

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

A Bill

SENATE BILL 517

5 By: Senator Madison
6

For An Act To Be Entitled

8 AN ACT TO MAKE VARIOUS CORRECTIONS TO TITLE 16 OF THE
9 ARKANSAS CODE OF 1987, CONCERNING THE COURTS; AND FOR
10 OTHER PURPOSES.
11

Subtitle

12 TO MAKE VARIOUS CORRECTIONS TO TITLE 16
13 OF THE ARKANSAS CODE OF 1987 CONCERNING
14 THE COURTS.
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Section § 16-10-137(a) is amended to remove obsolete
22 language and to correct a reference:

23 (a) ~~Beginning July 31, 2003, and on~~ On July 31 of each year
24 ~~thereafter~~, the Administrative Office of the Courts shall submit an annual
25 report to the Legislative Council ~~and the Commission on Disparity in~~
26 ~~Sentencing~~ showing the number of persons charged in circuit court for each
27 criminal offense classification, comparing the state and each judicial
28 district.
29

30 SECTION 2. Section § 16-10-209(2)(F) is amended to remove a reference
31 to a repealed subdivision:

32 (F) The court clerk, ~~in conjunction with the making of the~~
33 ~~monetary settlement in subdivision (2)(E)(ii) [repealed] of this section,~~
34 will make reports in quadruplicate of the applicable individual court reports
35 and distribute the reports in the following manner:

36 (i) One (1) copy to the mayor;



- 1 (ii) One (1) copy to the county clerk;
- 2 (iii) One (1) copy to the Administrative Office of
- 3 the Courts; and
- 4 (iv) One (1) copy to be retained by the clerk and
- 5 made available for inspection;

6

7 SECTION 3. Section § 16-10-310(b) is amended to repeal subdivision

8 (b)(3) to correct a reference:

9 (b) The following state programs and agencies shall be paid at an

10 annual rate, at not less than the amounts certified by the Department of

11 Finance and Administration ~~which~~ that were received by the program or agency

12 in the fiscal year ending June 30, 1995, in a monthly installment of at least

13 one-twelfth (1/12) of the annual appropriation provided for each agency for

14 this purpose from the State Administration of Justice Fund:

15 (1) The Board of Trustees of the University of Arkansas for the

16 purpose and as regulated by §§ 6-64-604 – 6-64-606;

17 (2) The Public Health Fund and the Drug Abuse Prevention and

18 Treatment Fund for use in the drug abuse prevention and treatment program of

19 the Office of Alcohol and Drug Abuse Prevention of the Division of Behavioral

20 Health of the Department of Human Services;

21 ~~(3) The Highway Safety Special Fund for programs of the Highway~~

22 ~~Safety Program [repealed];~~

23 ~~(4)~~ (3) The Department of Arkansas State Police for the State

24 Police Retirement Fund;

25 ~~(5)~~ (4) The Crime Victims Reparations Revolving Fund for the

26 purpose of and as regulated by § 16-90-701 et seq.;

27 ~~(6)~~ (5) The Prosecutor Coordinator’s office for deposit in the

28 Law Enforcement and Prosecutor Drug Enforcement Training Fund;

29 ~~(7)~~ (6) The Crime Information System Fund;

30 ~~(8)~~ (7) The Justice Building Construction Fund;

31 ~~(9)~~ (8) The District Court Judge and District Court Clerk

32 Education Fund;

33 ~~(10)~~ (9) The Judges Retirement Fund;

34 ~~(11)~~ (10) The State Central Services Fund for the benefit of the

35 Arkansas Public Defender Commission;

36 ~~(12)~~ (11) The Court Reporter’s Fund;

- 1 ~~(13)~~ (12) The Justice Building Fund;
- 2 ~~(14)~~ (13) The Arkansas Counties Alcohol and Drug Abuse and Crime
- 3 Prevention Program Fund;
- 4 ~~(15)~~ (14) The State Administration of Justice Fund for
- 5 disbursement by the Auditor of State to fund the trial court staff persons
- 6 authorized by § 16-10-133;
- 7 ~~(16)~~ (15) The Department of Arkansas State Police Fund;
- 8 ~~(17)~~ (16) The State Central Services Fund for the benefit of the
- 9 Division of Dependency-Neglect Representation of the Administrative Office of
- 10 the Courts;
- 11 ~~(18)~~ (17) The Miscellaneous Agencies Fund Account for the
- 12 benefit of the State Crime Laboratory;
- 13 ~~(19)~~ (18) The District Judges Association for the District Court
- 14 Coordinator;
- 15 ~~(20)~~ (19) The Public Legal Aid Fund;
- 16 ~~(21)~~ (20) The Administrative Office of the Courts for county
- 17 reimbursements for jurors; and
- 18 ~~(22)~~ (21) The Administrative Office of the Courts to reimburse
- 19 the State Central Services Fund for the Drug Court Coordinator.

20
 21 SECTION 4. Section § 16-10-1004(c)(2)(A) is amended to clarify a
 22 reference:

23 (2)(A) Complete an additional training program for court
 24 security officers ~~recommended by the Supreme Court Security and Emergency~~
 25 ~~Preparedness Advisory Committee and~~ approved by the Arkansas Commission on
 26 Law Enforcement Standards and Training.

27
 28 SECTION 5. Section § 16-12-202 is amended to remove language no longer
 29 current and correct a reference:

30 16-12-202. Court of Appeals – Transition.

31 The elections under this section shall be for an eight-year term as
 32 follows:

- 33 (1) The judgeship ~~currently~~ designated prior to July 16, 2003,
- 34 as District 2, Position 2, shall continue to be designated District 2,
- 35 Position 2, and shall be subject to election ~~in 2004~~ in District 2;
- 36 (2) The judgeship ~~currently~~ designated prior to July 16, 2003,

1 as District 4, Position 1, shall continue to be designated District 4,
 2 Position 1, and shall be subject to election ~~in 2004~~ in District 4;

3 (3) The judgeship ~~currently~~ designated prior to July 16, 2003,
 4 as District 4, Position 2, shall continue to be designated District 4,
 5 Position 2, and shall be subject to election ~~in 2004~~ in District 4;

6 (4) The judgeship ~~currently~~ designated prior to July 16, 2003,
 7 as District 5, Position 1, shall be designated District 5 judge and shall be
 8 subject to election ~~in 2004~~ in District 5;

9 (5) The judgeship ~~currently~~ designated prior to July 16, 2003,
 10 as District 3, Position 2, shall continue to be designated District 3,
 11 Position 2, and shall be subject to election ~~in 2006~~ in District 3;

12 (6) The judgeship ~~currently~~ designated prior to July 16, 2003,
 13 as District 1, Position 2, shall be designated District 1, Position 1, and
 14 shall be subject to election ~~in 2006~~ in District 1;

15 (7) The judgeship ~~currently~~ designated prior to July 16, 2003,
 16 as District 5, Position 2, shall be designated District 1, Position 2, and
 17 shall be subject to election ~~in 2006~~ in District 1;

18 (8) The judgeship ~~currently~~ designated prior to July 16, 2003,
 19 as District 6, Position 2, shall continue to be designated District 6,
 20 Position 2, and shall be subject to election ~~in 2006~~ in District 6;

21 (9) The judgeship ~~currently~~ designated prior to July 16, 2003,
 22 as District 1, Position 1, shall be designated District 7 judge and shall be
 23 subject to election ~~in 2008~~ in District 7;

24 (10) The judgeship ~~currently~~ designated prior to July 16, 2003,
 25 as District 6, Position 1, shall continue to be designated District 6,
 26 Position 1, and shall be subject to election ~~in 2008~~ in District 6;

27 (11) The judgeship ~~currently~~ designated prior to July 16, 2003,
 28 as District 2, Position 1, shall continue to be designated District 2,
 29 Position 1, and shall be subject to election ~~in 2010~~ in District 2; and

30 (12) The judgeship ~~currently~~ designated prior to July 16, 2003,
 31 as District 3, Position 1, shall continue to be designated District 3,
 32 Position 1, and shall be subject to election ~~in 2010~~ in District 3.

33
 34 SECTION 6. Due to the comprehensive rules issued by the Supreme Court
 35 concerning procedure, § 16-13-202 is repealed.

36 ~~16-13-202. Rules.~~

1 ~~Circuit courts shall have power to make and establish all proper rules~~
2 ~~which may be necessary for the dispatch of business of the term.~~

3
4 SECTION 7. Section 16-13-3107 is amended to correct technical issues:
5 16-13-3107. Prosecuting attorneys.

6 (a) ~~At the 1998 general election, the~~ The qualified electors of Saline
7 County shall elect a person who shall serve as the prosecuting attorney for
8 the Twenty-second Judicial District ~~beginning January 1, 1999.~~

9 (b) ~~At the 1998 general election, the~~ The qualified electors of Hot
10 Spring County and Grant County shall elect a person who shall serve as the
11 prosecuting attorney for the Seventh Judicial District ~~beginning January 1,~~
12 ~~1999.~~

13
14 SECTION 8. Section 16-13-3205 is amended to correct technical issues:
15 16-13-3205. Prosecuting attorneys.

16 (a) ~~At the 1998 general election the~~ The qualified electors of
17 Hempstead and Nevada counties shall elect a person who shall serve as the
18 prosecuting attorney for the Eighth Judicial District-North ~~beginning January~~
19 ~~1, 1999.~~

20 (b) ~~At the 1998 general election the~~ The qualified electors of
21 Lafayette and Miller counties shall elect a person who shall serve as the
22 prosecuting attorney for the Eighth Judicial District-South ~~beginning January~~
23 ~~1, 1999.~~

24
25 SECTION 9. Section 16-17-134 is amended to remove a reference to a
26 repealed section and to correct references in light of Amendment 80:

27 16-17-134. Change of venue from lower courts in certain counties to
28 municipal court.

29 Notwithstanding ~~§§ 16-17-218 [Repealed] and 16-19-409~~ or any other law
30 to the contrary:

31 (1)(A) In any criminal case brought before any ~~justice of the~~
32 ~~peace in any township, police court, city court, corporation court, or any~~
33 ~~court of common pleas~~ in a county with a population between eighty-nine
34 thousand (89,000) persons and one hundred fifty-three thousand (153,000)
35 persons according to the 2000 Federal Decennial Census and ~~wherein~~ in which a
36 district court exists, the judge shall grant a change of venue to the

1 district court, upon the defendant’s motion, without the prepayment or tender
2 of any fees.

3 (B) Upon filing the motion, the court shall have no
4 further jurisdiction in the case, except for the purpose of preparing a
5 transcript for the district court;

6 (2) In the event of any change of venue from a ~~justice of the~~
7 ~~peace, police court, city court, corporation court, or any court of common~~
8 ~~pleas~~ to a district court in a county with a population between eighty-nine
9 thousand (89,000) persons and one hundred fifty-three thousand (153,000)
10 persons according to the 2000 Federal Decennial Census and ~~wherein~~ in which
11 more than one (1) district court exists, the case shall be transferred to the
12 district court geographically nearest in the county; and

13 (3) In no event shall any change of venue lie from any district
14 court in a county with a population between eighty-nine thousand (89,000)
15 persons and one hundred fifty-three thousand (153,000) persons according to
16 the 2000 Federal Decennial Census to any ~~justice of the peace, police court,~~
17 ~~city court, corporation court, or court of common pleas~~ in criminal cases.

18
19 SECTION 10. Section 16-17-802 is amended to reflect the passage of
20 Amendment 80:

21 16-17-802. Combining multiple misdemeanor court convictions.

22 If a person who has been convicted of more than one (1) related
23 misdemeanor offense in ~~municipal court, district court, city court, or police~~
24 ~~court~~ shall present otherwise lawfully sufficient documents to the circuit
25 clerk for an appeal of the related convictions, accompanied by an affidavit
26 of the person or his or her attorney stating that the convictions arise out
27 of the same set of facts and circumstances, the circuit clerk shall:

- 28 (1) Combine the convictions; and
- 29 (2)(A) Prepare and file the appeal as one (1) case; ~~and,~~
- 30 (B) Charge only one (1) filing fee for the appeal.

31
32 SECTION 11. Section 16-17-909 is amended to make technical
33 corrections:

34 16-17-909. Benton County District Courts.

35 ~~(a)(1) Effective until January 1, 2009, Benton County shall have the~~
36 ~~following district courts and judges:~~

1 ~~(A) Rogers shall have one (1) district court and one (1)~~
2 ~~district judge;~~

3 ~~(B) Bentonville shall have one (1) district court and one~~
4 ~~(1) district judge and three (3) departments;~~

5 ~~(i) One (1) located in Bentonville;~~

6 ~~(ii) One (1) located in Cave Springs; and~~

7 ~~(iii) One (1) located in Pea Ridge;~~

8 ~~(C) Siloam Springs shall have one (1) district court and~~
9 ~~one (1) district judge;~~

10 ~~(D) Benton County West shall have one (1) district court~~
11 ~~and one (1) district judge; and~~

12 ~~(2) Effective January 1, 2009;~~

13 ~~(A)(a)(1)~~ Benton County shall have the following district courts and
14 judges:

15 ~~(i)(A)~~ Rogers shall have one (1) district court and
16 one (1) district judge;

17 ~~(ii)(B)~~ Bentonville shall have one (1) district court and
18 one (1) district judge;

19 ~~(iii)(C)~~ Siloam Springs shall have one (1) district court
20 and one (1) district judge; and

21 ~~(iv)(D)~~ Benton County West shall have one (1) district
22 court and one (1) district judge; ~~and.~~

23 ~~(B)(i)(2)(A)~~ Benton County shall have the following
24 departments:

25 ~~(a)(i)~~ One (1) located in Bethel Heights;

26 ~~(b)(ii)~~ One (1) located in Cave Springs;

27 ~~(c)(iii)~~ One (1) located in Centerton;

28 ~~(d)(iv)~~ One (1) located in Gravette;

29 ~~(e)(v)~~ One (1) located in Little Flock;

30 ~~(f)(vi)~~ One (1) located in Lowell;

31 ~~(g)(vii)~~ One (1) located in Pea Ridge; and

32 ~~(h)(viii)~~ One (1) located in Sulphur Springs.

33 ~~(ii)(B)~~ The presiding judge of the departments under
34 subdivision ~~(a)(2)(B)-(a)(2)(A)~~ of this section shall be determined by the
35 mutual agreement of the district court judges under the superintending
36 control of the Nineteenth Judicial District - West administrative circuit

1 judge.

2 (3) For the purpose of venue, the district court boundaries in
 3 Benton County shall be as follows:

4 (A) Rogers District Court (District Court 1):

5 (i) All of District 94, District 95, and District 96
 6 of the House of Representatives as drawn by the Board of Apportionment in
 7 2002;

8 (ii) That part of District 98 of the House of
 9 Representatives as drawn by the Board of Apportionment in 2002 that is in
 10 Benton County Quorum Court District 1 as established by the Benton County
 11 Election Commission;

12 (iii) That part of Benton County Quorum Court
 13 District 6 as established by the Benton County Election Commission that is in
 14 District 96 and District 98 of the House of Representatives as drawn by the
 15 Board of Apportionment in 2002; and

16 (iv) All of ~~the now-existing~~ precinct 43, precinct
 17 44, and precinct 49, as those precincts existed in 2003;

18 (B) Bentonville District Court (District Court 2 -
 19 Bentonville):

20 (i) All of District 7, District 8, District 10, and
 21 District 9 except for ~~the now-existing~~ precinct 22, as that precinct existed
 22 in 2003, of the Benton County Quorum Court as established by the Benton
 23 County Election Commission;

24 (ii) All of District 99 of the House of
 25 Representatives as drawn by the Board of Apportionment in 2002 except for ~~the~~
 26 ~~now-existing~~ precinct 43, precinct 44, and precinct 49, as those precinct
 27 existed in 2003; and

28 (iii) All of ~~the now-existing~~ precinct 45, as that
 29 precinct existed in 2003;

30 (C) Siloam Springs District Court (District Court 3 -
 31 Siloam Springs):

32 (i) All of District 97 of the House of
 33 Representatives as drawn by the Board of Apportionment in 2002; and

34 (ii) All of ~~the now-existing~~ precinct 7, precinct
 35 14, precinct 16, and precinct 17, as those precincts existed in 2003; and

36 (D) Benton County West District Court (District Court 4 -

1 Benton County West):

2 (i) All of Benton County Quorum Court District 11 as
3 established by the Benton County Election Commission; and

4 (ii) All of ~~the now-existing~~ precinct 6, precinct
5 15, precinct 18, precinct 19, and precinct 22, as those precincts existed in
6 2003.

7 (b) The judge of any district court in Benton County shall be elected
8 countywide.

9 (c) ~~Effective January 1, 2009, the~~ The jurisdiction of any district
10 court in Benton County shall be countywide.

11
12 SECTION 12. DO NOT CODIFY. The enactment and adoption of this act
13 shall not repeal, expressly or impliedly, the acts passed at the regular
14 session of the Eighty-Eighth General Assembly. All such acts shall have the
15 full force and effect and, so far as those acts intentionally vary from or
16 conflict with any provision contained in this act, those acts shall have the
17 effect of subsequent acts and as amending or repealing the appropriate parts
18 of the Arkansas Code of 1987.

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