

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

As Engrossed: H3/26/97

A Bill

SENATE BILL 594

4
5 By: Senator Mahony
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For An Act To Be Entitled

8
9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §§ 16-13-2103 AND
10 16-13-2104 TO ESTABLISH DIVISIONS OF THE CIRCUIT AND
11 CHANCERY COURTS OF THE THIRTEENTH JUDICIAL DISTRICT; AND
12 FOR OTHER PURPOSES."
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Subtitle

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15 "TO ESTABLISH DIVISIONS OF THE CIRCUIT
16 AND CHANCERY COURTS OF THE THIRTEENTH
17 JUDICIAL DISTRICT"
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Annotated § 16-13-2103 is amended to read as
22 follows:

23 "16-13-2103. Judges and chancellors.

24 (a) The qualified electors of the Thirteenth Judicial District shall
25 elect:

26 (1) Two (2) circuit judges;

27 (2) Two (2) chancellors; ~~and~~

28 (3) One (1) circuit-chancery judge, Juvenile Division; and

29 (4) One (1) circuit-chancery judge.

30 ~~_____ (b)(1) The judge of the judgeship created by subdivision (a)(3) of this~~
31 ~~section shall be the judge of the juvenile division of chancery court. The~~
32 ~~judge shall serve as judge of the juvenile division in lieu of the judge who~~
33 ~~would otherwise be designated as judge of the juvenile division of chancery~~
34 ~~court in the judicial district.~~

35 ~~_____ (2) The judge of the additional circuit-chancery judgeship~~

36 ~~created in subdivision (a)(3) of this section shall devote such time as may be~~

1 ~~required to perform the duties of judge of the juvenile division, which duties~~
2 ~~shall be the primary obligation of the judge, and shall sit as judge of the~~
3 ~~circuit, chancery, or probate court as time permits.~~

4 ~~—— (c) There is hereby created in the Thirteenth Judicial District an~~
5 ~~additional circuit-chancery judgeship which shall have jurisdiction in law,~~
6 ~~equity, and probate.~~

7 (b)(1) The judicial position of circuit judge created by Act 53 of 1873
8 and presently held by Judge John M. Graves, whose term expires in 1998, shall
9 be designated as Circuit Division 1.

10 (2) The judicial position of circuit judge created by Act 27 of
11 1925 and presently held by Judge David F. Guthrie, whose term expires in 1998,
12 shall be designated as Circuit Division 2.

13 (c)(1) The judicial position of chancellor created by Act 116 of 1903
14 and presently held by Judge Hamilton H. Singleton, whose term expires in 1998,
15 shall be designated as Chancery Division 1.

16 (2) The judicial position of chancellor created by Act 372 of
17 1923 and presently held by Judge Edward P. Jones, whose term expires in 1998,
18 shall be designated as Chancery Division 2.

19 (d)(1) The judicial position of circuit/chancery judge, juvenile
20 division, created by Act 949 of 1989 and presently held by Judge Larry W.
21 Chandler, whose term expires in 1998, shall be designated as Circuit/Chancery
22 Division 3 for all jurisdictions.

23 (2) This judge shall devote such time as may be required to
24 perform the duties of judge of the Juvenile Division, which duties shall be
25 the primary obligation of the judge, and shall have jurisdiction in law,
26 equity, and probate to hear other cases as time permits.

27 (e) The judicial position of circuit/chancery judge created by Act 41
28 of 1995 presently held by Judge Carol Crafton Anthony, whose term expires in
29 1998, shall have jurisdiction in law, equity, and probate and shall be
30 designated Circuit/Chancery Division 4 in all jurisdictions.

31 (f) If any additional judgeship is created, an additional division
32 shall be established and the judge shall serve as the judge of the additional
33 division."

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36 SECTION 2. Arkansas Code Annotated § 16-13-2104 is amended to read as

1 follows:

2 "16-13-2104. Divisions of court.

3 (a) There shall be ~~two (2)~~ four (4) divisions of circuit court and ~~two~~
4 ~~(2)~~ four (4) divisions of chancery court in the Thirteenth Judicial District
5 of Arkansas as established in Arkansas Code Annotated § 16-13-2103.

6 (b) A judge shall be elected for each division of the circuit and
7 chancery courts of the Thirteenth Judicial District, and candidates for the
8 offices shall designate and qualify as candidates for the particular division
9 of the court to which they seek election.

10 (c)(1) The judges of the circuit court may try cases, hear matters,
11 make orders, and take action in ~~either~~ any division of the court and may
12 assign or reassign any case from one division to ~~the other~~ another by
13 administrative order of the judges of this judicial district.

14 (2) The judges of the chancery court may try cases, hear matters,
15 make orders, and take action in ~~either~~ any division of the court and may
16 assign or reassign any case from one division to ~~the other~~ another by
17 administrative order of the judges of this judicial district.

18 (3) The clerks of the circuit and chancery courts shall assign
19 cases to the divisions therein in accordance with administrative orders of the
20 judges of this district.

21 ~~———— (d)(1) The clerks of the circuit court shall assign criminal cases to~~
22 ~~the first division of the circuit court and shall assign circuit court civil~~
23 ~~cases to the second division of that court.~~

24 ~~———— (2) The clerks of the circuit court shall assign chancery cases~~
25 ~~to the division of the chancery court designated by the complaint or other~~
26 ~~pleading by which the action in the court is commenced. Cases filed without~~
27 ~~division designation shall be assigned to the divisions alternately, or in~~
28 ~~accordance with local rules.~~

29 ~~———— (e)(1) Grand juries shall be summoned and shall sit in the first~~
30 ~~division of the circuit court.~~

31 ~~———— (2) Each division may have separate jury commissioners and~~
32 ~~separate petit juries, or the divisions, by concurrence of the judges, may~~
33 ~~share a single set of commissioners, a single petit jury wheel or box, or a~~
34 ~~single list of petit jurors.~~

35 (d) Each division may have separate petit juries, or the divisions by
36 concurrence of the judges may share a single petit jury wheel or box, or a

1 single list of petit jurors.

2 (e) If any additional judgeship is created, the divisions created in
3 subsection (a) shall increase in accordance with the number of additional
4 judgeships created."

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6 SECTION 3. All provisions of this act of a general and permanent nature
7 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
8 Revision Commission shall incorporate the same in the Code.

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10 SECTION 4. If any provision of this act or the application thereof to
11 any person or circumstance is held invalid, such invalidity shall not affect
12 other provisions or applications of the act which can be given effect without
13 the invalid provision or application, and to this end the provisions of this
14 act are declared to be severable.

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16 SECTION 5. All laws and parts of laws in conflict with this act are
17 hereby repealed.

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19 */s/Senator Mahony*

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