

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 345 of the Regular Session

As Engrossed: H2/18/09 H2/23/09

A Bill

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009

HOUSE BILL 1398

4  
5 By: Representatives Powers, Pennartz, Harrelson, Reynolds, Blount, Cash, Cole, Cook, Davenport,  
6 Glidewell, House, Lindsey, Nickels, Rainey, J. Roebuck, G. Smith, L. Smith, Stewart, Webb, Williams  
7 By: Senator D. Wyatt

8  
9  
10 For An Act To Be Entitled

11 AN ACT TO INCREASE DISTRICT COURT FILING FEES;  
12 ESTABLISH ADDITIONAL PILOT STATE DISTRICT COURT  
13 JUDGESHIPS; CONSOLIDATE CITY COURTS WITH DISTRICT  
14 COURTS; AND FOR OTHER PURPOSES.

15  
16 Subtitle

17 TO INCREASE DISTRICT COURT FILING FEES;  
18 ESTABLISH ADDITIONAL PILOT STATE  
19 DISTRICT COURT JUDGESHIPS; CONSOLIDATE  
20 CITY COURTS WITH DISTRICT COURTS.

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

24  
25 SECTION 1. Arkansas Code § 16-17-705 is amended to read as follows:  
26 16-17-705. Filing fees and costs.

27 (a)(1) The uniform filing fee to be charged by the clerks of the  
28 district courts for initiating a cause of action in district court in this  
29 state shall be as prescribed in this section.

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

31 (b)(1) For initiating a cause of action in the civil division of  
32 district court. . . . . ~~\$50.00~~ \$65.00

33 (2) For initiating a cause of action in the small claims  
34 division of district court . . . . . \$50.00

35 (c) ~~No~~ A town, city, or county shall not authorize and ~~no~~ a district



1 court clerk shall not assess or collect any other filing fees than those  
2 authorized by this section, unless specifically provided by state law.

3  
4 SECTION 2. Arkansas Code § 16-17-902 is amended to read as follows:  
5 16-17-902. Counties having one district court. [Effective January 1,  
6 2008; effective until January 1, 2012.]

7 (a) Each of the following counties shall have one (1) district court  
8 and one (1) district judge:

- 9 (1) Bradley;
- 10 (2) Calhoun;
- 11 (3) Clark;
- 12 ~~(4) Cleburne;~~
- 13 ~~(5)~~(4) Cleveland;
- 14 ~~(6)~~(5) Columbia;
- 15 ~~(7)~~(6) Conway;
- 16 ~~(8)~~(7) Crawford;
- 17 ~~(9)~~(8) Cross;
- 18 ~~(10)~~(9) Dallas;
- 19 ~~(11)~~(10) Drew;
- 20 ~~(12)~~(11) Faulkner;
- 21 ~~(13)~~(12) Fulton;
- 22 ~~(14)~~(13) Grant;
- 23 ~~(15)~~(14) Hempstead;
- 24 ~~(16)~~(15) Hot Spring;
- 25 ~~(17)~~(16) Howard;
- 26 ~~(18)~~(17) Independence;
- 27 ~~(19)~~(18) Iizard;
- 28 ~~(20)~~(19) Jackson;
- 29 ~~(21)~~(20) Johnson;
- 30 ~~(22)~~(21) Lafayette;
- 31 ~~(23)~~(22) Lee;
- 32 ~~(24)~~(23) Lincoln;
- 33 ~~(25)~~(24) Little River;
- 34 ~~(26)~~(25) Madison;
- 35 ~~(27)~~(26) Marion;
- 36 ~~(28)~~(27) Miller;

- 1           ~~(29)~~(28) Montgomery;
- 2           ~~(30)~~(29) Nevada;
- 3           ~~(31)~~(30) Newton;
- 4           ~~(32)~~(31) Perry;
- 5           ~~(33)~~(32) Pike;
- 6           ~~(34)~~(33) Polk;
- 7           ~~(35)~~(34) Randolph;
- 8           ~~(36)~~(35) Scott;
- 9           ~~(37)~~(36) Searcy;
- 10          ~~(38)~~(37) Sevier;
- 11          ~~(39)~~ ~~St. Francis~~;
- 12          ~~(40)~~(38) Stone;
- 13          ~~(41)~~(39) Union; and
- 14          ~~(42)~~(40) Van Buren.

15           (b) The district court shall be located in the county seat of each  
 16 county listed in subsection (a) of this section.

17           (c)(1) The judge of any district court located in a county with one  
 18 (1) district court shall be elected countywide.

19           (2) If there is only one (1) district court in a county, it  
 20 shall have countywide jurisdiction.

21

22           SECTION 3. Arkansas Code § 16-17-1103 is amended to read as follows:  
 23 16-17-1103. Creation of pilot state district court judgeships.

24           (a) There are established ~~nineteen (19)~~ twenty-five (25) pilot state  
 25 district court judgeships.

26           (b) The following counties or judicial districts of a county and the  
 27 towns and cities in that county or judicial districts of a county in which a  
 28 district court is located shall participate in a program of full-time pilot  
 29 state district court judges:

- 30           (1) Baxter;
- 31           (2) Benton;
- 32           (3) Boone;
- 33           (4) Cleburne;
- 34           ~~(4)~~(5) Greene;
- 35           ~~(5)~~(6) Independence;
- 36           ~~(6)~~(7) Miller;

- 1           ~~(7)~~(8) Mississippi-Chickasawba District;
- 2           ~~(8)~~(9) Poinsett;
- 3           ~~(9)~~(10) Pope;
- 4           (11) Pulaski- Jacksonville District Court; North Little Rock
- 5 District Court, Department 1 and Department 2; and Pulaski County District
- 6 Court;
- 7           (12) St. Francis;
- 8           ~~(10)~~(13) Saline;
- 9           ~~(11)~~(14) Sebastian; and
- 10          ~~(12)~~(15) Union.

11

12           SECTION 4. Arkansas Code § 16-17-1104 is amended to read as follows:

13           16-17-1104. Pilot state district court judges – Salaries.

14           (a) The pilot state district court judges who serve the judgeships

15 created under § ~~16-17-1003~~ 16-17-1103 are state district court judges.

16           (b) The salaries of the pilot state district court judges shall be

17 paid with moneys appropriated by the General Assembly.

18

19           SECTION 5. Arkansas Code § 16-17-1105 is amended to read as follows:

20           16-17-1105. Consolidation of city courts with district courts.

21           (a) The city courts located in the following cities or towns shall be

22 consolidated with district courts:

- 23           (1) Alexander;
- 24           (2) Atkins;
- 25           (3) Barling;
- 26           (4) Bauxite;
- 27           (5) Bethel Heights;
- 28           (6) Briarcliff;
- 29           (7) Cave Springs;
- 30           (8) Centerton;
- 31           (9) Central City;
- 32           (10) Concord;
- 33           ~~(10)~~(11) Cotter;
- 34           ~~(11)~~(12) Dell;
- 35           ~~(12)~~(13) Dover;
- 36           ~~(13)~~(14) Gassville;

- 1           ~~(14)~~(15) Gosnell;
- 2           ~~(15)~~(16) Gravette;
- 3           (17) Greers Ferry;
- 4           ~~(16)~~(18) Haskell;
- 5           (19) Hughes;
- 6           ~~(17)~~(20) Lakeview;
- 7           ~~(18)~~(21) Leachville;
- 8           ~~(19)~~(22) Little Flock;
- 9           ~~(20)~~(23) London;
- 10          ~~(21)~~(24) Lowell;
- 11          (25) Madison;
- 12          ~~(22)~~(26) Manila;
- 13          ~~(23)~~(27) Marmaduke;
- 14          ~~(24)~~(28) Norfolk;
- 15          (29) Palestine;
- 16          ~~(25)~~(30) Pea Ridge;
- 17          ~~(26)~~(31) Pottsville;
- 18          (32) Quitman;
- 19          ~~(27)~~(33) Shannon Hills;
- 20          ~~(28)~~(34) Sulphur Springs; ~~and~~
- 21          ~~(29)~~(35) Weiner; ~~and~~
- 22          (36) Widner.

23           (b) Each city court under subsection (a) of this section:

24           (1) Is consolidated with the pilot state district court having  
25 jurisdiction over the geographical area of the abolished city court;

26           (2) Shall continue to exist as a department of that pilot state  
27 district court unless abolished by town or city ordinance; and

28           (3) Is redesignated as the “\_\_\_\_\_ District  
29 Court, \_\_\_\_\_ Department”; ~~and.~~

30           ~~(4) Shall continue to levy and collect the court costs  
31 applicable in city court under § 16-10-305.~~

32           (c) Under the Arkansas District Courts and City Courts Accounting Law,  
33 § 16-10-201 et seq., each department of a pilot state district court shall  
34 maintain a docket and set court dates for hearing that docket in the town or  
35 city unless the district court and the town or city in which the department  
36 is located agree otherwise.

1 (d)(1) A town or city that operated a city court prior to January 1,  
2 2008, and became a department of a pilot state district court under this  
3 subchapter may abolish that department by ordinance.

4 (2) The clerk of the town or city shall send a copy of the  
5 ordinance issued under subdivision (d)(1) of this section to the  
6 Administrative Office of the Courts.

7 (3) After a department has been abolished under subdivision  
8 (d)(1) of this section:

9 (A) The nearest district court in the county shall  
10 exercise jurisdiction over the geographical area of that abolished  
11 department;

12 (B) The abolished city court shall transfer all its papers  
13 and records to the court described in subdivision (d)(3)(A) of this section;  
14 and

15 (C)(i) All of the following existing on January 1, 2008,  
16 shall continue unaffected unless otherwise affected by this subchapter:

- 17 (a) Actions;
- 18 (b) Appeals;
- 19 (c) Causes of action;
- 20 (d) Civil proceedings;
- 21 (e) Criminal proceedings;
- 22 (f) Decrees;
- 23 (g) Judgments;
- 24 (h) Liabilities;
- 25 (i) Orders;
- 26 (j) Prosecutions;
- 27 (k) Regulations;
- 28 (l) Sentences;
- 29 (m) Suits; and
- 30 (n) Writs.

31 (ii) ~~No~~ A suit or prosecution of any kind or nature  
32 shall not abate as a result of this subchapter.

33 (4) ~~No~~ A town or city may not reinstate a department of district  
34 court that has been abolished under subdivision (d)(1) of this section.

35  
36 SECTION 6. Arkansas Code Title 16, Chapter 17, Subchapter 11 is

1 amended to add an additional section to read as follows:

2 16-17-1108. Travel expense reimbursement.

3 From the appropriation provided for the expenses of pilot state  
4 district court judges, a pilot state district court judge is authorized to be  
5 reimbursed for those travel expenses at the rate as authorized for state  
6 employees and for mileage at the rate established in the state travel  
7 regulations for state employees while traveling within the state in the  
8 performance of their official duties.

9  
10 SECTION 7. Section 56 of Act 663 of 2007 is amended to read as  
11 follows:

12 SECTION 56. Effective dates.

13 (a) Sections 2 through 15 of this act are effective January 1, 2008.

14 (b) Sections 16 through 50 and 52 through 55 of this act are effective  
15 January 1, 2012.

16 (c) Section 51 of Act 663 of 2007 is effective January 1, 2012,  
17 except:

18 (1) That portion of Section 51 of Act 663 of 2007 that is  
19 referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County  
20 District Court and departments of that court, codified as § 16-17-936 is  
21 effective July 1, 2009; and

22 (2) That portion of Section 51 of Act 663 of 2007 that is  
23 referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis  
24 County District Court and departments of that court, codified as § 16-17-954  
25 is effective July 1, 2009.

26  
27 SECTION 57. EMERGENCY CLAUSE. It is found and determined by the  
28 General Assembly of the State of Arkansas that this act is immediately  
29 necessary to coincide with the beginning of the 2009 - 2010 fiscal year to  
30 further the goal of a unified court system in order to provide judicial  
31 economy and the fair administration of justice. Therefore, an emergency is  
32 declared to exist and this act being necessary for the preservation of the  
33 public peace, health, and safety shall become effective on July 1, 2009.

34  
35  
36 /s/ Powers

APPROVED: 3/10/2009