

State of Arkansas

76th General Assembly

Regular Session, 1987 AS ENGROSSED 4/7/87

HOUSE BILL 1686

By: Representative Mahony

"AN ACT TO AMEND SECTION 1 OF ACT 759 OF 1983 [ARK. STAT. 22-766] TO GIVE MUNICIPAL COURT MAGISTRATES STATUS AS JUDICIAL OFFICERS; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 1 of Act 759 of 1983, the same being Arkansas Statute 22-766, is hereby amended to read as follows:

"Section 1. (A) Any municipal court judge may appoint no more than two (2) municipal court magistrates who shall serve at the pleasure of the judge. Such persons shall be attorneys licensed in the State of Arkansas and possess the same legal qualifications required of the municipal judge appointing them except that such persons shall not be required to restrict the extent of their practice of law. The magistrates shall be a "Judicial Officer" as defined in the Arkansas Rules of Criminal Procedure and may conduct probable cause hearings, arraignments, issue search warrants and warrants of arrest and may hold court for the municipal judge at any time at his request and all orders, warrants, judgements and other acts of such magistrates in exercising the foregoing powers shall have the same validity and he shall have the same immunities as those of such municipal judge. The magistrates shall receive such compensation as the governing body or bodies of the political subdivision(s) funding the municipal court deem appropriate. However, nothing herein shall be construed to qualify such magistrate for pension or retirement benefits in any system funded by public funds.

(B) If a city or county provides the sole funding for the municipal court, the appointment of municipal court magistrates shall be subject to the approval of the governing body of the city or county and such city or county may discharge the magistrates.

(C) If the municipal court is funded by more than one (1) city or by a

county and one (1) or more cities the appointment of municipal court magistrates shall be subject to the approval of the governing body of each political subdivision and such magistrates may be discharged by the largest city providing funding."

SECTION 2. All laws and parts of laws in conflict with this Act are hereby repealed.

/s/ Jody Mahony

