

*As Engrossed: 2/15/91*

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Senator Bradford**

**A BILL ACT 582 OF 1991**  
**SENATE BILL 337**

**For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE 16-115-104 TO PROVIDE FOR  
9 HEARINGS ON APPLICATIONS FOR WRITS OF PROHIBITION AND  
10 MANDAMUS WITHIN A REASONABLE TIME OF THE APPLICATION FOR  
11 RELIEF; AND FOR OTHER PURPOSES."

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

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15 SECTION 1. Arkansas Code Annotated §16-115-104 is hereby amended to  
16 read as follows:

17 "16-115-104. Hearings generally. It shall be within the discretion of  
18 the judge or chancellor having jurisdiction, *within forty-five days from the*  
19 *date of application*, to determine from the petition, and the records and files  
20 of the case, whether an evidentiary hearing is warranted. In the event a  
21 hearing is deemed necessary, the judge or chancellor shall fix and announce a  
22 day of court to be held within *forty-five days* from the date of application."

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25 SECTION 2. All provisions of this act of a general and permanent nature  
26 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
27 Revision Commission shall incorporate the same in the Code.

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29 SECTION 3. If any provision of this act or the application thereof to  
30 any person or circumstance is held invalid, such invalidity shall not affect  
31 other provisions or applications of the act which can be given effect without  
32 the invalid provision or application, and to this end the provisions of this  
33 act are declared to be severable.

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35 SECTION 4. All laws or parts of laws in conflict with this act are  
36 hereby repealed.

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SECTION 5. Emergency. It is hereby found and determined by the General Assembly that the requirement of holding a hearing on petitions for writs of prohibition and mandamus within two to seven days of application for the writ does not promote a thorough and fair consideration of the issues in such cases; and that the interests of justice and a fair determination of the issues demand that the courts be permitted to hold the hearings, where necessary, within a reasonable time of application. Therefore, an emergency is hereby declared to exist and this act, being necessary for the preservation of the public peace, health and safety, shall become effective immediately upon passage.

*/s/Bradford*

APPROVED: 3-18-91