

Stricken language would be deleted from and underlined language would be added to the Arkansas Constitution.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

As Engrossed: S3/22/99

SJR 9

4
5 By: Senators Beebe, Harriman, Brown, Webb, Everett, D. Malone, Mahony, Kennedy
6 By: Representatives T. Thomas, Vess, Hale, Lynn, Napper, Hunt, Carson

7
8
9 **SENATE JOINT RESOLUTION**

10 "PROPOSING AN AMENDMENT TO THE ARKANSAS CONSTITUTION
11 TO REVISE THE JUDICIAL ARTICLE. "

12
13 **Subtitle**

14 "PROPOSING AN AMENDMENT TO THE ARKANSAS
15 CONSTITUTION TO REVISE THE JUDICIAL
16 ARTICLE. "

17
18 BE IT RESOLVED BY THE SENATE OF THE EIGHTY-SECOND GENERAL ASSEMBLY OF THE
19 STATE OF ARKANSAS AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL
20 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

21
22 That the following is hereby proposed as an amendment to the
23 Constitution of the State of Arkansas, and upon being submitted to the
24 electors of the state for approval or rejection at the next general election
25 for Senators and Representatives, if a majority of the electors voting thereon
26 at such election, adopt such amendment, the same shall become a part of the
27 Constitution of the State of Arkansas, to wit:

28
29 SECTION 1. JUDICIAL POWER.

30 The judicial power is vested in the Judicial Department of state
31 government, consisting of a Supreme Court and other courts established by this
32 Constitution.

33
34 SECTION 2. SUPREME COURT.

35 (A) The Supreme Court shall be composed of seven Justices, one of whom
36 shall serve as Chief Justice. The Justices of the Supreme Court shall be

1 selected from the State at large.

2 (B) The Chief Justice shall be selected for that position in the same
3 manner as the other Justices are selected. During any temporary period of
4 absence or incapacity of the Chief Justice, an acting Chief Justice shall be
5 selected by the Court from among the remaining justices.

6 (C) The concurrence of at least four justices shall be required for a
7 decision in all cases.

8 (D) The Supreme Court shall have:

9 (1) Statewide appellate jurisdiction;

10 (2) Original jurisdiction to issue writs of quo warranto to all
11 persons holding judicial office, and to officers of political corporations
12 when the question involved is the legal existence of such corporations;

13 (3) Original jurisdiction to answer questions of state law
14 certified by a court of the United States, which may be exercised pursuant to
15 Supreme Court rule;

16 (4) Original jurisdiction to determine sufficiency of state
17 initiative and referendum petitions and proposed constitutional amendments;
18 and

19 (5) Only such other original jurisdiction as provided by this
20 Constitution.

21 (E) The Supreme Court shall have power to issue and determine any and
22 all writs necessary in aid of its jurisdiction and to delegate to its several
23 justices the power to issue such writs.

24 (F) The Supreme Court shall appoint its clerk and reporter.

25 (G) The sessions of the Supreme Court shall be held at such times and
26 places as may be adopted by Supreme Court rule.

27
28 SECTION 3. RULES OF PLEADING, PRACTICE AND PROCEDURE.

29 The Supreme Court shall prescribe the rules of pleading, practice and
30 procedure for all courts; provided these rules shall not abridge, enlarge or
31 modify any substantive right and shall preserve the right of trial by jury as
32 declared in this Constitution.

33
34 SECTION 4. SUPERINTENDING CONTROL.

35 The Supreme Court shall exercise general superintending control over all
36 courts of the state and may temporarily assign judges, with their consent, to

1 courts or divisions other than that for which they were elected or appointed.
2 These functions shall be administered by the Chief Justice.

3
4 SECTION 5. COURT OF APPEALS.

5 There shall be a Court of Appeals which may have divisions thereof as
6 established by Supreme Court rule. The Court of Appeals shall have such
7 appellate jurisdiction as the Supreme Court shall by rule determine and shall
8 be subject to the general superintending control of the Supreme Court. Judges
9 of the Court of Appeals shall have the same qualifications as Justices of the
10 Supreme Court.

11
12 SECTION 6. CIRCUIT COURTS.

13 (A) Circuit Courts are established as the trial courts of original
14 jurisdiction of all justiciable matters not otherwise assigned pursuant to
15 this Constitution.

16 (B) Subject to the superintending control of the Supreme Court, the
17 Judges of a Circuit Court may divide that Circuit Court into subject matter
18 divisions, and any Circuit Judge within the Circuit may sit in any division.

19 (C) Circuit Judges may temporarily exchange circuits by joint order.
20 Any Circuit Judge who consents may be assigned to another circuit for
21 temporary service under rules adopted by the Supreme Court.

22 (D) The Circuit Courts shall hold their sessions in each county at
23 such times and places as are, or may be, prescribed by law.

24
25 SECTION 7. DISTRICT COURTS.

26 (A) District Courts are established as the trial courts of limited
27 jurisdiction as to amount and subject matter, subject to the right of appeal
28 to Circuit Courts for a trial de novo.

29 (B) The jurisdictional amount and the subject matter of civil cases
30 that may be heard in the District Courts shall be established by Supreme Court
31 rule. District Courts shall have original jurisdiction, concurrent with
32 Circuit Courts, of misdemeanors, and shall also have such other criminal
33 jurisdiction as may be provided pursuant to Section 10 of this Amendment.

34 (C) There shall be at least one District Court in each county. If
35 there is only one District Court in a county, it shall have county-wide
36 jurisdiction. Fines and penalties received by the district court shall

1 continue to be distributed in the manner provided by current law, unless and
2 until the General Assembly shall establish a new method of distribution.

3 (D) A District Judge may serve in one or more counties. Subject to
4 the superintending control of the Supreme Court, the Judges of a District
5 Court may divide that District Court into subject matter divisions, and any
6 District Judge within the district may sit in any division.

7 (E) District Judges may temporarily exchange districts by joint order.
8 Any District Judge who consents may be assigned to another district for
9 temporary service under rules adopted by the Supreme Court.

10
11 SECTION 8. REFEREES, MASTERS AND MAGISTRATES.

12 (A) A Circuit Court Judge may appoint referees or masters, who shall
13 have power to perform such duties of the Circuit Court as may be prescribed by
14 Supreme Court rule.

15 (B) With the concurrence of a majority of the Circuit Court Judges of
16 the Circuit, a District Court Judge may appoint magistrates, who shall be
17 subject to the superintending control of the District Court and shall have
18 power to perform such duties of the District Court as may be prescribed by
19 Supreme Court rule.

20
21 SECTION 9. ANNULMENT OR AMENDMENT OF RULES.

22 Any rules promulgated by the Supreme Court pursuant to Sections 5, 6(B),
23 7(B), 7(D), or 8 of this Amendment may be annulled or amended, in whole or in
24 part, by a two-thirds (2/3) vote of the membership of each house of the
25 General Assembly.

26
27 SECTION 10. JURISDICTION, VENUE, CIRCUITS, DISTRICTS AND NUMBER OF
28 JUDGES.

29 The General Assembly shall have the power to establish jurisdiction of
30 all courts and venue of all actions therein, unless otherwise provided in this
31 Constitution, and the power to establish judicial circuits and districts and
32 the number of judges for Circuit Courts and District Courts, provided such
33 circuits or districts are comprised of contiguous territories.

34
35 SECTION 11. RIGHT OF APPEAL.

36 There shall be a right of appeal to an appellate court from the Circuit

1 Courts and other rights of appeal as may be provided by Supreme Court rule or
2 by law.

3
4 SECTION 12. TEMPORARY DISQUALIFICATION OF JUSTICES OR JUDGES.

5 No Justice or Judge shall preside or participate in any case in which he
6 or she might be interested in the outcome, in which any party is related to
7 him or her by consanguinity or affinity within such degree as prescribed by
8 law, or in which he or she may have been counsel or have presided in any
9 inferior court.

10
11 SECTION 13. ASSIGNMENT OF SPECIAL AND RETIRED JUDGES.

12 (A) If a Supreme Court Justice is disqualified or temporarily unable
13 to serve, the Chief Justice shall certify the fact to the Governor, who within
14 thirty (30) days thereafter shall commission a Special Justice, unless the
15 time is extended by the Chief Justice upon a showing by the Governor that, in
16 spite of the exercise of diligence, additional time is needed. If the
17 Governor fails to commission a Special Justice within thirty (30) days, or
18 within any extended period granted by the Chief Justice, the Lieutenant
19 Governor shall commission a Special Justice.

20 (B) If a Judge of the Court of Appeals is disqualified or temporarily
21 unable to serve, the Chief Judge shall certify the fact to the Chief Justice
22 who shall commission a Special Judge.

23 (C) If a Circuit or District Judge is disqualified or temporarily
24 unable to serve, or if the Chief Justice shall determine there is other need
25 for a Special Judge to be temporarily appointed, a Special Judge may be
26 assigned by the Chief Justice or elected by the bar of that Court, under rules
27 prescribed by the Supreme Court, to serve during the period of temporary
28 disqualification, absence or need.

29 (D) In naming Special Justices and Judges, the Governor or the Chief
30 Justice may commission, with their consent, retired Justices or Judges, active
31 Circuit or District Judges, or licensed attorneys.

32 (E) Special and retired Justices and Judges selected and assigned for
33 temporary judicial service shall meet the qualifications of Justices or Judges
34 of the Court to which selected and assigned.

35 (F) Special and retired judges shall be compensated as provided by
36 law.

1
2 SECTION 14. PROHIBITION OF PRACTICE OF LAW.
3 Justices and Judges, except District Judges, shall not practice law
4 during their respective terms of office. The General Assembly may, by
5 classification, prohibit District Judges from practicing law.
6

7 SECTION 15. PROHIBITION OF CANDIDACY FOR NON-JUDICIAL OFFICE.
8 If a Judge or Justice files as a candidate for non-judicial governmental
9 office, that candidate's judicial office shall immediately become vacant.
10

11 SECTION 16. QUALIFICATIONS AND TERMS OF JUSTICES AND JUDGES.

12 (A) Justices of the Supreme Court and Judges of the Court of Appeals
13 shall have been licensed attorneys of this state for at least eight years
14 immediately preceding the date of assuming office. They shall serve eight-
15 year terms.

16 (B) Circuit Judges shall have been licensed attorneys of this state for
17 at least six years immediately preceding the date of assuming office. They
18 shall serve six-year terms.

19 (C) District Judges shall have been licensed attorneys of this state
20 for at least four years immediately preceding the date of assuming office.
21 They shall serve four-year terms.

22 (D) All Justices and Judges shall be qualified electors within the
23 geographical area from which they are chosen, and Circuit and District Judges
24 shall reside within that geographical area at the time of election and during
25 their period of service. A geographical area may include any county
26 contiguous to the county to be served when there are no qualified candidates
27 available in the county to be served.

28 (E) The General Assembly shall by law determine the amount and method
29 of payment of Justices and Judges. Such salaries and expenses may be
30 increased, but not diminished, during the term for which such Justices or
31 Judges are selected or elected. Salaries of Circuit Judges shall be uniform
32 throughout the state.

33 (F) Circuit, District, and Appellate Court Judges and Justices shall
34 not be allowed any fees or perquisites of office, nor hold any other office of
35 trust or profit under this state or the United States, except as authorized by
36 law.

1
2 SECTION 17. ELECTION OF CIRCUIT AND DISTRICT JUDGES.

3 (A) Circuit Judges and District Judges shall be elected on a
4 nonpartisan basis by a majority of qualified electors voting for such office
5 within the circuit or district which they serve.

6 (B) Vacancies in these offices shall be filled as provided by this
7 Constitution.

8
9 SECTION 18. ELECTION OF SUPREME COURT JUSTICES AND COURT OF APPEALS
10 JUDGES.

11 (A) Supreme Court Justices and Court of Appeals Judges shall be elected
12 on a nonpartisan basis by a majority of qualified electors voting for such
13 office. Provided, however, the General Assembly may refer the issue of merit
14 selection of members of the Supreme Court and the Court of Appeals to a vote
15 of the people at any general election. If the voters approve a merit
16 selection system, the General Assembly shall enact laws to create a judicial
17 nominating commission for the purpose of nominating candidates for merit
18 selection to the Supreme Court and Court of Appeals.

19 (B) Vacancies in these offices shall be filled by appointment of the
20 Governor, unless the voters provide otherwise in a system of merit selection.

21
22 SECTION 19. TRANSITION PROVISIONS, TENURE OF PRESENT JUSTICES AND
23 JUDGES, AND JURISDICTION OF PRESENT COURTS.

24 (A) Tenure of Present Justices and Judges.

25 (1) Justices of the Supreme Court and Judges of the Court of
26 Appeals in office at the time this Amendment takes effect shall continue in
27 office until the end of the terms for which they were elected or appointed.

28 (2) All Circuit, Chancery, and Circuit-Chancery Judges in office
29 at the time this Amendment takes effect shall continue in office as Circuit
30 Judges until the end of the terms for which they were elected or appointed;
31 provided further, the respective jurisdictional responsibilities for matters
32 legal, equitable or juvenile in nature as presently exercised by such Judges
33 shall continue until changed pursuant to law.

34 (3) Municipal Court Judges in office at the time this Amendment
35 takes effect shall continue in office through December 31, 2004; provided, if
36 a vacancy occurs in an office of a Municipal Judge, that vacancy shall be

1 filled for a term which shall end December 31, 2004.

2 (B) Jurisdiction of Present Courts.

3 (1) The Jurisdiction conferred on Circuit Courts established by
4 this Amendment includes all matters previously cognizable by Circuit,
5 Chancery, Probate and Juvenile Courts including those matters repealed by
6 Section 22 of this Amendment. The geographic circuits and subject matter
7 divisions of these courts existing at the time this Amendment takes effect
8 shall become circuits and divisions of the Circuit Court as herein established
9 until changed pursuant to this Amendment. Circuit Courts shall assume the
10 jurisdiction of Circuit, Chancery, Probate and Juvenile Courts.

11 (2) District Courts shall have the jurisdiction vested in
12 Municipal Courts, Corporation Courts, Police Courts, Justice of the Peace
13 Courts, and Courts of Common Pleas at the time this Amendment takes effect.
14 District Courts shall assume the jurisdiction of these courts of limited
15 jurisdiction and other jurisdiction conferred in this Amendment on January 1,
16 2005. City Courts shall continue in existence after the effective date of
17 this amendment unless such City Court is abolished by the governing body of
18 the city or by appropriate action of the General Assembly. Immediately upon
19 abolition of such City Court, the jurisdiction of the City Court shall vest in
20 the nearest District Court in the county where the city is located.

21 (C) Continuation of Courts.

22 The Supreme Court provided for in this Amendment shall be a continuation
23 of the Supreme Court now existing. The Court of Appeals shall be regarded as
24 a continuation of the Court of Appeals now existing. All laws and parts of
25 laws relating to the Supreme Court and to the Court of Appeals which are not
26 in conflict or inconsistent with this Amendment shall remain in full force and
27 effect and shall apply to the Supreme Court and Court of Appeals,
28 respectively, established by this Amendment until amended, repealed or
29 superseded by appropriate action of the General Assembly or the Supreme Court
30 pursuant to this Amendment. The Circuit Courts shall be regarded as a
31 continuation of the Circuit, Chancery, Probate and Juvenile Courts now
32 existing. Effective January 1, 2005, the District Courts shall be regarded as
33 a continuation of the Municipal Courts, Corporation Courts, Police Courts,
34 Justice of the Peace Courts and Courts of Common Pleas now existing. All the
35 papers and records pertaining to these courts shall be transferred
36 accordingly, and no suit or prosecution of any kind or nature shall abate

1 because of any change made by this Amendment. All writs, actions, suits,
2 proceedings, civil or criminal liabilities, prosecutions, judgments, decrees,
3 orders, sentences, regulations, causes of action and appeals existing on the
4 effective date of this Amendment shall continue unaffected except as modified
5 in accordance with this Amendment.

6
7 SECTION 20. PROSECUTING ATTORNEYS.

8 A Prosecuting Attorney shall be elected by the qualified electors of
9 each judicial circuit. Prosecuting Attorneys shall have been licensed
10 attorneys of this state for at least four years immediately preceding the date
11 of assuming office. They shall be qualified electors within the judicial
12 circuit from which they are elected and shall reside within that geographical
13 area at the time of the election and during their period of service. They
14 shall serve four-year terms.

15
16 SECTION 21. EFFECTIVE DATE.

17 This Amendment shall become effective on July, 2001.

18
19 SECTION 22. REPEALER.

20 (A) The following sections of Article 7 of the Constitution of the
21 State of Arkansas are hereby repealed effective July 1, 2001; 1 through 18; 20
22 through 22; 24; 25; 32; 34; 35; 39; 40; 42; 44; 45 and 50.

23 ~~_____ § 1. Judicial power vested in courts.~~

24 ~~The judicial power of the State shall be vested in one Supreme Court, in~~
25 ~~circuit courts, in county and probate courts, and in justices of the peace.~~
26 ~~The General Assembly may also vest such jurisdiction as may be deemed~~
27 ~~necessary in municipal corporation courts, courts of common pleas, where~~
28 ~~established, and, when deemed expedient, may establish separate courts of~~
29 ~~chancery.~~

30 ~~_____ § 2. Supreme Court.~~

31 ~~_____ The Supreme Court shall be composed of three judges, one of whom shall~~
32 ~~be styled chief justice, and elected as such; any two of whom shall constitute~~
33 ~~a quorum, and the concurrence of two judges shall, in every case, be necessary~~
34 ~~to a decision.~~

35 ~~_____ § 3. Increase of number of judges.~~

36 ~~_____ When the population of the State shall amount to one million, the~~

1 ~~General Assembly may, if deemed necessary, increase the number of judges of~~
2 ~~the Supreme Court to five; and, on such increase, a majority of judges shall~~
3 ~~be necessary to make a quorum or a decision.~~

4 ~~§ 4. Jurisdiction and powers of Supreme Court.~~

5 ~~The Supreme Court, except in cases otherwise provided by this~~
6 ~~Constitution, shall have appellate jurisdiction only, which shall be~~
7 ~~coextensive with the State, under such restrictions as may from time to time~~
8 ~~be prescribed by law. It shall have a general superintending control over all~~
9 ~~inferior courts of law and equity; and, in aid of its appellate and~~
10 ~~supervisory jurisdiction, it shall have power to issue writs of error and~~
11 ~~supersedeas, certiorari, habeas corpus, prohibition, mandamus and quo~~
12 ~~warranto, and, other remedial writs, and to hear and determine the same. Its~~
13 ~~judges shall be conservators of the peace throughout the State, and shall~~
14 ~~severally have power to issue any of the aforesaid writs.~~

15 ~~§ 5. Jurisdiction to issue quo warranto.~~

16 ~~In the exercise of original jurisdiction the Supreme Court shall have~~
17 ~~power to issue writs of quo warranto to the circuit judges and chancellors~~
18 ~~when created, and to officers of political corporations when the question~~
19 ~~involved is the legal existence of such corporations.~~

20 ~~§ 6. Qualifications of judges of Supreme Court.~~

21 ~~A judge of the Supreme Court shall be at least thirty years of age, of~~
22 ~~good moral character, and learned in the law; a citizen of the United States~~
23 ~~and two years a resident of the State, and who has been a practicing lawyer~~
24 ~~eight years, or whose service upon the bench of any court of record, when~~
25 ~~added to the time he may have practiced law, shall be equal to eight years.~~
26 ~~The judges of the Supreme Court shall be elected by the qualified electors of~~
27 ~~the State and shall hold their offices during the term of eight years from the~~
28 ~~date of their commissions; but at the first meeting of the court after the~~
29 ~~first election under this Constitution the judges shall by lot divide~~
30 ~~themselves into three classes, one of which shall hold his office for four,~~
31 ~~one for six and the other for eight years, after which each judge shall be~~
32 ~~elected for a full term of eight years. A record shall be made in the court of~~
33 ~~this classification.~~

34 ~~§ 7. Clerk and reporter.~~

35 ~~The Supreme Court shall appoint its clerk and reporter, who shall hold~~
36 ~~their offices for six years subject to removal for good cause.~~

1 ~~_____ § 8. Place of holding court.~~

2 ~~_____ The terms of the Supreme Court shall be held at the seat of government~~
3 ~~at the times that now are, or may be, provided by law.~~

4 ~~_____ § 9. Special judges.~~

5 ~~_____ In case all or any of the judges of the Supreme Court shall be~~
6 ~~disqualified from presiding in any cause or causes the court or the~~
7 ~~disqualified judge shall certify the same to the Governor, who shall~~
8 ~~immediately commission the requisite number of men learned in the law to sit~~
9 ~~in the trial and determination of such causes.~~

10 ~~_____ § 10. Compensation of Supreme Court judges - Dual office holding.~~

11 ~~_____ The Supreme Judges shall at stated times receive a compensation for~~
12 ~~their services to be ascertained by law, which shall not be, after the~~
13 ~~adjournment of the next General Assembly, diminished during the time for which~~
14 ~~they shall have been elected. They shall not be allowed any fees or~~
15 ~~perquisites of office, nor hold any other office, nor hold any office of trust~~
16 ~~or profit under the State or the United States.~~

17 ~~_____ § 11. Circuit courts - Jurisdiction.~~

18 ~~_____ The circuit court shall have jurisdiction in all civil and criminal~~
19 ~~cases the exclusive jurisdiction of which may not be vested in some other~~
20 ~~court provided for by this Constitution.~~

21 ~~_____ § 12. Terms of circuit court.~~

22 ~~_____ The circuit courts shall hold their terms in each county at such times~~
23 ~~and places as are, or may be, prescribed by law.~~

24 ~~_____ § 13. Judicial circuits.~~

25 ~~_____ The State shall be divided into convenient circuits, each circuit to be~~
26 ~~made up of contiguous counties, for each of which circuits a judge shall be~~
27 ~~elected, who, during his continuance in office, shall reside in and be a~~
28 ~~conservator of the peace within the circuit for which he shall have been~~
29 ~~elected.~~

30 ~~_____ § 14. Superintending control and appellate jurisdiction over inferior~~
31 ~~courts - Writs - Power to issue.~~

32 ~~_____ The circuit courts shall exercise a superintending control and appellate~~
33 ~~jurisdiction over county, probate, court of common pleas and corporation~~
34 ~~courts and justices of the peace, and shall have power to issue, hear and~~
35 ~~determine all the necessary writs to carry into effect their general and~~
36 ~~specific powers, any of which writs may be issued upon order of the judge of~~

1 ~~the appropriate court in vacation.~~

2 ~~—— § 15. Equity jurisdiction.~~

3 ~~—— Until the General Assembly shall deem it expedient to establish courts~~
4 ~~of chancery the circuit court shall have jurisdiction in matters of equity,~~
5 ~~subject to appeal to the Supreme Court, in such manner as may be prescribed by~~
6 ~~law.~~

7 ~~—— § 16. Qualifications of circuit judges.~~

8 ~~—— A judge of the circuit court shall be a citizen of the United States, at~~
9 ~~least twenty-eight years of age, of good moral character, learned in the law,~~
10 ~~two years a resident of the State, and shall have practiced law six years, or~~
11 ~~whose service upon the bench of any court of record, when added to the time he~~
12 ~~may have practiced law, shall be equal to six years.~~

13 ~~—— § 17. Election of circuit judges - Term of office.~~

14 ~~—— The judges of the circuit court shall be elected by the qualified~~
15 ~~electors of the several circuits, and shall hold their offices for the term of~~
16 ~~four years.~~

17 ~~—— § 18. Compensation of circuit court judges - Dual office holding.~~

18 ~~—— The judges of the circuit courts shall at stated times receive a~~
19 ~~compensation for their services, to be ascertained by law, which shall not,~~
20 ~~after the adjournment of the first session of the General Assembly, be~~
21 ~~diminished during the time for which they are elected. They shall not be~~
22 ~~allowed any fees or perquisites of office, nor hold any other office of trust~~
23 ~~or profit under this State or the United States.~~

24 ~~—— § 20. Disqualification of judges - Grounds.~~

25 ~~—— No judge or justice shall preside in the trial of any cause in the event~~
26 ~~of which he may be interested, or where either of the parties shall be~~
27 ~~connected with him by consanguinity or affinity, within such degree as may be~~
28 ~~prescribed by law; or in which he may have been of counsel or have presided in~~
29 ~~any inferior court.~~

30 ~~—— § 21. Special judges of circuit courts.~~

31 ~~—— Whenever the office of judge of the circuit court of any county is~~
32 ~~vacant at the commencement of a term of such court, or the judge of said court~~
33 ~~shall fail to attend, the regular practicing attorneys in attendance on said~~
34 ~~court may meet at 10 o'clock a. m. on the second day of the term, and elect a~~
35 ~~judge to preside at such court, or until the regular judge shall appear; and~~
36 ~~if the judge of said court shall become sick or die or unable to continue to~~

1 ~~hold such court after its term shall have commenced, or shall from any cause~~
2 ~~be disqualified from presiding at the trial of any cause then pending therein,~~
3 ~~then the regular practicing attorneys in attendance on said court may in like~~
4 ~~manner, on notice from the judge or clerk of said court, elect a judge to~~
5 ~~preside at such court or to try said causes, and the attorney so elected shall~~
6 ~~have the same power and authority in said court as the regular judge would~~
7 ~~have had if present and presiding; but this authority shall cease at the close~~
8 ~~of the term at which the election shall be made. The proceeding shall be~~
9 ~~entered at large upon the record. The special judge shall be learned in law~~
10 ~~and a resident of the State.~~

11 ~~§ 22. Exchange of circuits.~~

12 ~~The judges of the circuit courts may temporarily exchange circuits or~~
13 ~~hold courts for each other under such regulations as may be prescribed by law.~~

14 ~~§ 24. Prosecuting attorneys.~~

15 ~~The qualified electors of each circuit shall elect a prosecuting~~
16 ~~attorney, who shall hold his office for the term of two years, and he shall be~~
17 ~~a citizen of the United States, learned in the law, and a resident of the~~
18 ~~circuit for which he may be elected.~~

19 ~~§ 25. Judges debarred from practice.~~

20 ~~The judges of the Supreme, circuit, or chancery courts shall not, during~~
21 ~~their continuance in office, practice law or appear as counsel in any court,~~
22 ~~State or Federal, within this State.~~

23 ~~§ 32. Courts of common pleas - Jurisdiction.~~

24 ~~The General Assembly may authorize the judge of the county court of any~~
25 ~~one or more counties to hold severally a quarterly court of common pleas in~~
26 ~~their respective counties, which shall be a court of record, with such~~
27 ~~jurisdiction in matters of contract and other civil matters not involving~~
28 ~~title to real estate as may be vested in such court.~~

29 ~~§ 34. Probate courts - Jurisdiction - Trial of issues - Terms.~~

30 ~~In each county the Judge of the court having jurisdiction in matters of~~
31 ~~equity shall be judge of the court of probate, and have such exclusive~~
32 ~~original jurisdiction in matters relative to the probate of wills, the estates~~
33 ~~of deceased persons, executors, administrators, guardians, and persons of~~
34 ~~unsound mind and their estates, as is now vested in courts of probate, or may~~
35 ~~be hereafter prescribed by law. The judge of the probate court shall try all~~
36 ~~issues of the law and of facts arising in causes or proceedings within the~~

1 ~~jurisdiction of said court, and therein pending. The regular terms of the~~
2 ~~courts of probate shall be held at such times as is now or may hereafter be~~
3 ~~prescribed by law; and the General Assembly may provide for the consolidation~~
4 ~~of chancery and probate courts. [As amended by Const. Amend. 24, § 1.]~~

5 ~~§ 35. Appeals from probate court.~~

6 ~~Appeals may be taken from judgments and orders of courts of probate to~~
7 ~~the Supreme Court; and, until otherwise provided by the General Assembly,~~
8 ~~shall be taken in the same manner as appeals from courts of chancery and~~
9 ~~subject to the same regulations and restrictions. [As amended by Const. Amend.~~
10 ~~24, § 2.]~~

11 ~~§ 39. Number in each township.~~

12 ~~For every two hundred electors there shall be elected one justice of the~~
13 ~~peace, but every township, however small, shall have two justices of the~~
14 ~~peace.~~

15 ~~§ 40. Exclusive and concurrent jurisdiction of justices of the peace -~~
16 ~~Criminal jurisdiction - Process - Power to issue.~~

17 ~~They shall have original jurisdiction in the following matters: First,~~
18 ~~exclusive of the circuit court, in all matters of contract where the amount in~~
19 ~~controversy does not exceed the sum of one hundred dollars, excluding~~
20 ~~interest, and concurrent jurisdiction in matters of contract where the amount~~
21 ~~in controversy does not exceed the sum of three hundred dollars, exclusive of~~
22 ~~interest; second, concurrent jurisdiction in suits for the recovery of~~
23 ~~personal property where the value of the property does not exceed the sum of~~
24 ~~three hundred dollars, and in all matters of damage to personal property where~~
25 ~~the amount in controversy does not exceed the sum of one hundred dollars;~~
26 ~~third, such jurisdiction of misdemeanors as is now, or may be, prescribed by~~
27 ~~law; fourth, to sit as examining courts and commit, discharge or recognize~~
28 ~~offenders to the court having jurisdiction, for further trial, and to bind~~
29 ~~persons to keep the peace or for good behavior; fifth, for the foregoing~~
30 ~~purposes they shall have power to issue all necessary process; sixth, they~~
31 ~~shall be conservators of the peace within their respective counties, provided~~
32 ~~a justice of the peace shall not have jurisdiction where a lien on land or~~
33 ~~title or possession thereto is involved.~~

34 ~~§ 42. Appeals from justices of peace.~~

35 ~~Appeals may be taken from the final judgments of the justices of the~~
36 ~~peace to the circuit courts under such regulations as are now, or may be,~~

1 ~~provided by law.~~

2 ~~—— § 44. Pulaski Chancery Court.~~

3 ~~—— The Pulaski Chancery Court shall continue in existence until abolished~~
4 ~~by law, or the business pending at the adoption of this Constitution shall be~~
5 ~~disposed of, or the pending business be transferred to other courts. The judge~~
6 ~~and clerk of said court shall hold office for the term of two years, and shall~~
7 ~~be elected by the qualified voters of the State. All suits and proceedings~~
8 ~~which relate to sixteenth-section lands or to money due for said lands shall~~
9 ~~be transferred to the respective counties where such lands are located in such~~
10 ~~manner as shall be provided by the General Assembly at the next session.~~

11 ~~—— § 45. Separate criminal courts abolished.~~

12 ~~—— The separate criminal courts established in this State are hereby~~
13 ~~abolished, and all the jurisdiction exercised by said criminal courts is~~
14 ~~vested in the circuit courts of the respective counties; and all causes now~~
15 ~~pending therein are hereby transferred to said circuit courts respectively. It~~
16 ~~shall be the duty of the clerks of said criminal courts to transfer all the~~
17 ~~records, books and papers pertaining to said criminal courts to the circuit~~
18 ~~courts of their respective counties.~~

19 ~~—— § 50. Vacancies.~~

20 ~~—— All vacancies occurring in any office provided for in this article shall~~
21 ~~be filled by special election, save that in case of vacancies occurring in~~
22 ~~county and township offices six months and in other offices nine months,~~
23 ~~before the next general election, such vacancies shall be filled by~~
24 ~~appointment by the Governor.~~

25 (B) Sections 34 and 35 of Article 7 of the Constitution of the State
26 of Arkansas, as amended by Sections 1 and 2 of Amendment 24, are hereby
27 repealed effective July 1, 2001.

28 ~~—— § 34. Probate courts - Jurisdiction - Trial of issues - Terms.~~

29 ~~—— In each county the Judge of the court having jurisdiction in matters of~~
30 ~~equity shall be judge of the court of probate, and have such exclusive~~
31 ~~original jurisdiction in matters relative to the probate of wills, the estates~~
32 ~~of deceased persons, executors, administrators, guardians, and persons of~~
33 ~~unsound mind and their estates, as is now vested in courts of probate, or may~~
34 ~~be hereafter prescribed by law. The judge of the probate court shall try all~~
35 ~~issues of the law and of facts arising in causes or proceedings within the~~
36 ~~jurisdiction of said court, and therein pending. The regular terms of the~~

1 ~~courts of probate shall be held at such times as is now or may hereafter be~~
2 ~~prescribed by law; and the General Assembly may provide for the consolidation~~
3 ~~of chancery and probate courts. [As amended by Const. Amend. 24, § 1.]~~

4 ~~—— § 35. Appeals from probate court.~~

5 ~~—— Appeals may be taken from judgments and orders of courts of probate to~~
6 ~~the Supreme Court; and, until otherwise provided by the General Assembly,~~
7 ~~shall be taken in the same manner as appeals from courts of chancery and~~
8 ~~subject to the same regulations and restrictions. [As amended by Const. Amend.~~
9 ~~24, § 2.]~~

10 (C) Section 43 of Article 7 of the Constitution of the State of
11 Arkansas is hereby repealed effective January 1, 2005.

12 ~~—— § 43. Corporation courts – Jurisdiction.~~

13 ~~Corporation courts for towns and cities may be invested with jurisdiction~~
14 ~~concurrent with justices of the peace in civil and criminal matters, and the~~
15 ~~General Assembly may invest such of them as it may deem expedient with~~
16 ~~jurisdiction of any criminal offenses not punishable by death or imprisonment~~
17 ~~in the penitentiary, with or without indictment, as may be provided by law,~~
18 ~~and, until the General Assembly shall otherwise provide, they shall have the~~
19 ~~jurisdiction now provided by law.~~

20 (D) Section 1 of Amendment 58 of the Constitution of the State of
21 Arkansas is hereby repealed effective July 1, 2001.

22 ~~—— § 1. Court of Appeals.~~

23 ~~The General Assembly is hereby empowered to create and establish a Court of~~
24 ~~Appeals and divisions thereof. The Court of Appeals shall have such appellate~~
25 ~~jurisdiction as the Supreme Court shall by rule determine, and shall be~~
26 ~~subject to the general superintending control of the Supreme Court. Judges of~~
27 ~~the Court of Appeals shall have the same qualifications as justices of the~~
28 ~~Supreme Court and shall be selected in the manner provided by law.~~

29 (E) Section 1 of Amendment 64 of the Constitution of the State of
30 Arkansas is hereby repealed effective January 1, 2005.

31 ~~§ 1. Concurrent jurisdiction – Jurisdictional amount.~~

32 ~~Notwithstanding any provision of this Constitution to the contrary and in~~
33 ~~addition to jurisdiction now conferred on municipal courts, municipal courts~~
34 ~~shall have jurisdiction concurrent with circuit courts (a) in matters of~~
35 ~~contract where the amount in controversy does not exceed three thousand~~
36 ~~dollars (\$3,000) excluding interest, (b) in suits for the recovery of personal~~

1 ~~property where the value of the property does not exceed three thousand~~
2 ~~dollars (\$3,000), and (c) in all matters of damage to personal property where~~
3 ~~the amount in controversy does not exceed three thousand dollars (\$3,000);~~
4 ~~provided that the General Assembly may by law increase or decrease the~~
5 ~~jurisdictional limit by a two-thirds vote of each house of the General~~
6 ~~Assembly.~~

7 (F) Section 1 of Amendment 77 of the Constitution of the State of
8 Arkansas is hereby repealed effective July 1, 2001.

9 SECTION 1. (A) ~~If a Supreme Court justice is disqualified or temporarily~~
10 ~~unable to serve, the Chief Justice shall certify the fact to the Governor, who~~
11 ~~within thirty (30) days thereafter, shall commission a special justice, unless~~
12 ~~the time is extended by the Chief Justice upon a showing by the Governor that~~
13 ~~in spite of the exercise of diligence, additional time is needed. If the~~
14 ~~Governor fails to commission a special justice within thirty (30) days, or at~~
15 ~~the end of an extended period granted by the Chief Justice, the Lieutenant~~
16 ~~Governor shall commission a special justice.~~

17 ~~_____ (B) If a judge of the Court of Appeals is disqualified or temporarily~~
18 ~~unable to serve, the Chief Judge shall certify the fact to the Chief Justice~~
19 ~~who shall commission a special judge.~~

20 ~~_____ (C) If a circuit, chancery, or probate judge is disqualified or~~
21 ~~temporarily unable to serve, or if the Chief Justice shall determine there is~~
22 ~~other need for a special judge to be temporarily appointed, a special judge~~
23 ~~may be assigned by the Chief Justice or elected by the bar of that Court,~~
24 ~~under rules prescribed by the Supreme Court, to serve during the period of~~
25 ~~temporary disqualification, absence or need.~~

26 ~~_____ (D) In naming special justices and judges, the Governor or the Chief~~
27 ~~Justice may commission, with their consent, retired justices or judges, active~~
28 ~~circuit, chancery, or probate judges, or licensed attorneys.~~

29 ~~_____ (E) Special and retired justices and judges selected and assigned for~~
30 ~~temporary judicial service shall meet the qualifications of justices or judges~~
31 ~~of the Court to which selected and assigned.~~

32 ~~_____ (F) Special and retired judges shall be compensated as provided by law.~~

33 (G) No other provision of the Constitution of the State of Arkansas
34 shall be repealed by this Amendment unless the provision is in irreconcilable
35 conflict with the provisions of this Amendment.

36 /s/ Beebe