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1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: S3/20/03 H3/28/03

A Bill

SENATE BILL 462

5 By: Senator Luker
6 By: Representative Mahony
7
8

For An Act To Be Entitled

9
10 AN ACT TO ADOPT TECHNICAL CORRECTIONS FOR THE
11 IMPLEMENTATION OF AMENDMENT 80 TO THE ARKANSAS
12 CONSTITUTION; AND FOR OTHER PURPOSES.
13

Subtitle

14
15 AN ACT TO ADOPT TECHNICAL CORRECTIONS
16 FOR THE IMPLEMENTATION OF AMENDMENT 80
17 TO THE ARKANSAS CONSTITUTION; AND FOR
18 OTHER PURPOSES.
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 3-2-304(a), concerning search warrants for
24 alcoholic beverages in prohibited districts, is amended to read as follows:

25 (a) It is made and declared to be the duty of the ~~chancellors, circuit~~
26 ~~judges, justices of the peace, mayors, and police judges~~ circuit, district,
27 city, and police courts, on information given, on their own knowledge, or
28 when they have reasonable grounds to believe that alcohol, spirituous,
29 ardent, vinous, malt, or fermented liquors, or any compound or preparation
30 thereof commonly called tonics, bitters, or medicated liquors of any kind,
31 are kept in any prohibited district to be sold contrary to law or have been
32 shipped into any prohibited district to be sold contrary to law, that they
33 issue a warrant, directed to some peace officer, directing in the warrant a
34 search for intoxicating liquors and specifying in the warrant the place to be
35 searched.
36



1 SECTION 2. Effective January 1, 2005, Arkansas Code § 3-2-304(a)
2 amended to read as follows:

3 (a) It is made and declared to be the duty of the ~~chancellors, circuit~~
4 ~~judges, justices of the peace, mayors, and police judges~~ circuit, district,
5 and city courts, on information given, on their own knowledge, or when they
6 have reasonable grounds to believe that alcohol, spirituous, ardent, vinous,
7 malt, or fermented liquors, or any compound or preparation thereof commonly
8 called tonics, bitters, or medicated liquors of any kind, are kept in any
9 prohibited district to be sold contrary to law or have been shipped into any
10 prohibited district to be sold contrary to law, that they issue a warrant,
11 directed to some peace officer, directing in the warrant a search for
12 intoxicating liquors and specifying in the warrant the place to be searched.
13

14 SECTION 3. Arkansas Code § 5-2-314 is amended to read as follows:

15 5-2-314. Acquittal -- Examination of defendant -- Hearing.

16 (a) When a defendant is acquitted on the ground of mental disease or
17 defect, the circuit court shall be required to determine, and to include such
18 determination in the order of acquittal, one (1) of the following:

19 (1) The offense involved bodily injury to another person or
20 serious damage to the property of another or involved a substantial risk of
21 such injury or damage, and that the defendant remains affected by mental
22 disease or defect; or

23 (2) The offense involved bodily injury to another person or
24 serious damage to the property of another or involved a substantial risk of
25 such injury or damage, and that the defendant is no longer affected by mental
26 disease or defect; or

27 (3) The offense did not involve bodily injury to another person
28 or serious damage to the property of another nor did it involve substantial
29 risk of such injury or damage, and that the defendant remains affected by
30 mental disease or defect; or

31 (4) The offense did not involve bodily injury to another person
32 or serious damage to the property of another nor did it involve a substantial
33 risk of such injury or damage, and that the defendant is no longer affected
34 by mental disease or defect.

35 (b) If the court enters a determination based on subdivision (a)(1) or
36 (3) of this section, the circuit court shall order the defendant committed to

1 the custody of the Director of the Department of Human Services for an
2 examination by a psychiatrist or a licensed psychologist.

3 (c) If the court enters a determination based on subdivision (a)(2) or
4 (4) of this section, the court shall immediately discharge the defendant.

5 (d) The Director of the Department of Human Services shall file the
6 psychiatric or psychological report with a the probate clerk of the circuit
7 court having venue within thirty (30) days following entry of order of
8 acquittal. A hearing shall be conducted by the ~~probate~~ court and shall take
9 place not later than ten (10) days following the filing of the report with
10 the ~~probate~~ court.

11 (e) A person found not guilty, on the ground of mental disease or
12 defect, of an offense involving bodily injury to another person, or serious
13 damage to the property of another, or involving a substantial risk of such
14 injury or damage, has the burden of proving by clear and convincing evidence
15 that his release would not create a substantial risk of bodily injury to
16 another person or serious damage to property of another due to a present
17 mental disease or defect. With respect to any other offense, the person has
18 the burden of proof by a preponderance of the evidence.

19 (f) The acquittee whose mental condition is the subject of a hearing
20 has a right to counsel. If it appears to the court that the acquittee is in
21 need of counsel, counsel shall be appointed immediately upon filing of the
22 original petition. Whenever legal counsel is appointed by the court, such
23 court shall determine the amount of the fee to be paid the attorney so
24 appointed and issue an order of payment. The amount allowed shall be based
25 upon the time and effort of the attorney in the investigation, preparation,
26 and representation of the client at the court hearings.

27 (g) The quorum court of each county shall appropriate funds for the
28 purpose of payment of the attorney's fees provided for by subsection (f) of
29 this section and upon presentment of a claim accompanied by an order of the
30 ~~probate~~ circuit court fixing the fee, the same shall be approved by the
31 county court and paid in the same manner as other claims against the county
32 are paid.

33 (h) The hearings conducted pursuant to subsection (d) of this section
34 may be held at the Arkansas State Hospital or a receiving facility or program
35 where the acquittee is detained.

36 (i) The ~~probate~~ circuit judge, when conducting any hearing set out in

1 this section, may conduct said hearing within any county of his or her
2 jurisdictional district.

3 (j) It shall be the duty of the prosecuting attorney's office in the
4 county where the petition is filed to represent the State of Arkansas at all
5 hearings held ~~in the probate court~~ pursuant to this section, except those
6 hearings pending ~~before the probate judge~~ at the Arkansas State Hospital in
7 Pulaski County. A prosecuting attorney may contract with other attorneys to
8 provide these services. The Office of the Prosecutor Coordinator shall appear
9 for and on behalf of the State of Arkansas ~~before the mental health probate~~
10 ~~judge~~ at the Arkansas State Hospital in Little Rock. Such representation
11 shall be a part of the official duties of the prosecuting attorney or the
12 Prosecutor Coordinator, and the prosecuting attorney or the Prosecutor
13 Coordinator shall be immune from civil liability in the performance of this
14 official duty.

15

16 SECTION 4. Arkansas Code § 5-2-317 is amended to read as follows:

17 5-2-317. Jurisdiction and venue.

18 (a) The ~~probate~~ circuit courts of this state shall have exclusive
19 jurisdiction over these persons acquitted by reason of mental disease or
20 defect and committed to the custody of the Director of the Department of
21 Human Services pursuant to § 5-2-314(b).

22 (b) Venue shall be determined as follows:

23 (1) For persons committed to the custody of the Department of
24 Human Services pursuant to § 5-2-314 (b) and who have been committed to the
25 Arkansas State Hospital for examination, venue may be in ~~the~~ Pulaski County
26 ~~Probate Court, Ninth Division,~~ for the initial hearing pursuant to § 5-2-314,
27 and for conditional release hearings pursuant to § 5-2-315.

28 (2) For persons who have been conditionally released pursuant to
29 § 5-2-315, venue for any hearing seeking the modification, revocation, or
30 dismissal of a conditional release order shall be in ~~the probate court~~ of the
31 county where the person currently resides.

32 (3) The witness and travel fees, as provided for in the Arkansas
33 Rules of Civil Procedure, for employees of a designated receiving facility
34 whose presence ~~in the probate court~~ is compelled pursuant to a subpoena shall
35 be paid by the designated receiving facility to which the acquittee is, or
36 will be, conditionally released.

1
2 SECTION 5. Arkansas Code § 5-53-101(a)(1), concerning the definition of
3 “juror” with respect to certain offenses against the administration of
4 government is amended to read as follows:

5 (1) “Juror” means a member of any jury, including grand, and
6 ~~petit, coroner’s, justice of the peace, or chancery court~~ juries, and further
7 includes any person who has been drawn or summoned as a prospective juror;

8
9 SECTION 6. Effective January 1, 2005, Arkansas Code § 7-6-217(g)(8)(A),
10 as amended by section 26 of this act, is further amended to read as follows:

11 (8)(A) File suit in the Circuit Court of Pulaski County or in the
12 circuit court of the county wherein the debtor resides, or, pursuant to ~~the~~
13 ~~Small Claims Procedure Act, § 16-17-601 et seq., § 16-17-706~~ in the small
14 claims division ~~of~~ established in any municipal district court in the State
15 of Arkansas, to obtain a judgment for the amount of any fine imposed pursuant
16 to § 7-6-218(b)(4)(B)(i)-(iii).

17
18 SECTION 7. Arkansas Code § 9-9-209(b), concerning withdrawal of consent
19 to adoption, is amended to read as follows:

20 (b)(1) A consent to adopt may be withdrawn within ten (10) calendar
21 days after it is signed or the child is born, whichever is later, by filing
22 an affidavit with the probate clerk of the ~~probate~~ circuit court in the
23 county designated by the consent as the county in which the guardianship
24 petition will be filed, if there is a guardianship, or where the petition for
25 adoption will be filed, if there is no guardianship. If the ten-day period
26 ends on a weekend or a legal holiday, the person may file the affidavit the
27 next working day. No fee shall be charged for the filing of the affidavit.
28 The ten-day period for filing a withdrawal of consent shall not apply to
29 agencies as defined by
30 § 9-9-202(5).

31 (2) The consent shall state that the person has the right of
32 withdrawal of consent and shall provide the address of the probate clerk of
33 the probate circuit court ~~clerk~~ of the county in which the guardianship will
34 be filed, if there is a guardianship, or where the petition for adoption will
35 be filed, if there is no guardianship.

36

1 SECTION 8. Arkansas Code § 9-9-220(b)(1) and (2), concerning
2 relinquishment and termination of parent and child relationships, are amended
3 to read as follows:

4 (1)(A) The relinquishment may be withdrawn within ten (10)
5 calendar days after it is signed or the child is born, whichever is later.

6 (i) Notice of withdrawal shall be given by filing an
7 affidavit with the probate clerk of the ~~probate~~ circuit court in the county
8 designated by the writing as the county in which the guardianship petition
9 will be filed, if there is a guardianship, or where the petition for adoption
10 will be filed, if there is no guardianship. If the ten-day period ends on a
11 weekend or legal holiday, the person may file the affidavit the next working
12 day.

13 (ii) No fee shall be charged for the filing of the
14 affidavit.

15 (B) The relinquishment shall state that the parent has this
16 right of withdrawal, and shall provide the address of the probate~~court~~ clerk
17 of the circuit court in the county in which the guardianship will be filed,
18 if there is a guardianship, or where the petition for adoption will be filed,
19 if there is no guardianship; or

20 (2) In any other situation, if notice of the adoption proceeding
21 has been given to the parent and the court finds, after considering the
22 circumstances of the relinquishment and the continued custody by the
23 petitioner, that the best interest of the child requires the granting of the
24 adoption.

25
26 SECTION 9. Arkansas Code § 9-10-101 is repealed.

27
28 SECTION 10. Arkansas Code § 9-10-102 is amended to read as follows:

29 9-10-102. Actions Governed by Rules of Civil Procedure -- Limitations
30 periods -- Venue -- Summons -- Transfer between local jurisdictions.

31 (a) An action to establish the paternity of a child or children shall
32 be commenced and proceed under the Arkansas Rules of Civil Procedure
33 applicable in circuit court ~~and chancery court, and the juvenile division~~
34 ~~thereof~~, as amended from time to time by the Arkansas Supreme Court ~~or the~~
35 General Assembly.

36 (b) Actions brought in the State of Arkansas to establish paternity may

1 be brought at any time. Any action brought prior to August 1, 1985, but
2 dismissed because of a statute of limitations in effect prior to that date,
3 may be brought for any person for whom paternity has not yet been
4 established.

5 (c) Venue of paternity actions shall be in the county in which the
6 plaintiff resides or, in cases involving a juvenile, in the county in which
7 the juvenile resides.

8 (d) Summons may be issued in any county of this state in which the
9 defendant may be found.

10 (e)(1) Upon a default by the defendant, the court shall grant a finding
11 of paternity and shall establish a child support order based on an
12 application in accordance with the Arkansas Rules of Civil Procedure and the
13 family support chart.

14 (2) The court's granting of a default paternity judgment shall be
15 based on the presumed mother's affidavit of facts in which the presumed
16 mother names the defendant as the father of her child and states the
17 defendant's access during the probable period of conception.

18 (f)(1)(A) The court where the final decree of paternity is rendered
19 shall retain jurisdiction of all matters following the entry of the decree.

20 (B)(i) If more than six (6) months subsequent to the final
21 adjudication, however, each of the parties to the action has established a
22 residence in a county of another ~~chancery~~ judicial district within the state,
23 one (1) or both of the parties may petition the court which entered the final
24 adjudication to request that the case be transferred to another county.

25 (ii) The case shall not be transferred absent a
26 showing that the best interest of the parties justifies the transfer.

27 (iii) If a justification for transfer of the case has
28 been made, there shall be an initial presumption for transfer of the case to
29 the county of residence of the physical custodian of the child.

30 (2) If the court which entered the final adjudication agrees to
31 transfer the case to another ~~chancery~~ judicial district, upon proper motion
32 and affidavit and notice and payment of a refiling fee, the court shall enter
33 an order transferring the case and the refiling fee and charging the clerk of
34 the court to transmit forthwith certified copies of all records pertaining to
35 the case to the clerk of the court in the ~~chancery district~~ county where the
36 case is being transferred.

1 (3) An affidavit shall accompany the motion to transfer and
2 recite that the parent or parents, the physical custodian, and the Office of
3 Child Support Enforcement of the Revenue Division of the Department of
4 Finance and Administration, as appropriate, have been notified in writing
5 that a request has been made to transfer the case ~~to another chancery~~
6 ~~district~~.

7 (4) Notification pursuant to this section must inform each
8 recipient that any objection must be filed within twenty (20) days from the
9 date of receipt of the affidavit and motion for transfer.

10 (5) The ~~chancery~~ clerk receiving a transferred case shall, within
11 fourteen (14) days of receipt, set up a case file, docket the case, and
12 afford the case full faith and credit as if the case had originated in that
13 judicial district.

14
15 SECTION 11. Arkansas Code § 9-10-103(a) through (c), concerning orders
16 for paternity testing, is amended to read as follows:

17 (a) If the child is not born when the accused appears before the
18 circuit court, the court may hear evidence and may make temporary orders and
19 findings pending the birth of the child.

20 (b)(1) If the parentage of a child has not been established, the Office
21 of Child Support Enforcement of the Revenue Division of the Department of
22 Finance and Administration shall send a notice to the putative father, or
23 mother, as appropriate, that he or she is a biological parent of the child.
24 The notice shall inform the parties that the putative father and the mother
25 of the child may sign an affidavit acknowledging paternity and that any party
26 may request that scientifically accepted paternity testing be conducted to
27 assist in determining the identities of the child's parents.

28 (2) In all cases brought pursuant to Title IV-D of the federal
29 Social Security Act, upon sworn statement of the mother, putative father, or
30 the Office of Child Support Enforcement alleging paternity, the Office of
31 Child Support Enforcement shall issue an administrative order for paternity
32 testing which requires the mother, putative father, and minor child to submit
33 themselves for paternity testing.

34 (A) The Office of Child Support Enforcement shall cause a
35 copy of the administrative order for paternity testing to be served on the
36 mother and putative father.

1 (B) Paternity testing accomplished pursuant to an
2 administrative order shall be conducted pursuant to the guidelines and
3 procedures set out in § 9-10-108.

4 (C) Any party to an administrative order for paternity
5 testing may object to the administrative order within twenty (20) days after
6 receiving the order and request an administrative hearing to determine if
7 paternity testing under the administrative order should be conducted by the
8 Office of Child Support Enforcement.

9 (3)(A) The request for paternity testing shall be accompanied by
10 an affidavit alleging paternity, and setting forth facts establishing a
11 reasonable possibility of the requisite sexual contact between the mother and
12 putative father; or

13 (B) An affidavit denying paternity, and setting forth facts
14 establishing a reasonable possibility of the nonexistence of sexual contact
15 between the mother and putative father.

16 (4)(A) The Office of Child Support Enforcement shall initially
17 pay the costs of administrative paternity testing, but those costs shall be
18 assessed against the putative father if paternity is established or against
19 the applicant for services if the putative father is excluded as the
20 biological father.

21 (B) Recovery by the Office of Child Support Enforcement
22 through all available processes shall be initiated, including income
23 withholding, when appropriate.

24 (5) Any party who objects to the results of such paternity
25 testing may request additional testing upon proper notice and advance payment
26 for retesting, and the Office of Child Support Enforcement shall assist the
27 contestant in obtaining such additional testing as may be requested.

28 (6) If the results of paternity testing establish a ninety-five
29 percent or more probability of inclusion that the putative father is the
30 biological father of the child, then the Office of Child Support Enforcement
31 may file a complaint for paternity and child support in the circuit court
32 ~~thereof, as appropriate.~~

33 (c) Any paternity testing results obtained pursuant to an
34 administrative order for paternity testing shall be admissible into evidence
35 in any circuit court for the purpose of adjudicating paternity, as provided
36 by § 9-10-108.

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SECTION 12. Arkansas Code § 9-10-105 is amended to read as follows:

9-10-105. Trial by court ~~or chancellor.~~

When the case is ready for trial, if the accused denies being the father of the child, the ~~chancery~~ circuit court ~~or chancellor~~ shall hear the evidence and decide the case ~~as other issues at law.~~

SECTION 13. Arkansas Code § 9-10-113(b), concerning a custody petition by the biological father of an illegitimate child, is amended to read as follows:

(b) A biological father, provided he has established paternity in a court of competent jurisdiction, may petition the ~~chancery~~ circuit court, ~~or other court of competent jurisdiction, wherein~~ in the county where the child resides, for custody of the child.

SECTION 14. Arkansas Code § 9-10-116 is repealed.

SECTION 15. Arkansas Code § 9-10-117 is repealed.

SECTION 16. Arkansas Code § 9-11-213(a)(8), concerning persons who may solemnize marriages, is amended to read as follows:

(8) Any elected ~~municipal~~ district court judge, ~~including and~~ any former municipal or district court judge who served at least four (4) years.

SECTION 17. Arkansas Code § 9-14-239(h) and (i), concerning suspension of a license for failure to pay child support, are amended to read as follows:

(h)(1)(A) Any noncustodial parent whose license or permanent license plate has been suspended may appeal to the circuit court of the county in which the child support order was entered or transferred, within thirty (30) days after the effective date of the suspension, by filing a petition with a copy of the notice of the suspension attached, or with a copy of the final administrative hearing decision of the office, with the clerk of the ~~chancery~~ court and causing a summons to be served on the administrator of the office.

(B) For persons paying child support pursuant to § 9-17-501 or § 9-17-507, the foreign order shall be registered by the office pursuant

1 to § 9-17-601 et seq.

2 (2) The case shall be tried de novo ~~in the chancery court, or the~~
3 ~~juvenile division thereof, as appropriate.~~

4 (3) The circuit judges are vested with jurisdiction to determine
5 whether the petitioner is entitled to a license or permanent license plate or
6 whether the decision of the hearing officer should be affirmed, modified, or
7 reversed.

8 (i) Nothing provided in this section shall be interpreted to prohibit
9 the ~~chancery circuit court, or the juvenile division thereof,~~ from suspending
10 a permanent license plate or a license through contempt proceedings resulting
11 from the nonpayment of child support.

12

13 SECTION 18. Arkansas Code § 12-12-906(a), concerning registration of
14 sex offenders, is amended to read as follows:

15 (a)(1)(A) At the time of adjudication of guilt, the sentencing court
16 shall enter on the judgment and commitment or judgment and disposition form
17 whether or not the offender is required to register as a sex offender.

18 (B) The Department of Correction shall ensure that
19 offenders received for incarceration complete the registration form prepared
20 by the Director of the Arkansas Crime Information Center pursuant to §
21 12-12-908.

22 (C) The Department of Community Correction shall ensure
23 that offenders placed on probation or another form of community supervision
24 complete the registration form.

25 (D) The Arkansas State Hospital shall ensure that the
26 registration form is completed for any offender found not guilty by reason of
27 insanity and shall arrange an evaluation by Sex Offender Screening and Risk
28 Assessment.

29 (E) The Division of Youth Services of the Department of
30 Human Services shall ensure that juveniles ordered by the ~~juvenile~~ circuit
31 court to register complete the registration form.

32 (2)(A) A sex offender moving to or returning to this state from
33 another jurisdiction shall register with the local law enforcement agency
34 having jurisdiction no later than thirty (30) days after August 1, 1997, or
35 thirty (30) days after the offender establishes residency in a municipality
36 or county of this state, whichever is later.

1 (B)(i) All persons living in this state who would be
2 required to register as sex offenders in the jurisdiction in which they were
3 adjudicated guilty of a sex offense are required to register as sex offenders
4 in this state whether living, working, or attending school or other training
5 in Arkansas.

6 (ii) Nonresident workers or students who enter the
7 state for fourteen (14) or more consecutive days to work or study or who
8 enter the state for an aggregate of thirty (30) days or more a year are
9 required to register in compliance with 64 Fed. Reg. 585 2nd, as it existed
10 on January 1, 2001.

11 (C) A sex offender sentenced and required to register
12 outside of Arkansas, whether as an adult or a juvenile, must submit to
13 reassessment by Sex Offender Screening and Risk Assessment, provide a
14 deoxyribonucleic acid sample if a sample is not already accessible to the
15 Arkansas State Crime Laboratory, and pay the mandatory fee of two hundred
16 fifty dollars (\$ 250) to the DNA Detection Fund established under §
17 12-12-1101 et seq.

18 (3)(A) ~~After September 1, 1999, a juvenile judge~~ The circuit
19 court shall require a juvenile sex offender to submit at the time of
20 adjudication of a sex offense to an assessment by Sex Offender Screening and
21 Risk Assessment.

22 (B)(i) Sex Offender Screening and Risk Assessment shall
23 submit its assessment and recommendation to the ~~juvenile judge court~~, ~~and the~~
24 ~~juvenile judge~~ which may order registration by so indicating on the proper
25 form.

26 (ii)(a) Upon the decision by the ~~juvenile judge court~~
27 to order registration by the juvenile, the juvenile shall comply with all the
28 provisions of this subchapter.

29 (b) The ~~juvenile court judge~~ may order
30 reassessment by Sex Offender Screening and Risk Assessment at any time during
31 the ~~juvenile judge's court's~~ court's jurisdiction over the juvenile.

32 (c) The ~~juvenile court judge~~ may order
33 registration of the juvenile adjudicated delinquent of a sex offense at any
34 time during the ~~juvenile judge's court's~~ court's jurisdiction over the juvenile.

35
36 SECTION 19. Arkansas Code § 12-41-203(c), concerning contracts for

1 criminal justice centers, is amended to read as follows:

2 (c) The county and municipality in this state may contract for the
3 center to contain:

4 (1) Courtrooms and office space needed by ~~municipal, justice,~~
5 county, district, and appellate courts;

6 (2) Jail, lockup, and other detention facilities;

7 (3) Federal, county, precinct, and municipal offices for
8 prosecuting attorneys and other personnel as needed;

9 (4) Adult or juvenile probation offices;

10 (5) Any other offices that either the county or municipality is
11 separately authorized or required to operate or provide; and

12 (6) Parking space, dining areas, and other facilities incidental
13 to operation of the center.

14

15 SECTION 20. Arkansas Code § 13-4-201 is amended to read as follows:

16 13-4-201. Electronic reproduction of court records.

17 ~~The circuit clerks, county clerks, municipal clerks and recorders,~~

18 Court clerks and any other public officers whose duty it is to make and
19 maintain court records are authorized to use and employ an approved system of
20 photographic recording, photostatic recording, microfilm, microcard,
21 miniature photographic recording, digital compact disc, optical disc, and any
22 other process which accurately reproduces or forms a durable medium for
23 reproducing the original.

24

25 SECTION 21. Arkansas Code § 14-14-916 is amended to read as follows:

26 14-14-916. Judicial jurisdiction over initiative and referendum.

27 (a) Jurisdiction of ~~Chancery~~ Circuit Court. Jurisdiction is vested upon
28 the ~~chancery circuit~~ courts and ~~chancellors in vacation~~ to hear and determine
29 petitions for writs of mandamus, injunctions, and all other actions affecting
30 the submission of any proposed county initiative or referendum petitions. All
31 such proceedings and actions shall be heard summarily ~~in term time or in~~
32 ~~vacation~~ upon five (5) calendar days' notice in writing and shall have
33 precedence over all other suits and matters before the court ~~or chancellor~~.
34 ~~When any such action or proceeding is filed, if the court is not in session,~~
35 ~~it shall be the duty of the chancellor, by order made in vacation, to call a~~
36 ~~special term of the court to convene, within ten (10) calendar days after~~

1 ~~notice, to hear and determine the cause.~~

2 (b) Limitation of Injunction or Stay of Proceedings. No procedural
3 steps in submitting an initiative or referendum measure shall be enjoined,
4 stayed, or delayed by the order of any court or judge after the petition
5 shall have been declared sufficient, except in ~~chancery~~ circuit court on
6 petition to review as provided in this section. During the pendency of any
7 proceeding to review, the findings of the county clerk shall be conclusive
8 and binding and shall not be changed or modified by any temporary order or
9 ruling, and no court or judge shall entertain jurisdiction of any action or
10 proceeding questioning the validity of any such ordinance or measure until
11 after it shall have been adopted by the people.

12
13 SECTION 22. Arkansas Code § 14-14-1002 is amended to read as follows:
14 14-14-1002. Other judicial authorities of county court.

15 (a) Injunctions, ~~and Restraining Orders, and Provisional Writs~~. In case
16 of the absence of the ~~chancellor of chancery circuit judge~~ from the county,
17 the county court may issue ~~writs of~~ injunctions, ~~or~~ restraining orders, and
18 other provisional writs after the action has been commenced, but not before.
19 However, either party may have the order reviewed by the circuit judge.

20 (b) Defense of County. In cases when appeals are prosecuted in the
21 circuit court or Supreme Court, the county judge shall defend them, and all
22 expenses or money paid out by reason of his defense shall be repaid by the
23 proper county, by order of the county court.

24 ~~(c) Injunctions and Provisional Writs. In the absence of the circuit~~
25 ~~judge from the county, the county judge of any county shall have power to~~
26 ~~issue orders from injunctions and other provisional writs in his county,~~
27 ~~returnable to the court having jurisdiction.~~

28 ~~(d) (c) Writs of Habeas Corpus. The county judge shall receive such~~
29 ~~compensation for his services as presiding judge of the county court or judge~~
30 ~~of the court of common pleas, when established, as may be provided by law. In~~
31 ~~the absence of the circuit judge from the county, the county judge shall have~~
32 ~~power to issue orders for injunctions and other provisional writs in his~~
33 ~~county, returnable to the court having jurisdiction. However, either party~~
34 ~~may have the order reviewed by any superior judge in vacation in such manner~~
35 ~~as shall be provided by law. The county judge shall have power, in the~~
36 absence of the circuit judge from the county, to issue, hear, and determine

1 writs of habeas corpus, under such regulations and restrictions as shall be
2 provided by law.

3 (d) Compensation. The county judge shall receive such compensation for
4 his services as presiding judge of the county court as may be provided by
5 law.

6
7 SECTION 23. Arkansas Code § 14-14-1301(a)(2) and (3), concerning circuit
8 and county clerks, are amended to read as follows:

9 (2) Clerk of the Circuit Court. The clerk of the circuit court
10 shall be clerk of all divisions of the court, ex officio clerk of the county
11 ~~and probate courts court~~, and recorder~~-, except as provided in subdivision~~
12 (3) of this subsection (a); ~~However, there may be elected a county clerk in~~
13 ~~like manner as a circuit clerk, and in such cases, the clerk may be ex~~
14 ~~officio clerk of the probate court in such county, until otherwise provided~~
15 ~~by the General Assembly, and shall bear witness and sign all writs and other~~
16 ~~judicial process acted upon by the respective courts served by the clerk;~~

17 (3) County Clerk. A county clerk may be elected in like manner as
18 a circuit clerk, and in such cases, the clerk may be ex officio clerk of the
19 probate division of circuit court, if such division exists, in the county,
20 until otherwise provided by the General Assembly, and shall, if created as a
21 separate office, bear witness and sign all writs and other judicial process
22 acted upon by the respective courts served by the clerk;

23
24 SECTION 24. Arkansas Code § 14-42-206(c)(3), concerning nominating
25 petitions for municipal judge elections, is repealed.

26 ~~(3) Any municipal judge position that is elected other than~~
27 ~~citywide will not be affected by this section.~~

28
29 SECTION 25. Arkansas Code § 14-43-303(a)(3)(A), concerning officials in
30 mayor-council cities of 50,000 or more, is amended to read as follows:

31 (3)(A) At the general election in the year 1962, and every four
32 (4) years thereafter, the city shall elect:

- 33 (i) One (1) city attorney;
34 (ii) One (1) city treasurer; and
35 ~~(iii) One (1) municipal judge; and~~
36 ~~(iv)~~ (iii) One (1) alderman from each ward of the city.

1
2 SECTION 26. Arkansas Code § 14-44-108 is amended to read as follows:

3 14-44-108. Mayor and city court.

4 ~~(a) The mayor of a city of the second class shall have, within the~~
5 ~~limits of the city, all the jurisdiction and power of a justice of the peace~~
6 ~~in all civil or criminal matters arising under the laws of this state, to all~~
7 ~~intents and purposes. For crimes and offenses committed within the limits of~~
8 ~~the city, the mayor's jurisdiction shall be coextensive with the county. The~~
9 ~~mayor and city court of a city of the second class shall be subject to § 16-~~
10 ~~18-112.~~

11 ~~(b) Any mayor may designate, at such times as he shall choose to do~~
12 ~~so, any attorney regularly licensed to practice law and a resident of the~~
13 ~~county in which the city or town is located, to sit in the mayor's stead as~~
14 ~~judge of the city court. All fines and penalties assessed by the court in~~
15 ~~such a case shall continue to be paid into the city treasury. The attorney~~
16 ~~sitting in the stead of the mayor shall charge and collect the same fees as~~
17 ~~justices of the peace are allowed for similar service. The city court shall~~
18 ~~have jurisdiction as provided by § 16-88-101.~~

19 (c) The mayor shall perform all duties required by the ordinances of
20 the city and shall give bond and security in any amount to be determined and
21 approved by the city council.

22 ~~(d)(1) The mayor shall have exclusive jurisdiction of all prosecutions~~
23 ~~for violation of any ordinances of the city;~~

24 ~~(2) He may award and issue any process or writs that may be~~
25 ~~necessary to enforce the administration of justice throughout the city, and~~
26 ~~for the lawful exercise of his jurisdiction, according to the usages and~~
27 ~~principles of law; and~~

28 ~~(3) He shall receive, in the discharge of the duties of a~~
29 ~~justice of the peace, the same fees and compensation as may be allowed them~~
30 ~~by law.~~

31
32 SECTION 27. Arkansas Code § 14-45-106 is amended to read as follows:

33 14-45-106. Mayor and city court.

34 (a) ~~The mayor of an incorporated town shall be a conservator of the~~
35 ~~peace throughout its limits and shall have, within the town, all power and~~
36 ~~jurisdiction of a justice of the peace in all civil or criminal matters~~

1 ~~arising under the laws of the state, to all intents and purposes whatever,~~
 2 ~~For crimes and offenses committed within the limits of the town, the mayor's~~
 3 ~~jurisdiction shall be coextensive with the county. The mayor and city court~~
 4 ~~of an incorporated town shall be subject to § 16-18-112.~~

5 ~~(b) Any mayor may designate, at such times as he shall choose to do~~
 6 ~~so, any attorney regularly licensed to practice law and a resident of the~~
 7 ~~county in which the city or town is located, to sit in the mayor's stead as~~
 8 ~~judge of the city court. All fines and penalties assessed by the court in~~
 9 ~~such a case shall continue to be paid into the city or town treasury. The~~
 10 ~~attorney sitting in the stead of the mayor shall charge and collect the same~~
 11 ~~fees as justices of the peace are allowed for similar service. The city court~~
 12 ~~shall have jurisdiction as provided by § 16-88-101.~~

13 ~~(c) The mayor shall perform all duties required by the ordinances of~~
 14 ~~the town and shall give bond and security in any amount to be ascertained and~~
 15 ~~approved by the town council.~~

16 ~~(d) The mayor shall:~~

17 ~~(1) Perform all duties required of him by the ordinances of the~~
 18 ~~town, and appeals may be taken in the same manner as from decisions of~~
 19 ~~justices of the peace; and~~

20 ~~(2)(A) Keep a docket and charge and collect the same fees as~~
 21 ~~justices of the peace are allowed for similar services.~~

22 ~~(B)(i) In addition for his services as mayor, the council~~
 23 ~~may, by ordinance, make proper allowance for, and payment of, compensation.~~

24 ~~(ii) Clay, Craighead, Greene, Ashley, and Chicot counties~~
 25 ~~shall be exempted from the provisions of this section.~~

26 ~~(d) In addition for his or her services as mayor, the council may, by~~
 27 ~~ordinance, make proper allowance for, and payment of, compensation.~~

28
 29 SECTION 28. Arkansas Code § 14-47-108(b)(2), concerning reorganization
 30 of municipalities, is amended to read as follows:

31 (2)(A) The reorganization shall not operate to abolish,
 32 terminate, or otherwise affect any of the following departments, commissions,
 33 authorities, agencies, or offices of the city government then existing:

34 (i) Waterworks commission existing under §§ 14-234-301 --
 35 14-234-309;

36 (ii) Sewer committee existing under § 14-235-206;

1 (iii) Airport commission existing under § 14-359-103;

2 (iv) Housing authority existing under § 14-169-208.

3 (v) Any board of civil service commissioners serving under
4 § 14-49-201 et seq., § 14-50-201 et seq., § 14-51-201 et seq., or under any
5 other statute enacted;

6 (vi) Auditorium commission existing under § 14-141-104;

7 (vii) Library trustees existing under § 13-2-502;

8 (viii) City planning commission existing under Acts 1929,
9 No. 108, § 1 [repealed];

10 (ix) Office of judge of the ~~municipal~~ district court
11 ~~existing under Act No. 87 enacted in the year 1915, as amended by Act No. 49~~
12 ~~enacted in the year 1951, or existing under § 16-17-204, or existing under §~~
13 ~~16-17-303, or existing under any other statute in effect;~~

14 (x) Office of judge of the police court as existing under
15 either § 14-43-302 [repealed] or § 16-18-101, or existing under § 16-18-109,
16 or existing under § 16-18-110 [repealed], or under any other statute in
17 effect; or

18 (xi) Board of commissioners of any improvement district;

19 (B)(i) The reorganization shall not terminate, impair, or
20 otherwise affect the official status, tenure of office, or powers of the
21 persons serving as commissioners, committeemen, trustees, or members of any
22 of the boards, authorities, commissions, agencies, or departments listed in
23 this subdivision or as judge or clerk of any ~~municipal~~ district or police
24 court listed.

25 (ii) This power, whether consisting of the power to appoint
26 or the power to confirm appointments or nominations, as may be vested in the
27 municipal council immediately prior to the reorganization in respect to the
28 filling of vacancies on the boards, authorities, commissions, agencies,
29 departments, or in the judgeships listed in this subdivision (b)(2)(B) shall
30 be transferred to and vested in the board of directors or the mayor, if the
31 mayor has appointment power pursuant to § 14-47-108(a)(2)(C). Each appointee
32 designated by the board or by the mayor, if authorized, to fill a vacancy in
33 any such position shall serve for the statutory term, if any, applicable to
34 the vacancy or, if there is no statutory term, shall serve at the will of the
35 board or the mayor, if authorized. However, each judgeship, whether a
36 judgeship on a ~~municipal~~ district court or on a police court, which on the

1 effective date of the reorganization is on an elective basis, shall remain on
 2 an elective basis and shall not be subject to the appointive power of the
 3 board or the mayor.

4
 5 SECTION 29. Effective January 1, 2005, Arkansas Code § 14-47-108(b)(2)
 6 is amended to read as follows:

7 (2)(A) The reorganization shall not operate to abolish,
 8 terminate, or otherwise affect any of the following departments, commissions,
 9 authorities, agencies, or offices of the city government then existing:

10 (i) Waterworks commission existing under §§ 14-234-301 --
 11 14-234-309;

12 (ii) Sewer committee existing under § 14-235-206;

13 (iii) Airport commission existing under § 14-359-103;

14 (iv) Housing authority existing under § 14-169-208.

15 (v) Any board of civil service commissioners serving
 16 under § 14-49-201 et seq., § 14-50-201 et seq., § 14-51-201 et seq., or under
 17 any other statute enacted;

18 (vi) Auditorium commission existing under § 14-141-104;

19 (vii) Library trustees existing under § 13-2-502;

20 (viii) City planning commission existing under Acts 1929,
 21 No. 108, § 1 [repealed]; or

22 ~~(ix) Office of judge of the municipal court existing under~~
 23 ~~any statute in effect;~~

24 ~~(x) Office of judge of the police court as existing under~~
 25 ~~either § 14-43-302 [repealed] or § 16-18-101, or existing under § 16-18-109,~~
 26 ~~or existing under § 16-18-110 [repealed], or under any other statute in~~
 27 ~~effect; or~~

28 ~~(xi) (ix) Board of commissioners of any improvement~~
 29 ~~district;~~

30 (B)(i) The reorganization shall not terminate, impair, or
 31 otherwise affect the official status, tenure of office, or powers of the
 32 persons serving as commissioners, committeemen, trustees, or members of any
 33 of the boards, authorities, commissions, agencies, or departments listed in
 34 this subdivision ~~or as judge or clerk of any district or police court listed.~~

35 (ii) This power, whether consisting of the power to appoint
 36 or the power to confirm appointments or nominations, as may be vested in the

1 municipal council immediately prior to the reorganization in respect to the
 2 filling of vacancies on the boards, authorities, commissions, agencies,
 3 departments, or in the judgeships listed in this subdivision (b)(2)(B) shall
 4 be transferred to and vested in the board of directors or the mayor, if the
 5 mayor has appointment power pursuant to § 14-47-108(a)(2)(C). Each appointee
 6 designated by the board or by the mayor, if authorized, to fill a vacancy in
 7 any such position shall serve for the statutory term, if any, applicable to
 8 the vacancy or, if there is no statutory term, shall serve at the will of the
 9 board or the mayor, if authorized. ~~However, each judgeship, whether a~~
 10 ~~judgeship on a municipal court or on a police court, which on the effective~~
 11 ~~date of the reorganization is on an elective basis, shall remain on an~~
 12 ~~elective basis and shall not be subject to the appointive power of the board~~
 13 ~~or the mayor.~~

14
 15 SECTION 30. Effective January 1, 2005, Arkansas Code § 14-47-120(4)(C)
 16 is amended to read as follows:

17 (C) The provisions of this subdivision (4) shall have no
 18 application to offices and employments controlled by any civil service or
 19 merit plan lawfully in effect in the city. ~~Moreover, in cities maintaining~~
 20 ~~municipal courts or police courts under the authority of any statute in~~
 21 ~~effect, the municipal judge, police judge, and the clerk of any such court~~
 22 ~~shall be elected and appointed in the manner prescribed by law;~~

23
 24 SECTION 31. Effective January 1, 2005, Arkansas Code § 14-47-122 is
 25 repealed.

26
 27 SECTION 32. Effective January 1, 2005, Arkansas Code § 14-48-106(b)(2)
 28 is amended to read as follows:

29 (2)(A) Reorganization under this chapter shall not operate to
 30 abolish or terminate any of the following listed departments, commissions,
 31 authorities, or agencies of the city government:

32 (i) Waterworks commission existing under §§ 14-234-
 33 301 -- 14-234-309;

34 (ii) Sewer committee existing under §14-235-206;

35 (iii) Airport commission existing under §14-359-103;

36 (iv) Housing authority existing under §14-169-208;

1 (v) Any board of civil service commissioners
 2 serving under §14-49-201 et seq., §14-50-201 et seq., or §14-51-201 et seq.;

3 (vi) Auditorium commission existing under §14-141-
 4 104;

5 (vii) Library trustees existing under §13-2-502;

6 (viii) City planning commission existing under §14-
 7 56-404; and

8 ~~(ix) Municipal court existing pursuant to other laws~~
 9 ~~of the State of Arkansas; and~~

10 ~~(x)(ix)~~ Parking authority existing under §§ 14-304-
 11 101 -- 14-304-106, 14-304-108 -- 14-304-111, and 14-304-201 -- 14-304-210
 12 [repealed];

13 (B)(i) The reorganization shall not terminate, impair, or
 14 otherwise affect the official status, statutory tenure of office, if any, or
 15 powers of the persons serving as commissioners, committeemen, trustees, or
 16 members of any of the boards, authorities, commissions, agencies, or
 17 departments listed in this subdivision (b)(2)(A), except as specifically
 18 provided by this chapter.

19 (ii) Whether consisting of the power to appoint or
 20 the power to confirm appointments or nominations, such power as may be vested
 21 in the mayor and the municipal council or in the mayor and other municipal
 22 legislative body immediately prior to the reorganization in respect to the
 23 filling of vacancies on the boards, authorities, commissions, agencies, or
 24 departments listed in this subdivision shall be transferred to, and vested
 25 in, the city administrator, with the approval of the board of directors. Each
 26 appointee designated by the city administrator, with the approval of the
 27 board of directors, to fill a vacancy on any of these bodies shall serve for
 28 the statutory term, if any, applicable to the vacancy or, if there is no
 29 statutory term, shall serve at the will of the board. ~~However, each~~
 30 ~~judgeship, whether a judgeship on a municipal court or a police court~~
 31 ~~judgeship which on the effective date of the reorganization is on an elective~~
 32 ~~basis, shall remain on an elective basis and shall not be subject to the~~
 33 ~~appointive power of the city administrator and the board of directors. The~~
 34 boards, authorities, commissions, agencies, or departments listed in
 35 subdivision (b)(2)(A) of this section may be required by the board of
 36 directors, by ordinance duly adopted, to purchase all vehicles, equipment,

1 materials, supplies, and services through a central municipal purchasing
2 agent or department. The boards, authorities, commissions, agencies, or
3 departments may be required to adopt and conform to the city personnel
4 policies duly adopted by ordinance or resolution including, but not limited
5 to, the amount and form of remuneration, job classification, and civil
6 service plans.

7

8 SECTION 33. Effective January 1, 2005, Arkansas Code § 14-48-117(4) is
9 amended to read as follows:

10 (4) He shall nominate, subject to confirmation by the board,
11 persons to fill all vacancies at any time occurring in any office,
12 employment, board, authority, or commission to which the board's appointive
13 power extends. He may remove from office all officials and employees
14 including, but not limited to, members of any board, authority, or commission
15 who, under existing or future laws, whether applicable to cities under the
16 aldermanic, manager, or commission form of government, may be removed by the
17 city's legislative body. Removal by the city administrator shall be approved
18 by the board. Where, under the statute applicable to any specific employment
19 or office, the incumbent may be removed only upon the vote of a specified
20 majority of the city's legislative body, the removal of the person by the
21 city administrator may be confirmed only upon the vote of the specified
22 majority of the board members. However, the provisions of this subdivision
23 shall have no application to offices and employments controlled by any civil
24 service or merit plan lawfully in effect in the city. ~~Moreover, in cities~~
25 ~~maintaining municipal courts or police courts under the authority of any~~
26 ~~statute, the municipal judge, police judge, and clerk of any such court shall~~
27 ~~be elected and appointed in the manner prescribed by law;~~

28

29 SECTION 34. Arkansas Code § 14-48-119 is repealed.

30

31 SECTION 35. Arkansas Code § 14-55-606 is amended to read as follows:
32 14-55-606. Additional remedies of cities of first class.

33 (a)(1) In all cases of violation of any of its ordinances, any city of
34 the first class, in addition to any other mode provided by law, shall have
35 the right to recover in a civil action the amount of the lowest penalty or
36 fines provided in the ordinance for each violation or, where the offense is

1 in its nature continuous in respect to time, for each day's violation
 2 thereof, and also the amount of any license which the person guilty of the
 3 violations was required by any such ordinance to take out.

4 (2) The ~~municipal~~ district court shall have jurisdiction in all
 5 such actions ~~concurrent with justices of the peace.~~

6 (b) In all cases where a fine may have been imposed by the ~~municipal~~
 7 district court, that court, in addition to the power of enforcing payment of
 8 the fine by imprisonment, shall have full power to issue an execution or writ
 9 of garnishment, to be executed by the chief of police, ~~in like manner and~~
 10 ~~with like effect as if issued by a justice of the peace in any civil case~~
 11 ~~tried before him, and like proceedings may be had thereunder.~~

12
 13 SECTION 36. Effective January 1, 2005, Arkansas Code § 14-77-
 14 102(5)(B)(vii) is amended to read as follows:

15 (vii) ~~Arkansas municipal District~~ District courts, ~~police~~
 16 ~~courts, and city courts, and justice of the peace courts accounting law:~~
 17 Accounting Practices § 16-10-201 et seq.; and

18
 19 SECTION 37. Arkansas Code § 16-3-101 is amended to read as follows:
 20 16-3-101. Publication of required advertisements generally.

21 (a) All advertisements and orders of publication required by law or
 22 order of any court, or in conformity with any deed of trust, or real estate
 23 mortgage, or chattel mortgage where the amount therein received exceeds the
 24 sum of three hundred fifty dollars (\$350), or power of attorney or
 25 administrators' notices, to be made, shall be published in at least one (1)
 26 newspaper published and having a bona fide circulation in the county in which
 27 the proceedings are had, to which the advertisement or order of publication
 28 shall pertain.

29 (b) If there is no newspaper published in the county, then publication
 30 shall be made by posting five (5) written or printed notices in five (5) of
 31 the most public places in the county.

32 (c) If there is more than one (1) legal newspaper in a county,
 33 publication may be made in each newspaper.

34 ~~(d) The provisions of this section and §§ 16-3-102 — 16-3-104 shall~~
 35 ~~not apply to sales under executions issued by justices of the peace.~~

36 (e) (d) As to amounts under three hundred fifty dollars (\$350), written

1 or printed notices may be posted in five (5) conspicuous places in the
2 county. Notice shall be served in all cases upon the debtor as summons are
3 served.

4 (e) This section shall not apply to warning orders governed by Rule
5 4(f) of the Arkansas Rules of Civil Procedure.

6
7 SECTION 38. Arkansas Code § 16-10-101(b)(1), concerning administrative
8 responsibilities of the Supreme Court, is amended to read as follows:

9 (b)(1) Under rules prescribed by the Supreme Court, the Chief Justice
10 may require reports from all courts of the state and may issue such orders
11 and regulations as may be necessary for the efficient operation of those
12 courts to ensure the prompt and proper administration of justice and may
13 assign, reassign, and modify assignments of circuit and district judges ~~of~~
14 ~~the circuit court, the chancery court, and the probate court~~ to hold, upon a
15 temporary basis, regular or special sessions for the transaction of civil or
16 criminal business within any other such court.

17
18 SECTION 39. Arkansas Code § 16-10-104 is amended to read as follows:
19 16-10-104. Courts of record.

20 The Supreme Court, Court of Appeals, and all circuit, ~~probate~~, and
21 county courts shall be courts of record and shall keep just and faithful
22 records of their proceedings.

23
24 SECTION 40. Arkansas Code § 16-10-110(a), concerning court seals, is
25 amended to read as follows:

26 (a) The Supreme Court and each of the circuit, ~~probate~~ district, city,
27 and county courts shall preserve and keep a seal, with such emblems and
28 devices as the court shall think proper.

29
30 SECTION 41. Arkansas Code § 16-10-111 is repealed.

31
32 SECTION 42. Arkansas Code § 16-10-116 is repealed.

33
34 SECTION 43. Arkansas Code § 16-10-118(c), concerning judicial
35 officeholders as candidates for nonjudicial office, is amended to read as
36 follows:

1 (c) As used in this section, "judicial office" is defined to mean the
2 office of ~~municipal~~ district judge, ~~probate judge, chancery judge,~~ circuit
3 judge, Judge or Chief Judge of the Arkansas Court of Appeals, and Associate
4 Justice or Chief Justice of the Arkansas Supreme Court.

5
6 SECTION 44. Arkansas Code § 16-10-129 is repealed.

7
8 SECTION 45. Arkansas Code § 16-10-132 is amended to read as follows:
9 16-10-132. Addresses of parties.

10 The records of all judgments rendered in any circuit, ~~chancery,~~
11 ~~probate,~~ county, district, or ~~municipal~~ city court shall contain the
12 addresses of all parties, when reasonably ascertainable.

13
14 SECTION 46. Arkansas Code §§ 16-10-201 through 16-10-203 are amended to
15 read as follows:

16 16-10-201. Title.

17 This subchapter shall be known and cited as "The Arkansas ~~Municipal~~
18 District Courts, Police Courts, and City Courts, ~~and Justice of the Peace~~
19 ~~Courts~~ Accounting Law ~~of 1977."~~

20
21 16-10-202. Definition.

22 As used in this subchapter, unless the context otherwise requires,
23 "court" means any and all of the ~~municipal~~ district, police, and city, ~~and~~
24 ~~justice of the peace~~ courts in the State of Arkansas.

25
26 16-10-203. Applicability of subchapter.

27 This subchapter shall apply to all ~~municipal~~ district courts, police
28 courts, and city courts, ~~and justice of the peace courts~~ within the State of
29 Arkansas.

30
31 SECTION 47. Effective January 1, 2005, Arkansas Code §§ 16-10-201
32 through 16-10-203, are amended to read as follows:

33 16-10-201. Title.

34 This subchapter shall be known and cited as the "Arkansas ~~Municipal~~
35 District Courts, ~~Police Courts,~~ and City Courts, ~~and Justice of the Peace~~
36 ~~Courts~~ Accounting Law ~~of 1977"~~.

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16-10-202. Definition.

As used in this subchapter, unless the context otherwise requires, "court" means any and all of the ~~municipal, police, and justice of the peace~~ district and city courts in the State of Arkansas.

16-10-203. Applicability of subchapter.

This subchapter shall apply to all ~~municipal, police courts, and justice of the peace courts~~ district courts, and city courts, within the State of Arkansas.

SECTION 48. Effective January 1, 2005, Arkansas Code § 16-10-303 is amended to read as follows:

16-10-303. Filing fees.

(a)(1) The uniform filing fee to be charged by clerks for initiating a civil cause of action in city ~~or police~~ courts in this state shall be twenty-five dollars (\$25.00).

(2) No portion of the filing fee shall be refunded.

(b) No city shall authorize, and no city ~~or police~~ court clerk shall assess or collect, any other filing fees than those authorized by this act, unless specifically provided by state law.

SECTION 49. Effective January 1, 2005, Arkansas Code § 16-10-305 is amended to read as follows:

16-10-305. Court costs.

(a) There shall be levied and collected the following court costs from each defendant upon each conviction, each plea of guilty or nolo contendere, or each forfeiture of bond:

(1) For misdemeanor or felony violations of state law, excluding violations of the Omnibus DWI Act, § 5-65-101 et seq., in circuit court, one hundred fifty dollars (\$150);

(2) For offenses which are misdemeanors or violations of state law, excluding violations of the Omnibus DWI Act, § 5-65-101 et seq., in ~~municipal~~ district court, one hundred dollars (\$100.00);

(3) For traffic offenses which are misdemeanors or violations under state law or local ordinance, excluding violations of the Omnibus DWI

1 Act, § 5-65-101 et seq., in ~~municipal~~ district court, seventy-five dollars
2 (\$75.00);

3 (4) For nontraffic offenses which are misdemeanors or violations
4 under local ordinance in ~~municipal district or city, or police~~ court, twenty-
5 five dollars (\$25.00);

6 (5) For violations of the Omnibus DWI Act, § 5-65-101 et seq.,
7 in circuit court, ~~municipal district court, or~~ city court, ~~or police court,~~
8 three hundred dollars (\$300);

9 (6) For offenses which are misdemeanors or violations under
10 state law, excluding violations of the Omnibus DWI Act, § 5-65-101 et seq.,
11 seventy-five dollars (\$75.00) in city court ~~and police court~~; and

12 (7) For traffic offenses which are misdemeanors or violations
13 under state law or local ordinance, excluding violations of the Omnibus DWI
14 Act, § 5-65-101 et seq., fifty dollars (\$50.00) in city court ~~and police~~
15 ~~court~~.

16 (b)(1) The costs set forth in this section shall be imposed at the
17 conclusion of any criminal case enumerated in subsection (a) of this section
18 that does not end in an acquittal, dismissal, or, with the consent of the
19 prosecution, a nolle prosequi.

20 (2) The costs shall be imposed at the conclusion of cases
21 involving a suspended or probated sentence even though that sentence may be
22 expunged or otherwise removed from the defendant's record.

23 (c) No county, municipality, or town shall be liable for the payment
24 of the costs taxed under this section in any instance where they are not
25 collected, or in any case in which the defendant pays the costs by serving
26 time in a jail, on a county farm, or at any other official place of detention
27 or work.

28 (d) No municipality or county shall authorize ~~and no police court,~~
29 city court, ~~municipal district~~ court, or circuit court shall assess or
30 collect any other court costs other than those authorized by this act, unless
31 specifically provided by state law.

32 (e) This section shall become effective July 1, 2001, and the revised
33 court costs shall be imposed on all cases which come before the court for
34 final disposition on or after July 1, 2001.

35
36 SECTION 50. Effective January 1, 2005, Arkansas Code § 16-10-306(b)(1)

1 is amended to read as follows:

2 (b)(1) There is hereby created in the Department of Finance and
3 Administration an Administration of Justice Funds Section, to which shall be
4 remitted court costs and filing fees enumerated in §§ 21-6-403, ~~16-14-105,~~
5 16-17-705, 16-10-303, and 16-10-305, as provided in this act, which are
6 assessed and collected in the ~~police courts,~~ city courts, ~~municipal~~ district
7 courts, ~~chancery courts,~~ ~~probate courts,~~ and circuit courts in this state.

8

9 SECTION 51. Arkansas Code § 16-10-307(e), concerning the County
10 Administration of Justice Fund, is amended to read as follows:

11 (e) The county shall, on or before the tenth day of November, 1995, and
12 on or before the tenth day of each month thereafter, remit all sums received
13 in excess of the amounts necessary to fund the expenses enumerated in
14 subsections (b) and (c) of this section during the previous month from the
15 uniform filing fees provided for in ~~§§ § 16-14-105 and~~ 21-6-403 and the
16 uniform court costs provided for in § 16-10-305 to the Department of Finance
17 and Administration, Administration of Justice Funds Section, for deposit in
18 the State Administration of Justice Fund.

19

20 SECTION 52. Arkansas Code § 16-10-308(a), concerning city
21 administration of justice funds, is amended to read as follows:

22 (a) There is hereby created in each municipality which operates a
23 police, city, or ~~municipal~~ district court a fund in the office of the city
24 treasurer to be known as the "city administration of justice fund".

25

26 SECTION 53. Effective January 1, 2005, Arkansas Code § 16-10-308(a) is
27 amended to read as follows:

28 (a) There is hereby created in each municipality which operates a
29 ~~police,~~ city, or ~~municipal~~ district court a fund in the office of the city
30 treasurer to be known as the "city administration of justice fund".

31

32 SECTION 54. Arkansas Code § 16-10-310(b)(10), concerning revenue from
33 the State Administration of Justice Fund, is amended to read as follows:

34 (10) The ~~Municipal~~ District Court Judge and ~~Municipal~~ District
35 Court Clerk Education Fund;

36

1 SECTION 55. Arkansas Code § 16-10-501 is amended to read as follows:
2 16-10-501. Development of criteria for new judgeships or
3 redistricting.

4 (a) The Arkansas Judicial Council, hereinafter referred to as the
5 “council”, is authorized and directed to develop criteria for new judgeships
6 or redistricting of the circuit ~~and chancery~~ court districts of this state
7 and to make recommendations to the regular or special session of the General
8 Assembly regarding the number and boundaries of the circuit ~~and chancery~~
9 court districts in the state, the number ~~and types~~ of judges in each of such
10 districts, and such other matters regarding circuit ~~and chancery~~ courts in
11 the state as it determines to be appropriate.

12 (b) In establishing circuit ~~and chancery~~ court districts of this state,
13 the council shall take into consideration caseload, geographic area to be
14 served by the respective circuit courts ~~and chancery courts~~, and such other
15 matters as the council determines to be appropriate.

16 (c) The council shall meet on or before November 1 of each even-
17 numbered year to finalize criteria for establishing additional judgeships or
18 redistricting during the next regular session of the General Assembly.

19
20 SECTION 56. Arkansas Code § 16-10-602(b), concerning court costs and
21 filing fees, is amended to read as follows:

22 (b) On or before the first day of October of each year, the Department
23 of Finance and Administration shall certify in writing to each county and to
24 each city which operates a ~~municipal~~ district court, city court, or police
25 court the amount of money which may be retained during each month of the
26 following calendar year by the city or county.

27
28 SECTION 57. Effective January 1, 2005, Arkansas Code § 16-10-602(b) is
29 amended to read as follows:

30 (b) On or before the first day of October of each year, the Department
31 of Finance and Administration shall certify in writing to each county and to
32 each city which operates a ~~municipal~~ district court, or city court, ~~or police~~
33 ~~court~~ the amount of money which may be retained during each month of the
34 following calendar year by the city or county.

35
36 SECTION 58. Arkansas Code § 16-10-603 is amended to read as follows:

1 16-10-603. Procedure -- County administration of justice funds.

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

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

5 (A) All receipts from the collection of uniform filing fees
6 established by § 21-6-403 and ~~§ 16-14-105~~ which are collected by the circuit
7 clerk, county clerk, or other official and remitted to the county treasurer;

8 (B) All receipts from the collection of uniform court costs
9 established by § 16-10-305 which are collected by the circuit clerk, county
10 clerk, county sheriff, or other official and remitted to the county
11 treasurer;

12 (C) All receipts of the county's share of uniform filing
13 fees established by §§ 16-17-705 and 16-10-303 which are collected by the
14 ~~municipal~~ district, city, and police courts within the county and remitted to
15 the county treasurer; and

16 (D) All receipts of the county's share of uniform court
17 costs established by § 16-10-305 which are collected by the ~~municipal~~
18 district, city, and police courts within the county and remitted to the
19 county treasurer.

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

23 (1)(A) Pursuant to §§ 16-10-307(c) and ~~16-14-105(a)~~ 21-6-403, the
24 Department of Finance and Administration will certify for each county the
25 county's monthly share of uniform court costs and filing fees to be retained
26 by the county.

27 (B) Each year the quorum court shall establish the amount
28 of uniform filing fees and court costs to be appropriated to each of the
29 county programs or agencies enumerated in § 16-10-307(b) from the county's
30 share of uniform court costs and filing fees; provided, that each program or
31 agency shall receive, as a minimum, the amount established by § 16-10-307(b);
32 and

33 (2) The excess of the monthly receipts into the fund from
34 subdivisions (a)(2)(A) and (B) of this section, less the county's certified
35 monthly share and the county treasurer's commission, if any, as authorized by
36 § 21-6-302, shall be remitted to the Department of Finance and

1 Administration, pursuant to § 16-10-307(e).

2

3 SECTION 59. Effective January 1, 2005, Arkansas Code § 16-10-
4 603(a)(2)(C) and (D) are amended to read as follows:

5 (C) All receipts of the county's share of uniform filing fees
6 established by §§ 16-17-705 and 16-10-303 which are collected by the
7 ~~municipal district, and city, and police~~ courts within the county and
8 remitted to the county treasurer; and

9 (D) All receipts of the county's share of uniform court
10 costs established by § 16-10-305 which are collected by the ~~municipal~~
11 ~~district, and city, and police~~ courts within the county and remitted to the
12 county treasurer.

13

14 SECTION 60. Arkansas Code § 16-10-604(a) through (c), concerning
15 procedure for city administration of justice funds, are amended to read as
16 follows:

17 (a)(1) Pursuant to § 16-10-308, each municipality which operates a
18 police, city, or ~~municipal district~~ court is to create a city administration
19 of justice fund.

20 (2) There shall be deposited into the fund:

21 (A) All receipts from the collection of uniform filing fees
22 established by §§ 16-17-705 and 16-10-303 which are collected by the police,
23 city, or ~~municipal district~~ court operated by the municipality; and

24 (B) All receipts from the collection of uniform court
25 costs, established by § 16-10-305 which are collected by the police, city, or
26 ~~municipal district~~ court operated by the municipality.

27 (b) From the city administration of justice fund, the following fund
28 transfers or disbursements shall be made on a monthly basis:

29 (1)(A) Pursuant to §§ 16-10-308(c) and ~~16-14-105(a)~~ 21-6-403, the
30 Department of Finance and Administration will certify for each city the
31 city's monthly share of uniform court costs and filing fees to be retained by
32 the city.

33 (B) Each year the city council shall establish the amount
34 of uniform filing fees and court costs to be appropriated to each of the city
35 programs or agencies enumerated in § 16-10-308(b) from the city's share of
36 uniform court costs and filing fees, provided that each program or agency

1 shall receive, as a minimum, the amount established by § 16-10-308(b).

2 (C) Each program or agency shall be paid, by warrant or
3 fund transfer, a monthly installment of at least one-twelfth (1/12) of the
4 annual appropriation provided for each by the city council;

5 (2)(A) Pursuant to § 16-10-308(b)(5), the city shall remit to the
6 county treasurer for deposit into the county administration of justice fund a
7 portion of the city's share of uniform court costs and filing fees.

8 (B) The amount of the remittance shall be based upon the
9 amount, if any, of uniform court costs and filing fees which had been
10 remitted by the city to the county to fund county-level programs and agencies
11 during the base year defined in § 16-10-308(b).

12 (C) By common agreement, cities and counties may establish
13 a different fixed dollar amount or percentage of the city's monthly share of
14 filing fees and court costs which shall be remitted to the county treasurer;

15 (3) For the calendar year beginning January 1, 1998, the amount
16 of the remittance shall be based upon the amount, if any, of uniform court
17 costs and filing fees which had been remitted by the city to fund county-
18 level programs and agencies during the base year defined in § 16-10-308(b),
19 less eighty-five percent (85%) of the total dollar amount which was certified
20 by the city as having been collected during calendar year 1994 for the
21 purpose of funding the office and operation of the public defender and public
22 defender investigator; and

23 (4) The excess of the monthly receipts into the fund, less the
24 city's certified monthly share, shall be remitted to the Department of
25 Finance and Administration, pursuant to § 16-10-308(e).

26 (c) If a ~~municipal~~ district court is operated solely by a county rather
27 than a city and all of the uniform court costs and filing fees collected by
28 the court are remitted to the county, the city shall not be required to
29 create a city administration of justice fund; rather, the city's share of
30 uniform court costs and filing fees shall be remitted directly to the county
31 treasurer for deposit into the county administration of justice fund.

32
33 SECTION 61. Effective January 1, 2005, Arkansas Code § 16-10-604(a) is
34 amended to read as follows:

35 (a)(1) Pursuant to § 16-10-308, each municipality which operates a
36 ~~police, city, or municipal~~ district court is to create a city administration

1 of justice fund.

2 (2) There shall be deposited into the fund:

3 (A) All receipts from the collection of uniform filing fees
4 established by §§ 16-17-705 and 16-10-303 which are collected by the ~~police,~~
5 ~~city,~~ or ~~municipal~~ district court operated by the municipality; and

6 (B) All receipts from the collection of uniform court
7 costs, established by § 16-10-305 which are collected by the ~~police,~~ ~~city,~~ or
8 ~~municipal~~ district court operated by the municipality.

9
10 SECTION 62. Arkansas Code § 16-10-701(a), concerning adoption of
11 additional court costs and filing fees, is amended to read as follows:

12 (a) All bills introduced in either house of the General Assembly to add
13 any additional court costs or filing fees to be assessed by circuit,
14 ~~chancery, probate, municipal,~~ district, city, or police courts shall be
15 referred to the Senate Judiciary Committee, if the bill is from the Senate,
16 or the House Judiciary Committee, if the bill is from the House of
17 Representatives.

18
19 SECTION 63. Effective January 1, 2005, Arkansas Code § 16-10-701(a), is
20 amended to read as follows:

21 (a) All bills introduced in either house of the General Assembly to add
22 any additional court costs or filing fees to be assessed by circuit,
23 ~~chancery, probate, municipal,~~ district, or ~~city, or police~~ courts shall be
24 referred to the Senate Judiciary Committee, if the bill is from the Senate,
25 or the House Judiciary Committee, if the bill is from the House of
26 Representatives.

27
28 SECTION 64. Arkansas Code § 16-10-902 is amended to read as follows:

29 16-10-902. Amount of compensation.

30 Any retired judge appointed to temporary service under Arkansas
31 Constitution, Amendment ~~78~~ 80, shall receive compensation, in addition to his
32 or her retirement benefits, at one-half (1/2) the rate as fixed by law for
33 regularly elected circuit ~~and chancery~~ judges.

34
35 SECTION 65. Arkansas Code § 16-11-107 is repealed.
36

1 SECTION 66. Arkansas Code § 16-11-108 is amended to read as follows:

2 16-11-108. Disqualification of justice.

3 No justice of the Supreme Court ~~who~~ shall sit on the determination of
 4 any case in which he or she is interested in any suit the outcome, or is
 5 related to either any party within the fourth third degree of consanguinity
 6 or affinity, or has been counsel in any suit or action, the case or presided
 7 over it in any inferior court, or is otherwise disqualified under the
 8 Arkansas Code of Judicial Conduct, shall sit on the determination of the suit
 9 or action without the consent of unless the parties waive the
 10 disqualification as provided therein.

11
 12 SECTION 67. Arkansas Code § 16-11-115 is amended to read as follows:

13 16-11-115. Compensation of special justice.

14 Each special justice of the Supreme Court who is not a retired judge or
 15 justice or an active circuit or district judge, appointed under the
 16 provisions of Amendment 80, § 13 of the Arkansas Constitution, ~~Article 7, § 9~~
 17 ~~{repealed}~~, shall receive, as full compensation for services rendered, the
 18 sum of one hundred dollars (\$100) for each case in the special justice's or
 19 special judge's commission. When the case or cases shall be decided, this
 20 amount shall be certified by the Clerk of the Supreme Court after having been
 21 approved by the Chief Justice of the Supreme Court.

22
 23 SECTION 68. Arkansas Code § 16-11-301 is amended to read as follows:

24 16-11-301. ~~Criminal procedure in inferior courts — Exception, Rules~~
 25 of pleading, practice and procedure -- Supersession.

26 ~~(a) The Supreme Court of Arkansas shall have the power to prescribe,~~
 27 ~~from time to time, rules of pleading, practice, and procedure with respect to~~
 28 ~~any and all proceedings in criminal cases and proceedings to punish for~~
 29 ~~criminal contempt of court in all the inferior courts of law in this state.~~
 30 ~~However, the court shall not have the power to prescribe rules which conflict~~
 31 ~~with any law of this state relating to stays or continuances of proceedings~~
 32 ~~in suits where a member of the General Assembly, officer of the General~~
 33 ~~Assembly, or designated employees of the General Assembly are either~~
 34 ~~attorneys or parties to the proceedings.~~

35 ~~(b) The right of appeal shall continue in those cases in which appeals~~
 36 ~~are authorized by law, but the rules made as authorized in this section may~~

1 ~~prescribe the times for, and manner of, taking appeals.~~

2 ~~(c) The Supreme Court may fix the dates when the rules shall take~~
3 ~~effect and the extent to which they shall apply to proceedings then pending.~~

4 All statutes concerning pleading, practice, and procedure in all courts
5 shall be deemed superseded by rules adopted by the Supreme Court pursuant to
6 Amendment 80, § 3 of the Arkansas Constitution or pursuant to the Court's
7 constitutional, inherent, or statutory authority prior to the effective date
8 of Amendment 80.

9
10 SECTION 69. Arkansas Code § 16-11-302 is repealed.

11
12 SECTION 70. Arkansas Code § 16-12-106 is amended to read as follows:
13 16-12-106. Special judges.

14 (a) ~~When a judge of the Court of Appeals certifies to the Chief Judge~~
15 ~~his temporary disability or his disqualification in a particular case, the~~
16 ~~Chief Judge shall forthwith notify the Chief Justice of the Supreme Court,~~
17 ~~who shall appoint a special judge to serve, and for such purpose, may appoint~~
18 ~~a retired justice or judge, or designate a trial judge. The Chief Justice of~~
19 the Supreme Court may commission special judges pursuant to Amendment 80, §
20 13 of the Arkansas Constitution.

21 (b) Each special judge of the Court of Appeals who is not a retired
22 judge or justice, or ~~sitting~~ an active circuit or district judge, appointed
23 under the provisions of subsection (a) of this section, shall receive as full
24 compensation for services rendered the sum of one hundred dollars (\$100) for
25 each case in the special justice's or special judge's commission. When the
26 cases are decided, this amount shall be certified by the Clerk of the Supreme
27 Court, after having been approved by the Chief Justice.

28 (c) ~~Whenever the caseload of the Court of Appeals becomes so demanding~~
29 ~~that the Chief Judge certifies to the Chief Justice that there is a need for~~
30 ~~additional judges in order to promptly decide pending cases or to reduce a~~
31 ~~backlog, the Chief Justice is authorized to act as follows:~~

32 (1) ~~The Chief Justice shall declare that, except for en banc~~
33 ~~eases, the Court of Appeals shall sit in divisions consisting of no fewer~~
34 ~~than three (3) judges; further, these divisions shall be comprised of at~~
35 ~~least two (2) elected members of the Court of Appeals and one (1) active or~~
36 ~~retired member of the state trial or appellate judiciary who shall be~~

1 ~~designated as an emergency Court of Appeals judge.~~

2 ~~(2) The Administrative Office of the Courts shall maintain a list~~
 3 ~~of persons eligible and willing to serve as emergency Court of Appeals judges~~
 4 ~~and deliver it to the Chief Justice of the Supreme Court. The Chief Justice~~
 5 ~~shall be responsible for selection of the persons to serve as emergency Court~~
 6 ~~of Appeals judges and shall certify those so appointed to the Chief Judge,~~
 7 ~~who shall assign them to the various divisions created pursuant to this~~
 8 ~~section.~~

9 ~~(3) These divisions shall be authorized to take all action~~
 10 ~~necessary for consideration and resolution of matters before the Court of~~
 11 ~~Appeals, except that petitions for rehearing en banc and cases heard en banc~~
 12 ~~shall only be considered by the elected members of the Court of Appeals.~~

13 ~~(4) An emergency Court of Appeals judge may be assigned the~~
 14 ~~responsibility to write any majority written opinion that the division deems~~
 15 ~~necessary to issue.~~

16 ~~(5) All rules and procedures applicable to the Arkansas Supreme~~
 17 ~~Court and the Arkansas Court of Appeals will apply to any case submitted to a~~
 18 ~~division sitting pursuant to this section.~~

19 ~~(6) Emergency Court of Appeals judges serving pursuant to this~~
 20 ~~subsection shall receive reimbursement for any expenses incurred as a result~~
 21 ~~of such service and shall receive no other compensation for their service~~
 22 ~~except that retired judges or justices recalled pursuant to this section~~
 23 ~~shall be compensated as provided in § 24-8-221 [repealed].~~

24
 25 SECTION 71. Arkansas Code §§ 16-12-109 through 16-12-114 are repealed.

26
 27 SECTION 72. Arkansas Code § 16-13-101 is amended to read as follows:

28 16-13-101. ~~Transfer of suit~~ Reassignment of case upon disqualification
 29 of judge.

30 ~~Whenever any suit or action is brought or pending in any division of~~
 31 ~~any circuit or chancery court of this state, where the court has more than~~
 32 ~~one (1) division and where When it appears that the presiding circuit judge~~
 33 ~~of the division in which before whom the action a case is pending is~~
 34 ~~interested in the suit, has been of counsel, is related by blood or marriage~~
 35 ~~within the fourth degree to either of the parties or their attorneys, or~~
 36 ~~shall for any other reason be disqualified to hear the cause under § 16-13-~~

1 214, the ~~suit~~ case shall be reassigned ~~transferred~~ to another ~~division of the~~
2 ~~court upon the motion of any party~~ judge.

3
4 SECTION 73. Arkansas Code § 16-13-102 is repealed.

5
6 SECTION 74. Arkansas Code § 16-13-201 is amended to read as follows:
7 16-13-201. Jurisdiction.

8 (a) ~~Circuit~~ The circuit courts shall have original jurisdiction of all
9 ~~actions and proceedings for the enforcement of civil rights or redress of~~
10 ~~civil wrongs, except when exclusive jurisdiction is given to other courts~~
11 justiciable matters not otherwise assigned pursuant to the Arkansas
12 Constitution. Where those actions and proceedings are not expressly provided
13 for by statute, the actions and proceedings may be had and conducted by the
14 circuit courts and judges, in accordance with the course, rules, and
15 jurisdiction of the common law.

16 (b)(1) The circuit courts shall have appellate jurisdiction of the
17 judgments and final orders of county courts, district courts, city courts,
18 and police courts and of the judgments and final orders of justices of the
19 ~~peace~~, in all civil actions.

20 (2) On appeal from such judgments and final orders, the case
21 shall be tried de novo, and the ~~The~~ appellate jurisdiction of the circuit
22 court shall extend to errors of fact as well as errors of law ~~in the orders~~
23 ~~and judgments~~.

24 (c) The circuit courts shall have appellate jurisdiction from the
25 decision of any inferior board, council or tribunal in the contest of any
26 county, township or municipal office, and on such appeals the case shall be
27 tried de novo.

28
29 SECTION 75. Arkansas Code § 16-13-213 is repealed.

30
31 SECTION 76. Arkansas Code § 16-13-214 is amended to read as follows:
32 16-13-214. Disqualification of judges.

33 No judge of the circuit court shall sit on the determination of any
34 ~~cause or proceeding~~ case in which he or she is interested in the outcome, is
35 related to ~~either~~ any party within the ~~fourth~~ third degree of consanguinity
36 or affinity, ~~or has been of counsel, without the consent of the parties in~~

1 the case or presided over it in any inferior court, or is otherwise
2 disqualified under the Arkansas Code of Judicial Conduct, unless the parties
3 waive the disqualification as provided therein.

4
5 SECTION 77. Arkansas Code § 16-13-218 is repealed.

6
7 SECTION 78. Arkansas Code § 16-13-220 is amended to read as follows:
8 16-13-220. Counsel for incompetents.

9 In addition to all other authority granted by law, every circuit court
10 ~~and every chancery court~~ is authorized to appoint legal counsel to represent
11 persons the court deems incompetent due to minority or mental incapacity in
12 civil and criminal actions.

13
14 SECTION 79. Arkansas Code Title 16, Chapter 13, Subchapter 2 is
15 amended by adding additional sections to read as follows:

16 16-13-222. Private hearings by circuit courts.

17 (a)(1) The circuit courts of the various judicial districts of the
18 state shall, upon application of all litigants to a divorce action,
19 proceeding for alimony or separate maintenance, proceeding touching the
20 maintenance or custody of children, proceeding for annulment of marriage,
21 adoption proceeding, or any other proceeding pertaining to domestic
22 relations, hear the case or matter in privacy.

23 (2) To this end, circuit judges are empowered to exclude from
24 any such hearing and from the courtroom all individuals other than the
25 litigants, their counsel, and the officers of the court.

26 (b) Circuit judges may, upon their own initiative, hear such cases and
27 matters in chambers or in privacy where they deem it in the best interests of
28 the parties and the best interests of society.

29
30 16-13-223. Sale and confirmation of property.

31 A circuit court may make orders for the sale of property in the custody
32 of the court and may confirm the sale, but the sale shall not be confirmed
33 until all parties have reasonable notice and an opportunity to be present and
34 resist the confirmation.

35
36 16-13-224. Temporary exchange of districts -- Assignment.

1 (a) Circuit judges may temporarily exchange judicial districts by
2 joint order, and any circuit judge who consents may be assigned to another
3 district for temporary service under rules adopted by the Supreme Court.

4 (b) When a circuit judge is serving temporarily in a judicial district
5 other than his or her own, he or she shall not thereby be disqualified from
6 conducting court or performing the usual and customary functions of his
7 office in his or her own judicial district.

8 (c) A circuit judge on temporary duty by exchange or assignment:

9 (1) Shall have the same power and authority as the regularly
10 elected or appointed judges for the judicial district; and

11 (2) May sign any judgment, order, document, or other paper
12 relating to any case heard by the judge, either in the judicial district
13 where the cause or matter is pending or in his or her own district, and the
14 judgment, order, document, or other paper shall to all intents have the same
15 effect, irrespective of the district in which it was signed.

16 (d) The sheriff and the circuit clerk in the county where a circuit
17 judge is on temporary duty by exchange or assignment shall perform the same
18 duties and functions in carrying out the operation of the court as they
19 perform in cases assigned to the regularly elected or appointed judges.

20 (e) If a circuit judge who is on temporary duty by exchange or
21 assignment needs a jury for the disposition of any case, he or she may use
22 the regular or special panel of the circuit court of that county. If the
23 regular and special panels are exhausted, he or she may summon the jury
24 commissioners previously appointed and have them select the required number
25 of qualified jurors.

26
27 16-13-225. Juvenile cases -- Information system.

28 (a) The Director of the Administrative Office of the Courts shall
29 develop for the circuit courts a case-based management information system,
30 capable of capturing information at each stage of the process of juvenile
31 cases, with the capacity to serve basic administration, operations, planning,
32 evaluation, and monitoring needs.

33 (b) The judge or judges of the circuit court designated to hear
34 juvenile cases in the district plan adopted pursuant to Supreme Court Order
35 14 shall designate an employee of the court to be responsible for the timely
36 completion and submission of information to the Administrative Office of the

1 Courts.

2
3 SECTION 80. Arkansas Code §§ 16-13-301 through 16-13-317 are repealed.

4
5 SECTION 81. Arkansas Code § 16-13-318 is repealed.

6
7 SECTION 82. Arkansas Code § 16-13-319 is repealed.

8
9 SECTION 83. Arkansas Code § 16-13-320 is repealed.

10
11 SECTION 84. Arkansas Code §§ 16-13-321 through 16-13-325 are repealed.

12
13 SECTION 85. Arkansas Code § 16-13-401 is repealed.

14
15 SECTION 86. Arkansas Code § 16-13-402 is repealed.

16
17 SECTION 87. Arkansas Code §§ 16-13-403 through 16-13-405 are repealed.

18
19 SECTION 88. Arkansas Code § 16-13-502 is repealed.

20
21 SECTION 89. Arkansas Code §§ 16-13-504 and 16-13-505 are amended to
22 read as follows:

23 16-13-504. Initial annual salary of court reporters -- Salary
24 implementation procedures.

25 (a) All court reporters appointed ~~by any circuit judge, chancery judge,~~
26 ~~or circuit chancery judge in this state~~ after March 28, 1983, shall receive
27 an initial annual salary not to exceed that salary provided for in Step 1 of
28 Grade 19 of the Uniform Classification and Compensation Plan unless the
29 Legislative Council approves entrance at a greater salary, but in no instance
30 shall court reporters enter at an annual salary greater than that provided in
31 Step 5 of Grade 19.

32 (b) The following salary implementation procedures shall apply to all
33 court reporters who were official ~~circuit or chancery~~ court reporters in the
34 state on June 30, 1981:

35 (1) The beginning compensation of persons first appointed to a
36 position of court reporter after June 30, 1981, shall not be made at greater

1 than the first, or entrance, step unless a special entrance rate is requested
2 through and approved by the Office of Personnel Management with the advice of
3 the Legislative Council;

4 (2) All subsequent step increases granted to court reporters
5 shall be in conformance with the schedule provided in the compensation plan;

6 (3) Increase eligibility dates shall be determined from the dates
7 of initial employment by the state:

8 (A) For those court reporters who are official court
9 reporters in the state on June 30, 1981, the increase eligibility date shall
10 be July 1, 1982.

11 (B) For those court reporters who are appointed after June
12 30, 1981, the increase eligibility date shall be determined by the date of
13 appointment ~~as court reporter by the circuit or chancery judge.~~

14
15 16-13-505. Court reporters -- Reimbursement for expenses.

16 (a) The official court reporters of the respective circuit ~~and chancery~~
17 courts shall be entitled to reimbursement for actual expenses incurred for
18 meals, lodging, and transportation costs for attending court away from the
19 reporter's official station. If the reporter uses a personal vehicle for
20 transportation, he shall be entitled to reimbursement for mileage at the rate
21 prescribed for state employees in the state travel regulations. However, no
22 court reporter shall be entitled to receive reimbursement for such meals,
23 lodging, and transportation in excess of four thousand five hundred dollars
24 (\$4,500) per year.

25 (b) Reimbursements for such expenses shall be made monthly by the
26 Auditor of State upon claims therefor by the respective court reporters
27 certified by the circuit ~~or chancery~~ judge.

28
29 SECTION 90. Arkansas Code § 16-13-506(a)(1), concerning transcript
30 fees, is amended to read as follows:

31 (a)(1) When required to make a transcript of court proceedings, each
32 court reporter of the circuit ~~and chancery~~ courts shall be entitled to
33 compensation at the rate of three dollars and ten cents (\$3.10) per page for
34 the original and two (2) copies and at the rate of fifty cents (50¢) per page
35 for each additional copy;

36

1 SECTION 91. Arkansas Code §§ 16-13-601 and 16-13-602 are repealed.

2
3 SECTION 92. Arkansas Code § 16-13-603 is repealed.

4
5 SECTION 93. Arkansas Code §§ 16-13-604 through 16-13-607 are repealed.

6
7 SECTION 94. Effective January 1, 2005, Arkansas Code § 16-13-
8 704(b)(3)(A) is amended to read as follows:

9 (3)(A) One-half (1/2) of the installment fee collected in
10 ~~municipal court, district court, or city court, or police court~~ shall be
11 remitted monthly to the Department of Finance and Administration for deposit
12 in the Judicial Fine Collection Enhancement Fund as established by § 16-13-
13 712.

14
15 SECTION 95. Arkansas Code § 16-13-709(a)(2), concerning responsibility
16 for collection of fines, is amended to read as follows:

17 (2)(A) The quorum court of each county of the state or the
18 governing body of the city in which the court is located, or both, on or
19 before January 1 of each year, shall designate a county or city official,
20 agency, department, or private contractor who shall be primarily responsible
21 for the collection of fines assessed in the ~~municipal courts, district~~
22 courts, city courts, or police courts of this state.

23 (B)(i) In the event the quorum court or the governing body
24 of the city in which the court is located, or both, delegates such
25 responsibility to a private contractor, such contractor may receive, pursuant
26 to state accounting laws, a portion agreed upon in advance by the quorum
27 court or the governing body of the city in which the court is located, or
28 both, as commission for the collection of any and all delinquent fines
29 assessed in the ~~municipal courts, district courts, city courts, or police~~
30 courts of this state.

31 (ii) "Delinquent" means any fines assessed in the
32 circuit courts, ~~municipal courts, district courts, city courts, or police~~
33 courts of this state which have not been paid as ordered for a period of
34 ninety (90) days or three (3) payments, either consecutive or concurrent,
35 since payment was ordered or since last partial payment was received.

36

1 SECTION 96. Effective January 1, 2005, Arkansas Code § 16-13-709(a)(2)
2 is amended to read as follows:

3 (2)(A) The quorum court of each county of the state or the governing
4 body of the city in which the court is located, or both, on or before January
5 1 of each year, shall designate a county or city official, agency,
6 department, or private contractor who shall be primarily responsible for the
7 collection of fines assessed in the ~~municipal courts, district courts, or~~
8 ~~city courts, or police courts~~ of this state.

9 (B)(i) In the event the quorum court or the governing body of the city
10 in which the court is located, or both, delegates such responsibility to a
11 private contractor, such contractor may receive, pursuant to state accounting
12 laws, a portion agreed upon in advance by the quorum court or the governing
13 body of the city in which the court is located, or both, as commission for
14 the collection of any and all delinquent fines assessed in the ~~municipal~~
15 ~~courts, district courts, or~~ city courts, or police courts of this state.

16 (ii) "Delinquent" means any fines assessed in the circuit courts,
17 ~~municipal courts, district courts, or~~ city courts, or police courts of this
18 state which have not been paid as ordered for a period of ninety (90) days or
19 three (3) payments, either consecutive or concurrent, since payment was
20 ordered or since last partial payment was received.

21
22 SECTION 97. Effective January 1, 2005, Arkansas Code § 16-13-710 is
23 amended to read as follows:

24 16-13-710. Automated collection procedures.

25 The Administrative Office of the Courts shall have the responsibility
26 to assist circuit courts, ~~municipal courts, district courts, and~~ city courts,
27 ~~and police courts~~ in the assessment and collection of fines and the
28 management and reporting of fine revenue.

29
30 SECTION 98. Arkansas Code § 16-13-1415(b), concerning appeals to
31 circuit court in Pulaski County, is amended to read as follows:

32 (b)~~(1)~~ All appeals to circuit court in civil and criminal cases,
33 ~~whether from justice of the peace, city, municipal, or police courts as~~
34 ~~provided in §§ 16-96-505, [superseded] 16-96-506, and 16-96-508, must be~~
35 ~~filed in the Office of the Circuit Clerk of Pulaski County within thirty (30)~~
36 ~~days after the judgment is rendered and not thereafter~~ shall be taken in the

1 time and manner provided by Rule 9 of the Inferior Court Rules.

2 ~~(2) All appeals in civil cases shall follow the procedure set out~~
 3 ~~in Acts 1873, No. 135, § 97 [superseded]. However, the transcript of the~~
 4 ~~appeal must be lodged in the office of the clerk of the circuit court within~~
 5 ~~thirty (30) days after judgment is rendered and not thereafter.~~

6
 7 SECTION 99. Arkansas Code Title 16, Chapter 14 is repealed.

8
 9 SECTION 100. Arkansas Code § 16-15-111 is amended to read as follows:
 10 16-15-111. Disqualification of judges.

11 No judge of the county court shall sit on the determination of any
 12 ~~cause or proceeding~~ case in which he or she is interested in the outcome, ~~or~~
 13 is related to ~~either~~ any party within the ~~fourth~~ third degree of
 14 consanguinity or affinity, ~~or shall have~~ has been of counsel, ~~without consent~~
 15 ~~of parties~~ or is otherwise disqualified under the Arkansas Code of Judicial
 16 Conduct, unless the parties waive the disqualification as provided therein.

17
 18 SECTION 101. The heading of Arkansas Code Title 16, Chapter 17 is
 19 amended to read as follows:

20 Municipal District Courts.

21
 22 SECTION 102. Effective January 1, 2005, Arkansas Code § 16-17-101 is
 23 repealed.

24
 25 SECTION 103. Effective January 1, 2005, Arkansas Code § 16-17-102 is
 26 amended to read as follows:

27 16-17-102. Exchange of jurisdictions by ~~municipal~~ district court
 28 judges.

29 (a) ~~Municipal District~~ judges of their respective city and county
 30 ~~districts of this state may, by agreement,~~ may temporarily exchange ~~district~~
 31 ~~jurisdiction with each other in their respective city and county districts by~~
 32 joint order entered of record in their respective courts. They may hold court
 33 for each other for such length of time as may seem practicable and for the
 34 best interest of their respective ~~jurisdictional districts and courts.~~ ~~It is~~
 35 ~~the expressed intent and purpose of this section to permit any municipal~~
 36 district judge of any city or county to exchange jurisdictional authority or

1 ~~geographical districts, or both, with any other municipal judge within this~~
 2 ~~state and for those judges to hold court for each other. The agreement shall~~
 3 ~~be signed by the judges so agreeing, and the agreement shall be entered on~~
 4 ~~the record of the court or courts so to be held.~~

5 (b) ~~Municipal~~ District judges exchanging jurisdictional authority or
 6 districts shall have the same power or authority, holding courts for each
 7 other, as the ~~municipal~~ district judge for the ~~city, county, or geographical~~
 8 ~~district in which the court or courts shall be held.~~

9 (c) No city or county shall be held liable for nor shall incur any
 10 expense whatsoever for any special pay or travel costs arising out of any
 11 exchange of judicial districts between ~~municipal~~ district judges.
 12

13 SECTION 104. Effective January 1, 2005, Arkansas Code § 16-17-103, as
 14 amended by section 193 of this act, is further amended to read as follows:

15 16-17-103. Residency requirement of judges ~~elected by countywide vote.~~
 16 The judge of a ~~municipal~~ district court ~~elected to that office by~~
 17 ~~countywide vote need not be a resident of the city, but he must be a resident~~
 18 ~~of the county in which the court sits~~ shall be a qualified elector within the
 19 geographical area from which he or she is chosen.
 20

21 SECTION 105. Effective January 1, 2005, Arkansas Code § 16-17-104, is
 22 amended to read as follows:

23 16-17-104. Law ~~practice~~ license requirement for district judges.
 24 ~~No person otherwise qualified to hold the office of judge of any~~
 25 ~~municipal court shall be qualified for that office unless he shall have~~
 26 ~~practiced law within the state for at least three (3) years. However, in any~~
 27 ~~city having an aldermanic form of government and having a population of~~
 28 ~~fifteen thousand (15,000) persons or less, according to the most recent~~
 29 ~~federal census, any attorney regularly licensed to practice law in this state~~
 30 ~~shall, if otherwise qualified, be eligible to hold the office of municipal~~
 31 ~~judge.~~ District judges shall have been licensed attorneys of this state for
 32 at least four (4) years immediately preceding the date of assuming office.
 33

34 SECTION 106. Effective January 1, 2005, Arkansas Code § 16-17-105 is
 35 repealed.
 36

1 SECTION 107. Arkansas Code § 16-17-107 is repealed.

2
3 SECTION 108. Effective January 1, 2005, Arkansas Code § 16-17-114(a)
4 is amended to read as follows:

5 (a) This section shall apply to all cities in which ~~municipal courts~~
6 ~~have been established, or in which municipal courts may be established, under~~
7 ~~the provisions of § 16-17-204, and the townships in which those cities are~~
8 ~~situated, and in which such cities~~ there are located, or may be located,
9 state-supported educational institutions with campus enrollments of no fewer
10 than one thousand five hundred (1,500) students and to the townships in which
11 those cities are situated.

12
13 SECTION 109. Arkansas Code § 16-17-115 is amended to read as follows:

14 16-17-115. County's portion of ~~municipal~~ district court expenses --
15 Appropriation.

16 Except as authorized otherwise, the county wherein a ~~municipal~~ district
17 court is held shall pay one-half (1/2) of the salaries of the judge and the
18 clerks of the ~~municipal~~ district courts organized in that county under the
19 provisions of § 16-17-201 et seq. and § 16-17-301 et seq., and the quorum
20 court in counties subject to the provisions of either subchapters 2 and 3, or
21 both, of this chapter shall, at its annual meeting, make an appropriation of
22 a sum sufficient to pay the county's proportion of the expenses of all such
23 ~~municipal~~ district courts. These payments shall be made out of the ~~municipal~~
24 district court cost fund and general revenues of the county and this duty may
25 be enforced by mandamus proceedings.

26
27 SECTION 110. Arkansas Code § 16-17-116 is repealed.

28
29 SECTION 111. Effective January 1, 2005, Arkansas Code § 16-17-119 is
30 amended to read as follows:

31 16-17-119. Counties with populations over 250,000 -- Collection of
32 Fees — ~~Divisions~~.

33 (a) All funds, penalties, forfeitures, fees, and costs collected in
34 ~~municipal~~ district courts ~~established under Acts 1915, No. 87, Acts 1927, No.~~
35 ~~60, or § 16-18-111~~ in any county having a population of two hundred fifty
36 thousand (250,000) or more inhabitants according to the most recent federal

1 census shall be collected by the clerk of the ~~municipal~~ municipal district court and
 2 deposited in the city treasury of the city or municipality in which the court
 3 is located, to be used for maintaining and operating the ~~municipal~~ municipal district
 4 courts in the county and for other general municipal purposes. ~~However, fees~~
 5 ~~and costs established by law for other specific purposes~~, but not limited to,
 6 state police retirement funds, library and building funds, legal education
 7 funds, prosecuting attorney funds, public defender funds, and funds
 8 established for the expenses of the judiciary in general other than in
 9 ~~municipal~~ municipal district courts shall be disposed of according to law.

10 (b) The salaries and operational expenses of ~~municipal~~ municipal district courts
 11 described in this section shall be paid by the city or town in which the
 12 court is located. No portion of these expenses shall be paid by the county in
 13 which the court is located.

14 ~~(c) The governing body of any city or county having a municipal court~~
 15 ~~as described in this section may by ordinance increase the number of~~
 16 ~~municipal court divisions, each of which shall have jurisdiction coextensive~~
 17 ~~with the county equal to the other municipal courts established within~~
 18 ~~counties having a population of two hundred fifty thousand (250,000) or more~~
 19 ~~inhabitants according to the most recent federal census; provided, no city or~~
 20 ~~county shall, under any circumstances, have a greater number of municipal~~
 21 ~~courts than provided for in § 16-17-108.~~

22
 23 SECTION 112. Arkansas Code § 16-17-120 is repealed.

24
 25 SECTION 113. Arkansas Code § 16-17-121 is amended to read as follows:

26 16-17-121. Salary increases -- Factors to consider.

27 (a) In the event the Arkansas General Assembly ~~establishes a uniform~~
 28 ~~procedure for civil practice in the municipal courts of Arkansas and therein~~
 29 establishes a ~~municipal~~ municipal district court cost fund to be used exclusively for
 30 the operation and expenses of the ~~municipal~~ municipal district court, any ~~municipal~~
 31 district court judge's, clerk's, or other employee's salary authorized by §
 32 16-17-108 may be increased from the minimum salary upward to any amount not
 33 exceeding the maximum salary authorized in § 16-17-108 and may be paid from
 34 the fund as set forth hereafter.

35 (b) The city council or the county quorum court, or both, if
 36 authorized, of the local governmental jurisdictions responsible for paying

1 the salaries of the ~~municipal~~ district court judge, clerks, and other
2 employees may authorize salary increases for the various court personnel as
3 authorized above after considering the following factors:

- 4 (1) The amount and availability of funds in the ~~municipal~~
5 district court cost fund;
- 6 (2) The volume of caseload;
- 7 (3) The backlog of cases, if any, on the court docket;
- 8 (4) The time required in dealing with cases;
- 9 (5) The skill required in dealing with cases; and
- 10 (6) The amount of time taken away from the judge's private
11 practice, if applicable.

12
13 SECTION 114. Arkansas Code § 16-17-122 is repealed.

14
15 SECTION 115. Arkansas Code § 16-17-126 is amended to read as follows:
16 16-17-126. Fee for filing and issuing writs of garnishment --
17 Disposition.

18 ~~(a)(1) The General Assembly finds that due to a recent constitutional~~
19 ~~amendment and subsequent legislative enactments increasing the jurisdictional~~
20 ~~limit of municipal courts, case filings have increased substantially.~~

21 ~~(2) The General Assembly further finds that municipal courts are~~
22 ~~issuing and filing writs of garnishment, for which no fee is currently~~
23 ~~authorized, in such numbers that a strain is being placed on the~~
24 ~~administration of these courts.~~

25 ~~(3) The General Assembly also finds that circuit courts are~~
26 ~~authorized to collect ten dollars (\$10.00) for filing similar actions.~~

27 ~~(b) It is therefore the intent of the General Assembly to authorize~~
28 ~~municipal courts to collect a fee for filing and issuing writs of~~
29 ~~garnishment.~~

30 ~~(c)~~ (a) The ~~municipal~~ district court clerk shall collect a fee of ten
31 dollars (\$10.00) for filing or issuing writs of garnishment. This fee is in
32 addition to those fees and costs established by law for specific purposes, or
33 where authorized by the county quorum court or municipality.

34 ~~(d)~~ (b) All funds derived from such fee shall be used for any
35 permissible use in the administration of the ~~municipal~~ district court.

36

1 SECTION 116. Arkansas Code § 16-17-127(a), concerning contractors
2 providing certain services to courts, is amended to read as follows:

3 (a) To ensure the integrity of the court and to protect city and county
4 officials before services regulated by this section are rendered, a person
5 shall register with the Secretary of State and shall file with the Secretary
6 of State a surety bond or certificate of deposit if a ~~municipal court,~~
7 district court, city court, or police court, upon approval of the governing
8 body or governing bodies exercising control over the court, contracts with a
9 person for the person to provide any of the following services:

- 10 (1) Probation services;
11 (2) Pretrial supervised release programs;
12 (3) Alternate sentencing programs; or
13 (4) The collection and enforcement of fines and costs.

14
15 SECTION 117. Effective January 1, 2005, Arkansas Code § 16-17-127(a) is
16 amended to read as follows:

17 (a) To ensure the integrity of the court and to protect city and county
18 officials before services regulated by this section are rendered, a person
19 shall register with the Secretary of State and shall file with the Secretary
20 of State a surety bond or certificate of deposit if a ~~municipal court,~~
21 district court, or city court, ~~or police court,~~ upon approval of the
22 governing body or governing bodies exercising control over the court,
23 contracts with a person for the person to provide any of the following
24 services:

- 25 (1) Probation services;
26 (2) Pretrial supervised release programs;
27 (3) Alternate sentencing programs; or
28 (4) The collection and enforcement of fines and costs.

29
30 SECTION 118. Arkansas Code § 16-17-129(a), concerning levy to defray
31 cost of incarcerating city prisoners, is amended to read as follows:

32 ~~(a)(1)~~ (a) In addition to all fines now or as may hereafter be provided
33 by law, the governing body of each city of the first class, city of the
34 second class, and incorporated town in this state may by ordinance levy and
35 collect an additional fine not to exceed five dollars (\$5.00) from each
36 defendant who pleads guilty or nolo contendere to, is found guilty of, or

1 forfeits bond for any misdemeanor or traffic violation in the ~~municipal court~~
 2 ~~or city court of the city or town~~ or in the district court for the district
 3 in which the city or town is located.

4 ~~(2) The additional court fine authorized by this section shall be~~
 5 ~~levied by ordinance of the governing body of the municipality wherein the~~
 6 ~~municipal court or city court is located.~~

7
 8 SECTION 119. Arkansas Code § 16-17-131(a), concerning suspension of
 9 driver's license for failure to appear, is amended to read as follows:

10 (a) A person required to appear before a ~~municipal~~ district court in
 11 this state, having been served with any form of notice to appear for any
 12 criminal offense, traffic violation, or misdemeanor charge, shall appear at
 13 the time and place designated in the notice.

14
 15 SECTION 120. Effective January 1, 2005, Arkansas Code § 16-17-132 is
 16 amended to read as follows:

17 16-17-132. District ~~court~~ courts generally.

18 ~~(a)(1)(A) All municipal courts now in existence shall be known as~~
 19 ~~district courts.~~

20 ~~(B) All judges of the former courts will be known as~~
 21 ~~district judges.~~

22 ~~(2) District courts shall have the jurisdiction vested in the~~
 23 ~~presently established municipal courts.~~

24 ~~(3) (a) All fines, penalties, and costs received by the district~~
 25 ~~courts shall continue to be collected and distributed in the manner provided~~
 26 ~~by current laws affecting the former municipal courts, unless and until the~~
 27 ~~General Assembly establishes a new method of distribution.~~

28 ~~(4) (b) All salaries, retirement benefits, programs, and moneys of~~
 29 ~~judges, clerks, and court employees of the former municipal courts will~~
 30 ~~continue to be vested and paid to the judges, clerks, and court employees of~~
 31 ~~the district courts, pending further acts of the General Assembly.~~

32 ~~(b) (c) A vacancy in a district court judgeship shall be filled in the~~
 33 ~~same manner and subject to the same restrictions as for vacancies under~~
 34 ~~Arkansas Constitution, Amendment 29.~~

35
 36 SECTION 121. Effective January 1, 2005, Arkansas Code § 16-17-201 is

1 repealed.

2

3 SECTION 122. Arkansas Code §§ 16-17-203 through 16-17-207 are amended
4 to read as follows:

5 16-17-203. Construction with other laws.

6 This subchapter shall not be so construed as to repeal, amend, or
7 affect the provisions of any previous act creating or affecting ~~municipal~~
8 district courts in this state.

9

10 16-17-204. Creation.

11 Any city having a population of two thousand four hundred (2,400) or
12 more or any county seat town with less than two thousand four hundred (2,400)
13 population not now having a ~~municipal~~ district court may establish a
14 ~~municipal~~ district court by passing an ordinance of the city council or other
15 governing body of the city creating and establishing a ~~municipal~~ district
16 court under the provision of this subchapter.

17

18 16-17-205. Name and seal of ~~municipal~~ district court -- Abolishment of
19 police courts.

20 (a) In each of the cities subject to this subchapter there shall be a
21 corporation court to be styled the "~~Municipal~~ District Court of ..." (naming
22 the city within which the court sits) which shall be a court of record,
23 having a seal with the name of the state in the center and the words,
24 "~~Municipal~~ District Court of ..." (naming the city within which the court
25 sits) around the margin. This shall be regarded in law as a continuation of
26 the police courts as existing by law therein on February 28, 1927.

27 (b) The police courts in the cities subject to this subchapter are
28 abolished, and all the jurisdiction exercised by them shall be vested in the
29 municipal courts and shall be transferred accordingly. No suit, prosecution,
30 or proceeding of any police court shall abate because of any change made by
31 this subchapter.

32

33 16-17-206. Jurisdiction of ~~municipal~~ district courts.

34 (a) ~~Municipal~~ District courts ~~and justices of the peace~~ shall not have
35 jurisdiction in civil cases where a lien on land or title or possession
36 thereto is involved.

1 (b) The jurisdiction of a ~~municipal~~ district court shall be coextensive
2 with the county in which it is situated, except in counties having two (2)
3 judicial districts, the jurisdiction shall be limited to the district in
4 which the court is situated.

5
6 16-17-207. Number of judges -- ~~Term~~ ~~Time of selection of first~~
7 ~~regular judge.~~

8 The ~~municipal~~ district courts in and for cities subject to this
9 subchapter shall be held by one (1) ~~municipal~~ district judge for each city,
10 whose term of office shall be four (4) years and until his successor is
11 elected and qualified as such. ~~However, in cities which are or which become~~
12 ~~subject to the provisions of this subchapter, which have police courts, and~~
13 ~~which establish municipal courts hereunder, the police judge shall act and~~
14 ~~serve as municipal judge until the next regular general election at which~~
15 ~~city officials are elected, at which time a regular municipal judge shall be~~
16 ~~elected. Further, in cities subject to this subchapter or which become~~
17 ~~subject hereto and which have neither a police court, nor a city council or~~
18 ~~other governing body of such city shall select a municipal judge to serve~~
19 ~~until the next regular general election.~~

20
21 SECTION 123. Effective January 1, 2005, Arkansas Code §§ 16-17-203
22 through 16-17-207 are repealed.

23
24 SECTION 124. Arkansas Code § 16-17-208 is repealed.

25
26 SECTION 125. Arkansas Code §§ 16-17-209 through 16-17-212 are amended
27 to read as follows:

28 16-17-209. Qualifications of ~~municipal~~ district judge -- Minimum
29 salary -- Manner of payment.

30 (a) The judge of the ~~municipal~~ district court shall be at least twenty-
31 five (25) years of age, of good moral character, learned in the law, two (2)
32 years a resident of this state, and an elector of the judicial subdivision
33 wherein the court sits. He shall be an attorney at law in good standing and
34 shall have practiced law at least six (6) years.

35 (b) Except as provided in § 16-17-108, the judge shall received as
36 compensation for his services any sum not less than two thousand four hundred

1 dollars (\$2,400) per year, payable in equal monthly installments, one-half
2 (1/2) to be paid by the city and the other one-half (1/2) to be paid by the
3 county in which the city is situated.

4 (c) Except as provided in § 16-17-108, in counties having more than one
5 (1) county seat, one (1) of which has a population of not more than sixteen
6 thousand three hundred (16,300) and not less than sixteen thousand two
7 hundred fifty (16,250) according to the 1950 Federal Decennial Census, the
8 city council of the city may fix the salary of the judge of the county at a
9 greater or lesser sum than that provided in subsection (b) of this section.
10 In those counties, the judge shall be elected by the qualified electors of
11 the entire judicial subdivision of the county wherein the court is situated.

12 (d) Except as provided in § 16-17-108, in county seat towns with less
13 than two thousand four hundred (2,400) population, the city council of the
14 city may fix the judge's salary at any sum not to exceed two thousand four
15 hundred dollars (\$2,400) per year.

16
17 16-17-210. Vacancy or inability of judge to serve -- Election of
18 special judge or appointment of substitute by regular judge.

19 (a) Whenever the office of the judge of a ~~municipal~~ district court is
20 vacant and before his successor has been selected and qualified, or when the
21 judge of a ~~municipal~~ district court shall be disqualified from presiding at
22 any trial pending in the court, the regular practicing attorneys in
23 attendance on the court may, on notice from the clerk of the court, elect a
24 special judge to preside over the court.

25 (b) Whenever the judge of a ~~municipal~~ district court is to be
26 temporarily absent from the court because of illness or for any other reason,
27 the judge of the court, by order of the court entered prior to the temporary
28 absence of the judge, may appoint a special judge to preside over the court
29 in his absence.

30 (c) A special judge selected by the practicing attorneys or appointed
31 by the regular judge of a ~~municipal~~ district court shall have the same power
32 and authority in the court as the regular judge would have if present and
33 presiding and shall have the same qualifications as are required by law for
34 the regular ~~municipal~~ district judge.

35 (d) The authority of a special ~~municipal~~ district judge selected
36 pursuant to the provisions of this subchapter shall cease upon the

1 qualification of a successor to the regular ~~municipal~~ district judge in the
2 case of a vacancy in the office, upon termination of the case for which the
3 regular judge was disqualified from presiding, or upon the return to the
4 court of the regular judge of the court.

5 (e) A special judge appointed or selected under the provisions of this
6 subchapter shall receive compensation for his service at the rate of ten
7 dollars (\$10.00) per day for each day he holds the ~~municipal~~ district court
8 or any other sum not exceeding ten dollars (\$10.00) per day which the city
9 council of any city subject to this subchapter may prescribe by ordinance.

10
11 16-17-211. Court clerks generally.

12 (a) The judge of any ~~municipal~~ district court may appoint a clerk for
13 the court, who shall be designated and known as the ~~municipal~~ district court
14 clerk.

15 (b) The city council of the city in which the court is located shall
16 fix the salary of the ~~municipal~~ district court clerk at a reasonable sum, the
17 salary to be computed on an annual basis and payable in equal monthly
18 installments. However, where the county in which the court is located is to
19 pay any portion of the clerk's salary, the salary must also be approved by
20 the quorum court of that county. Further, if the expenses and salaries of any
21 ~~municipal~~ district court are paid entirely by the county in which the court
22 is located, the salary of the clerk shall be fixed by the quorum court of the
23 county and not by the city council.

24 (c) The ~~municipal~~ district court clerk shall keep a fair record of all
25 the acts done and proceedings had in the court and shall enter all judgments
26 of the court, under the direction of the judge.

27 (d) The ~~municipal~~ district court clerk shall:

- 28 (1) Administer oaths;
- 29 (2) Take affidavits required or permitted in the progress of the
30 action;
- 31 (3) Approve bond in criminal cases in the absence of the judge;
- 32 (4) Keep a complete docket of all proceedings to the extent and
33 in the manner directed by the judge;
- 34 (5) Seasonably record the judgments, rules, orders, and other
35 civil or criminal proceedings of the court and keep an alphabetical index
36 thereof;

1 (6) Keep such other dockets, books, and indices as may be
2 required by law or by the judge;

3 (7) Issue and attest all process;

4 (8) Tax and collect ~~the same~~ fees and costs allowed by law ~~to~~
5 ~~justices of the peace for similar clerical services.~~

6 (e) The ~~municipal~~ district court clerk shall render for each month, not
7 later than the fifth day of the succeeding month, reports in triplicate of
8 all civil and criminal cases tried. These reports shall show all fines,
9 penalties, forfeitures, fees, and costs taxed, assessed, and collected during
10 the month and also show the nature of each case. One (1) copy of such report
11 to be forwarded or delivered to the mayor of the city and one (1) copy to the
12 clerk of the county court.

13 (f) Where the duties of the office of ~~municipal~~ district court clerk do
14 not require a full-time employee, the city council may require that the
15 duties of the clerk be performed by any other officer of the city.

16
17 16-17-212. Fees and costs generally.

18 (a) ~~Except as otherwise provided in this section, the same~~ The only
19 fees and costs that shall be allowed in civil and criminal suits,
20 prosecutions, and proceedings in ~~municipal~~ district court ~~as are~~ are those
21 specifically authorized by statute ~~provided by law in similar cases before~~
22 ~~justices of the peace, excluding those items that would be allowed justices~~
23 ~~of the peace when sitting as examination courts.~~

24 (b) Nothing in this section or subchapter shall be construed as
25 authorizing the collection by the prosecuting attorney or his deputies, the
26 clerks of the ~~municipal~~ district court, or the sheriff and constable or their
27 deputies, of any costs or fees from the county in the trial of misdemeanors.

28 (c) Constables and deputies shall be allowed ~~the same~~ only those fees
29 and costs as are ~~allowed sheriffs and their deputies in civil and criminal~~
30 ~~suits, prosecutions, and proceedings by law in similar cases before justices~~
31 ~~of the peace~~ specifically authorized by statute.

32
33 SECTION 126. Effective January 1, 2005, Arkansas Code §§ 16-17-209 and
34 16-17-210 are amended to read as follows:

35 16-17-209. Qualifications of ~~municipal~~ district judge -- ~~Minimum~~
36 ~~salary~~ ~~Manner of payment~~ Term.

1 ~~(a) The judge of the municipal court shall be at least twenty five (25)~~
2 ~~years of age, of good moral character, learned in the law, two (2) years a~~
3 ~~resident of this state, and an elector of the judicial subdivision wherein~~
4 ~~the court sits. He shall be an attorney at law in good standing and shall~~
5 ~~have practiced law at least six (6) years. District judges shall be qualified~~
6 ~~electors within the geographical area from which they are chosen and shall~~
7 ~~have been licensed attorneys of this state for at least four (4) years~~
8 ~~immediately preceding the date of assuming office.~~

9 ~~(b) Except as provided in § 16-17-108, the judge shall received as~~
10 ~~compensation for his services any sum not less than two thousand four hundred~~
11 ~~dollars (\$2,400) per year, payable in equal monthly installments, one half~~
12 ~~(1/2) to be paid by the city and the other one half (1/2) to be paid by the~~
13 ~~county in which the city is situated. District judges shall serve four-year~~
14 ~~terms.~~

15 ~~(c) Except as provided in § 16-17-108, in counties having more than one~~
16 ~~(1) county seat, one (1) of which has a population of not more than sixteen~~
17 ~~thousand three hundred (16,300) and not less than sixteen thousand two~~
18 ~~hundred fifty (16,250) according to the 1950 Federal Decennial Census, the~~
19 ~~city council of the city may fix the salary of the judge of the county at a~~
20 ~~greater or lesser sum than that provided in subsection (b) of this section.~~
21 ~~In those counties, the judge shall be elected by the qualified electors of~~
22 ~~the entire judicial subdivision of the county wherein the court is situated.~~

23 ~~(d) Except as provided in § 16-17-108, in county seat towns with less~~
24 ~~than two thousand four hundred (2,400) population, the city council of the~~
25 ~~city may fix the judge's salary at any sum not to exceed two thousand four~~
26 ~~hundred dollars (\$2,400) per year.~~

27
28 ~~16-17-210. Vacaney or inability of judge to serve — Election of~~
29 ~~special judge or appointment of substitute by regular judge Special judges.~~

30 ~~(a) Whenever the office of the judge of a municipal court is vacant and~~
31 ~~before his successor has been selected and qualified, or when the judge of a~~
32 ~~municipal court shall be disqualified from presiding at any trial pending in~~
33 ~~the court, the regular practicing attorneys in attendance on the court may,~~
34 ~~on notice from the clerk of the court, elect a special judge to preside over~~
35 ~~the court. If a district judge is disqualified or temporarily unable to~~
36 ~~serve, or if the Chief Justice of the Supreme Court shall determine that~~

1 there is other need for a special judge to be temporarily appointed, a
 2 special judge may be assigned by the Chief Justice or elected by the bar of
 3 the district court, under rules prescribed by the Supreme Court, to serve
 4 during the period of temporary disqualification, absence, or need.

5 ~~(b) Whenever the judge of a municipal court is to be temporarily absent~~
 6 ~~from the court because of illness or for any other reason, the judge of the~~
 7 ~~court, by order of the court entered prior to the temporary absence of the~~
 8 ~~judge, may appoint a special judge to preside over the court his absence.~~

9 ~~(e)(b) A special judge selected by the practicing attorneys or~~
 10 ~~appointed by the regular judge of a municipal court shall have the same power~~
 11 ~~and authority in the court as the regular district judge would have if~~
 12 ~~present and presiding and shall have the same qualifications as are required~~
 13 ~~by law for the regular ~~municipal~~ district judge.~~

14 ~~(d) The authority of a special municipal judge selected pursuant to the~~
 15 ~~provisions of this subchapter shall cease upon the qualification of a~~
 16 ~~successor to the regular municipal judge in the case of a vacancy in the~~
 17 ~~office, upon termination of the case for which the regular judge was~~
 18 ~~disqualified from presiding, or upon the return to the court of the regular~~
 19 ~~judge of the court.~~

20 ~~(e)(c) A special judge appointed or selected under the provisions of~~
 21 ~~this subchapter assigned or elected under this section shall receive~~
 22 ~~compensation for his or her service at the rate of ten dollars (\$10.00) per~~
 23 ~~day for each day he holds the municipal court or any other sum not exceeding~~
 24 ~~ten dollars (\$10.00) per day which the city council of any city subject to~~
 25 ~~this subchapter may prescribe by ordinance as provided by law.~~

26
 27 SECTION 127. Arkansas Code § 16-17-213 is repealed.

28
 29 SECTION 128. Arkansas Code § 16-17-214 is amended to read as follows:
 30 16-17-214. Collection of fines and costs by police chief -- Reports to
 31 mayor.

32 (a) The chief of police shall collect all fines, penalties,
 33 forfeitures, fees, and costs assessed in ~~municipal~~ district court arising out
 34 of the violation of city ordinances and of state laws committed within the
 35 corporate limits of the city in which the court sits where the arresting
 36 officer was a policeman and shall pay over to the ~~municipal~~ district court

1 clerk daily all sums collected by him.

2 (b) The chief of police shall render to the mayor for each month, not
3 later than the fifth day of the ensuing month, a report, under oath, of all
4 fines, penalties, forfeitures, fees, and costs collected by him during the
5 month, giving the title of the cause and the arresting officer, and attaching
6 to the report receipts of the ~~municipal~~ district court clerk for all sums
7 collected during the period.

8
9 SECTION 129. Arkansas Code §§ 16-17-217 through 16-17-220 are repealed.

10
11 SECTION 130. Arkansas Code § 16-17-221 is amended to read as follows:

12 16-17-221. Improper use of process -- Granting privileges -- Failure
13 to report or pay over fines -- Penalty.

14 Any ~~municipal district judge, or any justice of the peace in townships~~
15 ~~subject to this subchapter,~~ who makes use, directly or indirectly, of the
16 process of his or her own court, either as a party litigant or in interest or
17 as an attorney or agent for any party litigant or in interest, or who offers
18 or gives by way of remission of fees or otherwise any pecuniary inducements
19 to the instituting or maintaining of any suits, prosecutions, or proceedings
20 in his or her court, and any ~~justice of the peace, or a constable in any~~
21 ~~township subject to this subchapter, or a sheriff in any county subject to~~
22 ~~this subchapter, or any clerk of the municipal court, or a chief of police in~~
23 ~~any city subject to this subchapter, sheriff, constable, police chief, or~~
24 district court clerk who fails to report or pay over fines, penalties,
25 forfeitures, fees, or costs collected by him or her, shall be deemed guilty
26 of a misdemeanor and, upon conviction for each of such offenses, shall be
27 punished by a fine of not less than fifty dollars (\$50.00) nor more than five
28 hundred dollars (\$500). A conviction under this section shall work a
29 forfeiture of office. Notwithstanding any other provision of this section,
30 sheriffs and constables may retain the fees and costs due them out of each
31 cause.

32
33 SECTION 131. Arkansas Code § 16-17-222 is amended to read as follows:

34 16-17-222. Fees of prosecuting attorney.

35 The prosecuting attorney or his or her deputies, ~~in counties and~~
36 ~~judicial districts subject to this subchapter,~~ shall receive the same fees

1 for prosecuting cases in the ~~municipal~~ district court as they are allowed by
2 law for the prosecution of misdemeanors in ~~justice of the peace courts and in~~
3 the circuit courts.

4
5 SECTION 132. Arkansas Code § 16-17-224 is amended to read as follows:
6 16-17-224. Manner of service of summons and other process.

7 (a) All summons and other process in any civil cause pending in any
8 ~~municipal~~ district court ~~in any city subject to this subchapter, where any~~
9 ~~defendant in the cause resides in the township in which the court is~~
10 ~~situated, shall be directed to the constable of the township or the sheriff~~
11 ~~of the county wherein the court sits. All other summons and process in civil~~
12 ~~causes pending in the court shall be directed to the sheriff of the county~~
13 ~~wherein the court sits~~ shall be served in accordance with rules promulgated
14 by the Supreme Court.

15 (b) Where an arrest for a violation of state law committed within the
16 township wherein the court sits is made upon a warrant filed by the
17 prosecuting attorney or his deputy, such warrant to arrest shall be directed
18 to the constable of the township or the sheriff of the county wherein the
19 court sits. Where a warrant for arrest is issued for a violation of state law
20 committed outside the township wherein the court sits but in a county subject
21 to this subchapter, upon an information filed by the prosecuting attorney or
22 his deputy, the warrant of arrest shall be directed to the sheriff of the
23 county, and all other process in the proceeding shall be directed to the
24 sheriff. However, any sheriff or constable of any township in a county
25 subject to this subchapter may arrest an offender for a violation of any
26 state law committed anywhere in the county and may bring the offender before
27 the ~~municipal~~ district court for trial, and that officer shall serve all
28 process in the cause.

29 (c) The chief of police and his assistants shall serve all process for
30 violations of city ordinances of the city wherein the ~~municipal~~ district
31 court sits and shall serve all criminal process for violations of state laws
32 inside the city limits of a city subject to this subchapter, where the arrest
33 is made by a police officer of the city or the information is filed by the
34 city attorney of the city.

~~(d) Notwithstanding any other provision of this section or any other~~