



ASSOCIATION OF ARKANSAS COUNTIES  
FINE COLLECTION SEMINAR & GUIDEBOOK

3<sup>rd</sup> Edition

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**January 11, 2019**

**AGENDA**

JANUARY 11, 2019

- I. OVERVIEW OF FINE COLLECTIONS GENERALLY ..... 10:00-10:15  
Lindsey Bailey, AAC  
Kristin Clark, AOC
  
- II. SOFTWARE AND CREDIT CARD PROCESSING ..... 10:15-11:00  
Kristin Clark, AOC  
\_\_\_\_\_, INA
  
- III. STATE INCOME TAX SETOFF ..... 11:00-11:45  
Deborah Hester, DFA  
Captain Lewis, Baxter County  
Lindsey Bailey, AAC
  
- IV. SUSPENSION OF DRIVER’S LICENSE ..... 11:45-12:15  
Marlon Dixon; DFA
  
- V. LUNCH ..... 12:15-1:00
  
- VI. ARDOT LITTER PICKUP PROGRAM/PAY FOR STAY ..... 1:00-1:45  
Major Tyra Tyler, Jefferson County  
\_\_\_\_\_, ArDOT
  
- VII. WORK RELEASE ..... 1:45-2:15  
Jerry Bradshaw, Arkansas Community Correction
  
- VIII. DEBTORS’ PRISON ..... 2:15-2:30  
Jessica Fontenot, AAC
  
- IX. ORDER OF PAYMENT ..... 2:30-2:45  
Lindsey Bailey, AAC
  
- X. Q & A SESSION/CONCLUSION ..... 2:45

### Collection of Fines, Costs, and Restitution: Generally

The enforcement of fines is found in Section 16-13-709 of the Arkansas Code. Under this section, “Delinquent” means fines assessed by the circuit or district courts or Arkansas that have not been paid as ordered for a period over 90 days or 3 payments, either consecutive or concurrent, since payment was ordered or last partial payment was received. This section of the code states that the quorum court of each county shall designate by ordinance a county official, agency, or department to be responsible for the collection of delinquent fines assessed in circuit court unless the quorum court designates a private contractor.

Section 16-17-707 of the Arkansas Code addresses the proper disbursements of fines received by the district court clerks, including proper payments to be made to local law enforcement agencies, the County Administration of Justice Fund, and the remainder to go to the County Treasurer. Regarding fines collected by circuit courts, Section 16-13-709 provides that these fines shall be disbursed to the State Administration of Justice Fund, the county administration of justice fund, and the appropriate county fund, state agency, or state entity *as provided by law*. The county administration of justice fund defrays expenses for the following: the county jail fund; prosecuting attorney fund; the law library fund; the intoxication detection and equipment fund; prosecuting attorney witness-victim program; and the public defender indigent defense fund. Section 16-10-307 sets forth the amounts to be retained by the county administration of justice fund. Beginning in 2014, an additional amount is to be retained for the county administration of justice fund – *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. Pursuant to Section 16-13-710, the Administrative Office of the Courts (“AOC”) is responsible for assisting circuit courts and district courts in the assessment and collection of fines and the management and reporting of revenue.

According to the Administrative Office of the Courts (“AOC”), the total fines assessed in District Courts in 2017 totaled approximately 159 million and the total amount collected totaled approximately 65 million. Fines assessed in District Courts in 2012 totaled approximately 138 million and

the total amount collected totaled approximately 64 million. The total court cost assessed in District Courts in 2009 totaled approximately 68 million and the total amount collected totaled approximately 42 million. Figures for circuit court are not available.

Section 16-13-704 of the Arkansas Code provides that the court may authorize installment payments on a fine owed by a defendant if it concludes that the defendant is able to pay the fine, but that doing so in one immediate payment would cause a “severe and undue hardship for the defendant and the defendant’s dependents.” The court’s order will specify the date by which the fine must be paid in full. An installment fee of five dollars (\$5.00) per month will be assessed on each person who is authorized to pay a fine in installments, and is to be collected each month that an installment payment is made. The fee shall also accrue each month that no installment payment is made until the fine is paid in full.

According to Act 583 of 2017, when an installment plan is authorized, any court costs under Sections 9-15-202(d) or 16-10-305(h) (additional court costs for domestic abuse violations) will be the first court costs collected from the initial installment payment.

One-half of the installment fee collected in the **circuit** court must be remitted by the tenth (10) day of each month to the Administration of Justice Funds Section of the Office of Administrative Service of the Department of Finance and Administration for deposit in the Judicial Fine Collection Enhancement Fund. The other half must be remitted by the tenth (10) day of each month to the county treasurer to be deposited in the circuit court automation fund to be used solely for circuit court-related technology. Expenditures from this fund must be approved by the circuit judge in accordance with state law regarding county expenditures. Authorized expenses include those indirectly related to technology, including overtime pay, personnel or travel expenses, and technology-related supplies.

One-half of the installment fee collected in the **district** court must be remitted by the tenth (10) day of each month to the Administration of Justice Funds Section of the Office of Administrative Service of the Department of Finance and Administration for deposit in the Judicial Fine Collection Enhancement Fund. The other half must be remitted by the tenth (10) day of each month to the general fund of the city treasurer of the

city 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. Expenditures from this fund must be approved by a district judge in accordance with state law regarding county and municipal expenditures. Authorized expenses include those indirectly related to technology, including overtime pay, personnel or travel expenses, and technology-related supplies.

On top of the original \$5.00 monthly installment fee to be collected by the clerk of the court, an additional installment fee of \$5.00 shall be assessed on the first of each month on each person who is ordered to pay fine in installments. In the **circuit** court, the additional \$5.00 must be remitted to the collecting official to be used to defray the cost of fine collection. In the **district** court, the additional \$5.00 must be remitted by the tenth day of each month to the Administrative Service of the Department of Finance and Administration for deposit in the State Administration of Justice Fund.

Section 16-13-705 mandates that the court must accept personal checks made out to the official designated to collect the court's fines in payment of any fine or associated charge assessed by the court if the person furnishing the check provides satisfactory proof of residence in this state and if the check is drawn on a banking institution located in this state. If a personal check is returned without payment for any reason, a reasonable charge for the returned check, not to exceed the actual costs incurred by the court, may be imposed to recover processing and collection costs. This charge may be added to and become part of any underlying obligation.

Section 16-13-706 permits but does not require courts or designated collecting agency for the court to accept payment of fines and associated costs by an approved credit card or debit card. The court or agency may enter into contracts with credit card companies and pay those companies fees normally charged by those companies for allowing the court to accept their credit cards as payment, and the court may assess the offender a transaction fee when the offender pays fines or court costs by an approved credit card or debit card. All courts may enroll for service with and accept payments from a third-party entity for the acceptance and collection of fines and associated costs with an approved credit card for which the third-party entity may charge the offender a transaction fee; however, the State of Arkansas nor any of its political subdivisions (counties) may not charge

a transaction fee for electronic payments of a court-ordered fine paid through a third-party.

Section 16-13-707 clarifies that when any defendant sentenced to pay a fine defaults on payment, or defaults on any installment, the fine may be collected by any means authorized for the enforcement of money judgments in civil cases. A judgment that the defendant pay a fine constitutes a lien on the real and personal property of the defendant in the same manner and to the same extent as a money judgment in a civil case. A judgment entered by a district court does not become a lien against real property of the defendant unless a certified copy of the judgment showing the name of the judgment debtor and the date and amount of the judgment is filed in the circuit clerk's office of the county where the real property is located.

Section 16-13-708 allows the court to request that Department of Finance and Administration revoke, suspend, or refuse to renew the driver's license or vehicle registration of a debtor who has failed to make satisfactory arrangements for the payment of fines. For driver's license revocation, the court must provide the department with the debtor's full name, social security number, and last known address in a certified writing. For vehicle registration revocation, the court must provide the department with a certified writing containing the debtor's full name and the license plate number or VIN of the debtor's vehicle.

Section 16-13-709 of the Arkansas Code also provides that the governing body of the county and city, the quorum court and city council, respectively, shall designate by ordinance the official, agency, or department to be responsible for the collection of delinquent fines assessed in district court. In many counties the county shares the costs of the district court, with the sheriff's office designated to collect the county docket delinquent fines, court costs, and restitution assessed in district court. The fines collected in district court shall be disbursed the following month on the tenth working day. Both the sheriff and the city police will still be responsible for collecting bail and money deposited in lieu of bail.

Section 16-92-118 provides for the payment of fines, costs, and restitution assessed by a criminal court to be made electronically or by credit card. This process has enhanced collection revenues and the imposition of installment

payments and a “transaction fee” (amended in 2011 from an “access fee not to exceed \$10”).

Section 5-4-205 provides: If a court authorizes payment of restitution by a criminal defendant in specified installments, a monthly installment fee of five dollars (\$5.00) shall be assessed on the defendant for making restitution payments on an installment basis in addition to the restitution and other assessments authorized. The monthly installment fee of this section shall be remitted to the collecting official to be used to defray the cost of restitution collection.

Sheriffs also collect fines for county ordinance violations. Section 14-14-906 provides that all fines and penalties imposed for violation of any county ordinance shall be paid into the county general fund.

District Court fines imposed by the county docket and some state agencies, such as those relating to citations of the Arkansas State Police and Game & Fish, which are not dedicated for an express purpose, go to the county treasurer as general revenues. Court costs on the county docket and state agencies are distributed by the district court clerk to the costs of the court system, the local or county administration of justice fund, and the state administration of justice fund. The same is true of the city docket; their district court fines are generally considered general revenue, and their district court costs are distributed to the local administration of justice fund and the state administration of justice fund. Some fines are dedicated and will be discussed below: the jail fine under Section 16-17-129; and the booking and administration fee and pay for stay under Section 12-41-505.

The passage of Act 209 of 2009, codified as Arkansas Code Section 16-17-129, raised the fine amount from \$5 to \$20 that counties and cities may assess by ordinance for convictions for offenses and violations in district court. The impact of Act 209 in 2009 contributed millions of dollars towards revenue. This revenue is supposed to be used to help defray prisoner costs. When trying to interpret this statute, you should use the *plain meaning rule*. This rule means that you simply take the statute at its word without resorting to rules of construction or external aids when trying to interpret it. Therefore, Section 16-17-129(b) explicitly says this fine can only be implemented by a county by passing an ordinance. This ordinance will apply to all district courts in the county. In addition, the fine amount can be set in an amount less than \$20.00. The statute only forbids amounts

that *exceed* the \$20.00 amount. The fine is imposed on pleas of guilty and nolo contendere. It should also be collected according to law along with any other fines imposed on the defendant.

This fine can also be imposed on defendants who have cases on the city dockets (cases charged and prosecuted by a city or municipality as opposed to the county). Although in this instance the defendant will have two fines (one for the city and one for the county), these are technically two separate fines. However, for a county to take such action there must be an ordinance pursuant to Section 16-17-129 that authorizes the fine. This statute also permits a collection of the fine for seat belt violations. According to Opinion 2003-117 by the Arkansas Attorney General, the additional fine under Section 16-17-129 can be collected for this sort of violation. According to the Sheriff Survey: Baxter, Carroll, Cleburne, Garland, Marion, Newton, Poinsett, and Polk, counties imposed this fine as of 2011.

The passage of Act 117 during the 2007 Regular Session implemented the Booking/Administrative Fee. The projected revenue increase of Act 117 was estimated to be approximately 1.5 million statewide. The Booking/Administration fee “was to be used exclusively for the maintenance, operation, and capital expenditures of a county jail or regional detention facility.” According to Arkansas Code Section 12-41-505, a person convicted of a felony or Class A misdemeanor must pay a fee of \$20.00 for booking and administration. This fee is included in the judgment of conviction of the prisoner entered by the court. If the court happens to suspend imposition of a sentence on a prisoner or places him or her on probation and does not enter a judgment of conviction, the booking and administration fee is administered as a cost. This fee will go through the Circuit Clerk’s office.

Section 12-41-505 expressly says this fee is to be deposited into a special fund within the county treasury and used exclusively for the maintenance, operational, and capital expenditures of a county jail or regional detention facility. This includes using the funds to pay for an inmate’s medical expenses (even pre-existing conditions) and daily support. A County’s requirement to provide medical care and other services is not only enforced under state law, but also federal law. However, this fee allows the county to seek reimbursement from the prisoner.



Some counties do not maintain a county jail or regional detention facility, but instead pay other detention facilities to house that county's prisoners on a per diem or contract basis. In this circumstance, a county must reserve the booking and administration fee until the time it has a county jail or regional detention facility. The county also cannot use the fee to satisfy any of the financial obligations for its prisoners housed at another facility since it would be contrary to the plain language of Section 12-41-505(b)(3). Unlike the county ordinance discussed in Section 16-17-129, this particular fee is not supposed to be used to help "defray the cost of incarcerating county prisoners."

A county can even use the Section 12-41-505 fee to set goals. To accomplish this, a county must pass an ordinance. The only limitation to this would be that the statute must authorize it. Any question regarding whether or not this fine covers something turns on whether the expense at issue was incurred as an act, instance, or process of operating the jail or regional facility. See: AG Opinion No. 2010-066, 2008-088, 2007-304.

Notably, in 2016, the Supreme Court of Arkansas held that a civil contempt order for failure to pay fines, which resulted in a jail sentence, violated the Arkansas Constitution. *Stehle v. Zimmerebner*, 2016 Ark. 290, 6, 497 S.W.3d 188, 192 (2016). The court likened this situation to debtor's prison. The court stressed that this order was improper because the circuit court did not determine whether the woman in question had the ability to pay. Essentially, if she had the ability to pay and did not, she could be held in contempt for disobeying the court order to pay. If she did not have the ability to pay, however, the contempt order and following detention violated the state Constitution's ban on debtor's prison. The City of Sherwood faced similar allegations in 2017, but that case was dismissed for procedural issues. *Dade v. City of Sherwood, Arkansas*, No. 4:16CV00602-JM-JJV, 2017 WL 2486087, at \*1 (E.D. Ark. Jan. 24, 2017). Eighth Circuit courts are given broad deference to determine whether someone will, at some point, be able to pay. *United States v. Kelley*, 861 F.3d 790, 802 (8th Cir. 2017).

The remainder of this manual will address some of the mechanisms available statewide (some of which are under-utilized) for collecting fines, restitution, and court costs:

- State Income Tax Set-Off
- Suspension of Driver's License
- ArDOT Litter Program
- Work Release
- Pay for Stay
- Lien on Property

## STATE INCOME TAX SET-OFF

The state income tax set-off is a lesser known way to collect fines. The Arkansas Code Annotated Section 26-36-301 allows qualifying agencies to take the income tax refund of any individual owing money to or having a delinquent account which obligation has not been adjudicated, satisfied by court order, set aside by a court, or discharged by a claimant agency. Section 26-36-303 which states that “setoff means the withholding of part or all of income tax refunds due individuals who owe debts to the State of Arkansas, to a county, a city, or a town, or to a housing authority created under § 14-169-101.” In short, upon claim by the county, the state can withhold an individual’s income tax refund if he or she still owes fines that have been delinquent for longer than six months.

Obviously, it must first be determined that the debtor owes a fine that has been delinquent. Once the county determines how much is owed, it must do a background check (ACIO, jail records, etc). Once the notification letter is sent (described below), the county must wait 30 days before it can actually file a claim. During this 30 day window, people may come in and pay their fine or give a legitimate excuse where the county may choose to implement an alternative payment arrangement.

As stated above, the county must provide some type of written notice to the debtor of its intention to capture the debtor’s tax refund. The written notification should contain the following:

1. the basis for the claim to the refund;
2. the intention to apply the refund against the delinquent fine;
3. the debtor’s opportunity to give written notice of intent to contest the validity of the claim before the county within thirty (30) days of the date of the mailing notice;
4. the mailing address to which the application for a hearing must be sent; and
5. the fact that failure to apply for a hearing in writing within the thirty (30) day period will be deemed a waiver of the opportunity to contest the claim, causing final set-off by default.

If the debtor is married, the county does not necessarily get to capture the couple’s income tax refund. According to the Arkansas Individual Income Tax Instructions for married taxpayers, if only one of the married taxpayers

owes a delinquent fine, the taxpayer who is not liable will not have his/her refund applied to the debt if both taxpayers file status 5, Married Filing Separately on Different Returns. However, the taxpayer who is liable will have his/her portion applied to the debt.

The County must complete the Intent to Participate Form before it can begin using the Income Tax Refund Setoff Program. Once the county does this and the debtor has proper notice, it can make changes to its account on the internet at [www.arkansas.gov/dfa/setoff](http://www.arkansas.gov/dfa/setoff) by entering the debtor's name, Social Security Number, and the amount of the debt (must be over \$20.00). This website also contains a Setoff Maintenance Release form that allows the county to delete a debtor's debt.

It is not necessary to submit more than one copy of the debtor notification letter to the Arkansas Department of Finance and Administration. The notification letter along with a summary letter is sufficient. The summary letter must certify that all debtors on the load list have been notified by the county and given the opportunity for a hearing. The letter must include the debtors' first and last names (middle initial if available), the county's code, total number of accounts loaded, and the dollar amount of debt loaded.

The county will be able to use the website to track reports that will be available daily. These reports list all of the refunds that have been intercepted. It is important to note that it will be the county's responsibility to research the accounts and determine if the debt is still owed. Different procedures are in place to refund the debtor in case the debtor overpays or if only a portion of the debt is owed.

The formula that is used to determine what is disbursed to the county is: (refunds captured – (minus) overpayment for the thirty (30) day period – (minus) a 10% collection fee. The monthly reports and current address listing will be available on the website the following Monday after the deadline for that month. Checks will be mailed to the counties on the 10<sup>th</sup> of the following month. If there are multiple claims to refunds to be set off, then such refunds will be decided upon by the time in which an agency has filed a written notice with the division of its intention to take collection.

This method is a great tool to encourage individuals to come forth and pay their delinquent fines. For example in 2006, Baxter County collected \$10,000 in delinquent fines from income taxes and \$80,000 from

individuals who came forth to pay. It is not necessary to assess fines on misdemeanors and felonies; a county may only chose to assess on felonies. Although the procedure is somewhat lengthy, it is a great way to increase revenue for your county.

## **SUSPENSION OF DRIVER'S LICENSE**

Suspending an individual's driver's licenses is a fairly simple procedure administered through the Department of Finance and Administration. Arkansas Code Annotated Section 16-13-708 gives the Arkansas courts the authority to tell the Department of Finance and Administration (DFA) to revoke, suspend, or refuse to renew the driving privileges of an individual for failure to pay a fine. Notably, according to Act 460 of 2017, a Class D license can be renewed every four or eight years. The county is able to receive revenue by using this form of punishment because people must pay their reported delinquent fines in order to get their driver's licenses reinstated. Note, however, that according to Arkansas Code Section 27-16-915, a court may provide a restricted driving permit to anyone with a revoked license. This allows the person to drive to work, school, court, etc.

This punishment is given through the District Court. DFA has a standard form available for the District Court to sign off on to make this punishment effective. The court will fill out the information identifying the driver at the top and check "Failure to Pay." Since federal regulations require that DFA enter the underlying violating, there is a place on the form asking for the violation that the subject failed to pay. It is important to note that you only indicate what the original offense was; not the failure to pay. The actual date that the offense occurred should also be documented. For example, if it were a speeding ticket that was not paid, this would be documented on the Order. However, if the underlying offense was not traffic related, the court can just write "non-moving" (not traffic related) and it will be sufficient. If it was a moving or traffic related offense, it must be documented whether it occurred in a commercial vehicle and if it was carrying hazardous materials.

Arkansas Code Annotated Section 27-16-508 provides that if someone's license is suspended or revoked only for unpaid reinstatement fees, the person can pay one reinstatement fee of \$100. This person must have paid all other court costs, fines, and fees, however. DFA must also provide a reinstatement letter.

A representative from DFA commented on how effective this punishment may be. She said the DFA receives a high volume of phone calls from drivers trying to clear the suspension imposed against them. This is perhaps a sign of the potential success of this punishment in generating revenue for

the state of Arkansas. It is worth a try to implement since it is a relatively easy process to administer.

## **ArDOT LITTER PROGRAM**

Some counties participate in the litter pick-up program that is funded by the Arkansas Department of Transportation. The program is designed to reimburse those governments for inmates that are assigned to pick-up litter along the State Highways. The County Sheriff shall record the litter pick-up activities and submit these documents to the Department. After this verification, the Department will make payment to the County Treasurer as the Reimbursement Request Forms and supporting documentation is received.

An inmate is eligible for this program if the court assigns him/her to community service and is determined suitable by the County Sheriff to perform public service work. Prison parolees that have had such a condition of early release imposed on them by the Parole Board are also eligible for this program. The eligible service is the number of hours that an inmate is actually involved in the litter pick-up activity. This service must be documented on the official Arkansas Department of Transportation form, Jail-Inmate Litter Pick-up Reimbursement Request, and must be certified by the County Sheriff. If everything is properly documented and certified, reimbursement will be at \$2.00 per hour per Jail-Inmate.

The county must establish and at all times maintain on-site oversight and supervision of an inmate cleanup crew. The exception for this is if a work-release inmate or community service inmate is allowed to work independently of enforcement oversight. In that case, the inmate may record their schedules and locations with the proper authorities and perform that work in accordance with the rules and guidelines of the court. The County Sheriff must coordinate the daily litter pick-up activities with a designated official of the Department. The County Sheriff has total responsibility over the needs of the prisoners and the security and protection of the public.

According to the Sheriff Survey on Fines in 2011, Cleburne, Garland, and Marion Counties administer this program. Officials from Garland County stated this program cleans up the roadways and they receive positive feedback from the public. Cleburne County says one negative of the program is the man power that must be used to administer the program. However, overall, this program seems to generate a substantial amount of revenue for the counties.



## WORK RELEASE

The work release program is used to help a prisoner pay off a fine, sentence, or both (fine and sentence). It is codified under Arkansas Code Section 12-30-401. The Sheriff Survey of 2011 indicated that Baxter, Carroll, Cleburne, Garland, Marion, and Perry counties used this program. Most of these counties believe that this program is a success. The survey indicates that a prisoner could earn anywhere from \$10.00 to \$60.00 a day to be used toward paying fines. An inmate can work a job that directly benefits approved jail facilities, political subdivisions, or nonprofit organizations. Most of the time, the work release is done under a judgment of conviction. It is important to note that if an individual is convicted of a felony, they are not eligible for this program.

According to a Perry County representative, this program is pretty successful. In Perry County, the Sheriff must authorize the work release. People who qualify for work release could be someone with just a traffic ticket that wants to work off the fine. According to the survey, Perry County uses about \$60.00 a day as credit toward paying fines under work release. The representative said this program is generally used by people who just cannot pay a fine because they are out of work or on welfare.

Cleburne County also uses the work release program. In Cleburne County, if a person comes through court and has been issued a warrant because he/she did not make a fine payment, the judge will sentence them to 30 days in jail and the opportunity to work off the time. The prisoner gets \$8.00 an hour while working in jail. If the person is out of jail and wants to continue working off the fine, they usually can work for the sanitation department or an old hospital. There may be a few other options depending on the limitations. Cleburne County implements this program under a judgment of conviction.

Counties around the state administer the work release program in different ways. Baxter County uses it to pay off 1/3 of fines, 1/3 towards housing costs, and 1/3 to the inmate. Unlike some other counties, it is not administered under a judgment of conviction. Is it done through the powers of the Sheriff under the Rules of Criminal Procedure. Marion County administers the work release program under a judgment of conviction. Prisoners receive minimum wage per hour while under the program.

## **PAY FOR STAY**

Some counties use “Pay for Stay” which is codified in Arkansas Code Section 12-41-505 which require prisoners to pay for their cost of incarceration. This section requires the defendant to pay "the expenses . . . for his or her support from the day of his or her initial incarceration for the whole time he or she remains there." According to the surveys sent to the Sheriffs through-out the state in 2011, this process is rarely used in the counties. The 2011 Sheriff Surveys indicate that only Newton, Marion, and Randolph counties administer the program.

Newton County is one of the few counties that use this procedure. A representative from that county said a fine is automatically added on the defendant’s “ticket” in district court if he/she is arrested. In circuit court, the fine is added to the judgment. If the defendant is in jail for just one day, the charge will not be added and he/she will get away with not paying. Newton County has an account set up specifically for money to be used for this program, which is usually to offset jail expenses. Fines for Pay for Stay can also be used to assess a fee through an ordinance.

## LIEN ON PROPERTY

Arkansas Code Section 16-13-707 allows **circuit** court officials to collect defaulted fine payments or installment payments to be collected by any means authorized for the enforcement of money judgments in civil actions. A court judgment against a defendant to pay a fine serves as a lien on the real and personal property of the defendant the same way that a money judgment serves as a lien against a defendant's property in a civil judgment.

Conversely, a judgment entered by a **district** court does not serve as a lien against real property unless and until a certified copy of the judgment, showing the name of the judgment debtor and the date and amount of the judgment, is filed in the office of the circuit clerk of the county where the land is located.

Arkansas Code Section 16-66-102 et. seq. allows a circuit court the power to issue a writ of execution upon any registered civil judgment of that court at any time before the collection of the judgment is barred by the statute of limitations. A 16-66-104 form is provided to the sheriff, identifying the judgment debtor and the debtor's property to be collected under the writ, and ordering the sheriff to seize and return the described property to the court within the time allowed by law, as well as to service notice upon the judgment debtor of the writ of execution. After being served, the judgment debtor has 20 days to file a petition to claim any exemptions on his property as provided by law. A writ of execution filed issued by the circuit court of one county can be directed to and executed by the sheriff of any other county within the state. When the sheriff receives a writ of execution, he must endorse the writ with the date and time he actually received the writ.

This section creates a lien on any "goods or chattels, or the rights or shares in any stock, or on any real estate, to which the lien of the judgment, order, or decree extends or has been determined, from the time the writ shall be delivered to the officer in the proper county to be executed." Arkansas Code Section 16-66-112. It is the duty of the clerk to keep a book of all executions issued as well as recording the returns, according to 16-66-115. Also, a sheriff or deputy who willfully neglects to follow the law upon delivery of an execution will be liable for up to the whole amount of the execution. However, any sheriff or law enforcement officer acting "in good faith, and not in violation of clearly established law, and exercising due care while serving and executing writs of execution shall have immunity."

Arkansas Code Sections 16-66-118 – 119. Section 16-66-201 et. seq. sets forth what types of property may be seized and sold upon execution of a judgment. The law also states that the property may be seized, even if the property is subject to a mortgage or some other lien, so long as the lienholder is provided notice, and the sale of seized property shall be subject to the lienholder's interest.

Arkansas Code Section 16-66-208 et. seq. allows for the garnishment of the wages of a judgment debtor by his creditor, so this is also a permitted method for an Arkansas court to use in the collection of unpaid fines, subject to the limits on wage garnishment set forth in this section. However, payment to an Arkansas resident for life, sick, accident, or disability benefits are not subject to execution by any court. Additionally, an Arkansas resident's homestead shall not be subject to any lien or execution by any court. Other property exempt from execution includes a person's wedding rings and any pension payments, profit-sharing plan, or other retirement plan payments. If a debtor thinks their execution should be stayed, they can petition the court for a stay pursuant to 16-66-301 et. seq.

This section of the code also goes on to set forth the proper procedure for the levy, sale, and possible property owner redemption of property executed pursuant to a judgment against the property owner.