

As Engrossed: 2/26/92

As Engrossed: 3/2/92

1 **State of Arkansas**
2 **78th General Assembly**
3 **First Extraordinary Session, 1992**
4 **By: Senators Malone, Harriman, and Fitch**

Call Item 34

A Bill

SENATE BILL 10

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §16-13-403 TO
9 AUTHORIZE THE EXCHANGE OF DISTRICTS-CIRCUITS BETWEEN
10 CIRCUIT JUDGES, BETWEEN CHANCELLORS, AND BETWEEN CIRCUIT
11 JUDGES AND CHANCELLORS; AND FOR OTHER PURPOSES."

12
13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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15 SECTION 1. Arkansas Code Annotated §16-13-403 is amended to read as
16 follows:

17 "16-13-403. Exchange of districts.

18 (a) (1) Circuit judges and chancellors of their respective districts-
19 circuits of this state and of their respective courts within the same numbered
20 and geographically defined districts-circuits, whether denominated "Division"
21 or not, may by agreement temporarily exchange districts-circuits and may hold
22 courts for each other for such length of time as may seem practicable and for
23 the best interest of their respective districts-circuits and courts.

24 (2) The agreements shall be signed by the judges so agreeing and
25 entered on the record of the court or courts so to be held.

26 (b) It is the intent and purpose of this section:

27 (1) To permit circuit judges to exchange districts-circuits with
28 each other;

29 (2) To permit chancellors to exchange districts-circuits with
30 each other;

31 (3) To permit circuit judges to exchange districts-circuits with
32 chancellors; and

33 (4) To permit chancellors to exchange districts-circuits with
34 circuit judges.

35 (c) As used herein the terms "district" and "circuit", singular and

1 plural, are synonymous and interchangeable, denoting the geographical area of
2 a numbered judicial or chancery circuit."

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4 SECTION 2. Arkansas Code 16-13-1413(a) is hereby amended to read as
5 follows:

6 "(a) The circuit judges of the First, Second, Third, Fourth, Fifth,
7 Seventh, And Eighth Divisions of the Sixth Judicial District may each appoint
8 one (1) court bailiff and one (1) assistant court bailiff."

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10 SECTION 3. The provisions of this act are procedural in nature and
11 therefor shall apply to all cases presently pending or subsequently filed in
12 any circuit, chancery or probate court within the State of Arkansas.

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14 SECTION 4. All provisions of this act of a general and permanent nature
15 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
16 Revision Commission shall incorporate the same in the Code.

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18 SECTION 5. If any provision of this act or the application thereof to
19 any person or circumstance is held invalid, such invalidity shall not affect
20 other provisions or applications of the act which can be given effect without
21 the invalid provision or application, and to this end the provisions of this
22 act are declared to be severable.

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24 SECTION 6. All laws and parts of laws in conflict with this act are
25 hereby repealed.

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27 SECTION 7. EMERGENCY. It is hereby found and determined by the General
28 Assembly of the State of Arkansas that the opinion of the Arkansas Supreme
29 Court in the case of Tony A. Lee v. Andre McNeil, Chancellor and Probate Judge
30 et al., #CR 91-153, delivered January 27, 1992, cast substantial doubt on the
31 legality of the exchange of circuits between and among circuit judges and
32 chancellors within the same numbered and geographically defined districts-
33 circuits; and that the inability of respective judges so to exchange circuits
34 will seriously impair the timely and expeditious dispatch of the business of
35 such courts and will entail unnecessary and expensive delay in the termination

1 of cases in such courts. Therefore, an emergency is hereby declared to exist
2 and this act being necessary for the immediate preservation of the public
3 peace, health, and safety, shall be in full force and effect from and after
4 its passage and approval.

5 */s/Sen. Malone et. al.*

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