

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

4 By: Representative M. Wilson

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A Bill

HOUSE BILL

1022

For An Act To Be Entitled

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"AN ACT TO EXPAND THE JURISDICTION OF MUNICIPAL COURTS IN

9

DOMESTIC ABUSE CASES; AND FOR OTHER PURPOSES."

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Subtitle

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"TO EXPAND THE JURISDICTION OF MUNICIPAL

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COURTS IN DOMESTIC ABUSE CASES"

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

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

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

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

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

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

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30 NOW THEREFORE,

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

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

1 Sections 40 and 43, of the Constitution of the State of Arkansas,
2 concurrently with the chancery courts of this state.

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

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

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

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16 SECTION 3. If any provision of this act or the application thereof to
17 any person or circumstance is held invalid, such invalidity shall not affect
18 other provisions or applications of the act which can be given effect without
19 the invalid provision or application, and to this end the provisions of this
20 act are declared to be severable.

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22 SECTION 4. All laws and parts of laws in conflict with this act are
23 hereby repealed.

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/s/Rep. M. Wilson

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