

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

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

SENATE BILL 630

By: Senator G. Stubblefield

For An Act To Be Entitled

AN ACT CONCERNING THE COMPENSATION OF A RETIRED JUDGE
APPOINTED TO TEMPORARY SERVICE; CONCERNING THE
RECUSAL OF A CIRCUIT COURT JUDGE; CONCERNING THE
JUDICIARY; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE COMPENSATION OF A RETIRED
JUDGE APPOINTED TO TEMPORARY SERVICE;
CONCERNING THE RECUSAL OF A CIRCUIT COURT
JUDGE; AND CONCERNING THE JUDICIARY.

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

SECTION 1. Arkansas Code Title 16, Chapter 10, Subchapter 9, is amended to read as follows:

Subchapter 9

– Compensation for Retired Judges Appointed to Temporary Service

16-10-901. ~~“Retired judge” defined~~ Definition.

~~For purposes of this subchapter, a retired judge is~~ As used in this subchapter, "retired judge" means a former circuit judge, ~~chancery judge, circuit chancery judge,~~ Court of Appeals judge, or Supreme Court justice receiving benefits under the Arkansas Judicial Retirement System.

16-10-902. Amount of compensation.

(a)(1) A retired judge appointed by the Chief Justice of the Supreme Court as a special judge under Arkansas Constitution, Amendment 80, and the



rules prescribed by the Supreme Court shall receive compensation, in addition to his or her retirement benefits, at one-half ($\frac{1}{2}$) the rate as fixed by law for a regularly elected circuit judge, if the retired judge has been retired for four (4) years or less.

(2) A retired judge who has been retired for more than four (4) years shall not receive compensation for his or her appointment as a special judge.

(b) The compensation under subdivision (a)(1) of this section shall be paid from the appropriation provided to the Auditor of State for special and recalled judges for the circuit courts.

16-10-903. Retirement benefits.

The judge or justice shall not be entitled to a change in membership status or to any increase, decrease, or other modification to his or her retirement benefits as a result of his or her service after retirement.

16-10-904. Mileage and expenses.

(a) In addition to the per diem compensation provided by this subchapter, a special judge serving under Arkansas Constitution, Amendment 80, shall receive expenses and mileage reimbursement from the appropriation provided to the Auditor of State for special and recalled judges for the circuit courts at the rate as prescribed in § 16-10-119, if the retired judge has been retired for four (4) years or less.

(b) A retired judge who has been retired for more than four (4) years shall receive no expense or mileage reimbursement for his or her appointment as a special judge.

16-10-905. Amount of per diem compensation.

(a) Per diem compensation prescribed in § 16-10-902 shall be for each day or portion of a day the judge serves on the bench.

(b)(1) For each day or portion of a day that a special judge appointed under Arkansas Constitution, Amendment 80, performs his or her judicial duties other than on the bench, the judge shall receive compensation as prescribed by rules adopted by the Supreme Court, if the retired judge has been retired for four (4) years or less.

(2) A retired judge who has been retired for more than four (4)

years shall receive no per diem compensation for his or her appointment as a special judge.

SECTION 2. Arkansas Code § 16-13-214 is amended to read as follows:

16-13-214. Disqualification and required recusal of judges.

(a) ~~No~~ A judge of the circuit court shall not sit on the determination of ~~any~~ a case in which he or she is interested in the outcome, is related to any party within the third degree of consanguinity or affinity, has been of counsel in the case or presided over ~~it~~ the case in any inferior court, or is otherwise disqualified under the Arkansas Code of Judicial Conduct, unless the parties waive the disqualification as provided therein.

(b)(1) Unless otherwise prohibited by Arkansas Constitution, Amendment 80, a circuit court judge who has been asked to recuse from a case by formal motion by any party to pending litigation for good cause shall schedule a hearing on the motion to be presided over by another qualified circuit court judge of the same judicial circuit.

(2) A party may make an interlocutory appeal to an adverse ruling by the circuit court on a motion to recuse to the Supreme Court, which shall decide the appeal consistent with its own rules.