

SUPREME COURT OF ARKANSAS

IN RE ARKANSAS SUPREME COURT
ADMIN. ORDER NO. 8

Opinion Delivered December 15, 2011

PER CURIAM

We amended Administrative Order No. 8(III)(a) in 2011 to clarify the reporting of case information when final disposition did not result in commitment to the Department of Correction. *See In re Ark. R. Crim. P. 37.2 & Admin. Order No. 8*, 2011 Ark. 58 (per curiam). This change was recommended by our Committee on Criminal Practice because of a perceived problem with the “Judgment and Disposition Order” and various statutes allowing probation or suspended imposition of sentence. When we adopted the amendment, we noted: “In connection with the change to Administrative Order No. 8, the committee endorsed revisions to the current Judgment and Disposition Order Form, as well as the possible creation of other reporting form(s), and these matters will be referred to the Administrative Office of the Courts for further consideration.” *Id.*

The subsequent enactment of Act 570 of 2011 directed the Sentencing Commission, in collaboration with the Administrative Office of the Courts, to develop “an integrated sentencing, commitment, and departure form.” Act 570 of 2011, § 78 (codified at Ark. Code Ann. § 16-90-802(d)(11)). A new form has been created, entitled, “Sentencing Order,” which not only replaces the Judgment and Commitment Order and the Judgment and Disposition Order, but also encompasses reporting dispositions involving probation and suspended

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imposition of sentence, which was the motivation for the recent amendment to Administrative Order No. 8.

Consequently, it is necessary to again amend Administrative Order No. 8(III)(a), to bring it in line with the new Sentencing Order, which is effective January 1, 2012. Accordingly, we adopt the amendment to Administrative Order No. 8(III)(a), as set out below, and republish it, effective January 1, 2012. (The changes are illustrated in the End Note.)

Administrative Orders

Administrative Order Number 8. Forms for Reporting Case Information in All Arkansas Trial Courts

Section I. Scope.

In every action filed in the circuit courts, a form designed for the uniform collection of case data shall be completed and filed with the initial pleading and again at final disposition. The forms shall be used in assigning and allocating cases and to collect statistical case data. The forms shall not be admissible as evidence in any court proceeding or replace or supplement the filing and service of pleadings, orders, or other papers as required by law or the rules of this Court. This Order in no way affects the use of the Sentencing Order (which refers to the Sentencing Order effective January 1, 2012 and the former Judgment and Commitment Order or Judgment and Disposition Order) in judicial proceedings as authorized by Court Rule or statute.

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Section III. Procedure.

a. *Criminal cases.* The office of the prosecuting attorney shall be responsible for completion of the criminal information form and for filing it in the Office of the Circuit Clerk who shall forward a copy to the AOC pursuant to SECTION (II)(b).

Upon conviction and sentencing to the Arkansas Department of Correction, the office of the prosecuting attorney shall be responsible for completion of the Sentencing Order. The Order shall be submitted to the circuit judge for signature and filed in the Office of the Circuit Clerk. The clerk shall forward a copy to the AOC pursuant to SECTION (II)(b) and to counsel of record for the defendant.

Where the final disposition does not result in a commitment to the Arkansas Department of Correction but may include any of the following—probation, suspended imposition of sentence, commitment to the Department of Community Punishment or to the county jail, a fine, restitution, and/or court costs—the office of the prosecuting attorney shall be responsible for completion of the Sentencing Order, which shall be submitted to the circuit judge for signature and filed in the Office of the Circuit Clerk. The clerk shall forward a copy to the AOC pursuant to SECTION (II)(b) and to counsel of record for the defendant.

Where the case is dismissed or nolle prossed because of the speedy trial rule, the case is transferred, or the defendant is acquitted, the office of the prosecuting attorney shall be responsible for completion of the Reporting Form for Defense-Related Dispositions which shall be submitted to the circuit judge for signature and filed in the Office of the Circuit

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Clerk. The clerk shall forward a copy to the AOC pursuant to SECTION (II)(b) and to counsel of record for the defendant.

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END NOTE

Section I. Scope.

In every action filed in the circuit courts, a form designed for the uniform collection of case data shall be completed and filed with the initial pleading and again at final disposition. The forms shall be used in assigning and allocating cases and to collect statistical case data. The forms shall not be admissible as evidence in any court proceeding or replace or supplement the filing and service of pleadings, orders, or other papers as required by law or the rules of this Court. This Order in no way affects the use of the Sentencing Order (which refers to the Sentencing Order effective January 1, 2012 and the former Judgment and Commitment Order or Judgment and Disposition Order) in judicial proceedings as authorized by Court Rule or statute.

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Section III. Procedure.

Upon conviction and sentencing to the Arkansas Department of Correction, the office of the prosecuting attorney shall be responsible for completion of the Sentencing Order ~~Judgment and Commitment Order~~. The Order shall be submitted to the circuit judge for signature and filed in the Office of the Circuit Clerk. The clerk shall forward a copy to the

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AOC pursuant to SECTION (II)(b) and to counsel of record for the defendant.

Where the final disposition does not result in a commitment to the Arkansas Department of Correction but may include any of the following ~~-an order of probation,~~ suspended imposition of sentence, commitment to the Department of Community Punishment or to the county jail, a fine, restitution, and/or court costs - the office of the prosecuting attorney shall be responsible for completion of the Sentencing Order ~~Order of Probation, Order of Suspended Imposition of Sentence, or Judgment and Disposition Order~~ consistent with the disposition of the case, applicable statutes, and intent of the court, which shall be submitted to the circuit judge for signature and filed in the Office of the Circuit Clerk. The clerk shall forward a copy to the AOC pursuant to SECTION (II)(b) and to counsel of record for the defendant.

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