

State of Arkansas

77th General Assembly

Regular Session, 1989

S.J.R.

7

By: Senator Malone

SENATE JOINT RESOLUTION

FOR A PROPOSED CONSTITUTIONAL AMENDMENT TO PROVIDE FOR THE
ESTABLISHMENT OF A SYSTEM OF MUNICIPAL COURTS IN THE STATE;
TO PRESCRIBE JURISDICTIONAL LIMITS OF SUCH COURTS; TO
AUTHORIZE THE GENERAL ASSEMBLY TO PRESCRIBE THE TERRITORIAL
JURISDICTION OF SUCH COURTS; TO PRESCRIBE THE METHOD OF
FINANCING SUCH COURTS; AND TO ABOLISH EXISTING POLICE,
MAYORS, AND JUSTICE OF THE PEACE COURTS AND COURTS OF COMMON
PLEAS.

BE IT RESOLVED BY THE SENATE OF THE SEVENTY-SEVENTH GENERAL ASSEMBLY OF THE
STATE OF ARKANSAS AND BY THE HOUSE OF REPRESENTATIVES, A MAJORITY OF ALL
MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

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

MUNICIPAL COURTS AMENDMENT

"SECTION 1. The Municipal Court is established as the trial court of
limited jurisdiction, exclusive or concurrent with the Circuit Court.
Municipal Court Judges shall be elected by all of the people within their
jurisdiction as provided by the General Assembly.

SECTION 2. The governing body of the city shall provide by ordinance
for the operation of the Municipal Court of that city; fixing the times and
places where the Municipal Court sits; determining the number of personnel of

the Municipal Court; fixing salaries and providing for other expenses.

SECTION 3. (a) The Municipal Court Clerk shall keep separate account of all fines, penalties, forfeitures, fees and costs received for the county and for each city and town within the jurisdiction of the Municipal Court.

(b) Sums collected in the Municipal Court in civil cases shall be paid to the treasurer of the city or town where the court sits.

(c) Sums collected in the Municipal Court in criminal cases arising out of violation of state laws committed within the corporate limits of a city or town, where the arresting officer was an officer of the city or town or where the arresting officer was a state officer shall be paid to the treasurer of the city or town where the violation occurs.

(d) In cases arising out of violation of state law or county ordinance where the arresting officer was not an officer of a city or town, or where the offense was committed outside the corporate limits of the cities and towns and the arrest was made by a state officer, and in all other criminal proceedings not enumerated in this section, the Municipal Court shall pay all sums into the county treasury.

(e) Expenses of the Municipal Court shall be shared on a percentage based on the amount of revenues received by each municipality and county within the jurisdiction of the Municipal Court.

SECTION 4. (a) Appeal shall lie as a matter of right from the Municipal Court to the Circuit Court for trial de novo.

(b) Municipal Courts in existence at the time this Amendment becomes effective shall remain in existence unless otherwise provided by law.

(c) Each Municipal Court shall have a judge who shall be a duly licensed attorney.

(d) The General Assembly may constitute a county, part of another county, or two or more contiguous counties or parts thereof as the territorial jurisdiction of a court.

SECTION 5. Article 2, Section 10 of the Arkansas Constitution is hereby amended to read as follows:

'Section 10. Right of accused enumerated - change of venue. In all criminal prosecutions the accused shall enjoy the right to a speedy and public

trial by impartial jury of the judicial district in which the crime shall have been committed; provided that the venue may be changed to any other judicial district upon the application of the accused, in such manner as now is, or may be, prescribed by law; and to be informed of the nature and cause of the accusation against him, and to have a copy thereof; and to be confronted with the witnesses against him; to have compulsory process for obtaining witness in his favor, and to be heard by himself and his counsel.'

SECTION 6. (a) Municipal Court Judges in office at the time this amendment takes effect shall be eligible to continue in office until December 31, 1994; provided, should a vacancy occur in an office of a Municipal Judge or new term commence for such office, that vacancy or term of office shall be filled for a term which shall end December 31, 1994.

(b) The Municipal Court shall have the jurisdiction vested in Municipal, Corporation, Police, Mayors, and Justice of the Peace Courts and Courts of Common Pleas which courts, except existing Municipal Courts, shall be abolished at the time this amendment takes effect. Municipal Courts shall assume the jurisdiction and venue of these courts of limited jurisdiction and other jurisdiction conferred by this amendment on January 1, 1992."