

State of Arkansas

76th General Assembly

Regular Session, 1987 AS ENGROSSED 1/27/87

HOUSE BILL 1284

By: Representatives Matthews, Calhoun, and Wynne AS ENGROSSED 2/3/87

AS ENGROSSED 2/11/87

"AN ACT TO ESTABLISH UNIFORM PROCEDURES FOR CIVIL PRACTICE IN THE MUNICIPAL COURTS OF ARKANSAS; TO PROVIDE FILING FEES IN CIVIL CASES; TO PROVIDE THAT THERE SHALL BE NO JURY TRIALS IN MUNICIPAL COURT; AND FOR OTHER PURPOSES."

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

SECTION 1. This Act shall be known as the "Municipal Court Civil Jurisdiction Act."

SECTION 2. All civil cases filed in the municipal court which are not brought pursuant to Act 725 of 1977, as amended, the Small Claims Procedure Act, shall be subject to the Inferior Court Rules, the Rules of Civil Procedure and the Uniform Rules of Evidence as adopted by the Arkansas Supreme Court and as may be hereafter amended.

SECTION 3. There shall be no jury trials in municipal court. In order that the right of trial by jury remain inviolate, all appeals from judgment in municipal court shall be de novo to circuit court.

SECTION 4. The municipal court shall have original jurisdiction coextensive with the county wherein the said court is situated over the following matters:

Exclusive of justices of the peace and of the circuit court over violations of all ordinances passed by the city council of the city or quorum court of the county wherein such municipal court is situated;

Exclusive of justices of the peace in townships subject to this act and concurrent with the circuit court over misdemeanors committed within the county and the issuance of search warrants within the county;

Concurrent with justices of the peace and exclusive of the circuit court in all matters of contract where the amount in controversy does not exceed the sum of one hundred dollars (\$100) excluding interest;

Concurrent with the circuit court in matters of contract where the amount in controversy does not exceed the sum of three thousand dollars (\$3,000), excluding interest;

Concurrent with the circuit court in actions for the recovery of personal property where the value of the property does not exceed the sum of three thousand dollars (\$3,000);

Concurrent with the circuit court in matters of damage to personal property where the amount in controversy does not exceed the sum of three thousand dollars (\$3,000), excluding interest;

Concurrent with the circuit court in matters of claims for personal injury or injury to persons where the amount in controversy does not exceed three thousand dollars (\$3,000);

Municipal courts shall have jurisdiction to sit as examining courts and commit, discharge, or recognize offenders to the court having jurisdiction of the trial, and to bind persons to keep the peace or behavior.

The jurisdiction of said courts as provided in this Act shall be coextensive with the county; provided in counties having two (2) judicial districts, the jurisdiction shall be limited to the district in which the court is situated.

SECTION 5. (a) The municipal court clerk shall collect the following filing fees in civil actions in municipal court in addition to those fees and costs established by statute for specific purposes, or where authorized through statute by the county quorum court or municipality including but not limited to judicial retirement, library and building funds, legal education fund, victim/witness coordinator and Public Defender fees in non-small claims division cases.

(1) \$10.00 when the amount in controversy does not exceed One Thousand Dollars (\$1,000).

(2) \$30.00 when the amount in controversy exceeds One Thousand Dollars (\$1,000) but does not exceed Three Thousand Dollars (\$3,000).

These fees shall supercede those which may be currently authorized by the political subdivisions which contribute to the expenses of the municipal court

which have not been statutorily authorized. The political subdivisions are hereby prohibited from increasing filing fees or costs in civil cases above these fees authorized herein except pursuant to specific statutory authorization.

(b) The Municipal Court Clerk shall deposit all civil filing fees into a separate account. From these filing fees the Municipal Court Clerk shall deduct and remit those fees and costs established by statute or local ordinance for specific purposes including but not limited to judge's retirement, library and building funds, legal education fund, victim/witness coordinator, referee's fees under the Small Claims Procedure Act, if any, pre-paid postage, if any and Public Defender fees in non-small claims division cases. The balance of the filing fee shall be paid to the treasurers of the political subdivisions which contribute to the expenses of the municipal court in proportionate amounts as each pays to the court.

(c) The treasurers of the political subdivision shall establish a separate account to be known as the "Municipal Court Costs Fund" and shall deposit all moneys received from the clerk which represents that political subdivision's portion of the filing fees collected. Moneys deposited in this fund shall be used exclusively for operation and expenses of the municipal court through appropriation by the governing body of the political subdivision.

SECTION 6. The municipal court clerk shall keep three (3) separate accounts of all fines, penalties, forfeitures, fees and costs received by him for any of the officers of the city, township or county, as in this Act provided. The first class shall embrace all sums collected in the municipal court in all criminal cases arising out of violations of the city ordinances and cases arising out of violation of state laws, committed within the corporate limits of the city where the court sits, where the arresting officer was a policeman or other officer of the city or where the arresting officer was a state policeman. The second class shall embrace all cases arising out of violation of any of the laws of the state where the arresting officer was not a policeman or other officer of the municipality, or where the offense was committed outside the corporate limits of the city and the arrest was made by a state policeman, and in all other criminal proceedings not specifically enu-

merated in this section. The third class shall embrace all sums collected in the municipal court in all civil cases which shall be disbursed as set forth in Section 5 hereof. The municipal court shall, after deducting the fees and costs due the sheriff and constables, pay into the city treasury all sums arising from the first class of accounts, and he shall pay all sums arising out of said second class accounts into the county treasury, settlement between the municipal court clerk and the county court being had for that purpose each year between the fifth and fifteenth days of January of the succeeding year.

SECTION 7. Section 1 of Act 45 of 1951, the same being Arkansas Statute 22-720.1, is hereby amended to read as follows;

"Section 1. Except as authorized otherwise, the county wherein a municipal court is held shall pay one-half (|) of the salaries of the judge and the clerks of the municipal court of all municipal courts therein organized under the provisions of Act 60 of the general assembly of 1927, and acts amendatory thereof, and Act 128 of the General Assembly of 1947, and acts amendatory thereof, and the quorum court in counties subject to either or both of said acts shall at its annual meeting make an appropriation of a sum sufficient to pay the county's proportion of the expenses of all such municipal courts, such payments shall be made out of the Municipal Court Cost Fund and general revenues of the county; and such duty may be enforced by mandamus proceedings."

SECTION 8. REPEALER. Section 7 of Act 60 of 1927, as amended, (Ark. Stat. 22-707), Section 8 of Act 60 of 1927, as amended, (Ark. Stat. 22-708), Section 9 of Act 60 of 1927, as amended, (Ark. Stat. 22-709), Section 10 of Act 60 of 1927, as amended, (Ark. Stat. 22-711), Section 15 of Act 60 of 1927, as amended, (Ark. Stat. 22-719), and Act 488 of 1963, (Ark. Stat. 27-2009 through 2013) are hereby repealed.

SECTION 9. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 10. EMERGENCY. It is hereby found and determined by the General Assembly that Amendment 64 has an effective date of July 1, 1987, that the smooth implementation of the Amendment requires that this law be enacted; that should the General Assembly extend the session beyond the sixtieth day, there

exists a danger that this law would not be in effect on July 1, 1987; therefore, this shall be effective July 1, 1987.

/s/ David Matthews, et al

