

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

A Bill

HOUSE BILL 2664

4
5 By: Representative Thyer
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7

For An Act To Be Entitled

8
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

13
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.

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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.

14
 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 (c) A pilot state district court may be an additional court to serve
 24 an area that is currently served by a local district court but where the
 25 district court's caseload or the caseload of the circuit court serving the
 26 county is excessive, causing the need for additional judicial resources.

27
 28 SECTION 3. Creation of pilot state district court judgeships.

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

32
 33 SECTION 4. Definition of a state district court.

34 A pilot state district court shall:

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

1 practice of law;

2 (2) Have countywide jurisdiction;

3 (3) Exist in a county where there are no existing city courts;

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

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

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

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

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

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

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

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

25
26 SECTION 6. Existing district courts.

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