

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1551

By: Representative Matthews

For An Act To Be Entitled

"AN ACT TO AMEND TITLE 16, CHAPTER 17, SUBCHAPTER 1, OF THE
ARKANSAS CODE OF 1987 TO ESTABLISH VENUE FOR MUNICIPAL COURTS
IN COUNTIES IN WHICH THERE ARE TWO OR MORE MUNICIPAL COURTS;
AND FOR OTHER PURPOSES.

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

SECTION 1. Arkansas Code 16-17-116 is hereby amended to read as follows:

"(a) (1) In all counties in which there are two (2) or more municipal courts, the defendant in any criminal case shall be issued a citation to appear or ordered to appear:

(A) In the municipal court of the city if the offense occurred within the corporate boundaries of a city having a municipal court; or

(B) In the municipal court located closest geographically from where the alleged offense occurred for offenses occurring in a city having no municipal court or in the unincorporated area of the county.

(2) In all counties in which there are two (2) or more municipal courts, the defendant in any criminal case pending either for trial or for preliminary examination before any such municipal court may, upon compliance with the requirements of this section, take a change of venue from the municipal court in which the cause is pending to some other municipal court within the county.

(b) At or before the commencement of the trial or examination, the defendant shall file in the municipal court in which the cause is pending an affidavit setting forth that the judge of the court is a material witness in the cause, or that the judge is so prejudiced against the defendant that he cannot obtain a fair and impartial trial before the court.

(c) The application of any defendant for a change of venue as provided for in this section shall be verified by the affidavit of the defendant setting forth the grounds upon which the change of venue is sought and shall be supported by the affidavit of at least two (2) other credible persons.

(d) Upon granting a change of venue as provided for in this section, the judge of the court from which the change is granted shall cause to be entered upon the docket of the court an order allowing the change of venue, which order shall designate the municipal court to which the cause shall be transferred and shall specify the time for which hearing thereon shall be set in the latter court. All pleadings and papers in the cause so removed shall be thereupon transmitted to the clerk of the court to which the cause is transferred."

SECTION 2. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision commission shall incorporate the same in the Code.

SECTION 3. All laws and parts of laws in conflict with this act are hereby repealed.

