

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

SENATE BILL 630

5 By: Senator G. Stubblefield  
6

## For An Act To Be Entitled

8 AN ACT CONCERNING THE COMPENSATION OF A RETIRED JUDGE  
9 APPOINTED TO TEMPORARY SERVICE; CONCERNING THE  
10 RECUSAL OF A CIRCUIT COURT JUDGE; CONCERNING THE  
11 JUDICIARY; AND FOR OTHER PURPOSES.  
12  
13

## Subtitle

14 CONCERNING THE COMPENSATION OF A RETIRED  
15 JUDGE APPOINTED TO TEMPORARY SERVICE;  
16 CONCERNING THE RECUSAL OF A CIRCUIT COURT  
17 JUDGE; AND CONCERNING THE JUDICIARY.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 SECTION 1. Arkansas Code Title 16, Chapter 10, Subchapter 9, is  
24 amended to read as follows:

### Subchapter 9

25 - Compensation for Retired Judges Appointed to Temporary Service  
26  
27

28 16-10-901. ~~“Retired judge” defined~~ Definition.

29 ~~For purposes of this subchapter, a retired judge is~~ As used in this  
30 subchapter, “retired judge” means a former circuit judge, ~~chancery judge,~~  
31 ~~circuit chancery judge,~~ Court of Appeals judge, or Supreme Court justice  
32 receiving benefits under the Arkansas Judicial Retirement System.  
33

34 16-10-902. Amount of compensation.

35 (a)(1) A retired judge appointed by the Chief Justice of the Supreme  
36 Court as a special judge under Arkansas Constitution, Amendment 80, and the



1 rules prescribed by the Supreme Court shall receive compensation, in addition  
 2 to his or her retirement benefits, at one-half (½) the rate as fixed by law  
 3 for a regularly elected circuit judge, if the retired judge has been retired  
 4 for four (4) years or less.

5 (2) A retired judge who has been retired for more than four (4)  
 6 years shall not receive compensation for his or her appointment as a special  
 7 judge.

8 (b) The compensation under subdivision (a)(1) of this section shall be  
 9 paid from the appropriation provided to the Auditor of State for special and  
 10 recalled judges for the circuit courts.

11  
 12 16-10-903. Retirement benefits.

13 The judge or justice shall not be entitled to a change in membership  
 14 status or to any increase, decrease, or other modification to his or her  
 15 retirement benefits as a result of his or her service after retirement.

16  
 17 16-10-904. Mileage and expenses.

18 (a) In addition to the per diem compensation provided by this  
 19 subchapter, a special judge serving under Arkansas Constitution, Amendment  
 20 80, shall receive expenses and mileage reimbursement from the appropriation  
 21 provided to the Auditor of State for special and recalled judges for the  
 22 circuit courts at the rate as prescribed in § 16-10-119, if the retired judge  
 23 has been retired for four (4) years or less.

24 (b) A retired judge who has been retired for more than four (4) years  
 25 shall receive no expense or mileage reimbursement for his or her appointment  
 26 as a special judge.

27  
 28 16-10-905. Amount of per diem compensation.

29 (a) Per diem compensation prescribed in § 16-10-902 shall be for each  
 30 day or portion of a day the judge serves on the bench.

31 (b)(1) For each day or portion of a day that a special judge appointed  
 32 under Arkansas Constitution, Amendment 80, performs his or her judicial  
 33 duties other than on the bench, the judge shall receive compensation as  
 34 prescribed by rules adopted by the Supreme Court, if the retired judge has  
 35 been retired for four (4) years or less.

36 (2) A retired judge who has been retired for more than four (4)

1 years shall receive no per diem compensation for his or her appointment as a  
2 special judge.

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4 SECTION 2. Arkansas Code § 16-13-214 is amended to read as follows:  
5 16-13-214. Disqualification and required recusal of judges.

6 (a) ~~No~~ A judge of the circuit court shall not sit on the determination  
7 of ~~any~~ a case in which he or she is interested in the outcome, is related to  
8 any party within the third degree of consanguinity or affinity, has been of  
9 counsel in the case or presided over ~~it~~ the case in any inferior court, or is  
10 otherwise disqualified under the Arkansas Code of Judicial Conduct, unless  
11 the parties waive the disqualification as provided therein.

12 (b)(1) Unless otherwise prohibited by Arkansas Constitution, Amendment  
13 80, a circuit court judge who has been asked to recuse from a case by formal  
14 motion by any party to pending litigation for good cause shall schedule a  
15 hearing on the motion to be presided over by another qualified circuit court  
16 judge of the same judicial circuit.

17 (2) A party may make an interlocutory appeal to an adverse  
18 ruling by the circuit court on a motion to recuse to the Supreme Court, which  
19 shall decide the appeal consistent with its own rules.