

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative M. Wilson**

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO EXPAND THE JURISDICTION OF MUNICIPAL COURTS IN
9 DOMESTIC ABUSE CASES; AND FOR OTHER PURPOSES."

Subtitle

12 "AN ACT TO EXPAND THE JURISDICTION OF MUNICIPAL COURTS IN
13 DOMESTIC ABUSE CASES."

15 WHEREAS, proceedings under The Domestic Abuse Act of 1991, have been
16 numerous and require speedy action by the courts; and

17 WHEREAS, some litigants and petitioners for protection have experienced
18 delays and inconvenience in bringing proceedings under The Domestic Abuse Act
19 of 1991; and

20 WHEREAS, the chancery judges of the state are not always readily
21 available by reason of geographical limitations; and

22 WHEREAS, municipal courts exist in every county in the state and most
23 cities, more convenient to the parties involved; and

24 WHEREAS, Article 7, Sections 40 and 43, of the Constitution of the State
25 of Arkansas grant municipal courts jurisdiction "to bind persons to keep the
26 peace or for good behavior,".

27
28 NOW THEREFORE,

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

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31 SECTION 1. (a) Jurisdiction of all proceedings under this act and
32 under The Domestic Abuse Act of 1991, Arkansas Code Annotated 9-15-101 et
33 seq., is vested in the municipal courts of this state pursuant to Article 7,
34 Sections 40 and 43, of the Constitution of the State of Arkansas, concurrently
35 with the chancery courts of this state.

1 (b) A petition for relief under The Domestic Abuse Act of 1991,
2 Arkansas Code Annotated 9-15-101 et seq., may be filed in either the municipal
3 court or chancery court having jurisdiction of the parties, or where the
4 petitioner resides, or where the alleged incident of abuse occurred, or where
5 the respondent may be served.

6 (c) The municipal courts shall have no jurisdiction to award temporary
7 custody, establish temporary visitation rights, order temporary support, or
8 award attorneys_ fees.

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10 SECTION 2. Any person who makes a false statement in a petition for
11 relief filed pursuant to the provisions of The Domestic Abuse Act of 1991,
12 Arkansas Code Annotated 9-15-101 et seq., shall be guilty of the offense of
13 false swearing, Arkansas Code Annotated 5-53-103.

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15 SECTION 3. Any party who petitions a court for relief pursuant to the
16 provisions of The Domestic Abuse Act of 1991, Arkansas Code Annotated 9-15-101
17 et seq. and fails to pursue the petition or proceed to trial may be guilty of
18 civil contempt and fined up to one thousand dollars (\$1,000), and the court
19 may issue an order requiring the petitioner to appear and show cause why the
20 petitioner should not be found in contempt.

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

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26 SECTION 5. If any provision of this act or the application thereof to
27 any person or circumstance is held invalid, such invalidity shall not affect
28 other provisions or applications of the act which can be given effect without
29 the invalid provision or application, and to this end the provisions of this
30 act are declared to be severable.

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32 SECTION 6. All laws and parts of laws in conflict with this act are
33 hereby repealed. chancery court having jurisdiction of the parties, or where
34 the petitioner

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