

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

A Bill

HOUSE BILL 2944

5 By: Representative Thomason
6
7

For An Act To Be Entitled

9 AN ACT TO DIVIDE THE SECOND JUDICIAL DISTRICT
10 INTO THE SECOND JUDICIAL DISTRICT-NORTH AND THE
11 SECOND JUDICIAL DISTRICT-SOUTH; AND FOR OTHER
12 PURPOSES.
13

Subtitle

14 AN ACT TO DIVIDE THE SECOND JUDICIAL
15 DISTRICT INTO THE SECOND JUDICIAL
16 DISTRICT-NORTH AND THE SECOND JUDICIAL
17 DISTRICT-SOUTH.
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Title 16, Chapter 13, is amended to add a new subchapter to
24 read as follows:

25 Subchapter 33 – Second Judicial Circuit.

26 16-13-3301. Composition.

27 (a) Effective January 1, 2007, there is created the Second Judicial
28 District-North composed of Clay, Craighead, and Greene counties.

29 (b) Effective January 1, 2007, there is created the Second Judicial
30 District-South composed of Crittenden, Mississippi, and Poinsett counties.
31

32 16-13-3302. Terms of court.

33 (a) There shall be no stated terms of the circuit courts of Second
34 Judicial District-North and the Second Judicial District-South, except as
35 provided by the judge of each court.

36 (b) The circuit courts of the Second Judicial District-North and the



1 Second Judicial District-South shall always be open for the transaction of
 2 business and all matters of which they have jurisdiction, except on those
 3 days excluded by law, if any.

4 (c) There shall be no final adjournments, but the circuit courts may
 5 adjourn from day to day as business demands. These adjournments shall be
 6 considered recesses and shall not prohibit the court from sitting at any
 7 time.

8
 9 16-33-3303. Judges.

10 (a) At the November 2006 general election the qualified electors of
 11 the Second Judicial District-North shall first elect:

12 (1) The circuit judgeship which is currently designated as
 13 Circuit Division 1;

14 (2) The circuit judgeship which is currently designated as
 15 Circuit Division 3;

16 (3) The circuit judgeship which is currently designated as
 17 Circuit Division 7;

18 (4) The circuit judgeship which is currently designated as
 19 Circuit Division 9; and

20 (5) The circuit judgeship created effective July 1, 2001, by the
 21 Eighty-third General Assembly of the State of Arkansas.

22 (b) At the November 2006 general election the qualified electors of
 23 the Second Judicial District-South shall first elect:

24 (1) The circuit judgeship which is currently designated as
 25 Circuit Division 2;

26 (2) The circuit judgeship which is currently designated as
 27 Circuit Division 4;

28 (3) The circuit judgeship which is currently designated as
 29 Circuit Division 5;

30 (4) The circuit judgeship which is currently designated as
 31 Circuit Division 6; and

32 (5) The circuit judgeship which is currently designated as
 33 Circuit Division 8.

34 (c) The circuit judges of the Second Judicial District-North and the
 35 Second Judicial District-South may by agreement adopt such rules as they deem
 36 appropriate for the assignment of cases in the circuit courts of their

1 respective districts.

2 (d) There shall be provided for each circuit judge of the Second
3 Judicial District-North and the Second Judicial District-South a court
4 reporter whose salary shall be fixed and paid in the manner provided by law
5 for court reporters of the circuit courts of this state.

6 (e) The counties which compose the Second Judicial District-North and
7 the Second Judicial District-South shall provide courtroom and office
8 facilities and supplies for the circuit judges of their respective district
9 which shall be paid out of the county treasuries in the same manner as other
10 demands against the counties are paid from funds appropriated by the
11 respective quorum courts of the counties for these purposes.

12
13 SECTION 2. Arkansas Code § 16-21-122 is amended to read as follows:
14 16-21-122. The Second Judicial District-North and South.

15 (a) The Second Judicial District-North shall be a Division A Judicial
16 District.

17 (b) The Second Judicial District-South shall be a Division A Judicial
18 District.

19
20 SECTION 3. Arkansas Code § 16-21-701(a)(1), pertaining to the expense
21 allowance of the Prosecuting Attorney for the Second Judicial District, is
22 amended to read as follows:

23 16-21-701. Expense allowance.

24 (a)(1) The Prosecuting Attorney for the Second Judicial District-North
25 and the Second Judicial District-South shall be allowed the expenses of his
26 or her office, including telephone, telegraph, postage, printing, office
27 supplies and equipment, automobiles, office rent, and other expenses which,
28 within the discretion of the prosecuting attorney, may be a proper expense of
29 the office, and also including necessary expenses in connection with any
30 proper investigation instant to any criminal law violation or trials before
31 any grand jury or any court within the judicial district, coming within the
32 duties of his or her office.

33
34 SECTION 4. Arkansas Code Title 16, Chapter 21, Subchapter 7 is amended
35 to add an additional section to read as follows:

36 16-21-704. Election.

1 (a) At the November 2006 general election the qualified electors of
 2 the Second Judicial District-North shall first elect a person who shall serve
 3 as the prosecuting attorney for the Second Judicial District-North beginning
 4 January 1, 2007.

5 (b) At the November 2006 general election the qualified electors of
 6 the Second Judicial District-South shall first elect a person who shall serve
 7 as the prosecuting attorney for the Second Judicial District-South beginning
 8 January 1, 2007.

9
 10 SECTION 5. Effective January 1, 2007, Arkansas Code Title 16, Chapter
 11 13, Subchapter 10 is repealed.

12 ~~16-13-1001. Composition.~~

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

15
 16 ~~16-13-1002. Terms of court—Adjournment—Recess.~~

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

20 ~~(A)(i) In the Eastern District of Clay County: On the~~
 21 ~~first Monday in January;~~

22 ~~(ii) In the Western District of Clay County: On the~~
 23 ~~third Monday in January;~~

24 ~~(B)(i) In the Western District of Craighead County: On the~~
 25 ~~first Monday in January;~~

26 ~~(ii) In the Eastern District of Craighead County: On~~
 27 ~~the third Monday in February;~~

28 ~~(C)(i) In the Chickasawba District of Mississippi County:~~
 29 ~~On the first Monday in January;~~

30 ~~(ii) In the Osceola District of Mississippi County:~~
 31 ~~On the fourth Monday in February;~~

32 ~~(D) In Crittenden County: On the fourth Monday in January;~~
 33 ~~and~~

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

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

36 ~~(2) In the event any of the dates provided in this subsection~~

1 should fall upon a legal holiday, the term shall commence on the next
 2 succeeding day.

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

6 (c) ~~There shall be no final adjournments, but the circuit courts of~~
 7 ~~the counties and districts of the district may adjourn from day to day as~~
 8 ~~business within the district demands. Those adjournments shall be considered~~
 9 ~~recesses and shall not prohibit the circuit courts from sitting at any time.~~

10
 11 ~~16-13-1003. Judges and chancellors.~~

12 (a)(1) ~~The qualified electors of the Second Judicial District shall~~
 13 ~~elect:~~

- 14 (A) ~~Three (3) circuit judges;~~
- 15 (B) ~~Three (3) chancellors;~~
- 16 (C) ~~One (1) circuit chancery judge; and~~
- 17 (D) ~~One (1) circuit chancery judgeship.~~

18 (2)(A) ~~There is created in the Second Judicial District an~~
 19 ~~additional circuit judgeship which shall have jurisdiction in law, equity,~~
 20 ~~probate, and juvenile matters.~~

21 (B)(i) ~~The additional judge shall be elected from the~~
 22 ~~district and shall satisfy the same qualifications for holding office and~~
 23 ~~shall receive the same salary, expenses, and other allowances as provided by~~
 24 ~~law for judges of the circuit courts.~~

25 (ii) ~~The judge shall serve for elected terms of six~~
 26 ~~(6) years.~~

27 (C) ~~The counties which compose the Second Judicial~~
 28 ~~District shall provide courtroom and office facilities and supplies for the~~
 29 ~~judge of the circuit judgeship created by subdivision (a)(2)(A) of this~~
 30 ~~section, which shall be paid out of the county treasuries in the same manner~~
 31 ~~as other demands against the counties, out of funds appropriated by the~~
 32 ~~respective quorum courts of the counties for such purposes.~~

33 (D) ~~There shall be provided for the judge of the circuit~~
 34 ~~judgeship created by subdivision (a)(2)(A) of this section a court reporter~~
 35 ~~and a trial court administrative assistant whose salaries shall be fixed and~~
 36 ~~paid in the manner provided by law for court reporters and trial court~~

1 ~~administrative assistants of the circuit courts of this state.~~

2 ~~(b)(1) The judge of the judgeship created by subdivision (a)(1)(C) of~~
 3 ~~this section shall be the judge of the juvenile division of chancery court.~~
 4 ~~The judge shall serve as judge of the juvenile division in lieu of the judge~~
 5 ~~who would otherwise be designated as judge of the juvenile division of~~
 6 ~~chancery court in the judicial district.~~

7 ~~(2) The judge of the additional circuit chancery judgeship~~
 8 ~~created in subdivision (a)(1)(C) of this section shall devote such time as~~
 9 ~~may be required to perform the duties of judge of the juvenile division,~~
 10 ~~which duties shall be the primary obligation of the judge, and shall sit as~~
 11 ~~judge of the circuit, chancery, or probate court as time permits.~~

12 ~~(3) The circuit chancery judgeship created by subdivision~~
 13 ~~(a)(1)(D) of this section shall primarily perform the duties of a judge of~~
 14 ~~the juvenile division of chancery court and conduct hearings for the~~
 15 ~~involuntary admission or commitment of persons to the Arkansas State Hospital~~
 16 ~~or any other public or private hospital with a fully trained psychiatrist on~~
 17 ~~the active or consultant staff and shall sit as judge of the circuit,~~
 18 ~~chancery, and probate courts as time permits.~~

19 ~~(c) Effective February 27, 1995, the subdistrict 2.2, division 2, and~~
 20 ~~division 3 circuit judgeships shall become circuit chancery judgeships which~~
 21 ~~shall have jurisdiction in law, equity, and probate.~~

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

27
 28 ~~16-13-1004. Case coordinator.~~

29 ~~(a)(1) The judges of the chancery and probate courts for the Second~~
 30 ~~Judicial District may appoint one (1) case coordinator for said judicial~~
 31 ~~district for chancery and probate matters.~~

32 ~~(2) The judges of the circuit court for the Second Judicial~~
 33 ~~District may appoint one (1) case coordinator for said judicial district for~~
 34 ~~circuit matters.~~

35 ~~(b) The principal duties of the case coordinators shall be to maintain~~
 36 ~~the court calendar, schedule dates for the trial of cases and for the hearing~~

1 of motions, and other related and incidental duties at the direction of the
 2 judges.

3 (c)(1) ~~Each case coordinator provided for in this section shall~~
 4 ~~receive a salary of not less than twenty one thousand five hundred dollars~~
 5 ~~(\$21,500) nor more than twenty five thousand dollars (\$25,000) per calendar~~
 6 ~~year, which salary shall be prorated between the counties composing the~~
 7 ~~Second Judicial District, based on the number of annual case filings in each~~
 8 ~~of such counties.~~

9 (2) ~~When the county quorum courts raise the salaries of county~~
 10 ~~employees, they shall also raise salaries an equivalent amount for the case~~
 11 ~~coordinators provided for in this section.~~

12 (d) ~~The reasonable expenses accruing in the offices of the case~~
 13 ~~coordinators shall be prorated among the counties comprising the district in~~
 14 ~~the same manner as the salaries set forth above and be paid out of the county~~
 15 ~~treasury.~~

16
 17 ~~16-13-1005. Additional judgeship.~~

18 (a) ~~Effective immediately upon passage and approval of this act, there~~
 19 ~~is hereby created in the Second Judicial District an additional circuit-~~
 20 ~~chancery judgeship, which shall have jurisdiction in law, equity, and~~
 21 ~~probate.~~

22 (b) ~~As soon as possible after March 10, 1997, the Governor shall~~
 23 ~~appoint a qualified person to temporarily fill the Second Judicial District~~
 24 ~~circuit chancery judgeship created herein, and the appointed person shall~~
 25 ~~serve until December 31, 1998, or until a successor has been elected and~~
 26 ~~qualified, whichever occurs last.~~

27 (c) ~~The qualified electors of the Second Judicial District shall elect~~
 28 ~~the additional circuit chancery judge created herein at the November 1998~~
 29 ~~general election to take office on January 1, 1999. The additional judge~~
 30 ~~shall be elected at large and shall satisfy the same qualifications for~~
 31 ~~holding office and shall receive the same salary, expenses, and other~~
 32 ~~allowances as provided by law for judges of the circuit chancery courts. The~~
 33 ~~judge shall serve for elected terms of four (4) years.~~

34 (d) ~~With the consideration of the creation of this judgeship, the~~
 35 ~~General Assembly is aware of the requirements of the federal Voting Rights~~
 36 ~~Act and the consent decree entered in Eugene Hunt, et al. vs. State of~~

1 ~~Arkansas, et al. After thorough review of the caseload statistics from the~~
2 ~~Second Judicial Circuit, the distribution of these cases between the various~~
3 ~~counties within the judicial circuit, the demographic makeup of the general~~
4 ~~voting age population and the licensed attorneys within the district, the~~
5 ~~recent decisions of the United States Supreme Court interpreting the~~
6 ~~requirements of the federal law, and based upon the recommendation of the~~
7 ~~Arkansas Judicial Council, the judgeship is to be elected in the manner and~~
8 ~~as specified in subsection (c) of this section.~~

9
10 ~~16-13-1006. Additional judge—Facilities.~~

11 ~~The counties which comprise the Second Judicial District shall provide~~
12 ~~courtroom and office facilities and supplies for the judge of the circuit-~~
13 ~~chancery judgeship created by § 16-13-1005 which shall be paid out of the~~
14 ~~county treasuries in the same manner as other demands against the counties,~~
15 ~~out of funds appropriated by the respective quorum courts of the counties for~~
16 ~~such purposes.~~

17
18 ~~16-13-1007. Additional judge—Staff.~~

19 ~~There shall be provided for the judge of the circuit-chancery judgeship~~
20 ~~created by this subchapter a court reporter and a trial court administrative~~
21 ~~assistant whose salaries shall be fixed and paid in the manner provided by~~
22 ~~law for court reporters and trial court administrative assistants of the~~
23 ~~circuit-chancery courts of this state.~~