

Stricken language would be deleted from and underlined language would be added to the Arkansas Constitution.

1 State of Arkansas
2 91st General Assembly
3 Third Extraordinary Session, 2018
4

DRAFT MBM/MBM
SJR

5 By: Senator Collins-Smith
6

7 **SENATE JOINT RESOLUTION**

8 AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO ALLOW
9 THE GENERAL ASSEMBLY TO PROVIDE BY LAW FOR THE RIGHT
10 OF TRIAL BY JURY TO EXTEND TO ONE (1) OR MORE TYPES
11 OF CASES THAT HAVE HISTORICALLY OR AT COMMON LAW BEEN
12 AT EQUITY.
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15 **Subtitle**

16 A CONSTITUTIONAL AMENDMENT TO ALLOW THE
17 GENERAL ASSEMBLY TO PROVIDE BY LAW FOR
18 THE RIGHT OF TRIAL BY JURY TO EXTEND TO
19 ONE (1) OR MORE TYPES OF CASES THAT HAVE
20 HISTORICALLY OR AT COMMON LAW BEEN AT
21 EQUITY.
22

23
24 BE IT RESOLVED BY THE SENATE OF THE 91ST GENERAL ASSEMBLY OF THE STATE OF
25 ARKANSAS:
26

27 THAT the following is proposed as an amendment to the Constitution of
28 the State of Arkansas, and upon being submitted to the electors of the state
29 for approval or rejection at the next general election for Representatives
30 and Senators, if a majority of the electors voting thereon at the election
31 adopt the amendment, the amendment shall become a part of the Constitution of
32 the State of Arkansas, to wit:
33

34 SECTION 1. Arkansas Constitution, Article 2, § 7, is amended to read
35 as follows:

36 § 7. Jury trial – Right to – Waiver – Civil cases – Nine jurors

1 agreeing.

2 (a) The right of trial by jury shall remain inviolate, and shall
 3 extend to all cases at law, without regard to the amount in controversy; but
 4 a jury trial may be waived by the parties in all cases in the manner
 5 prescribed by law; and in all jury trials in civil cases, where as many as
 6 nine (9) of the jurors agree upon a verdict, the verdict so agreed upon shall
 7 be returned as the verdict of such jury, provided, however, that where a
 8 verdict is returned by less than twelve (12) jurors all the jurors consenting
 9 to such verdict shall sign the same.

10 (b)(1) The General Assembly may provide by law for the right of trial
 11 by jury to extend to one (1) or more types of cases that have historically or
 12 at common law been at equity.

13 (2) If the General Assembly provides by law for the right of
 14 trial by jury to extend to one (1) or more types of cases that have
 15 historically or at common law been at equity, the law shall:

16 (A) Identify the specific types of cases that have
 17 historically or at common law been at equity to which the right of trial by
 18 jury shall apply; and

19 (B) Allow the parties to waive a jury trial as prescribed
 20 by law.

21 (3) In a jury trial in a case that has historically or at common
 22 law been at equity, where as many as nine (9) of the jurors agree upon a
 23 verdict, the verdict so agreed upon shall be returned as the verdict of such
 24 jury, provided, however, that where a verdict is returned by less than twelve
 25 (12) jurors all the jurors consenting to such verdict shall sign the same.

26
 27 SECTION 2. BALLOT TITLE AND POPULAR NAME. When this proposed
 28 amendment is submitted to the electors of this state on the general election
 29 ballot:

30 (1) The title of this joint resolution shall be the ballot
 31 title; and

32 (2) The popular name shall be "An Amendment to the Arkansas
 33 Constitution Allowing the General Assembly to Provide By Law for the Right of
 34 Trial by Jury to Extend to One (1) or More Types of Cases that have
 35 Historically or at Common Law Been at Equity".

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