

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
4

As Engrossed: H3/18/05

A Bill

HOUSE BILL 2664

5 By: Representative Thyer
6
7

For An Act To Be Entitled

9 AN ACT TO ESTABLISH A PILOT PROGRAM FOR THE
10 CREATION AND EVALUATION OF STATE DISTRICT COURTS;
11 AND FOR OTHER PURPOSES.
12

Subtitle

14 AN ACT TO ESTABLISH A PILOT PROGRAM FOR
15 STATE DISTRICT COURTS.
16
17

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

SECTION 1. Legislative findings.

21 It is found by the General Assembly that:

22 (1) The goal expressed by Arkansas citizens with the adoption of
23 Amendment 80 to the Arkansas Constitution was the creation of a three-tiered,
24 unified court system;

25 (2) The current structure of limited jurisdiction courts
26 consists of a combination of full-time and part-time district and city court
27 judges, all funded by city and county governments;

28 (3) The cumulative effect of the creation and funding of these
29 courts by local governments has been an unequal level of access to and an
30 inequitable distribution of judicial services to communities, based upon the
31 availability of local resources;

32 (4) While Amendment 80 does not require the state to fund the
33 district court system, there is a state interest in providing a more uniform
34 level of judicial resources to all of the citizens of the state;

35 (5) Because the current system of limited jurisdiction courts is
36 not uniform, it is contrary to the interest of the state to merely shift the



1 funding of the system from local to state government without addressing the
2 system's structure;

3 (6) In some areas of the state there is a shortage of resources
4 for circuit courts and one possible way of addressing that issue is the
5 expansion of the jurisdiction of the district court to shift cases from the
6 circuit court to the district court, at less expense to the state;

7 (7) A state-funded system should include an analysis by the
8 state that furthers the goal of a unified and equitable system for the
9 delivery of judicial services; and

10 (8) It is the intent of this act to begin an analysis process by
11 the establishment of a pilot program for the creation of a limited number of
12 state district courts and a process for the study and consideration of
13 establishing additional courts in the future.

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15 SECTION 2. Creation of state district courts.

16 (a) Effective January 1, 2006, the State of Arkansas shall establish a
17 maximum of four (4) pilot programs for the creation of a state district
18 court. There shall be no more than one (1) pilot program in each of the
19 state's four (4) congressional districts.

20 (b) The determination of the location and placement of the pilot
21 program shall be made by the Joint Interim Committee on Judiciary, after
22 review and recommendation by the Legislative Task Force on District Courts
23 and upon concurrence of the affected local governments as described in
24 subdivision (7) of Section 4 of this act.

25 (c) A pilot state district court may be an additional court to serve
26 an area that is currently served by a local district court but where the
27 district court's caseload or the caseload of the circuit court serving the
28 county is excessive, causing the need for additional judicial resources.

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30 SECTION 3. Creation of pilot state district court judgeships.

31 There are created four (4) pilot state district court judgeships that
32 shall have criminal jurisdiction as established by the General Assembly and
33 civil jurisdiction as shall be established by the Arkansas Supreme Court.

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35 SECTION 4. Definition of a state district court.

36 A pilot state district court shall:

1 (1) Be served by a full-time judge whose salary shall be paid by
2 the State of Arkansas and who shall not be allowed to engage in the private
3 practice of law;

4 (2) Have countywide jurisdiction;

5 (3) Have such expanded criminal jurisdiction as is established
6 by the General Assembly;

7 (4) Have such expanded civil jurisdiction as the Arkansas
8 Supreme Court shall adopt;

9 (5) Be deemed to be a court of record and shall make such record
10 of its proceedings as shall be required by the Rules of the Supreme Court;

11 (6) Be governed by the same laws, rules, and regulations for the
12 collections and disbursement of funds, operations, and procedures as they
13 apply to other district courts;

14 (7) Exist only in a county where the governing bodies of the
15 county and all participating cities and towns to be served by the court have
16 each adopted an ordinance outlining its support for and participation in the
17 creation of the court; and

18 (8) Become effective on January 1, 2006, and shall terminate on
19 June 30, 2007.

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21 SECTION 5. Qualifications and appointment of state district judges.

22 (a) The Governor shall appoint a qualified person who is a resident of
23 the county in which the pilot state district court is located to fill each of
24 the pilot state district court judgeships created by this act. The person
25 appointed shall serve from January 1, 2006, or the date of the appointment,
26 whichever is later, until June 30, 2007.

27 (b) Any person selected for the position of the pilot state district
28 court judgeship shall meet the requirements and qualifications established by
29 Amendment 80 to the Arkansas Constitution for district judges.

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31 SECTION 6. Existing district courts.

32 Nothing in this act shall in any way limit the power and authority of
33 other district courts currently existing. Except for the state district
34 courts created pursuant to this act, all judges serving in other district
35 court positions, whether full-time or part-time, shall continue to be
36 employees of the cities, or counties, or both, in which they serve and shall

1 be paid pursuant to state law.

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/s/ Thyer