

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Pryor**

A Bill

HOUSE BILL 1246

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 16-17-704 (a) TO DELETE
9 LANGUAGE WHICH PURPORTS TO GIVE MUNICIPAL COURTS
10 JURISDICTION IN CLAIMS FOR PERSONAL INJURY OR INJURY TO
11 PERSONS; AND FOR OTHER PURPOSES."

Subtitle

14 "AN ACT TO DELETE LANGUAGE WHICH PURPORTS TO GIVE
15 MUNICIPAL COURTS JURISDICTION IN CLAIMS FOR PERSONAL
16 INJURY OR INJURY TO PERSONS."

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

21 SECTION 1. Arkansas Code 16-17-704 (a) is amended to read as follows:

22 "(a) The municipal court shall have original jurisdiction, coextensive
23 with the county wherein the court is situated, over the following matters:

24 (1) Exclusive of justices of the peace and of the circuit court,
25 over violations of all ordinances passed by the city council of the city or
26 quorum court of the county wherein the municipal court is situated;

27 (2) Exclusive of justices of the peace in townships subject to
28 this subchapter and concurrent with the circuit court, over misdemeanors
29 committed within the county and the issuance of search warrants within the
30 county;

31 (3) Concurrent with justices of the peace, and exclusive of the
32 circuit court, in all matters of contract where the amount in controversy does
33 not exceed the sum of one hundred dollars (\$100), excluding interest;

34 (4) Concurrent with the circuit court in matters of contract
35 where the amount in controversy does not exceed the sum of three thousand

1 dollars (\$3,000), excluding interest;

2 (5) Concurrent with the circuit court in actions for the recovery
3 of personal property where the value of the property does not exceed the sum
4 of three thousand dollars (\$3,000);

5 (6) Concurrent with the circuit court in matters of damage to
6 personal property where the amount in controversy does not exceed the sum of
7 three thousand dollars (\$3,000), excluding interest."

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9 SECTION 2. Arkansas Code 16-82-201 is amended by inserting the
10 following new subsections at the end thereof:

11 "(e) Warrant upon oral testimony.

12 (1) General rule. If the circumstances make it reasonable to dispense
13 with a written affidavit, any judicial officer of this state may issue a
14 warrant based upon sworn oral testimony communicated by telephone or other
15 appropriate means.

16 (2) Application. The person who is requesting the warrant shall
17 prepare a document, in a form approved by the Arkansas Judicial Council, to be
18 known as a duplicate original warrant and shall read such duplicate original
19 warrant, verbatim, to the judicial officer. The judicial officer shall enter,
20 verbatim, what is so read to such magistrate on a document to be known as the
21 original warrant. The judicial officer may direct that the warrant be
22 modified.

23 (3) Issuance. If the judicial officer is satisfied that the
24 circumstances are such as to make it reasonable to dispense with a written
25 affidavit and that grounds for the application exist or that there is probable
26 cause to believe that they exist, the judicial officer shall order the
27 issuance of a warrant by directing the person requesting the warrant to sign
28 the judicial officer's name on the duplicate original warrant. The judicial
29 officer shall immediately sign the original warrant and enter on the face of
30 the original warrant the exact time when the warrant was ordered to be issued.
31 The finding of probable cause for a warrant upon oral testimony may be based
32 on the same kind of evidence as is sufficient for a warrant upon affidavit.

33 (4) Recording and certification of testimony. When a caller informs
34 the judicial officer that the purpose of the call is to request a warrant, the
35 judicial officer shall immediately place under oath each person whose

1 testimony forms a basis of the application and each person applying for that
2 warrant. If a voice recording device is available, the judicial officer
3 shall record by means of such device all of the call after the caller informs
4 the judicial officer that the purpose of the call is to request a warrant.
5 Otherwise a stenographic or longhand verbatim record shall be made
6 immediately. If a voice recording device is used or a stenographic record
7 made, the judicial officer shall have the record transcribed, shall certify
8 the accuracy of the transcription, and shall file a copy of the original
9 record and the transcription with the court. If a longhand verbatim record is
10 made, the judicial officer shall file a signed copy with the court.

11 (5) Contents. The contents of a warrant upon oral testimony shall be
12 the same as the contents of a warrant upon affidavit.

13 (6) Additional rule for execution. The person who executes the warrant
14 shall enter the exact time of execution on the face of the duplicate original
15 warrant.

16 (7) Motion to suppress precluded. Absent a finding of bad faith,
17 evidence obtained pursuant to a warrant issued under this paragraph is not
18 subject to a motion to suppress on the ground that the circumstances were not
19 such as to make it reasonable to dispense with a written affidavit."
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21 SECTION 3. Any judicial officer authorized to conduct probable cause
22 hearings may conduct the hearings by accepting oral statements under oath
23 which shall be recorded by the judicial officer and may be communicated to the
24 judicial officer by telephone. The oral statement shall be transcribed within
25 seventy-two (72) hours. The recording of the oral statement and the
26 transcribed statement shall be certified by the judicial officer receiving it
27 and shall be retained as a part of the record of the proceedings.
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29 SECTION 4. All provisions of this act of a general and permanent
30 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
31 Code Revision Commission shall incorporate the same in the Code.
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33 SECTION 5. If any provision of this act or the application thereof to
34 any person or circumstance is held invalid, such invalidity shall not affect
35 other provisions or applications of the act which can be given effect without

1 the invalid provision or application, and to this end the provisions of this
2 act are declared to be severable.

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4 SECTION 6. All laws and parts of laws in conflict with this act are
5 hereby repealed.

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/s/M. Pryor

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