

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: S3/10/11
A Bill

SENATE BILL 679

5 By: Senator Luker
6

7 **For An Act To Be Entitled**

8 AN ACT TO ALLOW A DISTRICT COURT TO ADMINISTER A DRUG
9 COURT PROGRAM, PRESIDE OVER A PROBATION REVOCATION,
10 OR PRESIDE OVER A PAROLE REVOCATION IN CERTAIN
11 CIRCUMSTANCES; AND FOR OTHER PURPOSES.
12
13

14 **Subtitle**

15 TO ALLOW A DISTRICT COURT TO ADMINISTER A
16 DRUG COURT PROGRAM, PRESIDE OVER A
17 PROBATION REVOCATION, OR PRESIDE OVER A
18 PAROLE REVOCATION IN CERTAIN
19 CIRCUMSTANCES.
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. DO NOT CODIFY. Legislative findings.

25 (a) In a per curiam opinion dated February 9, 2011, the Supreme Court
26 addressed the recommendations of the District Court Resource Assessment
27 Board, one (1) of which stated that the General Assembly could authorize a
28 state district court judge to preside over a drug court program, probation
29 revocation proceeding, or a parole revocation proceeding. In Re Amendments
30 to Administrative Order Nos. 4 and 18 and Regulations of the Arkansas Board
31 of Certified Court Reporter Examiners § 1, 2011 Ark. 57 (2011).

32 (b) That the General Assembly finds that allowing a state district
33 court judge to preside over a drug court, a probation revocation proceeding,
34 or a parole revocation proceeding promotes the sound and efficient
35 administration of justice.
36



1 SECTION 2. Arkansas Code Title 16, Chapter 17, Subchapter 1 is amended
2 to add a new section to read as follows:

3 16-17-137. Jurisdiction over certain criminal matters.

4 (a) If authorized by the administrative plan for the judicial circuit
5 required by Administrative Order No. 14 of the Supreme Court, a state
6 district court judge may preside over the following criminal matters:

7 (1) A drug court program authorized under § 16-98-301 et seq.;

8 (2) Probation supervision or a probation revocation proceeding;

9 and

10 (3) Parole supervision or a parole revocation proceeding.

11 (b) The administrative judge of the judicial district may withdraw
12 authorization under this section at any time.

13
14 SECTION 3. Arkansas Code § 16-98-303(d), regarding administration of
15 drug courts, is amended to read as follows:

16 (d)(1) Drug court programs may require a separate judicial processing
17 system differing in practice and design from the traditional adversarial
18 criminal prosecution and trial systems.

19 (2) A drug court team shall be designated by a circuit judge
20 assigned to manage the drug court docket and may include a circuit judge, a
21 prosecuting attorney, a public defender or private defense attorney, one (1)
22 or more addiction counselors, one (1) or more probation officers, one (1) or
23 more private treatment provider representatives, and any other individual or
24 individuals determined necessary by the drug court judge.

25 (3)(A) The administrative judge of the judicial district shall
26 designate one (1) or more circuit judges to administer the drug court
27 program.

28 (B) If a county is in a judicial district that does not
29 have a circuit judge who is able to administer the drug court program on a
30 consistent basis, the administrative plan for the judicial circuit required
31 by Administrative Order No. 14 of the Supreme Court may designate a district
32 court judge to administer the drug court program.

33
34 /s/Luker