

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S3/23/99

A Bill

SENATE BILL 669

5 By: Senator Everett
6
7

For An Act To Be Entitled

9 "AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE
10 TO CREATE THE TWENTY-FOURTH JUDICIAL DISTRICT AND RE-
11 ALLOCATE JUDICIAL RESOURCES; AND FOR OTHER PURPOSES. "

Subtitle

14 "TO AMEND VARIOUS SECTIONS OF THE
15 ARKANSAS CODE TO CREATE THE TWENTY-
16 FOURTH JUDICIAL DISTRICT AND RE-ALLOCATE
17 JUDICIAL RESOURCES. "

18
19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code 16-13-901 is amended to read as follows:

23 "16-13-901. Composition.

24 The First Judicial District shall be composed of the counties of ~~Cross,~~
25 Lee, Monroe, Phillips and St. Francis, ~~and Woodruff.~~ "
26

27 SECTION 2. Arkansas Code 16-13-902 is amended to read as follows:

28 "16-13-902. Terms of court.

29 ~~(a) The terms of court of the Circuit Court of Cross County, in the~~
30 ~~First Judicial District, shall commence on the fourth Monday in January, the~~
31 ~~ninth Monday after the fourth Monday in January, the fourth Monday in July,~~
32 ~~and the tenth Monday after the fourth Monday in July. However, grand and petit~~
33 ~~juries selected at the January and July terms of the court may serve for a~~
34 ~~period of six (6) months.~~

35 ~~(b) The terms of court of the Circuit Court of Woodruff County, in the~~
36 ~~First Judicial District, shall commence on the second Monday after the fourth~~

1 ~~Monday in January, the eleventh Monday after the fourth Monday in January, the~~
2 ~~second Monday after the fourth Monday in July, and the twelfth Monday after~~
3 ~~the fourth Monday in July. However, grand and petit juries selected at the~~
4 ~~February and August terms of the court may serve for a period of six (6)~~
5 ~~months.~~

6 ~~(c)~~ (a) The terms of court of the Circuit Court of Monroe County, in the
7 First Judicial District, shall commence on the second Monday after the fourth
8 Monday in January, the eleventh Monday after the fourth Monday in January, the
9 second Monday after the fourth Monday in July, and the twelfth Monday after
10 the fourth Monday in July. However, grand and petit juries selected at the
11 February and August terms of the court may serve for a period of six (6)
12 months.

13 ~~(d)~~ (b) The terms of court of the Circuit Court of St. Francis County,
14 in the First Judicial District, shall commence on the fourth Monday after the
15 fourth Monday in January, the thirteenth Monday after the fourth Monday in
16 January, the fourth Monday after the fourth Monday in July, and the fourteenth
17 Monday after the fourth Monday in July. However, grand and petit juries
18 selected at the February and August terms of the court may serve for a period
19 of six (6) months.

20 ~~(e)~~ (c) The terms of court of the Circuit Court of Lee County, in the
21 First Judicial District, shall commence on the fifth Monday after the fourth
22 Monday in January, the fifteenth Monday after the fourth Monday in January,
23 the fifth Monday after the fourth Monday in July, and the fifteenth Monday
24 after the fourth Monday in July. However, grand and petit juries selected at
25 the February or March and August or September terms of the court may serve for
26 a period of six (6) months.

27 ~~(f)~~ (d) The terms of court of the Circuit Court of Phillips County, in
28 the First Judicial District, shall commence on the seventh Monday after the
29 fourth Monday in January, the seventeenth Monday after the fourth Monday in
30 January, the eighth Monday after the fourth Monday in July, and the sixteenth
31 Monday after the fourth Monday in July. However, grand and petit juries
32 selected at the March and September terms of the court may serve for a period
33 of six (6) months."

34
35 SECTION 3. Arkansas Code 16-13-1001 is amended to read as follows:
36 "16-13-1001. Composition.

1 The Second Judicial District shall be composed of the counties of Clay,
2 Craighead, ~~Crittenden~~, Greene, and Mississippi, ~~and Poinsett.~~"

3
4 SECTION 4. Arkansas Code 16-13-1002 is amended to read as follows:

5 "16-13-1002. Terms of court - Adjournment - Recess.

6 (a)(1) The terms of the circuit courts of the counties and districts of
7 the Second Judicial District shall commence at the times and places provided
8 for below and shall run for a period of one (1) year:

9 (A)(i) In the Eastern District of Clay County: On the first
10 Monday in January.

11 (ii) In the Western District of Clay County: On the
12 third Monday in January.

13 (B)(i) In the Western District of Craighead County: On the
14 first Monday in January.

15 (ii) In the Eastern District of Craighead County: On
16 the third Monday in February.

17 (C)(i) In the Chickasawba District of Mississippi County:
18 On the first Monday in January.

19 (ii) In the Osceola District of Mississippi County:
20 On the fourth Monday in February.

21 ~~(D) In Crittenden County: On the fourth Monday in January.~~

22 ~~(E)~~ (D) In Greene County: On the second Monday in February.

23 ~~(F) In Poinsett County: On the fourth Monday in March.~~

24 (2) In the event any of the dates provided in this subsection
25 should fall upon a legal holiday, the term shall commence on the next
26 succeeding day.

27 (b) The circuit courts of the Second Judicial District shall always be
28 open for the transaction of business on all matters over which they have
29 jurisdiction, except on those days now excluded by law, if any.

30 (c) There shall be no final adjournments, but the circuit courts of the
31 counties and districts of the district may adjourn from day to day as business
32 within the district demands. Those adjournments shall be considered recesses
33 and shall not prohibit the circuit courts from sitting at any time."

34
35 SECTION 5. Arkansas Code 16-13-1003 is amended to read as follows:

36 "16-13-1003. Judges and chancellors.

- 1 (a) The qualified electors of the Second Judicial District shall elect:
- 2 (1) Three (3) circuit judges;
- 3 (2) Three (3) chancellors;
- 4 (3) One (1) circuit-chancery judge; and
- 5 (4) One (1) circuit-chancery judgeship.

6 (b)(1) The judge of the judgeship created by subdivision (a)(3) of this
 7 section shall be the judge of the juvenile division of chancery court. The
 8 judge shall serve as judge of the juvenile division in lieu of the judge who
 9 would otherwise be designated as judge of the juvenile division of chancery
 10 court in the judicial district.

11 (2) The judge of the additional circuit-chancery judgeship
 12 created in subdivision (a)(3) of this section shall devote such time as may be
 13 required to perform the duties of judge of the juvenile division, which duties
 14 shall be the primary obligation of the judge, and shall sit as judge of the
 15 circuit, chancery, or probate court as time permits.

16 (3) The circuit-chancery judgeship created by subdivision (a)(4)
 17 of this section shall primarily perform the duties of a judge of the juvenile
 18 division of chancery court and conduct hearings for the involuntary admission
 19 or commitment of persons to the Arkansas State Hospital or any other public or
 20 private hospital with a fully trained psychiatrist on the active or consultant
 21 staff and shall sit as judge of the circuit, chancery, and probate courts as
 22 time permits.

23 (c) Effective February 27, 1995, the subdistrict 2.2, division 2, and
 24 division 3 circuit judgeships shall become circuit-chancery judgeships which
 25 shall have jurisdiction in law, equity, and probate.

26 (d) All circuit judges and all chancery judges of the Second Judicial
 27 District which have not already been converted to circuit-chancery judges on
 28 February 28, 1997 shall be converted to circuit-chancery judges at the
 29 expiration of their present term of office, and, upon election, their
 30 successors shall have jurisdiction in law, equity, and probate.

31 (e)(1) Upon the effective date of this act, the following judgeships
 32 shall be transferred to the Twenty-Fourth Judicial District:

33 (A) Circuit Judge, District 02, Subdistrict 2.1, Division 06,
 34 presently held by Judge Samuel Turner, Jr.

35 (B) Circuit/Chancery Judge, District 02, Division 04 At Large
 36 presently held by Judge Rice VanAusdall.

1 (C) Circuit/Chancery Judge, District 02, Subdistrict 2.2,
2 Division 08, presently held by Judge John N. Fogleman.

3 (2) The State Board of Election Commission shall designate a sub-
4 district in the new Twenty-Fourth Judicial District which shall consist of a
5 sufficient number of minority voters to comply with the decision in Eugene
6 Hunt, et al. v. State of Arkansas et al. No. PB-C-89-406, United States
7 District Court for the Eastern District of Arkansas from which the Circuit
8 Judge in subparagraph (e)(1)(A) shall be elected."

9 (f) The Attorney General shall, if it is determined to be necessary,
10 present the provisions of this act to the United States District Court for the
11 Eastern District of Arkansas pursuant to the decision in Eugene Hunt, et al.
12 v. State of Arkansas et al. No. PB-C-89-406.

13
14 SECTION 6. The Twenty-Fourth Judicial District shall be composed of the
15 counties of Crittenden, Poinsett, Cross and Woodruff counties.

16
17 SECTION 7. (a) The terms of court of the Circuit Court of Cross
18 County, in the Twenty-Fourth Judicial District, shall commence on the fourth
19 Monday in January, the ninth Monday after the fourth Monday in January, the
20 fourth Monday in July, and the tenth Monday after the fourth Monday in July.
21 However, grand and petit juries selected at the January and July terms of the
22 court may serve for a period of six (6) months.

23 (b) The terms of court of the Circuit Court of Woodruff County, in the
24 Twenty-Fourth Judicial District, shall commence on the second Monday after the
25 fourth Monday in January, the eleventh Monday after the fourth Monday in
26 January, the second Monday after the fourth Monday in July, and the twelfth
27 Monday after the fourth Monday in July. However, grand and petit juries
28 selected at the February and August terms of the court may serve for a period
29 of six (6) months.

30 (c) The terms of court of the Circuit Court of Crittenden County in the
31 Twenty-Fourth Judicial District shall commence on the fourth Monday in
32 January.

33 (d) The terms of court of the Circuit Court of Poinsett County in the
34 Twenty-Fourth Judicial District shall commence on the fourth Monday in March.

35
36 SECTION 8. (a) Effective January 1, 2001, there is hereby created in the

1 Twenty-Fourth Judicial District an additional circuit-chancery-juvenile
2 judgeship which shall have jurisdiction in law, equity, and probate.

3 (b) The qualified electors of the Twenty-Fourth Judicial District shall
4 elect the additional circuit-chancery judge created in this section at the
5 November 2000 general election to take office on January 1, 2001. The
6 additional judge shall be elected in the same manner and shall satisfy the
7 same qualifications for holding office and shall receive the same salary,
8 expenses, and other allowances as provided by law for judges of the circuit-
9 chancery courts. The judge shall serve for elected terms of four (4) years.

10
11 SECTION 9. Case coordinator.

12 (a)(1) The judges of the chancery and probate courts for the Twenty-
13 Fourth Judicial District may appoint two (2) case coordinators for said
14 judicial district for chancery and probate matters.

15 (2) The judges of the circuit court for the Twenty-Fourth
16 Judicial District may appoint two (2) case coordinators for said judicial
17 district for circuit matters.

18 (b) The principal duties of the case coordinators shall be to maintain
19 the court calendar, schedule dates for the trial of cases and for the hearing
20 of motions, and other related and incidental duties at the direction of the
21 judges.

22 (c)(1) Each case coordinator provided for in this section shall receive
23 a salary of not less than twenty-one thousand five hundred dollars (\$21,500)
24 nor more than twenty-five thousand dollars (\$25,000) per calendar year, which
25 salary shall be prorated between the counties composing the Twenty-Fourth
26 Judicial District, based on the number of annual case filings in each of such
27 counties.

28 (2) When the county quorum courts raise the salaries of county
29 employees, they shall also raise salaries an equivalent amount for the case
30 coordinators provided for in this section.

31 (d) The reasonable expenses accruing in the offices of the case
32 coordinators shall be prorated among the counties comprising the district in
33 the same manner as the salaries set forth above and be paid out of the county
34 treasury.

35
36 SECTION 10. Facilities.

1 The counties which comprise the Twenty-Fourth Judicial District shall
2 provide courtroom and office facilities and supplies for the judges of the
3 circuit and chancery courts which shall be paid out of the county treasuries
4 in the same manner as other demands against the counties, out of funds
5 appropriated by the respective quorum courts of the counties for such
6 purposes.

7
8 SECTION 11. The Twenty-Fourth Judicial District shall be a Division A
9 Judicial District.

10
11 SECTION 12. (a) The provisions of this act shall be effective January
12 1, 2000 only if approved by the Judicial Resources Assessment Committee which
13 said approval shall be in writing to the chairmen of the Senate and House
14 Judiciary Committees.

15 (b) The Judicial Resources Assessment Committee is hereby directed to
16 review the provisions of this act together with all other acts passed and
17 approved by the Eighty-second General Assembly regarding the division of, or
18 the adding of judgeships to the First and Second Judicial Circuit, and approve
19 the plan which the Judicial Resources Assessment Committee determines to be
20 the best solution to the problems facing the First and Second Judicial
21 Circuit.

22 (c) If it is determined by the Judicial Resources Assessment Committee
23 that none of the acts passed regarding the First Judicial Circuit is
24 meritorious, then none of the acts should be approved by the Judicial
25 Resources Assessment Committee and none of the acts shall take effect even
26 after passage and approval by the Eighty-second General Assembly.

27
28 SECTION 13. All provisions of this act of a general and permanent
29 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
30 Code Revision Commission shall incorporate the same in the Code.

31
32 SECTION 14. If any provision of this act or the application thereof to
33 any person or circumstance is held invalid, such invalidity shall not affect
34 other provisions or applications of the act which can be given effect without
35 the invalid provision or application, and to this end the provisions of this
36 act are declared to be severable.

1

2 SECTION 15. All laws and parts of laws in conflict with this act are
3 hereby repealed.

4

/s/ Mahony