

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 1149

4
5 By: Representative Thyer
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7

For An Act To Be Entitled

8
9 AN ACT TO AUTHORIZE THE APPOINTMENT OF DISTRICT
10 COURT CIVIL MAGISTRATES; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 AN ACT TO AUTHORIZE THE APPOINTMENT OF
14 DISTRICT COURT CIVIL MAGISTRATES.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code Title 16, Chapter 17, Subchapter 1 is amended
20 to add an additional section to read as follows:

21 16-17-135. District court civil magistrates.

22 (a)(1) With the concurrence of a majority of the circuit court judges
23 of the circuit, a district court judge in the circuit may appoint no more
24 than two (2) district court civil magistrates who shall serve subject to the
25 superintending control of the district judge.

26 (2) A civil magistrate shall be an attorney licensed in the
27 State of Arkansas and shall possess the same legal qualifications required of
28 the district judge by whom he or she is being appointed, except that he or
29 she shall not be required to restrict the extent of his or her practice of
30 law.

31 (3) A civil magistrate shall be a "judicial officer" as defined
32 in the Arkansas Rules of Criminal Procedure subject to any limitation
33 prescribed by Arkansas Supreme Court rule.

34 (b)(1) A civil magistrate may conduct hearings of cases filed in
35 district court as small claims or filed pursuant to the District Court Civil
36 Jurisdiction Act, § 16-17-701 et seq.



1 (2) All orders, judgments, and other acts of a magistrate
2 exercising the powers under this section shall have the same validity as
3 those of a district judge.

4 (3) A civil magistrate shall have the same immunity as a
5 district judge.

6 (c)(1) A civil magistrate shall serve at the pleasure of the district
7 judge or judges by whom he or she was appointed.

8 (2) A civil magistrate shall receive as compensation the sum of
9 seven dollars (\$7.00) per case, to be paid out of the uniform filing fee
10 provided in § 16-17-705.

11 (d) Nothing in this section qualifies a civil magistrate for pension
12 or retirement benefits in any system funded by public funds.

13 (e) Under no circumstances shall a district judge receive the
14 compensation for a civil magistrate provided in subdivision (c)(2) of this
15 section for cases heard by a district judge.

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17 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
18 General Assembly of the State of Arkansas that Amendment 80 to the Arkansas
19 Constitution authorizes the appointment of district court magistrates and
20 grants the power to establish the number of judges for district courts to the
21 General Assembly; that this act is necessary for the General Assembly to
22 effectively fulfill the requirements of sections 8 and 10 of Amendment 80
23 during the 2005 regular legislative session; and that there is an immediate
24 and urgent need for this legislation to provide assistance to district judges
25 with excessive case loads. Therefore, an emergency is declared to exist and
26 this act being immediately necessary for the preservation of the public
27 peace, health, and safety shall become effective on:

28 (1) The date of its approval by the Governor;

29 (2) If the bill is neither approved nor vetoed by the Governor,
30 the expiration of the period of time during which the Governor may veto the
31 bill; or

32 (3) If the bill is vetoed by the Governor and the veto is
33 overridden, the date the last house overrides the veto.