

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

A Bill

SENATE BILL 658

4
5 By: Senator Hester
6

For An Act To Be Entitled

8 AN ACT CONCERNING CIRCUIT COURT JUDGES AND THE
9 JUDICIARY; TO PROVIDE FOR ADDITIONAL CIRCUIT
10 JUDGESHIPS FOR CERTAIN JUDICIAL DISTRICTS; TO
11 ELIMINATE CERTAIN CIRCUIT COURT JUDGESHIPS;
12 CONCERNING THE ELEVENTH JUDICIAL CIRCUIT; CONCERNING
13 THE CIRCUIT JUDGES AND PROSECUTING ATTORNEYS OF THE
14 ELEVENTH JUDICIAL CIRCUIT; TO MAKE TECHNICAL
15 CORRECTIONS; TO DECLARE AN EMERGENCY; AND FOR OTHER
16 PURPOSES.

Subtitle

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19 CONCERNING CIRCUIT COURT JUDGES,
20 PROSECUTING ATTORNEYS, AND THE JUDICIARY;
21 AND TO DECLARE AN EMERGENCY.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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27 SECTION 1. Arkansas Code § 16-13-1003, concerning the Second Judicial
28 District, is amended to add an additional subsection to read as follows:

29 (f) There is created in the Second Judicial District an additional
30 circuit judgeship that shall have jurisdiction in law, equity, probate, and
31 juvenile matters.
32

33 SECTION 2. Arkansas Code § 16-13-1203, concerning the Fourth Judicial
34 District, is amended to add an additional subsection to read as follows:

35 (c) There is created in the Fourth Judicial District an additional
36 circuit judgeship that shall have jurisdiction in law, equity, probate, and



1 juvenile matters.

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3 SECTION 3. Arkansas Code Title 16, Chapter 13, Subchapter 19 is
4 amended to read as follows:

5

Subchapter 19

6

- Eleventh Judicial Circuit

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16-13-1901. Composition.

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~~(a)~~ The Eleventh Judicial ~~District East~~ District shall be composed of
10 Arkansas County, Jefferson County, and Lincoln County.

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~~(b) The Eleventh Judicial District West shall be composed of the
12 counties of Jefferson and Lincoln.~~

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16-13-1902. Terms of court.

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The terms of court in each county in the Eleventh Judicial District
16 shall commence on the dates set forth below:

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(1)(A) In the Northern District of Arkansas County: On the first
18 Mondays in April and November; and

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(B) In the Southern District of Arkansas County: On the
20 second Monday in March and the first Monday in August;

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(2) Jefferson County: On the first Mondays in March and October;
22 and

23

(3) Lincoln County: On the second Mondays in February and
24 September.

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16-13-1903. Judges, ~~chancellors~~, and prosecuting attorney.

27

~~(a)(1) The qualified electors of the Eleventh Judicial District West
28 District shall elect:~~

29

~~(A) Two (2) six (6) circuit judges;~~

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~~(B) Two (2) chancellors;~~

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~~(C) One (1) combination circuit chancery judge;~~

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~~(D) One (1) circuit chancery judge; and~~

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~~(E) One (1) prosecuting attorney.~~

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~~(2) The judge of the circuit chancery judgeship created for the
35 Eleventh Judicial District West by subdivision (a)(1)(C) of this section.~~

36

(b) One (1) circuit judge shall devote one-half (½) of his or her time

1 to the ~~chancery~~ equity and probate proceedings and one-half (½) of his or her
2 time to the circuit proceedings, including, but not limited to:

3 ~~(A)(1)~~ Presiding over all post-conviction proceedings in the
4 Eleventh Judicial ~~District West~~ District;

5 ~~(B)(2)~~ Presiding over all matters involving acts committed by
6 inmates of the Department of Correction over which the Eleventh Judicial
7 ~~District West~~ District has jurisdiction; and

8 ~~(C)(3)~~ Hearing all civil actions filed by inmates of the
9 Department of Correction over which the Eleventh Judicial ~~District West~~
10 District has jurisdiction.

11 ~~(3)(A) The judge of the judgeship created by subdivision~~
12 ~~(a)(1)(D) of this section~~

13 (c)(1) One (1) circuit judge shall be the judge of the juvenile
14 division of ~~chancery~~ circuit court. The judge shall serve as judge of the
15 juvenile division in lieu of the judge who would otherwise be designated as
16 judge of the juvenile division of ~~chancery~~ circuit court in the judicial
17 district.

18 ~~(B)(2) The judge of the additional circuit chancery judgeship~~
19 ~~created in subdivision (a)(1)(D) of this section~~ shall devote such time as
20 may be required to perform the duties of judge of the juvenile division,
21 which duties shall be the primary obligation of the judge, and shall sit as
22 judge of the circuit, ~~chancery~~, or probate court as time permits.

23 ~~(b) The qualified electors of the Eleventh Judicial District East~~
24 ~~shall elect one (1) circuit chancery court judge, who shall have jurisdiction~~
25 ~~in law, equity, and probate.~~

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27 ~~16-13-1904. Exchange of districts.~~

28 ~~The judges of the Eleventh Judicial District East and the Eleventh~~
29 ~~Judicial District West may, by agreement, temporarily exchange districts or~~
30 ~~hold court for each other as they deem necessary or appropriate.~~

31
32 ~~16-13-1905. Court reporter, case coordinator, and other personnel.~~

33 ~~The circuit chancery judge of the Eleventh Judicial District West~~
34 ~~created by § 16-13-1903(a)(1)(C) is authorized to employ a court reporter, a~~
35 ~~case coordinator, and such other personnel as shall be necessary for the~~
36 ~~court to effectively and efficiently carry out its responsibilities.~~

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16-13-1906. Case coordinators.

(a) Each of the circuit ~~and chancery~~ judges of the Eleventh Judicial District ~~West shall be empowered and directed to~~ shall employ a case coordinator for each division whose duties shall be the maintenance of the court calendar, setting dates for trial of cases and for hearing of motions, and other related and incidental duties as directed by said judges.

(b) The case coordinators shall be appointed by the judges of the Eleventh Judicial ~~District-West~~ District, one (1) for each court, and shall serve at the will of the respective judge.

(c) In lieu of any other expenses incurred by each court provided by law for the Eleventh Judicial ~~District-West~~ District, each county of the district shall be responsible each year for the following amounts:

- (1) Lincoln County.....Two thousand dollars (\$2,000); and
- (2) Jefferson County.....All other expenses not otherwise provided for by law.

SECTION 4. Arkansas Code § 16-13-2003, concerning the Twelfth Judicial District, is amended to add an additional subsection to read as follows:

(e) There is created in the Twelfth Judicial District an additional circuit judgeship that shall have jurisdiction in law, equity, probate, and juvenile matters.

SECTION 5. Arkansas Code § 16-13-2903 is amended to read as follows:
16-13-2903. ~~Election of~~ Circuit court judges.

(a) The qualified electors of the Twenty-first Judicial District shall elect two (2) ~~circuit-chancery~~ circuit judges.

(b) There is created in the Twenty-first Judicial District a circuit judgeship in addition to the judgeships created under subsection (a) of this section that shall have jurisdiction in law, equity, probate, and juvenile matters.

SECTION 6. Arkansas Code § 16-13-3002, concerning the Nineteenth Judicial District-West, is amended to add an additional subsection to read as follows:

(i) There is created in the Nineteenth Judicial District-West an

1 additional circuit judgeship that shall have jurisdiction in law, equity,
2 probate, and juvenile matters.

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4 SECTION 7. DO NOT CODIFY. Temporary legislation.

5 For the circuit judgeships created in the Second, Fourth, and
6 Nineteenth-West Judicial Circuits the vacancies shall be filled by election
7 at the 2020 preferential primary election, with the elected circuit judge to
8 take office on January 1, 2021.

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10 SECTION 8. DO NOT CODIFY. Temporary legislation.

11 (a) For the circuit judgeships being created in the Twelfth Judicial
12 Circuit and the Twenty-first Judicial Circuit, the Governor shall appoint
13 qualified persons who are residents of the judicial districts that are the
14 subject of this act to temporarily fill the newly created circuit court
15 judgeships, and each of the appointed persons shall serve until January 1,
16 2021, or until a successor has been elected and qualified.

17 (b)(1) The qualified electors of the applicable judicial districts
18 shall elect the additional circuit court judges whose judgeships are created
19 by this act at the 2020 preferential primary election, to take office on
20 January 1, 2021.

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

25 (3) The circuit court judges shall serve for elected terms of
26 six (6) years.

27 (c) The counties receiving a new circuit court judgeship shall provide
28 courtroom and office facilities and supplies, which shall be paid for as
29 provided by law.

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31 SECTION 9. DO NOT CODIFY. TEMPORARY LANGUAGE.

32 (a) The circuit court judgeship that is eliminated in the Eleventh
33 Judicial Circuit under this act shall be the circuit court judgeship assigned
34 in the Eleventh Judicial Circuit-East, as of January 1, 2019.

35 (b) The circuit court judgeship shall be eliminated at the end of the
36 elected term of the circuit court judge currently occupying that position.

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SECTION 10. DO NOT CODIFY. Effective date.
The effective date of Section 2 of this act is January 1, 2022.

SECTION 11. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that certain judicial districts under this act have an immediate need for additional circuit court judges due to the number of cases pending in the judicial district. Therefore, an emergency is declared to exist, and Section 1 and Sections 3 through 7 of this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2019.