

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: S3/10/99

A Bill

SENATE BILL 833

5 By: Senator Dowd
6
7

For An Act To Be Entitled

9 "AN ACT TO REDEFINE THE BOUNDARIES OF THE COURT OF
10 APPEALS DISTRICTS; AND FOR OTHER PURPOSES. "

Subtitle

13 "TO REDEFINE THE BOUNDARIES OF THE COURT
14 OF APPEALS DISTRICTS. "

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16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. Effective January 1, 2001, the Court of Appeals Districts
20 shall be as follows:

21 (a) District 1A shall be composed of the counties of Mississippi,
22 Crittenden, St. Francis, Lee, Phillips, and Arkansas;

23 (b) District 1B shall be composed of the counties of Monroe, Prairie,
24 Lonoke, Woodruff, Cross, Jackson, Poinsett, and Craighead;

25 (c) District 1C shall be composed of the counties of Greene, Clay,
26 Randolph, Sharp, Fulton, Izard, Stone, Cleburne, Searcy, Independence, and
27 Lawrence;

28 (d) District 2A shall be composed of the counties of Pulaski and
29 Saline;

30 (e) District 2B shall be composed of the counties of Pulaski and
31 Saline;

32 (f) District 2C shall be composed of the counties of Yell, Perry,
33 Conway, Van Buren, Faulkner, and White;

34 (g) District 3A shall be composed of the counties of Carroll, Boone,
35 Marion, Baxter, Madison, Newton, Franklin, Johnson, Pope, Logan, Scott, and
36 Polk;

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1 (h) District 3B shall be composed of the counties of Benton,
2 Washington, Crawford, and Sebastian;

3 (i) District 3C shall be composed of the counties of Benton,
4 Washington, Crawford, and Sebastian;

5 (j) District 4A shall be composed of the counties of Little River,
6 Sevier, Howard, Pike, Montgomery, Hempstead, Miller, Lafayette, Nevada,
7 Ouachita, and Columbia;

8 (k) District 4B shall be composed of the counties of Clark, Hot Spring,
9 Grant, Garland, Dallas, Calhoun, and Union;

10 (l) District 4C shall be composed of the counties of Jefferson,
11 Cleveland, Bradley, Ashley, Drew, Lincoln, Desha, and Chicot.

12
13 SECTION 2. At the general election in 2000, one member of the Court of
14 Appeals shall be elected from District 1A, one member shall be elected from
15 District 2B, one member shall be elected from District 2C, one member shall be
16 elected from District 3A, one member shall be elected from District 3C, and
17 one member shall be elected from District 4A. These six (6) members of the
18 Court of Appeals elected at the general election in 2000 shall by lot draw
19 terms of office so that two (2) will serve four (4) year terms, two (2) will
20 serve six (6) year terms, and two (2) will serve eight (8) year terms. Their
21 successors shall serve full eight (8) year terms.

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23 SECTION 3. At the general election in 2000, one member of the Court of
24 Appeals shall be elected from District 1B, and one member shall be elected
25 from District 2A. The Court of Appeals Judge currently serving from the
26 current District 1 shall serve as the Court of Appeals Judge of District 1B
27 for the remainder of his current term. The Court of Appeals Judge currently
28 serving from current District 6 shall serve as the Court of Appeals Judge of
29 District 2A for the remainder of the current term.

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31 SECTION 4. At the general election in 2002, one member of the Court of
32 Appeals shall be elected from District 1C, and one member shall be elected
33 from District 3B. The Court of Appeals Judge currently serving from the
34 current District 2 shall serve as the Court of Appeals Judge of District 1C
35 for the remainder of his current term. The Court of Appeals Judge currently
36 serving from current District 3 shall serve as the Court of Appeals Judge of

1 District 3B for the remainder of his current term.

2
3 SECTION 5. At the general election in 2004, one member of the Court of
4 Appeals shall be elected from District 4B, and one member shall be elected
5 from District 4C. The Court of Appeals Judge currently serving from the
6 current District 4 shall serve as the Court of Appeals Judge of District 4B
7 for the remainder of his current term. The Court of Appeals Judge currently
8 serving from current District 5 shall serve as the Court of Appeals Judge of
9 District 4C for the remainder of his current term.

10
11 SECTION 6. Except as provided in Section 2, members of the Court of
12 Appeals shall serve eight (8) year terms.

13
14 SECTION 7. Members of the Court of Appeals serving on the effective
15 date of this act shall continue to serve the remainder of their terms.

16
17 SECTION 8. Uncodified Section 1 of Acts 11 and 15 of 1995, First
18 Extraordinary Session, is amended to read as follows:

19 "(a) There is created, pursuant to Arkansas Constitution, Amendment 58,
20 the Arkansas Court of Appeals, to be composed of six (6) members until January
21 1, 1996.

22 (b) On or after January 1, 1996, the Court of Appeals shall be composed
23 of nine (9) judges. On or after January 1, 1997, the Court of Appeals shall be
24 composed of twelve (12) judges. The terms of office of the six (6) Court of
25 Appeals judges currently holding office shall not be affected by this act.

26 (c) ~~(1)~~ Three additional judgeships created by subsection (b) of this
27 section shall be effective on and after January 1, 1996 and three shall be
28 effective on or after January 1, 1997. The Governor shall appoint three (3)
29 persons from the state at large to serve from January 1, 1996 through December
30 31, 1998 2000 and shall appoint three (3) persons from the state at large to
31 serve from January 1, 1997 through December 31, 1998 2000.

32 ~~(2) The qualified electors of the Court of Appeals Districts~~
33 ~~established in compliance with subsection (e) of this section shall elect the~~
34 ~~additional Court of Appeals judges at the November, 1998 general election to~~
35 ~~take office on January 1, 1999.~~

36 ~~(d) Two (2) of the additional Court of Appeals judges elected pursuant~~

1 ~~to subsection (c)(2) of this section shall be elected to an initial term of~~
2 ~~four (4) years; two (2) shall be elected to an initial term of six (6) years;~~
3 ~~and two (2) shall be elected to an initial term of eight (8) years. The~~
4 ~~initial terms of these additional judges shall be determined by lot during the~~
5 ~~first public session of the court after their elected terms shall commence.~~
6 ~~Thereafter, these judges shall be elected for full eight (8) year terms. Each~~
7 ~~of the judges shall be a resident of the district from which elected and shall~~
8 ~~have the same qualifications for holding office and shall receive the same~~
9 ~~salary, expenses and other allowances as provided by law for other judges of~~
10 ~~the Court of Appeals.~~

11 ~~(e)(1) The 81st General Assembly shall determine the number and~~
12 ~~location of Court of Appeals districts from which the members of the Court of~~
13 ~~Appeals shall be selected.~~

14 ~~(2) In order to assist the General Assembly with the~~
15 ~~establishment of these districts, there is hereby created the Court of Appeals~~
16 ~~Apportionment Commission to be composed of the following persons:~~

17 ~~(A) The Governor or his designee;~~

18 ~~(B) The Chairman of the Senate Judiciary Committee or his~~
19 ~~designee, plus one (1) other member of the Senate Judiciary Committee to be~~
20 ~~selected by the President Pro Tempore of the Senate.;~~

21 ~~(C) The Chairman of the House Judiciary Committee or his~~
22 ~~designee, plus one (1) other member of the House Judiciary Committee to be~~
23 ~~selected by the Speaker of the House;~~

24 ~~(D) The Chief Judge of the Court of Appeals;~~

25 ~~(E) A citizen, appointed by the Governor, who shall~~
26 ~~represent the interest of minority voters; and~~

27 ~~(F) A member to be selected by the Arkansas Bar~~
28 ~~Association.~~

29 ~~(3) The Commission shall review the current Court of Appeals~~
30 ~~districts and shall make a recommendation to the 81st General Assembly on the~~
31 ~~changes, if any, to be made to the districts, effective January 1, 1998.~~

32 ~~(f) The Joint Interim Judiciary Committee shall review and make~~
33 ~~recommendations on the additional needs of the Court of Appeals, such as~~
34 ~~facilities, equipment, and operational funds, resulting from increasing its~~
35 ~~membership."~~

36

1 SECTION 9. Arkansas Code 16-12-101 is repealed.

2 ~~16-12-101. Creation of court and apportionment board -- Composition --~~
3 ~~Establishment of districts.~~

4 ~~(a) There is created, pursuant to Arkansas Constitution, Amendment 58,~~
5 ~~the Arkansas Court of Appeals, to be composed of six (6) members until January~~
6 ~~1, 1996.~~

7 ~~(b) On or after January 1, 1996, the Court of Appeals shall be composed~~
8 ~~of nine (9) judges. On or after January 1, 1997, the Court of Appeals shall be~~
9 ~~composed of twelve (12) judges. The terms of office of the six (6) Court of~~
10 ~~Appeals judges currently holding office shall not be affected by this~~
11 ~~subsection.~~

12 ~~(c)(1) Three (3) additional judgeships created by subsection (b) of~~
13 ~~this section shall be effective on and after January 1, 1996 and three (3)~~
14 ~~shall be effective on or after January 1, 1997. The Governor shall appoint~~
15 ~~three (3) persons from the state at large to serve from January 1, 1996~~
16 ~~through December 31, 1998 and shall appoint three (3) persons from the state~~
17 ~~at large to serve from January 1, 1997 through December 31, 1998. All of those~~
18 ~~appointees shall be eligible to seek election as a member of the court in the~~
19 ~~1998 general election.~~

20 ~~(2) The qualified electors of the Court of Appeals districts~~
21 ~~established in compliance with subsection (e) of this section shall elect the~~
22 ~~additional Court of Appeals judges at the November, 1998 general election to~~
23 ~~take office on January 1, 1999.~~

24 ~~(d) Two (2) of the additional Court of Appeals judges elected pursuant~~
25 ~~to subdivision (c)(2) of this section shall be elected to an initial term of~~
26 ~~four (4) years; two (2) shall be elected to an initial term of six (6) years;~~
27 ~~and two (2) shall be elected to an initial term of eight (8) years. The~~
28 ~~initial terms of these additional judges shall be determined by lot during the~~
29 ~~first public session of the court after their elected terms shall commence.~~
30 ~~Thereafter, these judges shall be elected for full eight-year terms. Each of~~
31 ~~the judges shall be a resident of the district from which elected and shall~~
32 ~~have the same qualifications for holding office and shall receive the same~~
33 ~~salary, expenses and other allowances as provided by law for other judges of~~
34 ~~the Court of Appeals.~~

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36 ~~location of Court of Appeals districts from which the members of the Court of~~

1 ~~Appeals shall be selected.~~

2 ~~(2) In order to assist the General Assembly with the~~
3 ~~establishment of these districts, there is hereby created the Court of Appeals~~
4 ~~Apportionment Commission to be composed of the following persons:~~

5 ~~(A) The Governor or his designee;~~

6 ~~(B) The Chairman of the Senate Judiciary Committee or his~~
7 ~~designee, plus one (1) other member of the Senate Judiciary Committee to be~~
8 ~~selected by the President Pro Tempore of the Senate;~~

9 ~~(C) The Chairman of the House Judiciary Committee or his~~
10 ~~designee, plus one (1) other member of the House Judiciary Committee to be~~
11 ~~selected by the Speaker of the House;~~

12 ~~(D) The Chief Judge of the Court of Appeals;~~

13 ~~(E) A citizen, appointed by the Governor, who shall~~
14 ~~represent the interest of minority voters; and~~

15 ~~(F) A member to be selected by the Arkansas Bar~~
16 ~~Association.~~

17 ~~(3) The commission shall review the current Court of Appeals~~
18 ~~districts and shall make a recommendation to the 81st General Assembly on the~~
19 ~~changes, if any, to be made to the districts, effective January 1, 1998.~~

20 ~~(f) The House and Senate Interim Committees on Judiciary shall review~~
21 ~~and make recommendations on the additional needs of the Court of Appeals, such~~
22 ~~as facilities, equipment, and operational funds, resulting from increasing its~~
23 ~~membership.~~

24
25 SECTION 10. All provisions of this act of a general and permanent
26 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
27 Code Revision Commission shall incorporate the same in the Code.

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29 SECTION 11. If any provision of this act or the application thereof to
30 any person or circumstance is held invalid, such invalidity shall not affect
31 other provisions or applications of the act which can be given effect without
32 the invalid provision or application, and to this end the provisions of this
33 act are declared to be severable.

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35 SECTION 12. All laws and parts of laws in conflict with this act are
36 hereby repealed.

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/s/ Dowd