnibus DWI Act, §5-65-101 et seq.; The Underage DUI Law, §5-65-301 et seq.; § 5-75-101 et seq.; §27-23-114; or §15-42-127. § 16-10-305(a)(5)	\$ 300.00
E.	For reopening a cause of action in the circuit court § 21-6-403(b)(3)	\$ 50.00
AF	For traffic offenses which are misdemeanors or violations under state law or local ordinance, excluding violations of the Omnibus DWI Act, etc. § 16-10-305(a)(3)	\$ 75.00
AG.	For knowingly possessing less than four ounces (4 oz.) of a Schedule VI controlled substance; \$150.00 of court cost State Treasurer. § 16-10-305(a)(6) <i>(Repealed April 2, 2015 Act 895 of 2015)</i>	\$ 300.00
Y.	For any cause of action which by court order is transferred from any district court to circuit court or from a circuit court to another circuit court. § 21-6-403(b)(4)	\$ 50.00
YL	For failure to present proof of insurance at the time of a traffic stop, §27-22-103; §27-22-104; §27-22-111. § 16-10-305(a)(7)	\$ 25.00
YS	For a violation of the mandatory seat belt use law § 27-37-701 et seq.; § 16-10-305(a)(7)	\$ 25.00
Z.	For filing a notice of default and intention to sell § 21-6-403(b)(2)	\$ 140.00

District Courts

H.	For initiating a cause of action in the civil division of district court. § 16-17-705(b)(1) Court Technology Fee 15.00 apply on line 22 of Miscellaneous Fee/Fine Collection Report	\$ 65.00 \$15.00
I.	For initiating a cause of action in the small claims division of district court § 16-17-705(b)(2) Court Technology Fee 15.00 apply on line 22 of Miscellaneous Fee/Fine Collection Report	\$50.00 \$15.00
J.	For offenses which are misdemeanors or violations under state law or local ordinance, excluding violations of the Omnibus DWI Act, etc. § 16-10-305(a)(2)	\$ 100.00
K.	For traffic offenses which are misdemeanors or violations under state law or local ordinance, excluding violations of the Omnibus DWI Act, etc. § 16-10-305(a)(3)	\$ 75.00
HM.	For knowingly possessing less than four ounces (4 oz.) of a Schedule VI controlled substance; \$150.00 of court cost State Treasurer. § 16-10-305(a)(6) <i>(Repealed April 2, 2015 Act 895 of 2015)</i>	\$ 300.00
L.	For violations of the Omnibus DWI Act, §5-65-101 et seq.; The Underage DUI Law, §5-65-301 et seq.; § 5-75-101 et seq.; §27-23-114; or §15-42-127. § 16-10-305(a)(5)	\$ 300.00
M.	For non-traffic violations of local ordinances in district court. § 16-10-305(a)(4)	\$ 25.00
NL	For failure to present proof of insurance at the time of a traffic stop, §27-22-103; §27-22-104; §27-22-111. § 16-10-305(a)(7)	\$ 25.00
NS	For a violation of the mandatory seat belt use law § 27-37-701 et seq.; § 16-10-305(a)(7)	\$ 25.00

Time Pay

X. Time Pay (Use this designation rarely; only if receipts cannot be distributed in the above categories.)

Instructions: The County or City shall send the uniform filing fees and court costs (less the county or city share of the fees as certified by DFA—Administration of Justice Fund) collected for the previous month to the Department of Finance and Administration on or before the 15th day of each month (Act 434-05). Please use the form with the court name and ID to insure forms and money are applied to the right court account.

Mailing Address: Department of Finance & Administration
Office of Administrative Services
Administration of Justice Fund Section
PO Box 2485
Little Rock, AR 72203-2485
Phone: (501)371-6071 Fax: (501)324-9070

☐ ADDRESS CORRECTIONS

Appendix D

Maximum Retained Share Allowed for Cities and Counties Calendar Year 2023

State District	Share Amount	
	Monthly	Annually
1	\$ 76,684	\$ 920,208
2	133,165	1,597,980
3	16,854	202,248
4	23,556	282,672
5	23,719	284,628
6	81,637	979,644
7	18,697	224,364
8	22,383	268,596
9	54,024	648,288
10	19,079	228,948
11	22,152	265,824
12	26,017	312,204
13	7,336	88,032
14	9,997	119,964
15	14,982	179,784
17	32,877	394,524
18	31,738	380,856
19	39,529	474,348
20	31,791	381,492
21	32,603	391,236
22	22,881	274,572
23	43,626	523,512
24	15,422	185,064
25	30,900	370,800
26	14,696	176,352
27	21,164	253,968
28	6,650	79,800
29	50,026	600,312
30	19,464	233,568
31	269,770	3,237,240
32	43,465	521,580
33	25,229	302,748
34	14,105	169,260
35	28,368	340,416
37	52,665	631,980
38	20,899	250,788
39	28,798	345,576
40	23,250	279,000
41	28,041	336,492
Local District	Share Amount	
	Monthly	Annually
Stone County	2,265	27,180
Fulton County	2,561	30,732
Izard County	1,556	18,672
Arkansas County, Northern District	10,663	127,956
Arkansas County, Southern District	4,825	57,900
Monroe County, Clarendon/Holly Grove	3,728	44,736
Monroe County, Brinkley	11,480	137,760
Little River County	13,155	157,860
Howard County & Pike County	14,901	178,812
Sevier County	9,754	117,048
Totals	\$ 1,553,127	\$ 18,637,524

Source: Department of Finance and Administration - Administration of Justice Database (unaudited by Arkansas Legislative Audit)

Appendix E

Administration of Justice (AOJ) Fund

Uniform Filing Fees and Miscellaneous Revenues

Calendar Year 2023

State District	Total Uniform Filing												
	State AOJ Revenues		State AOJ Revenues		State AOJ Revenues (Sealing of Records Fee) *		Fees and Miscellaneous Revenues for the AOJ Fund		Calculated % of AOJ Revenues (Retained Share Dependent)		Calculated % of AOJ Revenues (Installment Fee)		Calculated % Overall
	(Exceeds Retained Share)		(District Court \$5 Installment Fee)										
1	\$ 1,473,487	\$	492,380	\$	0	\$	1,965,867	10.32%	9.68%	10.15%			
2	630,472		411,803		0		1,042,275	4.42%	8.10%	5.38%			
3	325,082		108,289		0		433,371	2.28%	2.13%	2.24%			
4	323,545		88,614		0		412,159	2.27%	1.74%	2.13%			
5	351,581		29,451		0		381,032	2.46%	0.58%	1.97%			
6	277,784		94,981		0		372,765	1.95%	1.87%	1.92%			
7	318,546		53,545		0		372,091	2.23%	1.05%	1.92%			
8	458,457		124,436		0		582,893	3.21%	2.45%	3.01%			
9	372,904		395,789		0		768,693	2.61%	7.78%	3.97%			
10	315,456		84,071		0		399,527	2.21%	1.65%	2.06%			
11	425,492		59,103		0		484,595	2.98%	1.16%	2.50%			
12	374,049		168,765		0		542,814	2.62%	3.32%	2.80%			
13	119,982		20,193		0		140,175	0.84%	0.40%	0.72%			
14	273,530		49,031		0		322,561	1.92%	0.96%	1.67%			
15	263,851		54,042		0		317,893	1.85%	1.06%	1.64%			
17	161,949		120,124		0		282,073	1.13%	2.36%	1.46%			
18	243,661		88,681		0		332,342	1.71%	1.74%	1.72%			
19	512,119		215,620		0		727,739	3.59%	4.24%	3.76%			
20	99,658		46,722		0		146,380	0.70%	0.92%	0.76%			
21	471,305		40,774		0		512,079	3.30%	0.80%	2.64%			
22	51,266		5,778		0		57,044	0.36%	0.11%	0.29%			
23	761,207		339,292		0		1,100,499	5.33%	6.67%	5.68%			
24	195,283		51,279		0		246,562	1.37%	1.01%	1.27%			
25	788,671		129,852		0		918,523	5.52%	2.55%	4.74%			
26	89,508		20,700		0		110,208	0.63%	0.41%	0.57%			
27	130,964		18,466		0		149,430	0.92%	0.36%	0.77%			
28	402,148		103,925		0		506,073	2.82%	2.04%	2.61%			
29	719,153		61,747		0		780,900	5.04%	1.21%	4.03%			
30	300,639		103,417		0		404,056	2.11%	2.03%	2.09%			
31	314,194		539,653		25		853,872	2.20%	10.61%	4.41%			
32	350,021		198,807		0		548,828	2.45%	3.91%	2.83%			
33	237,670		62,164		0		299,834	1.66%	1.22%	1.55%			
34	300,189		41,032		0		341,221	2.10%	0.81%	1.76%			
35	6,238		55,286		0		61,524	0.04%	1.09%	0.32%			
37	101,081		62,568		0		163,649	0.71%	1.23%	0.85%			
38	226,305		53,330		0		279,635	1.58%	1.05%	1.44%			
39	122,474		35,217		0		157,691	0.86%	0.69%	0.81%			
40	15,380		12,620		0		28,000	0.11%	0.25%	0.14%			
41	608,967		222,230		68		831,265	4.26%	4.37%	4.29%			

Appendix E (Continued)

Local District	State AOJ Revenues (Exceeds Retained Share)	State AOJ Revenues (District Court \$5 Installment Fee)	State AOJ Revenues (Sealing of Records Fee) *	Total Uniform Filing		Calculated % of AOJ Revenues (Retained Share Dependent)	Calculated % of AOJ Revenues (Installment Fee)	Calculated % Overall
				Fees and Miscellaneous Revenues for the AOJ Fund				
Stone County	71,797	24,353	0	96,150		0.50%	0.48%	0.50%
Fulton County	51,401	11,395	0	62,796		0.36%	0.22%	0.32%
Izard County	51,720	12,523	0	64,243		0.36%	0.25%	0.33%
Arkansas County, Northern District	84,889	35,110	0	119,999		0.59%	0.69%	0.62%
Arkansas County, Southern District	46,568	22,022	0	68,590		0.33%	0.43%	0.35%
Monroe County, Clarendon & Holly Grove	27,406	2,125	0	29,531		0.19%	0.04%	0.15%
Monroe County, Brinkley	25,758	9,601	0	35,359		0.18%	0.19%	0.18%
Little River County	152,159	21,747	0	173,906		1.07%	0.43%	0.90%
Howard County & Pike County	129,850	59,341	0	189,191		0.91%	1.17%	0.98%
Sevier County	123,171	24,345	0	147,516		0.86%	0.48%	0.76%
Totals	\$ 14,278,987	\$ 5,086,339	\$ 93	\$ 19,365,419		100.00%	100.00%	100.00%
Overall AOJ Revenues from Circuit Courts				5,332,022				
Overall AOJ Revenues from District and Circuit Courts				\$ 24,697,441				

* As reflected in Appendix G, collection of Expunged Fees Concerning the Sealing of Records (ADM2) was repealed per Act 680 of 2019, effective July 24, 2019. Therefore, amounts in this column are potentially a keying error.

Source: Department of Finance and Administration – AOJ Database (unaudited by Arkansas Legislative Audit)

Appendix F

Distributions from the Administration of Justice (AOJ) Fund Calendar Year 2023

Recipient	Item	100% Allocation	Total Paid	% of Total
UA-Fayetteville Law School	1A	\$ 1,343,810	\$ 335,952	1.57%
UALR Law School	1B	1,343,810	335,952	1.57%
Public Health Fund	2	342,000	85,500	0.40%
Highway Safety Specialty Fund	3	1,324,795	331,199	1.55%
State Police Retirement Fund	4	1,499,256	374,814	1.75%
Arkansas State Police Fund	5	400,000	100,000	0.47%
Crime Victim Reparations	6	2,089,723	522,431	2.44%
Prosecutor Coordinator	7	70,660	17,665	0.08%
Crime Information System	8	98,064	24,516	0.11%
Arkansas Building Authority *	9	990,000	990,000	4.62%
Municipal Judge Clerk Education Fund	10	100,000	25,000	0.12%
Judicial Retirement	11	902,797	225,699	1.05%
Arkansas Public Defender Commission	12	6,908,027	1,727,007	8.07%
Court Reporter Fund *	13	6,075,374	6,075,374	28.37%
Justice Building Fund	14	83,528	20,882	0.10%
County Alcohol and Drug Program	15	50,000	12,500	0.06%
Trial Court Administrative Assistants *	16	8,312,527	8,312,527	38.82%
Drug Abuse and Treatment Fund	17	312,000	78,000	0.36%
Dependency Neglect Representation	18	4,284,838	1,071,210	5.00%
State Crime Lab	19	576,988	144,247	0.67%
District Judges Association for the District Court Coordinator *	20	67,028	67,028	0.31%
Public Legal Aid	21	855,432	213,858	1.00%
AOC Reimbursement to Counties for Juror Expense	22	850,000	212,500	0.99%
AOC Drug Coordinator	23	66,320	16,580	0.08%
AOC Court Security	24	362,791	90,698	0.42%
Totals		\$ 39,309,768	\$ 21,411,139	100.00%

* Items are 100% funded.

UA = University of Arkansas

UALR = University of Arkansas at Little Rock

AOC = Administrative Office of the Courts

Note: According to the Department of Finance and Administration (DFA), the \$3.3 million variance between calendar year 2023 AOJ revenue, shown in Appendix E, and the amount of AOJ distributions, shown above, is primarily attributed to the practice of basing distributions on projections of collections. These projections are based on collections during prior fiscal years; collections have steadily declined and experienced a steep decline due to the COVID-19 pandemic. In addition, in order for DFA to fund Trial Court Administrators, Trial Court Reporters, and the District Court Judges Association for the District Coordinator on the first of each month, before any collections are received for that month, DFA has to maintain a balance in the fund.

Source: Department of Finance and Administration (unaudited by Arkansas Legislative Audit)

Appendix G

Miscellaneous Fees and Fines Form Submitted Monthly by District and Circuit Courts to the Department of Finance and Administration

<p>ID: 129 COURT: JEFFERSON COUNTY COURT COUNTY: JEFFERSON</p>	<p>Dept. Finance & Administration Administration of Justice Fund Section P.O. Box 2485 Little Rock, AR 72203-2485 Phone: (501) 371-6071 Fax: (501) 324-9070</p>																																																														
MONTH/YEAR OF COLLECTION 20_____																																																															
<p>1 12-12-1118 DNA Detection Fund (100% of fine Collected)</p> <p>2 12-12-910 Sex and Child Offender Registration (enter 100% of fine collected)</p> <p>3 16-13-704 Judicial Fine Enhancement Collection Fund (enter 50% of installment fee collected)</p> <p>4 8-6-404(D) Unlawful Littering to Keep America Beautiful Fund (enter 100% of fine collected if not affiliated with "Keep America Beautiful" or "Keep Arkansas Beautiful")</p> <p>5 12-14-105 State Capitol Police Enforcement Fines (Pulaski County Only)</p> <p>6 23-112-603(c) Used Motor Vehicle Buyers Protection Act (enter 50% of fine collected on State Police citations only)</p> <p>7 27-14-314(c) Fines for Failure to Register over 60 days (enter 100% of fine collected on State Police citations)</p> <p>8 27-15-305 Illegal Parking in Area for Disabled (enter 50% of fine collected) Effective January 1, 2019 per Act 799 of 2017</p> <p>9 27-22-103(c) Fines for No Liability Insurance (enter 100% of fine collected on State Police citations only)</p> <p>10 27-34-107 Child Passenger Protection Fund (enter 75% of fine collected)</p> <p>11 27-50-311(e) Large Truck Exceeding Speed Limit (enter 50% of fine collected)</p> <p>12 23-13-264 Z-Tickets Safety Violations for Large Trucks (enter 50% of fine collected)</p> <p>13 27-14-601(e) Fines for Failure to Register (enter 100% of fine collected on Highway Police citations only)</p> <p>14 27-14-601(e) Fines for Failure to Register (enter 100% of fine collected on State Police citations only)</p> <p>15 27-35-211 Overweight/Over Length Trucks (enter 100% of of penalty collected on Highway Police citations only)</p> <p>16 27-23-114(h)(2) Fraudulently Obtaining or Applying for Commercial Motor Vehicle License (enter 100% of fine collected)</p> <p>17 27-50-1212(d)(1) Illegally Operating a Tow Vehicle (enter 50% of fine collected)</p> <p>18 27-50-1212(d)(2) Illegally Operating a Tow Vehicle (enter 50% of fine on State Police citations)</p> <p>19 27-50-1212(d)(2) Illegally Operating a Tow Vehicle (enter 50% of fine on Highway Police citations only)</p> <p>20 12-17-106 Drug Crime Special Assessment (enter 50% of fine collected)</p> <p>21 23-13-605(d)(1) Violation of Federal Unified Carrier Registration Act of 2005 (enter 50% of assessment collected)</p> <p>22 21-6-416(b) Court Technology Fees for Judicial Fine Enhancement Collection Fund (enter 100% of \$15 fee collected)</p> <p>23 16-13-704(b)(E) Installment Fees in District Court Only, installment fee of an additional five dollars (enter 100% of \$5 fee collected)</p> <p>24 16-90-904(3)(A) Expunged Fees Concerning the Sealing of Records Repealed per Act 680 of 2019 Effective 07/24/2019</p> <p>25 16-10-305(g) Domestic Violence Fees for Domestic Peace Fund (19-6-491) (enter 100% of \$25 collected)</p> <p>26 16-10-701(b)(2) Specialty Court Program user Fee (100% of \$250 fee collected)</p> <p>27 16-10-701(b)(2) Specialty Court Program Public Defender Fee (100% of \$250 fee collected)</p> <p>28 5-4-703(a) Child Victim Crime Fine for AR Children's Advocacy Center Fund (19-5-1260) (100% of \$100 fine collected) Fine increased per Act 714 of 2017 from \$25 to \$100</p> <p>29 27-50-306(b) & 27-51-217 Child Victim Crime Fine for AR Children's Advocacy Center Fund (19-5-1260) (100% of \$5 fine collected)</p> <p>30 9-15-202(d) & 16-10-305(h) Domestic Violence Cost for Domestic Violence Shelter Fund (19-6-833) (100% of \$25 cost collected)</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>SDN</td><td>\$</td></tr> <tr><td>SSC1</td><td></td></tr> <tr><td>SSC2</td><td>\$</td></tr> <tr><td>MJF</td><td>\$</td></tr> <tr><td>SBA</td><td>\$</td></tr> <tr><td>HSC</td><td>\$</td></tr> <tr><td>SMP1</td><td>\$</td></tr> <tr><td>SMP2</td><td>\$</td></tr> <tr><td>SPD</td><td>\$</td></tr> <tr><td>SMP3</td><td>\$</td></tr> <tr><td>SCP</td><td>\$</td></tr> <tr><td>AGA1</td><td>\$</td></tr> <tr><td>AGA2</td><td>\$</td></tr> <tr><td>RRA1</td><td>\$</td></tr> <tr><td>SMP4</td><td>\$</td></tr> <tr><td>RRA2</td><td>\$</td></tr> <tr><td>SMP5</td><td>\$</td></tr> <tr><td>NTR</td><td>\$</td></tr> <tr><td>SMP6</td><td>\$</td></tr> <tr><td>RRA3</td><td>\$</td></tr> <tr><td>SEP</td><td>\$</td></tr> <tr><td>AGA3</td><td>\$</td></tr> <tr><td>MJF2</td><td>\$</td></tr> <tr><td>ADM1</td><td>\$</td></tr> <tr><td>ADM2</td><td>\$</td></tr> <tr><td>DPF</td><td>\$</td></tr> <tr><td>SCP2</td><td>\$</td></tr> <tr><td>SCP3</td><td>\$</td></tr> <tr><td>CVC</td><td>\$</td></tr> <tr><td>MCA</td><td>\$</td></tr> <tr><td>SDV</td><td>\$</td></tr> </table>	SDN	\$	SSC1		SSC2	\$	MJF	\$	SBA	\$	HSC	\$	SMP1	\$	SMP2	\$	SPD	\$	SMP3	\$	SCP	\$	AGA1	\$	AGA2	\$	RRA1	\$	SMP4	\$	RRA2	\$	SMP5	\$	NTR	\$	SMP6	\$	RRA3	\$	SEP	\$	AGA3	\$	MJF2	\$	ADM1	\$	ADM2	\$	DPF	\$	SCP2	\$	SCP3	\$	CVC	\$	MCA	\$	SDV	\$
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Title: _____ JEFFERSON COUNTY SHERIFF'S DEPT.																																																															
Phone No: (870) 541-5351 Fax No: (870) 541-5348																																																															

Source: Department of Finance and Administration (unaudited by Arkansas Legislative Audit)

Appendix H

Miscellaneous Fees Collected by District Courts and Remitted to the Department of Finance and Administration (Excluding Administration of Justice Activity) Calendar Year 2023

State District	MJF	SMP3	SCP	AGA2	RRA2	SEP	MJF2	All Other	Total	% of Total
1	\$ 245,568	\$ 27,474	\$ 9,954	\$ 43,982	\$ 17,153	\$ 64,320	\$ 35,405	\$ 19,956	\$ 463,812	7.53%
2	212,339	9,301	3,694	2,172	24,071	36,870	37,500	21,883	347,830	5.65%
3	55,663	30,460	1,275	0	280	20,258	5,190	7,386	120,512	1.96%
4	44,921	31,407	1,474	588	66	21,641	6,768	11,536	118,401	1.92%
5	14,726	19,838	1,792	75,275	39,545	4,786	9,960	2,665	168,587	2.74%
6	47,598	69,588	3,896	515	6,911	13,430	38,775	17,327	198,040	3.22%
7	26,773	19,090	2,319	9,589	4,148	8,689	9,395	2,573	82,556	1.34%
8	64,959	22,724	535	4,470	5	20,306	7,200	7,585	127,784	2.08%
9	198,123	11,597	3,408	4,010	6,955	15,722	31,635	17,662	289,112	4.70%
10	42,680	43,990	289	647	0	25,652	4,185	4,368	121,811	1.98%
11	29,984	41,400	1,275	27	3,611	19,293	5,850	2,534	103,974	1.69%
12	89,739	36,183	604	3,593	20,476	15,299	7,135	22,208	195,237	3.17%
13	10,130	11,421	1,040	0	1,903	9,573	2,340	2,520	38,927	0.63%
14	25,054	45,340	953	1,800	5,338	5,794	4,440	4,105	92,824	1.51%
15	28,842	9,718	3,764	98	4,045	12,970	2,670	1,598	63,705	1.03%
17	60,925	60,979	1,503	563	0	9,921	7,110	4,760	145,761	2.37%
18	33,888	10,692	2,325	33	1,622	5,300	6,480	1,321	61,661	1.00%
19	107,857	41,226	3,806	535	243	14,578	6,970	7,063	182,278	2.96%
20	23,412	8,212	864	1,997	1,507	6,079	1,620	8,030	51,721	0.84%
21	20,456	52,456	3,419	61,402	50,888	20,370	7,110	15,524	231,625	3.76%
22	2,933	1,666	2,452	0	1,618	1,951	3,765	625	15,010	0.24%
23	172,372	44,409	4,284	2,898	8,562	44,181	15,300	10,723	302,729	4.92%
24	26,751	30,939	2,258	303	10,919	5,144	6,079	2,250	84,843	1.37%
25	67,754	21,497	4,085	48	3,462	26,348	4,140	24,348	151,882	2.46%
26	10,714	8,065	875	3,023	27,873	5,396	6,105	1,000	63,051	1.02%
27	10,179	11,760	1,350	1,576	20,219	4,715	9,735	2,862	62,396	1.01%
28	51,995	27,823	2,467	460	17,670	8,049	9,630	1,853	119,947	1.95%
29	32,772	96,342	5,937	1,670	47,360	10,740	30,690	7,296	232,807	3.78%
30	51,710	12,279	1,067	1,935	471	4,996	7,005	4,284	83,747	1.36%
31	273,663	87,908	10,670	4,511	18,428	26,292	122,985	15,591	560,048	9.10%
32	100,658	3,689	803	57	11,373	15,002	14,385	33,340	179,307	2.91%
33	33,054	23,819	2,578	595	8,465	5,975	5,491	2,198	82,175	1.33%
34	20,953	19,007	4,440	723	13,209	12,576	5,520	2,150	78,578	1.28%
35	27,184	20,738	1,976	0	1,697	4,545	12,293	2,489	70,922	1.15%
37	31,426	27,488	2,281	8,660	33,384	17,998	5,070	4,767	131,054	2.13%
38	29,626	25,470	2,624	7,533	31,973	13,111	4,020	6,112	120,469	1.96%
39	18,033	15,807	2,691	388	8,092	8,407	12,285	9,589	75,292	1.22%
40	6,338	2,254	1,124	223	1,234	3,560	3,281	440	18,454	0.30%
41	111,116	34,131	1,837	1,566	10,989	7,525	11,730	5,211	184,105	2.99%

Appendix H (Continued)

Local District	MJF	SMP3	SCP	AGA2	RRA2	SEP	MJF2	All Other	Total	% of Total
Stone County	12,498	1,866	138	495	111	6,034	990	990	23,122	0.38%
Fulton County	5,695	4,075	150	1,342	1,873	2,170	780	1,686	17,771	0.29%
Izard County	6,352	7,938	56	0	0	3,811	1,110	705	19,972	0.32%
Arkansas County, Northern District	17,680	7,989	436	0	0	2,670	1,665	305	30,745	0.50%
Arkansas County, Southern District	11,030	2,685	188	663	165	3,760	585	387	19,463	0.32%
Monroe County, Clarendon/Holly Grove	1,065	5,050	538	0	0	1,603	300	405	8,961	0.15%
Monroe County, Brinkley	4,804	8,963	3,591	30	2,378	3,917	300	2,691	26,674	0.43%
Little River County	10,986	7,862	1,340	0	22,412	10,860	1,620	957	56,037	0.91%
Howard County & Pike County	31,786	23,976	613	60	3,793	15,180	7,755	2,530	85,693	1.39%
Sewier County	12,338	12,440	788	0	13,479	3,900	1,545	725	45,215	0.73%
Totals	\$ 2,577,102	\$ 1,201,031	\$ 111,826	\$ 250,055	\$ 509,956	\$ 631,247	\$ 543,897	\$ 331,113	\$ 6,156,227	100.00%
<div> <div> MJF = Fine Installment Fees for Judicial Fine Collection Enhancement Fund SMP3 = Fines for No Liability Insurance SCP = Child Passenger Protection Fund AGA2 = Tickets Safety Violations for Large Trucks </div> <div> RRA2 = Overweight/Over Length Trucks SEP = Drug Crime Special Assessment MJF2 = Court Technology Fees for Judicial Fine Collection Enhancement Fund </div> </div>										

Source: Department of Finance and Administration – Administration of Justice Database (unaudited by Arkansas Legislative Audit)

Appendix I

Administrative Office of the Courts (AOC) Judicial Fine Collection Enhancement Fund Collections Remitted to the Department of Finance and Administration Calendar Year 2023

State District	MJF - Fine Installment Fee Revenue	MJF2 - Court Technology Fee Revenue	Total Judicial Fine Collection Enhancement Fund Collections
1	\$ 245,568	\$ 35,405	\$ 280,973
2	212,339	37,500	249,839
3	55,663	5,190	60,853
4	44,921	6,768	51,689
5	14,726	9,960	24,686
6	47,598	38,775	86,373
7	26,773	9,395	36,168
8	64,959	7,200	72,159
9	198,123	31,635	229,758
10	42,680	4,185	46,865
11	29,984	5,850	35,834
12	89,739	7,135	96,874
13	10,130	2,340	12,470
14	25,054	4,440	29,494
15	28,842	2,670	31,512
17	60,925	7,110	68,035
18	33,888	6,480	40,368
19	107,857	6,970	114,827
20	23,412	1,620	25,032
21	20,456	7,110	27,566
22	2,933	3,765	6,698
23	172,372	15,300	187,672
24	26,751	6,079	32,830
25	67,754	4,140	71,894
26	10,714	6,105	16,819
27	10,179	9,735	19,914
28	51,995	9,630	61,625
29	32,772	30,690	63,462
30	51,710	7,005	58,715
31	273,663	122,985	396,648
32	100,658	14,385	115,043
33	33,054	5,491	38,545
34	20,953	5,520	26,473
35	27,184	12,293	39,477
37	31,426	5,070	36,496
38	29,626	4,020	33,646
39	18,033	12,285	30,318
40	6,338	3,281	9,619
41	111,116	11,730	122,846

Appendix I (Continued)

Local District	MJF - Fine Installment Fee Revenue	MJF 2 - Court Technology Fee Revenue	Total Judicial Fine Collection Enhancement Fund Collections
Stone County	12,498	990	13,488
Fulton County	5,695	780	6,475
Izard County	6,352	1,110	7,462
Arkansas County, Northern District	17,680	1,665	19,345
Arkansas County, Southern District	11,030	585	11,615
Monroe County, Clarendon & Holly Grove	1,065	300	1,365
Monroe County, Brinkley	4,804	300	5,104
Little River County	10,986	1,620	12,606
Howard County & Pike County	31,786	7,755	39,541
Sevier County	12,338	1,545	13,883
Total District Court Collections	\$ 2,577,102	\$ 543,897	\$ 3,120,999
Total Circuit Court Collections			1,877,730
Total Arkansas Supreme Court Collections (Note)			704,925
Overall Total			\$ 5,703,654

Note: Primarily from e-Filing fees.

Source: Department of Finance and Administration - Administration of Justice Database (unaudited by Arkansas Legislative Audit)

Appendix J

State Revenue or Funding Inflows by District Calendar Year 2023

State District	Uniform Filing Fees and Miscellaneous Revenues Collected and Remitted to the State AOJ Fund	Judicial Fine Collection Enhancement Fund Fees Remitted to the AOC	Proportional Share of District Judge Salaries Remitted to the Auditor of State	Public Defender User and Attorney Fees Remitted to the Public Defender Commission	Total
1	\$ 1,965,867	\$ 280,973	\$ 221,421	\$ 31,880	\$ 2,500,141
2	1,042,275	249,839	216,122	958	1,509,194
3	433,371	60,853	58,650	8,489	561,363
4	412,159	51,689	58,601	9,027	531,476
5	381,032	24,686	56,629	10,780	473,127
6	372,765	86,373	231,188	41,288	731,614
7	372,091	36,168	57,252	24,820	490,331
8	582,893	72,159	54,291	1,130	710,473
9	768,693	229,758	108,495	13,138	1,120,084
10	399,527	46,865	56,919	5,643	508,954
11	484,595	35,834	111,654	320	632,403
12	542,814	96,874	56,853	720	697,261
13	140,175	12,470	58,650	6,971	218,266
14	322,561	29,494	58,650	6,418	417,123
15	317,893	31,512	57,290	0	406,695
17	282,073	68,035	57,421	50	407,579
18	332,342	40,368	115,687	270	488,667
19	727,739	114,827	117,300	5,117	964,983
20	146,380	25,032	57,563	0	228,975
21	512,079	27,566	57,904	3,670	601,219
22	57,044	6,698	57,472	0	121,214
23	1,100,499	187,672	116,811	14,053	1,419,035
24	246,562	32,830	55,612	100	335,104
25	918,523	71,894	114,550	0	1,104,967
26	110,208	16,819	55,373	2,710	185,110
27	149,430	19,914	55,595	2,393	227,332
28	506,073	61,625	58,650	150	626,498
29	780,900	63,462	171,234	0	1,015,596
30	404,056	58,715	115,168	11,917	589,856
31	853,872	396,648	468,814	2,312	1,721,646
32	548,828	115,043	110,232	5,900	780,003
33	299,834	38,545	54,740	2,192	395,311
34	341,221	26,473	56,821	30	424,545
35	61,524	39,477	58,650	0	159,651
37	163,649	36,496	58,126	3,425	261,696
38	279,635	33,646	55,424	300	369,005
39	157,691	30,318	56,206	1,890	246,105
40	28,000	9,619	58,650	0	96,269
41	831,265	122,846	117,300	15,848	1,087,259
Local District	Uniform Filing Fees and Miscellaneous Revenues Collected and Remitted to the State AOJ Fund	Judicial Fine Collection Enhancement Fund Fees Remitted to the AOC	Proportional Share of District Judge Salaries Remitted to the Auditor of State	Public Defender User and Attorney Fees Remitted to the Public Defender Commission	Total
Stone County	96,150	13,488		2,356	111,994
Fulton County	62,796	6,475		215	69,486
Izard County	64,243	7,462		380	72,085
Arkansas County, Northern District	119,999	19,345		260	139,604
Arkansas County, Southern District	68,590	11,615		0	80,205
Monroe County, Clarendon/Holly Grove	29,531	1,365		150	31,046
Monroe County, Brinkley	35,359	5,104		1,645	42,108
Little River County	173,906	12,606		0	186,512
Howard County & Pike County	189,191	39,541		0	228,732
Sevier County	147,516	13,883		0	161,399
State Revenue or Funding Inflows	\$ 19,365,419	\$ 3,120,999	\$ 3,763,968	\$ 238,915	\$ 26,489,301

Appendix J (Continued)

State Revenue or Funding Inflows Not Attributed to a District Court	
Professional Bail Bondsman Fees remitted to the Public Defender Commission *	\$ 904,560
Circuit Court Fees and Miscellaneous Revenues remitted to the AOJ Fund **	5,332,022
Circuit Court Judicial Fine Collection Enhancement Fund Fees Remitted to the Administrative Office of the Courts **	1,877,730
Supreme Court Fine Collection Enhancement Fund Fees Remitted to the Administrative Office of the Courts **	704,925
County Aid Funds remitted to the Auditor of State ****	1,250,329
Constitutional Officers Fund remitted to the Auditor of State ***	10,583,009
State Central Services Fund remitted to:	
Public Defender Commission *****	4,003,768
Auditor of State ****	6,455,863
AOC *****	333,690
Office of Prosecutor Coordinator	1,100,000
Federal grant funds to the Office of Prosecutor Coordinator - Paws for Justice	246,306
Federal grant funds to AOC - State and Community Highway Safety pass-through from Arkansas State Police	27,455
Total Revenue or Funding Inflows	\$ 59,308,958
<p>AOJ = Administration of Justice AOC = Administrative Office of the Courts DFA = Department of Finance and Administration</p> <p>* This applies to both Circuit and District Courts and cannot be broken out. ** These amounts were included as the expenses or outflows associated with the revenue or inflows also included (e.g., all AOC Court automation expenses, all AOJ distributions (in Appendix F only), etc.). *** Only the remaining portion applicable to fund the State District Judges' salaries and expenses after the Proportional Share of District Judges' Salaries Remitted to the Auditor of State taken into account is reflected. **** Only the proportional amount applicable to the Deputy Prosecuting Attorneys' salaries is reflected. ***** Only the remaining portion required to fund the Public Defender Commission's salaries and expenses is reflected. ***** Only the portion applicable to fund the Interpreter and Court Security Grants is reflected.</p>	

Source: DFA, Auditor of State, AOC, Public Defender Commission, Office of the Prosecutor Coordinator, and Arkansas Administrative Statewide Information System (AASIS) (unaudited by Arkansas Legislative Audit)

Appendix K

State Non-Salary Expenditures by District Calendar Year 2023

State District	District Judges' Travel Reimbursements	Administrative Office of the Courts (AOC)		AOC Court Security Grants *	Total
		Interpreter Expenses			
1	\$ 698	\$ 18,177	\$	0	\$ 18,875
2	759	29,081		5,072	34,912
3	2,206	6,180		20,000	28,386
4	472	825		0	1,297
5	621	4,692		0	5,313
6	531	9,430		10,222	20,183
7	4,268	6,660		16,297	27,225
8	0	3,309		0	3,309
9	467	10,711		0	11,178
10	0	275		27,288	27,563
11	4,339	1,123		17,513	22,975
12	2,950	7,032		0	9,982
13	0	910		0	910
14	0	2,154		0	2,154
15	2,029	0		0	2,029
17	31	437		0	468
18	498	1,546		0	2,044
19	0	5,209		19,505	24,714
20	1,015	558		0	1,573
21	727	1,709		0	2,436
22	1,367	0		0	1,367
23	1,505	3,912		0	5,417
24	2,041	1,840		0	3,881
25	0	2,128		0	2,128
26	0	1,035		0	1,035
27	731	1,110		0	1,841
28	1,357	963		0	2,320
29	541	657		0	1,198
30	661	2,272		0	2,933
31	234	26,314		0	26,548
32	0	4,770		0	4,770
33	338	1,858		0	2,196
34	2,096	0		0	2,096
35	0	2,694		0	2,694
37	1,145	1,630		0	2,775
38	0	1,214		0	1,214
39	3,080	655		0	3,735
40	0	547		20,000	20,547
41	0	6,404		0	6,404

Appendix K (Continued)

Local District		District Judges' Travel Reimbursements	AOC Interpreter Expenses	AOC Court Security Grants *	Total
Stone County		N/A - Not State Employee	\$ 0	\$ 0	\$ 0
Fulton County		N/A - Not State Employee	0	19,900	19,900
Izard County		N/A - Not State Employee	0	0	0
Arkansas County, Northern District		N/A - Not State Employee	1,384	0	1,384
Arkansas County, Southern District		N/A - Not State Employee	268	0	268
Monroe County, Clarendon/Holly Grove		N/A - Not State Employee	125	0	125
Monroe County, Brinkley		N/A - Not State Employee	185	0	185
Little River County		N/A - Not State Employee	0	0	0
Howard County & Pike County		N/A - Not State Employee	4,239	0	4,239
Sevier County		N/A - Not State Employee	1,671	0	1,671
Total Non-Salary Expenditures by District Court		\$ 36,707	\$ 177,893	\$ 155,797	\$ 370,397
AOC Training Expenditures - District Judges Continuing Education Reimbursement					27,915
AOC Training Expenditures - District Judges and Clerks Continuing Education					34,129
AOC Court Automation Expenses (Judicial Fine Collection Enhancement Fund Expenditures) **					402,176
Contract Attorney and Interpreter and Other Professional Services Expense of the Public Defender Commission					8,389
Total Non-Salary Expenses of the Office of the Prosecutor Coordinator **					375,723
Overall Non-Salary Expenses					\$ 1,218,729

* According to AOC, the Court Security Grants were provided to counties with District Courts that directly or indirectly benefited from these.

** These amounts were included as the revenues or inflows associated with the expenses or outflows also included (e.g., all AOC Judicial Fine Collection Enhancement Fund revenues and all revenues or inflows of the Office of the Prosecutor Coordinator).

Source: Auditor of State, AOC, Public Defender Commission, Office of the Prosecutor Coordinator, and Arkansas Administrative Statewide Information System (AASIS) (unaudited by Arkansas Legislative Audit)

Appendix L

Local Revenue by District Calendar Year 2023

State District	Fines and Fees (Note)	Court Costs (Note)	Other (Note)	Total
1	\$ 4,304,994	\$ 421,019	\$ 34,648	\$ 4,760,661
2	3,066,217	89,484	0	3,155,701
3	1,120,087	33,962	1,056	1,155,105
4	782,128	46,653	49,642	878,423
5	970,332	98,798	12	1,069,142
6	3,032,633	0	71,333	3,103,966
7	1,128,039	111,047	54,557	1,293,643
8	1,095,033	85,710	33,913	1,214,656
9	1,734,118	128,407	2,049	1,864,574
10	825,868	167,343	78,126	1,071,337
11	964,230	741,985	704,102	2,410,317
12	1,135,768	32,382	10,572	1,178,722
13	735,090	40,945	24,586	800,621
14	532,254	63,306	517	596,077
15	1,185,961	13,227	4,076	1,203,264
17	640,966	244,831	130	885,927
18	1,015,842	320,899	77,903	1,414,644
19	2,027,239	507,934	432,705	2,967,878
20	592,607	43,454	4,006	640,067
21	1,224,062	549,877	0	1,773,939
22	296,368	7,276	0	303,644
23	2,638,597	236,774	852	2,876,223
24	633,644	6,941	1,278	641,863
25	1,492,189	15,324	8,314	1,515,827
26	409,840	40,542	1,025	451,407
27	682,892	48,802	656	732,350
28	522,973	213,606	0	736,579
29	1,716,362	132,057	8,522	1,856,941
30	832,591	134,838	574	968,003
31	3,978,531	542,521	6,120	4,527,172
32	1,095,143	152,937	87,286	1,335,366
33	712,352	29,682	243	742,277
34	893,906	102,723	5,295	1,001,924
35	362,649	31,833	22,905	417,387
37	1,152,282	15,218	14,289	1,181,789
38	605,800	283,540	104,902	994,242
39	512,646	264,639	114,572	891,857
40	483,938	9,441	4,182	497,561
41	1,333,407	0	0	1,333,407
Local District	Fines and Fees (Note)	Court Costs (Note)	Other (Note)	Total
Stone County	\$ 118,615	\$ 3,702	\$ 777	\$ 123,094
Fulton County	112,047	26,775	0	138,822
Izard County	313,007	0	46	313,053
Arkansas County, Northern District	322,893	182,443	24,688	530,024
Arkansas County, Southern District	242,404	15,763	0	258,167
Monroe County, Clarendon & Holly Grove	121,404	21,174	0	142,578
Monroe County, Brinkley	229,611	55,360	0	284,971
Little River County	414,980	278,950	0	693,930
Howard County & Pike County	557,567	183,013	2,866	743,446
Sevier County	456,234	0	950	457,184
Total Local Revenue	\$ 51,358,340	\$ 6,777,137	\$ 1,994,275	\$ 60,129,752

Note: Local revenues and expenditures are self-reported by the counties and municipalities in each District. Municipalities do not have a standardized chart of accounts; therefore, the classification of and distinction between the types of revenue reported will vary.

Source: Various city and county records (unaudited by Arkansas Legislative Audit)

Appendix M

State Salary Expenditures (Including Taxes and Benefits) by District Calendar Year 2023

State District	District Judges	Deputy Prosecuting Attorneys *	Public Defender Commission **	Total
1	\$	675,215	\$	745,842
2	675,215	94,709	60,000	829,924
3	168,804	242,074	307,972	718,850
4	168,863	123,782	111,292	403,937
5	168,804	42,292	56,039	267,135
6	675,215	280,821	320,078	1,276,114
7	170,324	130,787	71,265	372,376
8	169,949	88,656	164,301	422,906
9	337,608	36,694	60,000	434,302
10	168,804	222,069	292,444	683,317
11	338,511	117,804	140,060	596,375
12	168,804	247,306	191,558	607,668
13	168,804	90,670	40,208	299,682
14	168,804	72,822	0	241,626
15	168,804	93,218	208,863	470,885
17	168,804	136,633	0	305,437
18	337,608	106,909	138,607	583,124
19	337,608	243,553	118,544	699,705
20	168,804	151,293	105,728	425,825
21	168,804	65,000	88,254	322,058
22	168,804	62,511	145,743	377,058
23	337,608	107,851	31,265	476,724
24	169,781	161,780	158,171	489,732
25	337,608	117,715	101,175	556,498
26	168,804	32,934	49,926	251,664
27	168,804	49,369	101,598	319,771
28	168,804	68,930	224,321	462,055
29	506,411	105,443	173,130	784,984
30	337,608	144,573	103,080	585,261
31	1,350,430	366,153	541,663	2,258,246
32	337,608	98,850	302,508	738,966
33	168,804	77,885	103,316	350,005
34	168,804	92,260	45,828	306,892
35	168,804	34,020	96,373	299,197
37	168,804	84,050	0	252,854
38	168,804	70,000	75,135	313,939
39	60,000	192,524	60,000	312,524
40	168,821	138,434	110,013	417,268
41	337,608	26,156	157,539	521,303

Appendix M (Continued)

Local District	District Judges	Deputy Prosecuting Attorneys *	Public Defender Commission **	Total
Stone County	N/A - Not State Employee	59,727	0	59,727
Fulton County	N/A - Not State Employee	52,217	36,458	88,675
Izard County	N/A - Not State Employee	89,077	105,728	194,805
Arkansas County, Northern District	N/A - Not State Employee	30,000	99,673	129,673
Arkansas County, Southern District	N/A - Not State Employee	30,000	0	30,000
Monroe County, Clarendon/Holly Grove	N/A - Not State Employee	26,584	0	26,584
Monroe County, Brinkley	N/A - Not State Employee	26,584	50,587	77,171
Little River County	N/A - Not State Employee	18,478	0	18,478
Howard County & Pike County	N/A - Not State Employee	125,665	88,880	214,545
Sevier County	N/A - Not State Employee	83,537	110,237	193,774
Statewide or Unallocated		312,060	0	312,060
Total Salaries	11,036,875	5,511,821	5,578,825	22,127,521
Total Benefits (including taxes)	3,619,818	2,194,371	1,287,036	7,101,225
Total Salaries and Benefits	\$ 14,656,693	\$ 7,706,192	\$ 6,865,861	\$ 29,228,746
Salaries of the Office of the Prosecutor Coordinator			1,072,484	
Benefits of the Office of the Prosecutor Coordinator			346,950	
Salaries and Benefits of Office of the Prosecutor Coordinator ***				1,419,434
Salaries of AOC Court Automation Personnel (Judicial Fine Collection Enhancement)			3,093,367	
Benefits of AOC Court Automation Personnel			973,764	
Salaries and Benefits of AOC Court Automation Personnel ***				4,067,131
Overall Total Salaries and Benefits			\$	\$ 34,715,311

AOC = Administrative Office of the Courts

* According to the Office of the Prosecutor Coordinator, these amounts represent the salaries of 89 of the 280 Deputy Prosecuting Attorneys who "regularly practice" in District Courts. However, it is not feasible to allocate with 100% accuracy how much should be allocated to District versus Circuit Court. Included in the 89 are two conflict attorneys that are assigned to cases in which Prosecuting Attorneys have a conflict of interest that prohibits them from prosecuting cases. These two positions could be assigned to any of the Districts for Circuit or District Courts.

** According to the Public Defender Commission, the state employee attorneys, both full-time and part-time, who appear in District Courts also have obligations in Circuit Court Criminal, Juvenile, and Probate Divisions. In addition, it should be noted that several smaller courts that the public defender has an obligation to cover exist within any given county.

*** These amounts were included as the revenues or inflows associated with the expense also included (e.g., all AOC Judicial Fine Collection Enhancement Fund revenues and all revenues or inflows of the Office of the Prosecutor Coordinator).

Source: Auditor of State, AOC, Public Defender Commission, Office of the Prosecutor Coordinator, and Arkansas Administrative Statewide Information System (AASIS) (unaudited by Arkansas Legislative Audit)

Appendix N

Local Expenditures by District Calendar Year 2023

State District	Personal Services (Note)	Supplies	Other Services and Charges	Capital Outlay	Debt Service	Total
1	\$ 2,389,900	\$ 163,314	\$ 545,405	\$ 67,699	\$ 0	\$ 3,166,318
2	2,436,008	156,547	241,398	217,612	0	3,051,565
3	364,754	10,564	202,744	10,200	0	588,262
4	462,441	32,197	47,608	6,456	0	548,702
5	679,619	16,643	162,510	0	0	858,772
6	1,681,674	117,405	331,271	4,331	0	2,134,681
7	564,035	32,025	96,072	9,943	0	702,075
8	470,323	4,782	152,506	0	0	627,611
9	1,588,713	33,042	372,918	1,268	0	1,995,941
10	803,086	75,696	164,806	31,276	0	1,074,864
11	657,161	41,153	167,275	9,500	0	875,089
12	627,092	52,771	176,283	25,339	0	881,485
13	351,270	13,854	92,767	523	0	458,414
14	302,369	10,084	90,738	0	0	403,191
15	361,893	19,794	67,797	8,466	0	457,950
17	330,162	17,070	162,830	0	0	510,062
18	415,919	7,877	65,701	0	0	489,497
19	904,397	31,252	177,870	0	0	1,113,519
20	395,405	26,690	52,453	1,334	0	475,882
21	795,185	33,374	224,010	2,250	0	1,054,819
22	385,725	14,217	67,662	0	0	467,604
23	1,436,326	48,967	213,702	18,711	1,476	1,719,182
24	413,596	18,402	66,384	4,621	0	503,003
25	564,964	15,345	167,346	1,264	0	748,919
26	243,982	9,334	32,728	11,329	0	297,373
27	333,601	12,766	108,192	0	0	454,559
28	267,950	18,126	57,443	0	0	343,519
29	1,298,736	44,786	135,960	1,214	0	1,480,696
30	816,056	58,438	90,891	5,000	0	970,385
31	5,205,272	162,813	1,992,207	7,541	0	7,367,833
32	1,106,470	39,723	328,042	44,449	0	1,518,684
33	435,028	16,866	35,885	1,592	0	489,371
34	293,073	19,984	99,839	5,748	0	418,644
35	466,254	20,873	159,303	49,977	0	696,407
37	697,977	24,883	27,862	1,275	0	751,997
38	326,372	27,812	74,199	1,468	0	429,851
39	462,858	36,588	89,704	0	0	589,150
40	376,480	19,888	77,592	0	0	473,960
41	949,583	58,563	157,300	0	0	1,165,446
Local District	Personal Services (Note)	Supplies	Other Services and Charges	Capital Outlay	Debt Service	Total
Stone County	118,075	3,127	11,830	0	0	133,032
Fulton County	141,780	3,411	11,796	0	0	156,987
Izard County	152,645	2,561	9,500	0	0	164,706
Arkansas County, Northern District	97,794	10,572	17,783	0	0	126,149
Arkansas County, Southern District	190,647	9,363	39,831	0	0	239,841
Monroe County, Clarendon/Holly Grove	90,427	1,932	23,164	0	0	115,523
Monroe County, Brinkley	142,723	3,614	14,931	0	0	161,268
Little River County	133,229	38,910	0	0	0	172,139
Howard County & Pike County	347,052	15,849	27,421	6,132	0	396,454
Sevier County	239,966	5,312	25,080	0	0	270,358
Total Local Expenses	\$ 34,316,047	\$ 1,659,159	\$ 7,758,539	\$ 556,518	\$ 1,476	\$ 44,291,739

Note: Includes salaries, contract labor, Social Security matching, retirement and health insurance contributions, workers compensation, unemployment compensation, and other fringe benefits.

Source: Various city and county records (unaudited by Arkansas Legislative Audit)

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District Court White Paper – Arkansas Municipal League – September 4, 2024

Act 38 of 2023 required a legislative study into the financial matters of State district courts. The purpose of the study was multifaceted, but predominantly focused on analyzing the statutory funding of the court system to gain a better understanding of whether the funding between state, counties, and municipalities was equitable and to look into the installment fees defendant's, who are unable to pay the entirety of the fees and fines up front,

The following issues were identified throughout the many discussions over the past few months leading up to the release of the Special Report on Information Regarding Arkansas District Court (Special Report): (1) District Court Judge Salaries; (2) Court Management System; (3) Installment Fees; (4) District Court Security; (5) Retained Cost Share; (6) Administration of Justice Fund.

The League, on behalf of the cities and towns, have not yet taken any firm positions on any proposal to remedy the issues identified in the Legislative Audit study or those listed below. With that said, the League is fully committed to working with the Legislature, the AOC, and the AAC to identify the best routes to a better district court system.

1) District Court Judge Salaries

Amendment 80 of the Arkansas Constitution, passed by the voters at the 2000 General Election, restructured the judicial system in Arkansas. Part of the restructure included the abolishment of municipal courts and courts of equity and establishing State district courts as a means to provide uniformity for Arkansas's court system. While Amendment 80 focused on the restructure of the judicial system, Amendment 94 to the Arkansas Constitution, enacted by the voters at the 2014 General Election, vested the power of setting the salaries for district court Judges with the Independent Citizens Commission. Due to this change, the salaries of district court judges are funded through the Constitutional Officers Fund, which also funds the salaries for other such state officers including the Governor, Attorney General, Secretary of State, Arkansas Supreme Court Justices, and Circuit Court Judges.

Although the voters, through Amendment 80 and Amendment 94, voted to establish State district courts and required their salaries to be set by the Independent Citizens Commission and to be paid from the Constitutional Officers Fund, municipalities and counties are currently paying half of the district court Judges salaries. Per Ark. Code Ann. § 16-17-1106(b), municipalities and counties are required to pay to the State "an amount equal to its proportionate share of one-half of the base salary established by law for state fiscal year 2009 for that district's state district court judge". Due to this, municipalities and counties are collectively spending roughly \$3.8 million a year on State District Court Judge's salaries.

2) Installment Fees

State district courts are authorized to allow defendants who have the ability to pay, but can't make an immediate payment, to pay their fine via monthly installments. Ark Code Ann. § 16-13-704 establishes two separate \$5 fees that are attached onto each monthly installment payment totaling an additional \$10 a month the defendant is required to pay in addition to their original payment. Pages 8 and 9 of the Special Report on Information Regarding Arkansas District Court details where the funds go. In short, 75% of the \$10 fee collected in district courts goes to the State for deposit into the State AOJF, which receives \$5, and the Judicial Fine Collection Enhancement Fund, which receives \$2.50. The remaining \$2.50 is remitted to the local court automation fund.

There has been a lot of discussion and a strong will to move away from the current installment fee framework and find solutions that will reduce the burden on the defendant. One such solution may be to repeal the installment fees and simply apply a \$5 fee on every case heard in district court. This way district court itself could still fund district court related items while the means of funding is more equitable and spread amongst everyone instead of those who may not be able to afford the additional \$10/month installment fee that accrues. Another potential solution is to have a flat payment, such as \$50, that is paid upfront to allow the defendant to make fine payments on a monthly instalment plan basis.

3) Court Management System

Over the past few years, the State has invested millions of dollars developing a uniform case management system. As we understand it, the Arkansas Supreme Court has the authority to require all District Courts to be on this one uniform system and that the General Assembly does not itself have to legislate the issue. In light of the State picking up the remainder of the \$3.8 million dollars municipalities and counties have been spending on District Court Judge's salaries, the State may require everyone to use this one uniform system. We are optimistic this change would not be too difficult; however, the State would need to offer robust training for the new system.

4) District Court Security

Outside of the restructure and funding change per Amendments 80 and 94, the General Assembly, through Act 663 of 2007, established the District Court Resource Assessment Board (DCRAB) and charged the Board with analyzing and determining criteria for district courts and the redistricting of district courts. The primary responsibilities of the DCRAB are to recommend to the General Assembly before each regular session: (1) the creation and placement of new

state-funded district court judgeships; (2) any redistricting of the district courts; and (3) the reorganization, consolidation, abolition, or creation of any district court or district court judgeship; as well as the criteria for the creation and placement of district court judgeships.

As part of any reorganization analysis, if the need to abolish some departments of district courts arises, some set of criteria and/or minimum standards for departments of district court should be explored.

5) Retained Share

In every city and town that operates a district court, there is a fund titled the “city administration of justice fund.” The city administration of justice fund is meant to defray a part of the expense of the administration of justice in the city or town. As such, Ark. Code Ann. § 16-10-308 authorizes cities and towns to retain an amount equal to the amount which was collected by the town or city from court costs and filing fees for city administration of justice expense in the calendar year ending in 12/31/1994. This amount the city or town is authorized to retain is termed the “retained cost share”. In other words, the formula laid out in Ark. Code Ann. § 16-10-308 essentially creates a monetary threshold for every district court based on what municipalities were expending decades ago. A district court may keep all the money below the threshold, but if the district court ends up exceeding the threshold, then all the money over the threshold gets remitted to the State.

The formula is outdated and has led to varying amounts being kept, and remitted by the district courts. For example, one municipality may have a retained cost share of \$800,000; however, that district court may only bring in roughly \$750,000. Therefore, the district court retains all \$750,000. On the flip side, there are many district courts that have a very low retained cost share. The effect of this is that a district court may bring in over \$100,000 a year, but since their retained cost share is only \$7,000, then that district court remits the remaining \$93,000 back to the State.

While it is clear that changes to the retained cost share formula are much needed, further study and discussion is warranted in order to determine a formula that is updated and more equitable than where it currently stands.

6) Administration of Justice Fund

Funds remitted to the Administration of Justice Fund (“AOJ Fund”) are used to fund 24 different items as identified in Appendix F of the Special Report – most of which are not related to District court. Appendix F provides that \$21,411,139 is distributed from the AOJ Fund to the 24 below items following items:

- 1) UA-Fayetteville Law School
- 2) UALR Law School
- 3) Public Health Fund
- 4) Highway Safety Specialty Fund

- 5) State Police Retirement Fund
- 6) Arkansas State Police Fund
- 7) Crime Victim Reparations
- 8) Prosecutor Coordinator
- 9) Crime Information System
- 10) Arkansas Building Authority**
- 11) Municipal Judge Clerk Education Fund
- 12) Judicial Retirement
- 13) Arkansas Public Defender Commission
- 14) Court Reporter Fund**
- 15) Justice Building Fund
- 16) County Alcohol and Drug Program
- 17) Trial Court Administrative Fund**
- 18) Dependency Neglect Representation
- 19) State Crime Lab
- 20) District Judges Association for the District Court Coordinator**
- 21) Public Legal Aid
- 22) AOC Reimbursement to Counties for Juror Expenses
- 23) AOC Drug Coordinator
- 24) AOC Court Security

Out of the above 24 items, only the ones bolded are fully funded. There is no question that the items mentioned above are worth funding. However, the focal point is that a large portion of \$21 million distributed from the AOJ Fund is used to fund items that are not related to the operation and maintenance of the district court system.

If there are any questions, please reach out to John Wilkerson, General Counsel and Legislative Director for the Arkansas Municipal League – (501) 554-6315 or jwilkerson@arml.org.



Association of Arkansas Counties

Act 1256 of 1995 as Amended **Administration of Justice**

State, County and Municipal Cost Sharing

&

Cost of the Courts

Prepared By:

Eddie A. Jones, Consultant

Association of Arkansas Counties

Executive Summary:

Our vision at AAC is to provide a single source of cooperative support and information for all counties and county and district officials through the provisions of general research, public education programs, and conducting seminars for county governments in Arkansas.

The Association of Arkansas Counties (AAC) supports and promotes the idea that all elected officials must have the opportunity to act together in order to solve mutual problems as a unified group. To further this goal, the AAC is committed to providing a single source of cooperative support and information for all counties and county and district officials. The overall purpose of the AAC is to work for the improvement of county government in the state of Arkansas. The association accomplishes this purpose by providing *legislative representation, including white papers such as this concerning the administration of justice*; on-site assistance; general research; training; various publications and conferences to assist county officials in carrying out the duties and responsibilities of their office.

Background Overview

The AAC was founded in 1968. The first president was A.A. "Shug" Banks, Mississippi County judge. Membership started out very slowly, but AAC's membership of Arkansas counties has been 100 percent since 1988. Dues are voluntary.

The association originally rented office space across the street from the state Capitol with four full-time employees. In 1979, AAC bought property down the street, one block from the Capitol, and built a 3,600-square-foot office building. The AAC now occupies more than 16,000 square feet; with meeting space for 250...and is in the process of the next large expansion with the purchase of adjoining property. The association has about 40 full-time employees.

In 1985, AAC added a Workers' Compensation Trust for counties, and in 1986 it added a Risk Management Fund. Both programs are popular with the counties and completely self-funded and self-administered.

Problem Statement

In the 1990s it was generally established, by the General Assembly, that the system of funding the state judicial system had created inequity in the level of judicial services available to the citizens of the state with the assessment and collection of numerous individual court costs and filing fees that seemed to be different in each jurisdiction. It was further determined that the method of financing the state judicial system had become complex to the point of making the administration of the system impossible.

The General Assembly also determined that there was no reliable data on the cost of the state judicial system. So they deemed it necessary to “do something”. Act 1256 of 1995 totally changed the system. It did not fix everything. It did not solve all the problems. It could have done more than it did **IF** it had been implemented correctly in all jurisdictions and continued to be administered in all jurisdictions in accordance with the law.

But, because it was a huge shift in procedure and administration of the courts and took a total mind shift in the application of court costs and filing fees – some never fully grasped the seismic shift in methods and resorted to the theory of “fly by the seat of your pants” and “hope for the best”.

Because counties and municipalities are audited on a *regulatory basis* or *agreed-upon procedures and compilation reports* rather than a true financial audit several errors in the establishment of the local share and the ongoing administration of Administration of Justice Funds at the local level have gone undetected.

After suspecting errors, a few counties and municipalities recalculated the local share with the help of good records and the help of the Administrative Office of the Courts to get their original numbers changed so that the local entities are getting credit for the proper funds each month.

With the passage of time [almost 30 years] recalculation has almost become impossible due to lost or destroyed records from the 1990s. It is my understanding that

the Administration of Justice Section of the Department of Finance and Administration no longer has the original cost share documentation.

General Assembly's Solutions

The intent of Act 1256 of 1995 and amending legislation since was at least four-fold:

- **Eliminate the system of assessing and collecting a large number of individual court costs and filing fees that varied from one judicial jurisdiction to another.** There were many separate court costs assessed – 25 cents for this; 50 cents for that; \$1.00 for another; \$3.00 for this; \$10.00 for another etc. Records were kept of each of those individual courts costs by the appropriate clerk. They were remitted to the Treasurer [city or county] on a monthly basis and the Treasurer made proper disposition of the funds – by either crediting the funds to the proper local fund or sending the funds to the proper state agency. There were separate court costs for any number of things – such as County Law Library; City Attorney Fees; Prosecuting Attorney Fees; Public Defender Investigator; Indigent Defense; County Jail Revenue Bond; Policeman's Pension; Municipal Judge and Clerk Retirement; DWI court cost; Intoxication Detection Equipment; Drug Abuse Fund; Victim Witness; Alcohol Treatment Program; etc. And some of the fees in the various courts varied from county to county.
- **Replace the old system with a “uniform cost and fee schedule” to be applied statewide.** Act 1256 of 1995 established a uniform court cost for the various courts and types of cases and a uniform filing fee for the various divisions of the courts. The original code has been amended several times since 1995 and the court cost and filing fee amounts have changed....and I assume will continue to change through the years as there is need.
- **Prohibit the implementation of new costs and fees for specific programs in the future.** Before Act 1256, local governments had the ability, by ordinance, to assess new court costs and change filing fees. Local governments no longer have that ability. One of the reasons for Act 1256 of '95 was to make costs uniform and create more equity in the judicial services across the state. With

the passage of Act 1256 of '95 and follow-up legislation in 1997, dozens of codes or parts of codes were repealed.

- **Create a reporting system to allow the General Assembly to obtain accurate data to determine the cost to the state for the funding of the judicial system.** What the state found out is that the counties of Arkansas are subsidizing the cost of the state court system. In 2014 counties retained \$18.4 million in revenue for the courts – basically from our share of the Administration of Justice Fund and circuit court fines. But we expended \$64.1 million. That means that the state court system cost county government \$45.7 million in general funds that was not raised through the court system. [Ref: *Special Report Arkansas Legislative Audit*]

Note: This monumental change in law had an emergency clause and most of it took effect on July 1, 1995. The bill was signed and became Act 1256 of 1995 on April 13, 1995. That provided only 2 ½ months until implementation. County Clerks, Circuit Clerks, District Court Clerks, County Treasurers and City Treasurers had to learn and implement the paradigm shift in court operations almost overnight. Calculations for city and county shares had to be made quickly.

Pursuant to Act 1256 of 1995, Administration of Justice Funds were established on the books of the state, counties, and municipalities. *These funds were established on the books of each entity to credit their share of uniform court costs and filing fees to fund or help fund the programs that each remained responsible for.* The uniform filing fees and court costs were established by Act 1256 were the same statewide – unlike under the old system.



Local Share Process:

How did each municipality and county know what share of the fees and costs to keep locally and what amount to remit to the State Administration of Justice Fund?

A process was established to determine the local government's share and the remainder amount is to be remitted to the State. The State would fund the agencies or programs with their share that had previously been remitted from the local level.

Since the implementation of Act 1256 of 1995, when there were only 15 programs or agencies funded with the state share of "admin of justice funds", various programs or agencies have been added to the list through legislation. There are now 24 agencies or programs funded, at least in part, through the State Administration of Justice Fund. The last allocation of funding for these agencies or programs is contained in Act 152 of 2024, Special Language Section 56 for a total of \$39.3 million which includes funding for:

- University of Arkansas – Legal Education
- Drug Abuse Prevention and Treatment Program
- Arkansas Highway Safety Program
- State Police Retirement
- Arkansas State Police
- Crime Victim/Reparations Revolving
- Law Enforcement and Prosecutor Drug Enforcement Training
- Crime Information System
- Justice Building Construction
- District Court Judge and Court Clerk Education
- Arkansas Judicial Retirement
- Public Defender Commission
- Court Reporters
- Justice Building
- Arkansas Counties Alcohol and Drug Abuse and Crime Prevention
- Trial Court Administrators
- Drug Abuse Prevention and Treatment Program

- Dependency-Neglect Representation
- State Crime Laboratory
- District Court Coordinator
- Public Legal Aid
- County Reimbursement for Jurors
- Drug Court Coordinator
- Court Security

So what was that process for calculating the local share? It is set out in Arkansas Code § 16-10-307 which established the County Administration of Justice Fund. Counties retained an amount equal to the amount collected in the base year 1994, as set by Act 1256, in court costs and filing fees for county administration of justice expense. This did not include those court costs collected and remitted directly to state agencies or programs – but those fees and costs kept locally.

The process included filing fees and court costs in the probate division of Circuit Court – handled by the County Clerk in most instances; filing fees and court costs in other divisions of circuit court – handled by the Circuit Clerk; filing fees and court costs in district court – handled by the District Court Clerk; and the City Treasurer. Since district court collections are to run through the City Administration of Justice Fund prior to remitting the county its share...it took a “meeting of the minds”, collaboration and team work to develop the numbers to calculate proper shares.

The Office of Administrative Services of DF&A sent out forms to the city and county treasurers to verify the fees and costs charged and the amounts collected in 1994. There was one form for Probate Court; one for Chancery [still existed then]; one for Circuit Court Criminal; and one for Circuit Court Civil. They had to be filled out and signed by the appropriate Clerk, the County Treasurer and County Judge. The forms already contained the various state codes that either required the assessment of certain filing fees or costs or allowed for the assessment of certain costs. The county could then include any other cost that was not on the form but was being collected by virtue of a local ordinance.

After certifying the amount of filing fees and court costs collected in 1994 the county had their base number for circuit court. You simply divided that total by 12 to get the monthly share of uniform filing fees and costs. These county forms would have a place for filing fees; county law library; indigent defense; victim witness; county jail revenue bond; public defender investigator; DWI costs; Drug Abuse Fund; prosecuting attorney fees; and others that a county might add.

The Municipal Court form, as it was called then [district court as we know it since the passage of Amendment 80 in November 2000 with an effective date of July 1, 2001] was a little more complicated. It involved more courts and more people and because both municipal and county cases are heard in district court and the court is funded by both the county and municipality in most cases, revenues are split, too.

Although totally confusing to many, it was not that difficult to calculate if you just worked your way through it methodically. There was a form for the criminal and traffic division of district court; one for the civil division; and one for the small claims division.

The district court forms contained a column for the amount of each cost charged per case; a column for the amount of money collected for each cost in 1994; and a column for the total amount actually disbursed in 1994.

Then the amounts had to be broken down to account for what fees and costs were city moneys and what were county moneys. Some costs were county only, others were city only, and some were shared. Costs collected for law library, indigent defense, public defender investigator, prosecuting attorney, - those were “county only” costs. But, there were some that were “city only” – like police pension, municipal judge and clerk retirement, alcohol treatment program costs and city attorney fees. There were things that were shared like filing fees, possibly drug abuse fund costs [in some counties], possibly intoxication detection equipment fees, and DWI costs.

Once those numbers were calculated it became evident what the district court base revenue for the local Administration of Justice Funds was. Whatever the total of those various fees and costs were for 1994 – you divided it by 12 and had the monthly retainage from district court. You could also easily calculate what percentage was city

and what percentage was county. That percentage varied from county to county. In my home county the percentage was 26% city and 74% county in district court.

Except for the numerous district court fees or fines that are listed on the Miscellaneous Fee/Fine Collection Report that the district court clerk should remit directly to the State Administration of Justice Fund – the district court clerk is to remit the district court “uniform filing fees/costs” to the city treasurer or city treasurers. The city treasurer is to forward the county share percentage to the county treasurer for credit to the County Administration of Justice Fund; retain the city share in the City Administration of Justice Fund; and remit the remainder to the State Administration of Justice Fund.

As a reminder, in an amendment to this legislation in 1997, counties gave up 85% of our public defender base year revenue effective January 1, 1998 when the State made public defenders state employees. We got to retain only 15% of that base year public defender revenue to help pay for the office operations of the public defender.

The County Administration of Justice Fund must be used to defray a part of the expense of the administration of justice in the county. It is from this fund that a county must continue to finance certain agencies or programs that were being funded locally prior to Act 1256 of '95. There is a list of six programs that the County Admin of Justice Fund must continue to finance if they were being funded by the county in 1994. They are:

1. Prosecuting Attorney Fund [Department of County General in most counties];
2. Victim-Witness Program;
3. Public Defender/Indigent Defense/Public Defender Investigator Fund;
4. County Law Library;
5. County Jail Fund; and
6. Intoxication Detection Equipment Fund.

Those 6 programs or departments must continue to be funded by a county, if a county was funding them in 1994, *“at a funding level no less than they were funded in 1994.”* Any increase in Administration of Justice Funding through COLAS does not necessarily have to follow the programs on a prorata basis.

Very similar to the counties, the City Administration of Justice Fund must be used to defray a part of the expense of the administration of justice in the municipality such as the district court judge and clerk retirement fund; the police and fire pension fund; the intoxication detection equipment fund; and other municipal level programs and agencies funded in whole or in part by court costs and filing fees assessed and collected by the district court [§ 16-10-307].

The local Administration of Justice funding was originally written to include a COLA each year based on the Consumer Price Index. Counties and municipalities received that increase through 2001 – although some years it was very small. Then the COLA was taken away and we were frozen at the 2001 level for 2002, 2003, 2004 and 2005. In 2005 the COLA was reinstated by the General Assembly to start in 2006.

Following the reinstatement of the COLA, the State Admin of Justice Fund struggled financially and the COLA section was changed in 2013 legislation so that any annual adjustment in the amount retained locally is “based upon the lesser of the average percentage increase in the Consumer Price Index for the 2 years immediately preceding or the percentage rate of increase in collections of the State Administration of Justice Fund for the 2 years immediately preceding. That change was demanded by the Beebe administration to protect the state. If there’s no growth or less growth in the State Admin of Justice Fund than the national CPI the cities and counties get no increase. Since the 2013 legislation was enacted – counties got zero increase in 2014; 1.8% increase in 2015; and zero increase for 2016 through 2024. The local share of Administration of Justice funds has been stagnant for the last 11 years.

Future Outlook

The cost for operating the court system continues to increase without any specific new revenue for operations. Under current conditions county government will be forced to continue using general revenues, assessed and collected for county government uses, to help fund the state court system.

Ten (10) years ago Arkansas County government was subsidizing the operation of the state court system with general funds to the tune of almost \$46 million. No doubt, that is significantly higher today. We hope that our future outlook will be brighter with the State taking on a larger burden of the state court system.

Conclusion:

While not trying to dictate to the General Assembly, our general prayer for relief is simply for the State of Arkansas to take on a larger burden of the operational costs of the state court system.

Most of the court related legislation of the mid to late 1990s where the state took on additional costs of the court system contained a finding that the legislation was the beginning of a transfer of funding from the county level to the state level. However, that transfer of funding never fully took place during the nearly 30 years that have elapsed.

While Arkansas counties fully recognize that a county is “a political subdivision of the state for the more convenient administration of justice and the exercise of local legislative authority related to county affairs” [§ 14-14-102], we also realize that the judicial courts of this state are state courts and that Article 16, § 2 mandates that “the General Assembly shall provide for payment of all just and legal debts of the State.”

We seek to reduce the \$46 million plus [10 year old number] in general revenues that we appropriate and spend for the operation of the courts. This, of course, is in addition to the actual revenue produced through the court system that we retain for court operations.

The Association of Arkansas Counties thanks you for your service to the State of Arkansas and we offer our assistance in developing plans and legislation that will transfer a larger portion of the costs of the courts to the State.

I have offered true and accurate information, to the best of my ability, which you can rely on. I hope you won't refer to me like Calvin Coolidge did about Hoover. Coolidge served the rest of Warren Harding's term as President after Harding died and was

elected to a term of his own. He declined to run for his 2nd full term. Herbert Hoover succeeded him and had served as Secretary of Commerce under both Harding and Coolidge. Coolidge said of Hoover, *“That man has offered me unsolicited advice for six years, all of it bad.”*

References:

Act 1256 of 1995 – Senator Wayne Dowd

Act 788 of 1997 – Representative Jim Luker [prior to his service as Senator]

Act 152 of 2024 – Appropriation for state funded Admin of Justice programs

A.C.A. § 14-14-102

A.C.A. §§ 16-10-301 et seq.

A.C.A. §§ 16-10-601 et seq.

Arkansas Constitution, Article 16, § 2



ATTACHMENT E

Arkansas District Judges Council



July 24, 2024

Dale K. Ramsey

President

Carroll and Madison Counties District Judge

Mark Leverett

Vice President

Pulaski County - Little Rock District Judge

Danny Thraikill

Secretary/Treasurer

Polk, Montgomery, and Scott Counties
District Judge

Jodi Carney

First District Representative

Baxter and Marion Counties District Judge

Milas Hale III

Second District Representative

Pulaski County - Sherwood District Judge

Graham Nations

Third District Representative

Washington County District Judge

Billy Jack Gibson

Fourth District Representative

Grant and Hot Spring Counties District Judge

Randy Hill

Immediate Past President

Clark County District Judge

To: Joint Legislative Committee Studying Court Costs, Fines, and Fees

From: Hon. Dale Ramsey
President, Arkansas District Judges Council

Re: Survey results from Arkansas District Judges

Date: July 24, 2024

In response to a request from Rep. Carol Dalby at the conclusion of your last meeting, we surveyed district judges and ask them to offer suggestions as to resolution of on-going problems that exist as they relate to imposition and collection of costs, fines, and fees. Enclosed is a two page summary of suggestions from that group.

The suggestions come from both large courts and smaller ones, from rural courts and urban courts.

District judges will be glad to meet with you to explain anything in this report that needs more explanation.

Thank you for reaching out to us and allowing us the opportunity to provide input.

DKR/ksp
Enclosure

Kay S. Palmer

Executive Director

P. O. Box 8491

Hot Springs Village, AR 71910

kayspalmer@outlook.com

Suggestions from Arkansas District Judges regarding costs, fines, fees:

- District Courts do not assess a “late fee.” The appropriate term is “time payment fee” and refers to the \$10 fee that is assessed and accumulates when the defendant does not make his/her agreed upon payment. This is not a late fee; rather, it is, by law, a time payment fee.
- We have heard reference to a “late fee” being assessed by the Courts for individuals that owe unpaid fines and costs. However, the fee is not a penalty for having unpaid fines or paying fines after a set deadline. The “time pay fee” as it is commonly referred to is set forth in Ark Code Ann 16-13-704 and is required to be assessed each month on each person who is authorized to pay a fine on an installment basis. The statute further requires that said fee “accrue each month that a Defendant does not make an installment payment and the fine has not been paid in full.”

This time pay fee has a practical effect of being a high interest rate on a Defendant’s payment. The vast majority of my defendants on time pay fees pay either \$100 or \$50 per month. Therefore, a \$10 fee coming off the top of that payment is equivalent to 10 or 20% interest, respectively.

- The answer to the question is for the state to completely take over the funding of the courts 100% and at the same time, the state would collect 100% of all fines collected.
- Consider re-evaluating the amounts that are returned to each city and county. Those numbers were first developed in 1996 by the Legislature and have not changed. Court caseloads have changed in the past 28 years and those current “turn back” amounts are no longer equitable.
- If the State’s new case management system provides: online payment, automated monthly withdrawals, text and email reminders, multiple payment options-credit online apps: Apple Pay, Cash App, Pay Pal, etc. - collections should improve statewide.- It is where we, “the world”, has moved. My Court is behind. Clerks only process cash, checks and money orders. We use a company, paymyfine.com to process credit cards. The company charges litigants/users exorbitant fees and it is a bit of a hassle for clerks to process the collections. Making it easy and providing payment reminders should increase collections.
- Change laws that require Defendants to pay other fees/cost/assessments. There is a limit on how much is charged/required for certain offenses.
- DWI/Driving While Intoxicated court costs could be increased if Defendants were not required to have the driver control requirements of the ignition interlock device, classes and victim impact fees. I know these are well intended, but candidly are not necessary for some Defendants to rehabilitate. Defendants are paying out a lot of money to private companies for sometimes unnecessary/unhelpful requirements.

- Driver Control Reinstatement Fees (\$100) is excessive when Defendants have multiple suspensions and there is no judicial discretion unless there is an error. It is not uncommon to see Defendants that owe over \$1k in reinstatement fees to get his/her Driver's license back. The reinstatement fees collected are designated to State Police retirement fund so it would take from other agencies/departments that require funding if modified. I believe collection of this fee would increase if there were a cap or there was judicial discretion on waiving some of the reinstatement fees.
- There are other fees collected: Keep Arkansas Beautiful, Domestic Violence, etc. Legislator should look at each program to see if it is still necessary and if the program is still utilizing the funds collected.
- Consider having one court clerk per District Court District designated as a state employee.
- Please do not eliminate the \$2.50 part of the court automation fee that remains with district courts. These funds are used primarily to purchase hardware, software, and computer services (installation, repair, consultation, security) for our courts. If this funding is eliminated, we will have to ask the counties and cities that fund our courts to offset these losses in their annual court budgets. By having this dedicated funding mechanism, it allows our courts to enter into multi-year computer related contracts and be assured that we will have funding for those contracts. If this funding is subject to being eliminated or changed annually, it could result in disabling problems with our computers, and could even result in us having to breach the contracts we have signed for these services.

In addition, please note that our courts and clerks spend quite a bit more time on those who set up time pay contracts than we do for those who pay immediately. Taking a payment typically takes less than 5 minutes. Setting up a time pay contract and explaining it to a defendant takes double that time. Then, each month when a payment is made (or missed) defendants often call to talk to a clerk for some reason -- another 10 minutes. If the payments are spread over a year, for example, then 12 payments must be processed, at 5 minutes each, for a total of an hour. Many defendants miss time payments or review dates, and this results in failure to appear warrants, and suspension of drivers' licenses. This takes more time and often generates more calls. The bottom line is that this court automation fee isn't just "interest" or a "late penalty," but often reflects costs of additional work done by court staff.

- I also have to stand firm in the belief that District Courts should retain the \$2.50 assessment to be applied to maintain our court automation budgets. I have a pretty healthy court automation budget in each of my two counties and if not for said budget, I believe I would have difficulty maintaining our technology. That being said, for accounting purposes, it might be more efficient to make it a whole number without the 0.50.
- Cities and Counties could be relieved of the portion they pay for the district judges' salaries. If district judges are State employees (Constitutional Officers) why are the local governments required to pay a portion of those salaries?

MEMORANDUM

To: Senate and House Judiciary Committees
Senator Gary Stubblefield, Chair
Rep. Carol Dalby, Chair

From: CJAA President Rusty McMillon

By: Taylor Handford, AAC Law Clerk

Re: Act 38 of 2023 District Court Study

Date: September 2, 2024

1. District Courts

Act 38 of 2023 requires a legislative study of financial matters related to the district court system in order to better understand: the financial burdens and benefits placed on municipalities, counties, and the state; the amount of fines, fees, and court costs assessed on defendants; the relationship between assessed fines, fees, and court costs and the operation of the district court system; and, the link between financial issues and assessments and fairness and equity.

Act 38 also proposes that issues found during the study may require legislative remedies. A joint Senate and House Judiciary Committee hearing on Thursday, June 6, 2024, concluded with requests for formal submissions of the County Judges Association of Arkansas and the Arkansas Municipal League.

On Wednesday, June 26, 2024, the CJAA Legislative Committee approved the following legislative recommendations and the CJAA General Membership voted unanimously to recommend the following:

(I). A.C.A. § 16-17-1106 Salary of state district court judges - Cost-sharing to be repealed, effectuating that district court judges salaries are paid by State funds; and

(II). A.C.A. § 16-13-704 Installment payments be amended to a one-time administrative fee of fifty dollars (\$50) and that the administrative fee be directed to the "maintenance and operation" of the district court and placed into a fund for those purposes with the operating city or county. These funds shall be for:

- (i) Court-related operational expenses;
- (ii) Court-related personnel expenses;
- (iii) Court-related maintenance expenses; and
- (iv) Court-related technology or indirect expenses related to implementation of new court-related technology, including overtime pay, personnel or travel expenses, and technology-related supplies.

Exhibit A contains the current relevant statutes.

Exhibit B contains the repealed and amended statutes.

a. Legislative Intent

Pursuant to Amendments 80 and 94 of the Arkansas Constitution, *Cotham v. Coffman*, 111 Ark. 108 (1914), supported by *Honorable v. Hyde*, 2024 Ark. 114, the state funding of District Court judges is a proper and appropriate use of state funds. Amendment 80, adopted by the voters in the 2000 general election, vested the judicial department of state government with judicial power as a step towards uniformity and clarity in Arkansas's courts. Amendment 94 directed that the salaries of state district court judges be paid

While Amendment 80 did not address financial issues related to the judiciary, Amendment 94, adopted in the 2014 general election, declared that district court judges salaries are to be determined by the Independent Citizens Commission and to be paid from the Constitutional Officers Fund, the same as other state constitutional officers, such as: Governor, Lieutenant Governor, Attorney General, Supreme Court Justices, Court of Appeals judges, Circuit Court Judges and Legislators.

In *Cotham*, decided in 1914, the Arkansas Supreme Court declared that "The section of our Constitution . . . which provides for the salary of circuit judges also provides for the salary of the Governor, Supreme Court judges, and the other State officers, whose salary could only be paid out of the State treasury . . . and we think the section on that . . . limits the payment of judicial salaries to revenue of the State." The Court continued that, "A State purpose must be accomplished by State taxation, a county purpose by county taxation, or a public purpose for any inferior district by taxation of such district. This is not only just, but it is essential." The essential takeaway from *Cotham* is that it is unconstitutional for financial burdens related to the purposes of the State of Arkansas to be imposed on counties, particularly in such a manner where the burden is unequal.

The holding in *Cotham* from 1914, was recently supported under *Honorable* in 2024, that local and special acts cannot be passed by the General Assembly pursuant to Arkansas Constitutional Amendment 14. An act is local when it applies to a division or subdivision of the state but not the whole; an act is special when it separates a person, place, or thing from the whole in which it would otherwise operate. In other words, a county cannot be made to fund a position that is statutorily and specially mandated by the General Assembly due to an unequal and onerous burden, a lack of uniformity. Amendments 80 and 94

direct a more uniform judiciary of the State. *Cotham* and *Honorable* establish that State funds should be used for State purposes. The payment and funding of the salaries of state district court judges, circuit judges and appellate justices by cities and counties is contrary to the Arkansas Constitution and over a century of Arkansas jurisprudence.

b. District Court Judges Salaries

The first legislative recommendation of the CJAA is for A.C.A. § 16-17-1106 Salary of state district court judges - Cost-sharing to be repealed. The recommendation is rooted in the above constitutional amendments and over a century of case law. The effect of the repeal is that the State assumes the remaining share of district court judges salaries paid by the cities and counties, approximately \$3.8 million.

c. Installment Payment Plan Fees

The second legislative recommendation of the CJAA is for A.C.A. § 16-13-704 Installment Payments - Definition to be amended from a recurring \$10 monthly fee to a one-time \$50 administrative fee. The \$50 fee will be retained by the city or county operating and holding funds of the district court to be remitted to a District Court Operations & Maintenance (O & M) Fund. The District Court O & M Fund would be used to defray the costs of operating and maintaining district courts, district court personnel, and other district court related expenses.

The effect of this change is multi-faceted. The burden on the defendant will be drastically lessened as currently the \$10 monthly fee accrues regardless of the defendant's particularized circumstances, often accruing to be more costly than the original fine, fees, and costs due. The \$10 monthly fee currently collected in district courts is parceled out between the State Administration of Justice Fund (State AOJF) and technology-related funds. The portions of the fee remitted to technology-related funds can only be used to provide for technology-related expenses. As A.C.A. § 16-13-704 currently operates, 75% of the \$10 fee collected in district courts goes to the State for deposit into the State AOJF, which receives \$5, and the Judicial Fine Collection Enhancement Fund, which receives \$2.50. The remaining \$2.50 is remitted to the local court automation fund. Remitting the one-time administrative fee of \$50 to the District Court O & M Fund provides for the fee to be directly used for administration of justice purposes. This would allow for the costs of operating and maintaining the district court to be defrayed while also negating the appearance, and actuality, of funding non-justice related initiatives by onerously burdening defendants.

d. Other Issues

The CJAA is aware of the following issues that are likely to be addressed by the Senate and House Judiciary Committee: the accrual of large sums of money into court automation funds and the retained share of court costs and fees kept by or distributed by city and county governments.

We greatly appreciate the efforts of the General Assembly and Legislative Audit to ascertain and compile the information required to produce the special report regarding district courts. The CJAA has determined that in order to provide recommendations regarding the below items more information and discussion would be required.

i. Automation Funds

At their inception the technology fees at the district court level and state level were necessary to establish automation within the district courts to enable the acceptance of installment payments. It is our understanding that district court automation funds in many district courts have grown to six-figure sums. In 2021, the Pulaski County District Court had an automation fund balance of \$241,325 and the Sebastian County District Court had an automation fund balance of \$79,656. In 2020, the City of Benton had a district court automation fund balance of \$124,141.

The automation fund balances likely far exceed the technology needs and any necessary and reasonable expenditures of many district courts for the narrow purposes of technology. The costs associated with updating district court technology have decreased or leveled off as well (compared to the initial costs of establishing the necessary technology).

Pursuant to A.C.A. § 21-6-416 Court clerks - Technology fees - Definition a \$15 technology fee is charged by clerks of the Supreme Court, circuit courts, and district courts for all civil actions and misdemeanors filed in the Supreme Court or Court of Appeals; for civil, domestic relations, and probate cases filed in circuit court; and for all civil and small claims cases filed in district courts. The \$15 technology fee collected for opening each case at every court level is remitted to the Judicial Fine Collection Enhancement Fund. This technology fee is an addition to the above-mentioned technology fee collected from the monthly installment payment plan fee in A.C.A. § 16-13-704.

ii. Retained Shares

Act 1256 of 1995 provided for uniform filing fees and court costs in Arkansas. Before Act 1256, court costs and filing fees were not uniform, which lead to a confusing and inequitable court system and access to justice issues. While Act 1256 provided for uniform fees and

court costs, localities were allowed to retain the amount of fees and court costs collected from 1993-1994. Any court costs and fee collected above the retained share is remitted to the State AOJF.

Thirty years later it has become clear with population shifts, economic changes, and other variables, that the 1994 retained shares may be an outdated manner of dividing the funding for district courts throughout the State of Arkansas and the State AOJF. Many district courts far exceed the retain share established in 1994, resulting in the overwhelming amount of collected court costs and fees being sent to the State AOJF. Many district courts also never reach the retained share of collected court costs and fees established in 1994, meaning that these courts do not contribute to the statewide system.

Due to the immense variability, sometimes even within a single district court, of collected court costs, fees, and retained shares across district court departments in Arkansas, addressing retain shares would require more deliberation and discussion with other stakeholders and interested parties.

e. Conclusion

At this time the CJAA has two recommendations for legislation related to district courts: : (1) the repeal of A.C.A. § 16-17-1106 and funding of State positions with State funds in accordance with *Cotham, Honorable*, and Amendments 80 and 94 of the Arkansas Constitution and (2) to replace the current installment payment plan fee with a one-time administrative installment payment processing fee for defendant installment payment plans.

Exhibit A: Current Law

16-17-1106. Salary of state district court judges – Cost-sharing.

(a) The state shall pay the salary and benefits of state district court judges created under this subchapter.

(b)

(1)

(A) Each county and town or city in a district in which a state district court judgeship is created under this subchapter shall pay to the state an amount equal to its proportionate share of one-half ($\frac{1}{2}$) of the base salary established by law for state fiscal year 2009 for that district's state district court judge.

(B)

(i) The proportionate share is calculated as follows:

(a) Determine the sum total of the base salary paid by each county and town or city in a district to that county and town or city's district court judge or city court judge for the calendar year immediately preceding the creation of the state district court judgeship; and

(b) Determine the proportion of the base salary of each county and town or city to the sum total base salary of the district.

(ii) Each county and town or city shall pay to the state its proportionate share as determined in subdivision (b) (1) (B) (i) (a) of this section of one-half ($\frac{1}{2}$) of the base salary established by law for state fiscal year 2009 for each state district court judge in the district at the time the county and town or city had a state district court judgeship created.

(C) On a form provided by the Administration of Justice Funds Section, each county and town or city in a district shall certify annually on or before October 31 the amount to be paid to the state for its share of one-half ($\frac{1}{2}$) of the salary as determined in this section for that district's state district court judge.

(2)

(A) This section does not prohibit a county and town or city in a district in which a state district court judgeship is created under this subchapter from agreeing in writing on the amount to be paid to the state by the county and the town or city for its proportionate share of one-half ($\frac{1}{2}$) of the salary as determined in this section for that district's state district court judge.

(B) If a written agreement is reached under subdivision (b) (2) (A) of this section, the county and town or city shall submit on or before October 31 a copy of that written agreement to the Administration of Justice Funds Section.

(c) The amount of the state district court judge's salary initially paid by the county and the town or city in a district and annually

afterwards shall be the amount determined under subsection (b) of this section.

(d)

(1) Beginning with its annual meeting of 2011, the quorum court in each county in a district in which a state district court judgeship is created under this subchapter and the council in each town or city in a district in which a state district court judgeship is created under this subchapter shall appropriate annually from its general revenues an amount sufficient to pay its share of the state district court judgeship salary allocated to it under subsection (b) of this section.

(2) The duty under subdivision (d)(1) of this section may be enforced in a court of competent jurisdiction.

(e) On or before December 15, 2011, and annually afterwards, the Administration of Justice Funds Section shall certify to the county and the town or city in each district the amount of its share of one-half ($\frac{1}{2}$) of the base salary established under subsection (b) of this section.

(f) On or before January 15, 2012, and annually afterwards, the county and the town or city shall remit to the Administration of Justice Funds Section for deposit into the Constitutional Officers Fund the sum necessary to fund its share of the base salary allocated to it under subsection (e) of this section.

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.

(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.

(2)

(A)

(i) One-half ($\frac{1}{2}$) 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) 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 ($\frac{1}{2}$) 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.

(D)

(i) 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.

(E)

(i) In circuit 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 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.

(c) 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.

16-10-307. County administration of justice fund.

(a) There is hereby created in each county a fund in the office of the county treasurer to be known as the "county administration of justice fund".

(b) The county administration of justice fund shall be used to defray a part of the expenses of the administration of justice in the county. From the fund, the county shall continue to finance the following county agencies and programs which are currently funded, in whole or in part, by filing fees and court costs, at a funding level equal to not less than the greater of the amount which was collected by the

county from filing fees and court costs for the agency or program in the calendar year ending December 31, 1994, or the amount appropriated by ordinance enacted prior to December 31, 1994, or on February 13, 1995, or on February 14, 1995, or by resolution dated February 9, 1995, to the agency or program for the calendar year ending December 31, 1995:

(1) The prosecuting attorney fund, including all grant funds awarded and appropriated for the calendar year ending December 31, 1995;

(2) The prosecuting attorney's victim-witness program fund;

(3) The public defender/indigent defense fund and public defender investigator fund, including all grant funds awarded and appropriated for the calendar year ending December 31, 1995;

(4) The county law library fund;

(5) The county jail fund; and

(6) The intoxication detection equipment fund.

(c)

(1)

(A) The county administration of justice fund of each county may retain an amount equal to the amount which was collected by the county from court costs and filing fees for county administration of justice expense in the calendar year ending December 31, 1994, or the amount appropriated from court costs and filing fees by ordinance enacted prior to December 31, 1994, or on February 13, 1995, or on February 14, 1995, or by resolution dated February 9, 1995, for county administration of justice expense from court costs and filing fees for the calendar year ending December 31, 1995, plus, for calendar years 1995 – 2001, an additional amount based upon the average percentage increase in the Consumer Price Index for All Urban Consumers or its successor, as published by the United States Department of Labor for the two (2) years immediately preceding.

(B)

(i) The amount retained during calendar years 2002, 2003, 2004, and 2005 shall be the amount retained during calendar year 2001.

(ii) Except as provided in subdivision (c)(1)(B)(iii) of this section, for calendar years beginning 2014 and each calendar year thereafter, an additional amount shall be added to the amount to be retained based upon the lesser of the average percentage increase in the Consumer Price Index for All Urban Consumers or its successor, as published by the United States Department of Labor, for the two (2) years immediately preceding or the percentage rate of increase in collections of the State Administration of Justice Fund for the two (2) years immediately preceding.

(iii) The provisions of subdivision (c)(1)(B)(ii) of this section shall not be effective if the Chief Fiscal Officer of the State determines that the additional amount retained under subdivision (c)(1)(B)(ii) of this section has exceeded one million dollars (\$1,000,000) in a calendar

year and any additional amount to be retained must be authorized by the General Assembly.

(C) All local ordinances of the counties and cities authorized and adopted under § 24-8-318 shall remain in full force and effect.

(2) For the calendar year beginning January 1, 1998, the base amount to be retained shall be:

(A) Increased by any increase in the Consumer Price Index for All Urban Consumers as provided for in subdivision (c)(1) of this section; and

(B) Decreased by eighty-five percent (85%) of the total dollar amount which was certified by the county as having been collected during calendar year 1994 and for the purpose of funding the office and operation of the public defender and public defender investigator.

(d) Nothing in this section shall prevent the county from funding any additional costs for the administration of justice from these or other county funds.

(e) The county shall remit on or before the fifteenth day of each month all sums received in excess of the amounts necessary to fund the expenses enumerated in subsections (b) and (c) of this section during the previous month from the uniform filing fees provided for in §§ 21-6-403 and 9-15-202, and the uniform court costs provided for in § 16-10-305 to the Administration of Justice Funds Section for deposit into the State Administration of Justice Fund.

16-10-603. Procedure – County administration of justice funds.

(a)

(1) Pursuant to § 16-10-307, each county is to create a county administration of justice fund.

(2) Each county treasurer should deposit into the fund:

(A) All receipts from the collection of uniform filing fees established by § 21-6-403 which are collected by the circuit clerk, county clerk, or other official and remitted to the county treasurer;

(B) All receipts from the collection of uniform court costs established by § 16-10-305 which are collected by the county official, agency, or department designated pursuant to § 16-13-709 as primarily responsible for the collection of fines assessed in circuit court and remitted to the county treasurer;

(C) All receipts of the county's share of uniform filing fees established by § 16-17-705 which are collected by the district courts within the county and remitted to the county treasurer; and

(D) All receipts of the county's share of uniform court costs established by § 16-10-305 which are collected by the

official, agency, or department of the county, town, or city designated pursuant to § 16-13-709 as primarily responsible for the collection of fines assessed in district courts within the county and remitted to the county treasurer.

(b) From the county administration of justice fund, the county treasurer is to make, on a monthly basis, the following fund transfers or disbursements:

(1)

(A) Pursuant to § 16-10-307(c), the Department of Finance and Administration will certify for each county the county's monthly share of uniform court costs and filing fees to be retained by the county.

(B)

(i) Each year the quorum court shall establish the amount of uniform filing fees and court costs to be appropriated to each of the county programs or agencies enumerated in § 16-10-307(b) from the county's share of uniform court costs and filing fees.

(ii) Each program or agency shall receive, as a minimum, the amount established by § 16-10-307(b); and

(2) The excess of the monthly receipts into the fund from subdivisions (a) (2) (A) and (B) of this section, less the county's certified monthly share and the county treasurer's commission, if any, as authorized by § 21-6-302, shall be remitted to the Department of Finance and Administration.

Exhibit B Proposed Legislation

Section 1: § 1 Legislative Intent:

The General Assembly finds that:

(1) Amendment 80 vested the judicial power of the State of Arkansas in the judicial department;

(2) Amendment 94 vested the power to determine the salaries of State officers, including district court judges, with the Independent Citizens Commission and the salaries to be paid from the Constitutional Officers Fund, A.C.A. § 19-5-205;

(3) Amendment 94 and A.C.A. § 19-5-205 further established that district court judges are state elected officials under the Arkansas Constitution that render state judicial services;

(4) Amendment 94, A.C.A. § 16-17-1104, Act 663 of 2007, Act 345 of 2009, and Act 1219 of 2011 further directed that the state district court judges have their salaries set by the independent citizens commission to be paid out of the constitutional officers fund;

(5) In *Cotham v. Coffman*, 111 Ark. 108 (1914), the Arkansas Supreme Court established that state funds should be used for state purposes;

(6) In *Honorable v. Hyde*, 2024 Ark. 114, the Arkansas Supreme Court held that local and special acts violate Amendment 14 of the Arkansas Constitution and that county funds cannot in accordance with the Arkansas Constitution be directed and used for state purposes; and

(7). Over the past quarter of a century the State of Arkansas has transitioned from hundreds of part-time local municipal court, city court and or district court judges to commencing on January 1, 2025, seventy (70) fulltime state district court judges. The result has been a consolidation of these courts into a unified state system of district courts;

(8). Commencing on January 1, 2025, all of the district court judges in Arkansas, seventy (70) in total, shall be state district court judges; and

(9). The General Assembly acts to repeal A.C.A. § 16-17-1106 and the obligation of cities and counties to pay for the salaries of state district court judges in Arkansas.

Section § 2: ~~16-17-1106. Salary of state district court judges—
Cost-sharing.~~

~~(a) The state shall pay the salary and benefits of state district court judges created under this subchapter.~~

~~(b)~~

~~(1)~~

~~(A) Each county and town or city in a district in which a state district court judgeship is created under this subchapter shall pay to the state an amount equal to its proportionate share of one-half (½) of the base salary established by law for state fiscal year 2009 for that district's state district court judge.~~

~~(B)~~

~~(i) The proportionate share is calculated as follows:~~

~~(a) Determine the sum total of the base salary paid by each county and town or city in a district to that county and town or city's district court judge or city court judge for the calendar year immediately preceding the creation of the state district court judgeship; and~~

~~(b) Determine the proportion of the base salary of each county and town or city to the sum total base salary of the district.~~

~~(ii) Each county and town or city shall pay to the state its proportionate share as determined in subdivision (b) (1) (B) (i) (a) of this section of one-half (½) of the base salary established by law for state fiscal year 2009 for each state district court judge in the district at the time the county and town or city had a state district court judgeship created.~~

~~(C) On a form provided by the Administration of Justice Funds Section, each county and town or city in a district shall certify annually on or before October 31 the amount to be paid to the state for its share of one-half (½) of the salary as determined in this section for that district's state district court judge.~~

~~(2)~~

~~(A) This section does not prohibit a county and town or city in a district in which a state district court judgeship is created under this subchapter from agreeing in writing on the amount to be paid to the state by the county and the town or city for its proportionate share of one-half (½) of the salary as determined in this section for that district's state district court judge.~~

~~(B) If a written agreement is reached under subdivision (b) (2) (A) of this section, the county and town or city shall submit on or before October 31 a copy of that written agreement to the Administration of Justice Funds Section.~~

~~(e) The amount of the state district court judge's salary initially paid by the county and the town or city in a district and annually afterwards shall be the amount determined under subsection (b) of this section.~~

~~(d)~~

~~(1) Beginning with its annual meeting of 2011, the quorum court in each county in a district in which a state district court judgeship is created under this subchapter and the council in each town or city in a district in which a state district court judgeship is created under this subchapter shall appropriate annually from its general revenues an amount sufficient to pay its share of the state district court judgeship salary allocated to it under subsection (b) of this section.~~

~~(2) The duty under subdivision (d)(1) of this section may be enforced in a court of competent jurisdiction.~~

~~(e) On or before December 15, 2011, and annually afterwards, the Administration of Justice Funds Section shall certify to the county and the town or city in each district the amount of its share of one-half (1/2) of the base salary established under subsection (b) of this section.~~

~~(f) On or before January 15, 2012, and annually afterwards, the county and the town or city shall remit to the Administration of Justice Funds Section for deposit into the Constitutional Officers Fund the sum necessary to fund its share of the base salary allocated to it under subsection (e) of this section.~~

SECTION 3. Arkansas Code § 16-13-704, concerning court installment payments, 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.

~~(b) (1) (A) Upon authorization for an installment payment plan in district court, a one-time administrative installment processing fee of fifty dollars (\$50.00) shall be paid at the time the payment plan is authorized. Payment of a administrative installment payment processing fee of fifty dollars (\$50.00) is necessary and required for participation by and acceptance of installment fees by the defendant. 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) The administrative installment payment processing fee shall be remitted monthly by the collecting officer to the city treasurer or county treasurer of the city or county operating the district court. This fee shall be collected in full each month in which a defendant makes an installment payment.~~

~~(C) The city treasurer or county treasurer of the city or county operating the district court shall deposit the administrative installment payment processing fees to the District Court Operations and Maintenance Fund established on the books of the city or county. This fee shall accrue each month that a defendant does not make an installment payment and the fine has not been paid in full.~~

~~(D) Funds held in the District Court Operations and Maintenance Fund shall be used solely for:~~

~~(i) Court-related operational expenses;~~
~~(ii) Court-related personnel expenses;~~
~~(iii) Court-related maintenance expenses; and~~
~~(iv) Court-related technology or indirect expenses related to implementation of new court-related technology, including overtime pay, personnel or travel expenses, and technology-related supplies.~~

~~(2) (A) (i) 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 in circuit court.~~

~~(ii) One-half (½) 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) (iii) 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) 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 S 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.~~

~~**(D) (i)** 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) (E) (i) In circuit 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 monthly to the county treasurer collecting official and deposited to the fund from which the collecting officer's budget is funded 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.~~

(c) 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 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL, AND TEMPORARY LAW. DISTRICT COURT AUTOMATION FUND. Beginning on the date this Act goes into effect and until the end of December, 2026 the District Court Automation Fund balance shall be budgeted and expended in accordance with the original law governing the use of the District Court Automation Fund. The law provided for the following: (1)One-half (½) 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. (2)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. (3)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)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. (5)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.

Any balance remaining in a District Court Automation Fund at the end of December, 2026 shall be transferred, by operation of law, to the District Court Operations and Maintenance Fund established on the books of the city or county.