

HOUSE CONCURRENT RESOLUTION

FOR A STUDY OF THE SYSTEM OF MUNICIPAL COURTS IN THE STATE, THE QUALIFICATION AND MANNER OF ELECTION OF JUDGES OF SUCH COURTS AND THE RELATIONSHIP AND RESPONSIBILITIES OF CITIES AND COUNTIES TO SUCH COURTS, FOR THE PURPOSE OF DETERMINING THE NEED FOR REVISION OF THE LAWS RELATING TO THE MUNICIPAL COURT SYSTEM IN THE STATE.

WHEREAS, Article 7, Section 43 of the Arkansas Constitution recognizes corporation courts for cities and towns and prescribes certain limitations on the jurisdiction of such courts but does not prescribe the specific manner in which such courts may be created; and

WHEREAS, Amendment 14 to the Arkansas Constitution prohibits local and special acts by the General Assembly; and

WHEREAS, while many of the municipal courts in this State are established pursuant to general law of the General Assembly, many others were created by local legislation which until recently was upheld by the Arkansas Supreme Court on the basis that the prohibition against local legislation did not apply to matters involving the administration of justice; and

WHEREAS, the Arkansas Supreme Court recently indicated that in the future it would not accept a blanket exception for local acts dealing with the administration of justice but would look at each on its merits; and

WHEREAS, this ruling cast some doubt concerning the validity of many of the municipal courts in the State which have been created by local acts; and

WHEREAS, the General Assembly recognized this possibility in 1985 and enacted Act 251 of 1985 to provide an alternative manner for forming municipal courts in cities having a population of less than 2400 and having a municipal court in existence on the effective date of that Act; and

WHEREAS, as a result of the various laws, constitutional provisions and court decisions concerning municipal courts, there now exists some confusion and disagreement concerning such courts,

NOW THEREFORE,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE SEVENTY-SIXTH GENERAL ASSEMBLY OF THE STATE OF ARKANSAS, THE SENATE CONCURRING THEREIN:

That an appropriate joint interim committee of the Arkansas General Assembly shall make a study of the overall municipal court system in the State, the constitutional provisions and laws relating to municipal courts, any decisions of the Arkansas Supreme Court or the Court of Appeals concerning the establishment and jurisdiction of such courts, the qualifications and manner of selection of judges of such courts, and such other matters relating to the municipal court system as the committee shall deem necessary or appropriate to determine the need for revising the laws concerning the municipal court system in the State.

BE IT FURTHER RESOLVED that the committee shall report its findings and recommendations, including any proposed legislation, to the Seventy-Seventh General Assembly of Arkansas.