

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas *As Engrossed: S3/6/17 S3/13/17*
2 91st General Assembly **A Bill**
3 Regular Session, 2017

SENATE BILL 535

4
5 By: Senators J. Cooper, *Hickey*
6 By: Representatives Ladyman, *B. Smith*

7
8 **For An Act To Be Entitled**

9 AN ACT CONCERNING DUAL JUDICIAL DISTRICTS; AND FOR
10 OTHER PURPOSES.

11
12
13 **Subtitle**

14 CONCERNING DUAL JUDICIAL DISTRICTS.

15
16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18
19 SECTION 1. Uncodified Acts 1883, No. 61, is repealed.

20 ~~SECTION 1. That the county of Craighead shall be divided into two~~
21 ~~Judicial Districts to be called the Jonesboro District and the Lake City~~
22 ~~District.~~

23
24 ~~SEC. 2. All that portion of Craighead county lying East of and~~
25 ~~including range five, shall compose and be called the Lake City District, and~~
26 ~~the residue of said county shall compose and be called the Jonesboro~~
27 ~~District.~~

28
29 ~~SEC. 3. That the Circuit, Chancery and Probate Courts of Craighead~~
30 ~~County in and for the Jonesboro District, shall continue to be held at the~~
31 ~~county seat of Jonesboro as now provided by law, except as hereinafter~~
32 ~~provided, and there shall be no change in the style of the process and legal~~
33 ~~proceedings which shall be pending in said courts.~~

34
35 ~~SEC 4. That the Circuit, Chancery and Probate Courts of Craighead~~
36 ~~County shall be holden the same number of sessions in the town of Lake City,~~



1 at a place to be hereafter provided by the citizens of said District, as by
2 law said courts are now holden at the county seat of said county; and at such
3 times as may be designated by the Circuit Judge of the Second (2) Judicial
4 District of the State of Arkansas, and shall be called the Circuit Court and
5 Probate Court of the County of Craighead, for the Lake City District, and the
6 authority and territorial jurisdiction of said Circuit Courts shall extend
7 over the Jonesboro District, the same and in like manner as if said District
8 was a constitutional county of this State; and said Circuit Court of
9 Craighead County for the Lake City District shall have original and exclusive
10 jurisdiction of all such cases as are now by law vested in the Circuit Courts
11 of this State which have or may hereafter arise in the Lake City District.
12 Provided, That no citizen or resident of the Jonesboro District shall be
13 liable to be sued in the said Lake City District, nor any citizen or resident
14 of the said Lake City District shall be liable to be sued in the said
15 Jonesboro District in any action whatever.

16
17 SEC 5. That the Circuit Court of the County of Craighead held at the
18 county seat shall have original and exclusive jurisdiction over the Jonesboro
19 District, and that from and after the passage of this Act, said court shall
20 be styled the Circuit Court for the County of Craighead for the Jonesboro
21 District.

22
23 SEC 6. That in order to ascertain in which of the respective Districts
24 in said county actions cognizable in the Circuit Court shall be returnable
25 and tried, the said Districts for all the purposes of this Act shall be
26 considered as separate and distinct counties, and the mode and place for
27 trying suits shall be determined by the general law applicable to different
28 counties, except that all process civil, criminal, original, mesne and final
29 that may be issues from the Criminal Court of either District shall run
30 through the whole county, and have like effect as if the court where it
31 issued were the only Circuit Court in said county. Provided, That no process
32 except subpoenas for witnesses, criminal process and executives issued by the
33 Circuit Court of the Jonesboro District, shall be served on any citizen or
34 resident of the Lake City District.

35
36 SEC 7. That the Circuit Courts hereby established in the respective

1 ~~Districts of Craighead County shall be as distinct from each other, and have~~
2 ~~the same relation to each other, as if they were Circuit Courts of different~~
3 ~~counties, and may change the venue from one District to another, or to any~~
4 ~~other county, in the Judicial Circuit in like manner as changes of venue are~~
5 ~~granted in this State.~~

6
7 ~~SEC. 8. That all judgments and decrees rendered in the Circuit Courts~~
8 ~~of the respective Districts shall be liens upon real estate only in the~~
9 ~~District where such judgments and decrees are rendered; but executions in the~~
10 ~~hands of the Sheriff shall have the same lien and force throughout the entire~~
11 ~~county, as though but one court was held in said county; and all sales of~~
12 ~~real estate or other property made by the Sheriff in accordance with the laws~~
13 ~~of this State regulating judicial sales, at the court house door of the Lake~~
14 ~~City District, shall be as lawful as if made at the court house door of the~~
15 ~~county seat. Provided, That all sales upon executions, decrees and orders of~~
16 ~~the courts of the Lake City District shall be made at the court house door of~~
17 ~~the Lake City District.~~

18
19 ~~SEC 9. That the citizens of Craighead County shall only be liable to~~
20 ~~serve on juries in the District in which they reside; but all persons may be~~
21 ~~subpoenaed in any portion of said county to attend either court in like~~
22 ~~manner and with the same effect as is now provided by law to compel witnesses~~
23 ~~to attend any of the courts of this State.~~

24
25 ~~SEC 10. That the Judge of the Probate Court of Craighead County shall~~
26 ~~be the Judge of the Probate Court of Lake City District, and the Judge of~~
27 ~~said court shall hold the same at the court house in Lake City District on~~
28 ~~the fourth (4th) Monday in January, April, July and October of each year.~~

29
30 ~~SEC. 11. That until otherwise provided by the law the terms of the~~
31 ~~Circuit Court in said Lake City District shall be begun and holden on the~~
32 ~~fifteenth (15th) Mondays after the first (1st) Monday of February and August~~
33 ~~of each year.~~

34
35 ~~SEC 12. That all actions either in law or equity now pending in the~~
36 ~~Circuit Court or Probate Court of said County of Craighead, shall remain for~~

1 adjudication and be tried in Circuit, Chancery or Probate Courts held in the
2 Jonesboro District. Provided, however, That when parties litigant, or their
3 attorneys in any civil or probate matters petition the court in which such
4 suit or suits are pending; and showing in such petition that it would be to
5 the interest parties litigant to change the venue to the Lake City District,
6 the court if satisfied of the justness of said petition may order such suit
7 or suits to be transferred from the Jonesboro to the Lake City District; in
8 which case it shall be the duty of the Clerk of the Court of the Jonesboro
9 District to make out a full and complete transcript of all the record entries
10 and send the same together with all the original papers in such cause filed
11 in his office to the Clerk's office in the Lake City District, which said
12 transcript so made out shall be under the proper seal of said court, and duly
13 certified to, by the Clerk at the expense of the party applying for and
14 obtaining such change venue.

15
16 SEC. 13. ~~That the Probate Court in the Jonesboro District shall be~~
17 ~~holden at the same times as by law is now provided, and said Probate Court~~
18 ~~shall have jurisdiction of all matters pertaining to its jurisdiction within~~
19 ~~the territorial limits of the Jonesboro District, and said court shall be~~
20 ~~styled the Probate Court of the County of Craighead for Jonesboro District.~~

21
22 SEC 14. ~~That all matters of probate jurisdiction pertaining to that~~
23 ~~part of Craighead County within the Lake City District, and to persons and~~
24 ~~property resident and being therein, shall be subject to the jurisdiction and~~
25 ~~examination of the Probate Court of the Court of Craighead for the Lake City~~
26 ~~District.~~

27
28 SEC. 15. ~~That the Sheriff, Clerk, Treasurer and Probate Judge of the~~
29 ~~County of Craighead shall be the Sheriff, Clerk, Treasurer and Probate Judge~~
30 ~~of both Jonesboro and Lake City District, and invested with all the~~
31 ~~ministerial and judicial and ex-officio powers in the respective Districts as~~
32 ~~such officers now are by law; and it is hereby made the respective duty of~~
33 ~~the Sheriff, Clerk and Treasurer of the County of Craighead buy and with the~~
34 ~~approval of the presiding judge of the County Court to appoint a deputy; and~~
35 ~~each of the above named officers shall reside in one of said Districts, and~~
36 ~~their deputies in the other; and the Clerk, Sheriff and Treasurer or their~~

1 ~~deputies shall reside in the town of Lake City in the Eastern District.~~

2
3 ~~SEC 16. That the Clerk of the Circuit Court of the County of Craighead~~
4 ~~shall keep an office in the town of Lake City in the Lake City District, at~~
5 ~~which place said Clerk or his deputy shall reside, in addition to the office~~
6 ~~now required by law to be kept at the county seat of said county. It shall be~~
7 ~~the duty of said Clerk to provide a seal for the Circuit Court of the County~~
8 ~~of Craighead for the Lake City District which shall be the seal of the~~
9 ~~Probate Court of the Lake City District, and also the seal of the Recorder,~~
10 ~~and to be in all respects and in like manner as the seal of the Circuit Court~~
11 ~~is now by law used in this State. He shall furnish all necessary books and~~
12 ~~records now by law required to be kept in the offices of the Clerks of the~~
13 ~~Circuit Court and Probate Court and Recorder's offices of the State, to be~~
14 ~~paid [for] by the County Court of Craighead County, out of the revenue from~~
15 ~~the said Lake City District, and it shall be the duty of said Clerk to record~~
16 ~~all deeds and other instruments in writing now required by law to be recorded~~
17 ~~which belong to the inhabitants or property interests of any kind of the Lake~~
18 ~~City District in the proper books of his office, in apt time, and in like~~
19 ~~manner, and for the same compensation as the said Clerks are now allowed for~~
20 ~~similar services. All such records and entries as shall be made in said~~
21 ~~Clerk's office of the Lake City District shall have the same force and effect~~
22 ~~and be used in the same manner, and the same faith and credit be given them~~
23 ~~as is due similar entries or transcripts made in Clerks offices in this~~
24 ~~State. Provided, That all deeds or other instruments in writing required to~~
25 ~~be recorded, affecting property in the Jonesboro District, shall be recorded~~
26 ~~in the Jonesboro District.~~

27
28 ~~SEC 17. That as to all matters not within the provisions of this Act~~
29 ~~the County of Craighead shall be one entire and undivided county. In all~~
30 ~~business done by said Clerk of Craighead County, he shall state in what~~
31 ~~District the same is done, and shall specify in what court his proceedings~~
32 ~~have relation to, and shall state the capacity in which he acts as in now~~
33 ~~required by law. All process issued by the Clerk of the Circuit Court of the~~
34 ~~County of Craighead shall be made returnable according to existing laws, to~~
35 ~~the proper District disclosing in such process the time, place and court at~~
36 ~~which the parties to be served with such process are required to attend, and~~

1 ~~in all cases not necessary for the purposes of this Act, the Clerk shall~~
2 ~~style himself the Clerk of the proper court or office of the County of~~
3 ~~Craighead and not as the Clerk of either District as herein provided for.~~
4

5 ~~SEC. 18. That all laws now in force in this State, not inconsistent~~
6 ~~with this Act for the government of the Circuit and Probate Courts, county~~
7 ~~officers and the institution of suits in civil and criminal cases, summoning,~~
8 ~~trying, empanneling and charging grand and petit jurors and the general~~
9 ~~disposition of all business shall be and the same is hereby declared to be in~~
10 ~~full force in Lake City District.~~
11

12 ~~SEC. 19. That the Clerk of the County Court of Craighead County shall~~
13 ~~keep two financial records, in one of which he shall keep a true and perfect~~
14 ~~record of the financial affairs of the Jonesboro District, and in the other~~
15 ~~he shall keep a similar record for the Lake City District. The financial~~
16 ~~affairs of each District shall be kept as separate and distinct as though the~~
17 ~~two Districts were separate and distinct counties.~~
18

19 ~~SEC 20. That all revenue accruing to the County of Craighead from the~~
20 ~~sale of forfeited State and county lands, liquor and ferry license, and from~~
21 ~~all other sources whatever, shall be used for the exclusive benefit of the~~
22 ~~District in which such revenue may arise.~~
23

24 ~~SEC 21. That in making deposits of county funds with the County~~
25 ~~Treasurer, the Sheriff and Collector shall take his receipt specifying to~~
26 ~~which District said funds belong.~~
27

28 ~~SEC. 22. That it shall be the duty of the presiding judge of the~~
29 ~~County Court immediately after the passage of this Act, to order and direct~~
30 ~~the Clerk of the Circuit Court to procure all such records as are necessary~~
31 ~~for the transaction of such business in the Lake City District of Craighead~~
32 ~~County, as in this Act provided.~~
33

34 ~~SEC. 23. That on or before the first (1st) day of January, A.D.,~~
35 ~~eighteen hundred and eighty four (1884), there shall be erected a court house~~
36 ~~on some site hereafter to be selected, in the town of Lake City at the~~

1 ~~expense of said Lake City District, in the County of Craighead, where the~~
2 ~~Circuit, Chancery and Probate Courts of said Lake City District shall be~~
3 ~~holden and the business conducted in all respect as in by law required at the~~
4 ~~county seat of said county. Provided, That the Circuit, Chancery and Probate~~
5 ~~Courts of said Lake City District may be held, and all the business~~
6 ~~appertaining to said courts be transacted, in some house in the town of Lake~~
7 ~~City to be obtained by the Sheriff of Craighead County for that purpose, on~~
8 ~~or before the taking effect of this act; until a permanent court house can be~~
9 ~~erected on a site selected by the citizens of said Lake City District as is~~
10 ~~in this Act required, all judgments and decrees rendered in such temporary~~
11 ~~court house shall be of full force and effect.~~

12
13 ~~SEC 24. That all laws and parts of laws in contravention with this Act~~
14 ~~be, and the same are hereby repealed; and that this Act take effect and be in~~
15 ~~force thirty (30) days from and after its passage.~~

16
17 SECTION 2. Uncodified Acts 2003, No. 667, is repealed.

18 ~~SECTION 1. (a)(1) At every preferential primary election and general~~
19 ~~election conducted in Craighead County, there shall be placed on the ballot~~
20 ~~of the Eastern District candidates for deputy sheriff and deputy circuit~~
21 ~~clerk.~~

22 ~~(2) The candidates must reside in the Eastern District and~~
23 ~~maintain offices in the district.~~

24 ~~(b) The results of the balloting under subdivision (a)(1) of this~~
25 ~~section shall be advisory to the elected sheriff and elected circuit clerk of~~
26 ~~Craighead County.~~

27
28 */s/J. Cooper*