

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

HOUSE BILL 1346

4 By: Representatives Calhoun, Thomas, and Jones

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 16-18-111 AND 16-18-112 TO
9 ESTABLISH A CITY COURT FOR CITIES OF THE FIRST CLASS WITH
10 POPULATIONS LESS THAN 5000; TO REPEAL AUTHORITY FOR POLICE
11 COURTS; AND FOR OTHER PURPOSES."

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Subtitle

13 "TO ESTABLISH A CITY COURT FOR FIRST
14 CLASS CITIES WITH LESS THAN 5000
15 POPULATION; TO REPEAL AUTHORITY FOR
16 POLICE COURTS."
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code 16-18-111 is amended to read as follows:

22 "16-18-111. Establishment of police court in lieu of municipal court in
23 certain first-class cities.

24 (a) Any city of the first class which has a population of 5000 or less
25 as established by special census or the federal decennial census, may, by act
26 of its governing body, provide for the establishment of a city court in lieu
27 of a municipal court. All fines and penalties assessed by the court shall be
28 paid into the city_s general fund.

29 (b) Upon attaining a population in excess of 5000, the governing body
30 of the city shall adopt a resolution or ordinance providing for the creation
31 of a municipal court and the election of the judge thereof at the general
32 election next following the adoption of the resolution or ordinance providing
33 for the establishment of the court.

34 (c) It is not the intention of this section to repeal any of the laws
35 of this state concerning the establishment of municipal courts, but it is the

1 intention of this section to provide an alternative procedure whereby a city
 2 of limited size may defer the establishment of a municipal court until its
 3 population will support the establishment of a municipal court."

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5 SECTION 2. Arkansas Code 16-18-112 is amended to read as follows:

6 "16-18-112. Schedule of fees or monthly allowance for judge of police
 7 court or city court - Designation of substitute judge of city court.

8 (a) The governing body of any city or town having a city court or a
 9 mayor_s court may establish a schedule of fees to be paid by the city or town
 10 from the general fund to the judge of the court for the trial of cases in the
 11 court. Alternatively, the governing body of the city or town may provide for
 12 the payment of a monthly allowance from the general fund of the city or town
 13 as compensation to the judge for sitting as judge in that court. However, the
 14 fee schedule or monthly allowance shall not be based upon the conviction of
 15 any person tried in the court.

16 (b) The mayor of any city or town having a city court or mayor_s court
 17 shall have, within the limits of the city, all the jurisdiction and power of
 18 a justice of the peace in all civil or criminal matters arising under the
 19 laws of this state, to all intents and purposes. For crimes and offenses
 20 committed within the limits of the city, the mayor_s jurisdiction shall be
 21 coextensive with the county.

22 (c) The mayor shall give bond and security in any amount to be
 23 determined and approved by the city council.

24 (d) (1) The mayor shall have exclusive jurisdiction of all
 25 prosecutions for the violation of any ordinances of the city;

26 (2) He may award and issue any process or writs that may be
 27 necessary to enforce the administration of justice throughout the city, and
 28 for the lawful exercise of his jurisdiction, according to the usages and
 29 principles of law.

30 (e) Any mayor of a city of the first class meeting the limitations of
 31 this section, any city of the second class or any town may designate, at such
 32 times as he shall choose to do so, any attorney licensed in the State of
 33 Arkansas who resides in the county in which the city or town is situated, to
 34 sit in the mayor's stead as judge of the city court. Any person so designated
 35 by the mayor to sit as judge shall receive such remuneration as is provided

1 by the governing body of the city or town as hereinabove provided."

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3 SECTION 3. The following provisions of the Arkansas Code are hereby
4 repealed: §§ 16-18-101; 16-18-102; 16-18-103; 16-18-104; 16-18-105; 16-18-
5 107; 16-18-108; 16-18-109; and 16-18-110.

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

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11 SECTION 5. If any provision of this act or the application thereof to
12 any person or circumstance is held invalid, such invalidity shall not affect
13 other provisions or applications of the act which can be given effect without
14 the invalid provision or application, and to this end the provisions of this
15 act are declared to be severable.

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

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