

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 1406

4
5 By: Representative T. Hutchinson
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For An Act To Be Entitled

8 AN ACT TO AUTHORIZE THE APPOINTMENT OF DISTRICT
9 COURT MAGISTRATES; AND FOR OTHER PURPOSES.
10

Subtitle

11 AN ACT TO AUTHORIZE THE APPOINTMENT OF
12 DISTRICT COURT MAGISTRATES.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code Title 16, Chapter 17, Subchapter 1 is amended
20 to add an additional section to read as follows:

21 16-17-135. District court magistrates.

22 (a)(1) With the concurrence of a majority of the circuit court judges
23 of the circuit, a district court judge in the circuit may appoint no more
24 than two (2) district court magistrates who shall serve subject to the
25 superintending control of the district judge.

26 (2) A circuit court judge may appoint a district court
27 magistrate to serve as a referee or master to perform the duties described in
28 subdivision (b)(1) of this section.

29 (3) A magistrate shall be an attorney licensed in the State of
30 Arkansas and shall possess the same legal qualifications required of the
31 judge by whom he or she is appointed, except that the magistrate shall not be
32 required to restrict the extent of his or her practice of law.

33 (b)(1) A magistrate shall be a "judicial officer" as defined in the
34 Arkansas Rules of Criminal Procedure and, subject to any limitation
35 prescribed by Supreme Court rule, the magistrate may conduct probable cause
36 hearings and arraignments, issue search warrants and warrants of arrest, and



1 hold court for the circuit or district judge at any time at the request of
2 the circuit or district judge.

3 (2) A magistrate may conduct hearings of cases filed in district
4 court as small claims or filed pursuant to the District Court Civil
5 Jurisdiction Act, § 16-17-701 et seq., subject to any limitation prescribed
6 by Supreme Court rule.

7 (3) All orders, warrants, judgments, and other acts of the
8 magistrate in exercising the foregoing powers shall have the same validity as
9 those of a circuit or district judge and the magistrate shall have the same
10 immunities as those of a circuit or district judge.

11 (c)(1) The magistrate shall receive compensation as the governing body
12 or bodies of the political subdivision or subdivisions funding the circuit or
13 district court deem appropriate.

14 (2) However, nothing in this section shall be construed to
15 qualify the magistrate for pension or retirement benefits in any system
16 funded by public funds.

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