

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

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1287

By: Representatives Gazaway, M. Shepherd

By: Senators C. Tucker, J. Bryant

For An Act To Be Entitled

AN ACT TO MAKE TECHNICAL CORRECTIONS TO TITLE 16 OF
THE ARKANSAS CODE CONCERNING PRACTICE, PROCEDURE, AND
THE COURTS; AND FOR OTHER PURPOSES.

Subtitle

TO MAKE TECHNICAL CORRECTIONS TO TITLE 16
OF THE ARKANSAS CODE CONCERNING PRACTICE,
PROCEDURE, AND THE COURTS.

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

SECTION 1. Arkansas Code § 16-10-109 is repealed because it is
obsolete.

~~16-10-109. Reading of record—Signing.~~

~~Full entries of the orders and proceedings of all courts of record of
each day shall be read in open court on the morning of the succeeding day.
However, on the last day of the term, the minutes shall be read and signed at
the rising of the court.~~

SECTION 2. Arkansas Code § 16-10-123 is repealed because it is
obsolete.

~~16-10-123. Furnishing fuel, blank books, and stationery.~~

~~The several sheriffs are authorized and required to furnish the fuel
which may be necessary for the use of the several courts in their respective
counties, and the clerks shall furnish all blank books and stationery for the
use of the several courts in their respective counties.~~



01/26/2023 09:30:20 AM JLL009

SECTION 3. Arkansas Code § 16-10-125 is repealed because it is obsolete.

~~16-10-125. Audit of accounts of sheriff and clerk.~~

~~The several courts shall audit and adjust the accounts of the sheriff and clerk for all expenditures made under this act and certify the balance accordingly.~~

SECTION 4. Arkansas Code § 16-10-128 is repealed because it is obsolete.

~~16-10-128. Transcripts—Bills of exceptions.~~

~~In making out transcripts of records, except on writs of error and appeals, the bills of exception shall not be inserted unless specially required by the applicant therefor.~~

SECTION 5. Arkansas Code § 16-13-216 is repealed because it is obsolete.

~~16-13-216. Clerk and court reporter—Assistants—Salaries.~~

~~(a) The circuit judge of any judicial district which had a total population between forty two thousand (42,000) and forty four thousand (44,000) according to the 1960 Federal Decennial Census may appoint for the district some person who is either a lawyer, or who has served as an official court reporter prior to February 27, 1968, to serve as clerk and court reporter for the judicial district.~~

~~(b)(1) The official so provided for in this section for such a judicial district shall receive a salary of five thousand four hundred dollars (\$5,400) per year for such work.~~

~~(2) The salary is to be paid in monthly or quarterly payments by the various counties of the judicial district out of proper and appropriate funds and as set out in this section.~~

~~(c)(1) The circuit judge of the judicial circuit is authorized, empowered, and directed to employ and appoint a person to assist the clerk or court reporter at the request of the clerk or court reporter at wages to be designated by the circuit judge.~~

~~(2) The wages of the assistant shall be paid out of the salary of the clerk or court reporter appointed under this section to serve the~~

~~judicial district.~~

~~(d)(1) The annual salary of the clerk and court reporter shall be paid by the respective counties comprising the judicial districts which may be affected by this section according to an assessment or assessments to be fixed, made, determined, and proportioned among the counties comprising the judicial district by the presiding judge of the judicial district at such time as he or she may deem proper and necessary.~~

~~(2) The proportioning, fixing, prorating, and determining of the amounts each county shall pay shall be determined on a basis of assessed valuation of the property in the counties or in the district as a whole.~~

~~(3) The salary shall be paid as provided in subsection (b) of this section by the various counties from appropriate county funds.~~

~~(e) Nothing in this section shall affect the fees chargeable by court reporters of the judicial districts with a total population of between forty-two thousand (42,000) and forty-four thousand (44,000) according to the 1960 Federal Decennial Census for transcripts and such services as may be now in force and effect.~~

SECTION 6. Arkansas Code § 16-13-508 is repealed because the section is also codified at Arkansas Code § 19-5-1082.

~~16-13-508. Court Reporter's Fund established.~~

~~There is created on the books of the Auditor of State, Treasurer of State, and Chief Fiscal Officer of the State a fund to be known as the Court Reporter's Fund which fund shall be used exclusively for paying such salaries, transcript fees, and expenses of court reporters as may be provided by law to be paid from state funds.~~

SECTION 7. Arkansas Code § 16-13-904 is repealed because it is obsolete.

~~16-13-904. Additional judgeship. [Referred to Arkansas Judicial Council for approval.]~~

~~(a) There is created in the First Judicial District an additional circuit judgeship which shall have jurisdiction in law, equity, and probate.~~

~~(b) As soon as possible after July 30, 1999, the Governor shall appoint a qualified person to temporarily fill the First Judicial District circuit judgeship created by subsection (a) of this section, and the~~

~~appointed person shall serve until December 31, 2000, or until a successor has been elected and qualified, whichever occurs last.~~

~~(c)(1) The qualified electors of the district shall elect the additional circuit judge created by this section at the November 2000 general election to take office on January 1, 2001.~~

~~(2) The additional judge shall be elected from the district and shall satisfy the same qualifications for holding office and shall receive the same salary, expenses, and other allowances as provided by law for judges of the circuit courts.~~

~~(3) The judge shall serve for elected terms of four (4) years.~~

~~(d) The counties which compose the First Judicial District shall provide courtroom and office facilities and supplies for the judge of the circuit judgeship created by this section, which shall be paid out of the county treasuries in the same manner as other demands against the counties, out of funds appropriated by the respective quorum courts of the counties for such purposes.~~

~~(e) There shall be provided for the judge of the circuit judgeship created by this section a court reporter and a trial court administrative assistant whose salaries shall be fixed and paid in the manner provided by law for court reporters and trial court administrative assistants of the circuit courts of this state.~~

~~(f) The Attorney General shall, if it is determined to be necessary, present the provisions of this section to the United States District Court for the Eastern District of Arkansas pursuant to the decision in Eugene Hunt, et al. v. State of Arkansas et al., No. PB-C-89-406.~~

SECTION 8. Arkansas Code § 16-13-905 is repealed because it is obsolete.

~~16-13-905. Approval by Arkansas Judicial Council. [Referred to Arkansas Judicial Council for approval.]~~

~~(a) The provisions of § 16-13-904 and this section shall be effective only if approved by the Arkansas Judicial Council which said approval shall be in writing to the chairs of the Senate and House Committees on Judiciary.~~

~~(b) The council is hereby directed to review the provisions of § 16-13-904 and this section together with all other acts passed and approved by the Eighty-second General Assembly regarding the division of, or the adding~~

~~of judgeships to, the First Judicial District, and approve the plan which the council determines to be the best solution to the problems facing the First Judicial District.~~

~~(c) If it is determined by the council that none of the acts passed regarding the First Judicial District is meritorious, then none of the acts should be approved by the council and none of the acts shall take effect even after passage and approval by the Eighty-second General Assembly.~~

SECTION 9. Arkansas Code Title 16, Chapter 19, Subchapter 3, is repealed because its provisions are being transferred to Arkansas Code Title 14 by Section 18 of this act.

~~Subchapter 3—Constables~~

~~16-19-301.—Peacekeeping duties and authority—Neglect of duty.~~

~~(a) Each constable shall be a conservator of the peace in his township and shall suppress all riots, affrays, fights, and unlawful assemblies, and shall keep the peace and cause offenders to be arrested and dealt with according to law.~~

~~(b) If any offense cognizable before a justice of the peace in his township is committed in his presence, the constable shall immediately arrest the offender and cause him to be dealt with according to law.~~

~~(c) Nothing in subsection (a) or subsection (b) of this section shall be construed to deprive a constable of authority to serve warrants, summons, writs, and other process as provided by law.~~

~~(d) Nothing in this section shall prevent the fresh pursuit by a constable of a person suspected of having committed a supposed felony in his township, though no felony has actually been committed, if there are reasonable grounds for so believing. "Fresh pursuit" as used in this section shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.~~

~~(e) If it comes to the knowledge of any constable that an offense mentioned in this section has been committed in his township, it shall be the duty of the constable to present the offender to a justice of the peace of the township in order that the offender may be arrested and brought to trial as prescribed by law.~~

~~(f) If a constable fails, refuses, or neglects to perform the duties imposed upon him by this section, he shall be deemed guilty of a misdemeanor, and upon conviction, by indictment in the circuit court, shall be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100).~~

~~16-19-302. Proceedings against constables upon default.~~

~~(a) A justice of the peace shall, upon the demand of the party injured, or his agent, issue a summons against a constable to whom any execution has been delivered, or who has received any money upon any judgment of the justice, whether with or without execution:~~

~~(1) If the constable fails to make return of the execution according to the command thereof;~~

~~(2) If he makes a false return;~~

~~(3) If he fails to have any money collected by him on execution before the justice on the return day thereof, ready to be paid over to the party entitled thereto, or the receipt of such person therefor; or~~

~~(4) If he fails to pay over on demand to the person entitled thereto, or his agent, any money received by him in payment of any judgment.~~

~~(b) The summons shall require the constable to appear before the justice at a place and time to be specified therein, not exceeding ten (10) days, and show cause why an execution should not be issued against him for the amount due upon the execution placed in his hands, or for the amount received by him upon the judgment, according to the nature of the case. The summons shall be served at least four (4) days before the return day thereof and may in other respects be executed in the same manner as an original summons.~~

~~(c) If the constable fails to appear, or if he appears but fails to show good cause in reply to the matters alleged against him, the justice shall render judgment against him for the amount due on the execution, or for the amount received by him without execution, according to the nature of the case, together with interest thereon, at the rate of one hundred percent (100%) per annum, from the time the execution ought to have been returned, and from the time the money ought to have been had before the justice ready to be paid over to the parties entitled thereto, or from the time the money was received on the judgment without execution, or was demanded by the party or his agent.~~

~~(d) Any process issued against any constable shall be served and executed by a special deputy, who shall be appointed by the justice for that purpose and who shall have the same power to execute and return such process as a constable, and whose return shall be sworn to.~~

~~(e) Upon a judgment against a constable pursuant to this section, there shall be no stay of execution, but an appeal may be had as in other cases and with like effect.~~

~~(f) The party injured may proceed against the constable as provided in this section or may institute a suit against him on his official bond. When proceeding on the constable's official bond, the injured party shall be entitled to the same recovery as upon a summons against the constable.~~

~~16-19-303. Removal from office.~~

~~(a) If any constable fails to pay over any money collected by him after demand is made, or fails to return any execution or other process within the time specified in the process, or fails or neglects to perform any other duty required by law, he shall be removed from office by the county court on motion on charges exhibited against him.~~

~~(b) A copy of the charges, together with notice of the time of hearing the charges, shall be served on the constable at least five (5) days before the commencement of the term of the court at which the motion is made, which may be served in the same manner as a summons, and by any person over the age of twenty one (21) years who would be a competent witness.~~

~~16-19-304. Failure to pay moneys collected — Responsibility of sureties — Relief from liability.~~

~~(a) If any constable receives from any person any bonds, bills, notes, or accounts for collection and gives his receipt therefor in his official capacity, and fails to pay to that person on demand the amount he may have collected, and fails to return the bonds, bills, notes, or accounts, if they have not been collected, the constable and his securities shall be responsible on his official bond for the amount of the bonds, bills, notes, or accounts not paid over or returned.~~

~~(b) No constable shall be responsible for any bond, bill, or note for which he may have given his receipts and on which suit may have been brought.~~

~~16-19-305. Continuance in office upon division of township.~~

~~If any township is divided, the constable in office at the time of the division shall continue in office and be constable of the township in which he resides.~~

~~16-19-306. Restriction on constables' authority to appoint deputies.~~

~~Constables in the various townships in this state shall have no authority to appoint deputies.~~

SECTION 10. Arkansas Code § 16-31-103(c), concerning deferment of jury service for a member of the General Assembly, is amended to read as follows to make stylistic changes:

(c) If a member of the General Assembly is summoned for service on a petit or grand jury in circuit court within thirty (30) days preceding the convening of the General Assembly or at any time during a regular session, extraordinary session, or fiscal session, he or she is entitled to a deferment of that service until thirty (30) days after adjournment sine die of the General Assembly.

SECTION 11. Arkansas Code § 16-84-117(b)-(c), concerning denial of bail for certain arrested persons, is amended to read as follows to clarify references:

(b) Unless waived by the court under subsection (c) of this section, a person arrested for a violation of trafficking of persons, § 5-18-103, kidnapping, § 5-11-102, or false imprisonment in the first degree, § 5-11-103, or an offense that involves the taking of a minor or holding a minor without consent, shall not be granted bail before the person agrees to the following conditions imposed by the arraigning court:

- (1) An ankle monitor or GPS-enabled tracking device;
- (2) Restricted movement limited to the person's residence, except in the case of a medical emergency;
- (3) A restriction on internet access and access to electronic media;
- (4) An agreement by the ~~defendant~~ person to:
 - (A) A no contact order prohibiting direct or indirect contact with the victim or victims of the charged offense;

(B) Relinquish all firearms to a third party until the expiration of the no contact order; and

(C) Refrain from using an illegal controlled substance;

(5) A cash bond or a secured bond requiring the ~~defendant~~ person to put up at least fifty percent (50%) of the principal bond amount, at the discretion of the court;

(6) Maintaining regular reporting requirements, at the discretion of the court; and

(7) Obeying a curfew, at the court's discretion.

(c) The court may waive a condition under subsection (b) of this section upon a showing that the waiver would not result in an increased risk to the community or an increased risk of flight by the ~~defendant~~ person.

SECTION 12. Arkansas Code § 16-85-714(b)(1), concerning issuance of no contact orders with respect to certain persons in custody, is amended to read as follows to clarify a reference:

(b)(1) A court may issue a no contact order under this section in addition to any other condition of release from custody that is imposed by the court if:

(A) The ~~person~~ defendant is charged with one (1) or more of the following offenses:

(i) Terroristic threatening, § 5-13-301;

(ii) Trafficking of persons, § 5-18-103; or

(iii) False imprisonment in the first degree, § 5-11-103;

or

(B) It appears that there exists a danger that a defendant will:

(i) Commit a serious crime;

(ii) Seek to intimidate a witness; or

(iii) Otherwise unlawfully interfere with the orderly administration of justice.

SECTION 13. Arkansas Code § 16-93-613(a), concerning eligibility for parole for certain offenses, is amended to read as follows to clarify its application and to make stylistic changes:

(a) Except for ~~those persons~~ a person subject to delayed release under § 5-4-405 and except for a drug offense addressed in § 16-93-618 or a Class Y

felony addressed in § 5-4-104(c)(2), § 16-93-614, or § 16-93-618, a person who commits a Class Y felony, Class A felony, or Class B felony, ~~except those drug offenses addressed in § 16-93-618 or those Class Y felonies addressed in § 5-4-104(c)(2), § 16-93-614, or § 16-93-618~~, and who shall be is convicted and incarcerated for ~~that~~ the Class Y felony, Class A felony, or Class B felony, shall be is eligible for release on parole as follows:

(1) An inmate under sentence of death or life imprisonment without parole is not eligible for release on parole but may be pardoned or have his or her sentence commuted by the Governor as provided by law; and

(2)(A) An inmate sentenced to life imprisonment is not eligible for release on parole unless the sentence is commuted to a term of years by executive clemency.

(B) Upon commutation, the inmate is eligible for release on parole as provided in this subchapter.

SECTION 14. Arkansas Code Title 16, Chapter 96, Subchapter 1, is repealed because it is obsolete.

~~Subchapter 1—City Courts~~

~~16-96-101. Procedure generally.~~

~~The proceedings in circuit courts for the trial of criminal cases, so far as applicable, shall govern the proceedings of the city courts, except as otherwise provided in this subchapter.~~

~~16-96-102. Applicability to judge acting as clerk.~~

~~Where a judge acts as the clerk of the court, the provisions of this subchapter as to the clerk shall apply to him or her.~~

~~16-96-103. Terms of sessions.~~

~~The judge of the city court may, by orders entered on its minutes, fix terms for its sessions, to which process shall be returnable, but may hold the court at any time for the transaction of business brought before him or her.~~

~~16-96-104. Pleadings and indictments.~~

~~(a) No written information or pleadings are required in prosecutions in which an indictment is not required.~~

~~(b) No indictment shall be necessary in prosecutions for violations of the bylaws or ordinances of a city or town nor in other prosecutions in city courts.~~

~~16-96-105. Summons.~~

~~(a) Upon information given by a peace officer, or by a private person on oath, to the judge or clerk of a court that an offense within the jurisdiction of the court has been committed, the judge or clerk shall issue a summons against the offender.~~

~~(b)(1) The summons shall command the peace officer to whom it is directed to summon the defendant, naming him or her, to appear in the court, on a day to be named in the summons, to answer the charge made against him or her of having committed an offense, naming or briefly describing it, and the peace officer shall return the summons on a day to be named.~~

~~(2) It shall be signed by the judge or clerk and directed to the peace officer of the town or city, but it may be executed by any peace officer of the city or county.~~

~~(c) The summons shall be executed by the officer reading it to the defendant or stating to him or her its contents; and, if required, the officer shall show it to him or her.~~

~~16-96-106. Warrant of arrest.~~

~~Upon information on oath made to the judge of the court, he or she may order a warrant of arrest to be issued, which shall be similar to the summons except in the command to arrest the defendant instead of summon him or her.~~

~~16-96-107. Subpoenas.~~

~~The clerk shall issue subpoenas for witnesses at the request of the officers of the city or of the defendant, and the court may compel their attendance in the manner prescribed in the Code of Practice in Civil Cases.~~

~~16-96-108. Right to speedy trial or bail.~~

~~When a person has been arrested and brought before the city court, or the judge thereof, charged with an offense within the jurisdiction of the~~

~~court, he or she shall be immediately tried or, at the discretion of the judge, held to bail for his or her future appearance for trial, or discharged from custody.~~

~~16-96-109. Time of trial.~~

~~(a) All prosecutions in city courts shall stand for trial immediately, where the defendant is in custody or on bail for the offense charged, or on the day when the defendant has been summoned to appear, but only if the summons was executed within the limits of the court's jurisdiction one (1) day or, elsewhere, ten (10) days before the day on which he or she is warned to appear.~~

~~(b) If not executed as provided in subsection (a) of this section, the trial shall be postponed to a day to be fixed by the court.~~

~~16-96-110. Trial by judge or jury for violations of other than ordinances.~~

~~The issues of law and of fact in cases for violations of other than ordinances may be tried by the judge unless the defendant demands a trial by jury, in which case the issues shall be tried by a jury of twelve (12) persons unless the defendant shall consent to be tried by a lesser number.~~

~~16-96-111. [Repealed.]~~

~~16-96-112. Trials in city court.~~

~~All trials in the city court for violation of the bylaws or ordinances of any city or incorporated town shall be before the judge without the intervention of a jury, but the defendant, upon appeal, shall have the right to a trial by jury in the circuit court.~~

~~16-96-113. Continuances.~~

~~The court may, for good cause, grant continuances or postponements of the trial.~~

SECTION 15. Arkansas Code 16-96-503 is repealed because it is obsolete.

~~16-96-503. Jurisdiction.~~

~~The court shall have appellate jurisdiction over the judgments of city courts in their respective counties without regard to the amount in controversy.~~

SECTION 16. Arkansas Code § 16-102-102(g)-(h), concerning DWI/BWI specialty courts, is amended to read as follows to clarify its application and to make stylistic changes:

(g) Subject to § 5-65-108, probation and any other services ordered by the DWI/BWI specialty court shall be ordered after the person pleads guilty or nolo contendere to ~~violating~~ driving or boating while intoxicated, § 5-65-103.

(h) A DWI/BWI specialty court shall not reduce or dismiss a charge or conviction of driving or boating while intoxicated, § 5-65-103, as provided under § 5-65-107.

SECTION 17. Arkansas Code § 16-118-118(a), concerning definitions for a civil action for vulnerable victims of sexual abuse, is amended to read as follows to include respectful language pursuant to § 1-2-124:

(a) As used in this section:

(1) ~~“Disabled”~~ “Disability” means that a person was determined legally ~~disabled to have a disability~~ or determined medically ~~disabled to have a disability~~ by a medical or mental health provider at the time of the alleged wrongful conduct and was unable to give legal consent;

(2) “Minor” means a person of under eighteen (18) years of age;

(3) “Sexual abuse” means the commission of one (1) or more of the following acts or offenses:

(A) Rape, § 5-14-103;

(B) Sexual assault in the first degree, § 5-14-124;

(C) Sexual assault in the second degree, § 5-14-125;

(D) Engaging children in sexually explicit conduct for use in a visual or print medium, § 5-27-303;

(E) Transportation of minors for prohibited sexual conduct, § 5-27-305;

(F) Use of children in sexual performances, § 5-27-401 et seq.;

(G) Unlawful sexual contact with a vulnerable victim; and

(H) Unlawful sexually explicit conduct with a vulnerable victim;

(4) "Sexual contact" means the same as defined in § 5-14-101;

(5) "Sexually explicit conduct" means the same as defined in § 5-27-302; and

(6) "Vulnerable victim" means a person who was either ~~disabled a~~ person with a disability, a minor, or both at the time he or she was a victim of sexual abuse.

SECTION 18. Arkansas Code Title 14, Chapter 15, is amended to add an additional subchapter that was repealed by Section 9 of this act and that includes corrections to obsolete language and stylistic changes.

Subchapter 11 – Constables

14-15-1101. Peacekeeping duties and authority – Neglect of duty.

(a) Each constable shall be a conservator of the peace in his or her township and shall suppress all riots, affrays, fights, and unlawful assemblies, and shall keep the peace and cause offenders to be arrested and dealt with according to law.

(b) If any offense cognizable before a district court in his or her township is committed in his or her presence, the constable shall immediately arrest the offender and cause him or her to be dealt with according to law.

(c) Nothing in subsection (a) or subsection (b) of this section shall be construed to deprive a constable of authority to serve warrants, summons, writs, and other process as provided by law.

(d) Nothing in this section shall prevent the fresh pursuit by a constable of a person suspected of having committed a supposed felony in his or her township, though no felony has actually been committed, if there are reasonable grounds for so believing. As used in this section, "fresh pursuit" shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.

(e) If it comes to the knowledge of any constable that an offense mentioned in this section has been committed in his or her township, it shall be the duty of the constable to present the offender to a district court in order that the offender may be arrested and brought to trial as prescribed by

law.

(f) If a constable fails, refuses, or neglects to perform the duties imposed upon him or her by this section, he or she shall be deemed guilty of a violation, and upon conviction, by indictment in the circuit court, shall be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100).

14-15-1102. Proceedings against constables upon default.

(a) A district court shall, upon the demand of the party injured, or his or her agent, issue a summons against a constable to whom any execution has been delivered, or who has received any money upon any judgment of the justice, whether with or without execution:

(1) If the constable fails to make return of the execution according to the command thereof;

(2) If he or she makes a false return;

(3) If he or she fails to have any money collected by him or her on execution before the district court on the return day thereof, ready to be paid over to the party entitled thereto, or the receipt of such person therefor; or

(4) If he or she fails to pay over on demand to the person entitled thereto, or his or her agent, any money received by him or her in payment of any judgment.

(b) The summons shall require the constable to appear before the district court at a place and time to be specified therein, not exceeding ten (10) days, and show cause why an execution should not be issued against him or her for the amount due upon the execution placed in his or her hands, or for the amount received by him or her upon the judgment, according to the nature of the case. The summons shall be served at least four (4) days before the return day thereof and may in other respects be executed in the same manner as an original summons.

(c) If the constable fails to appear, or if he or she appears but fails to show good cause in reply to the matters alleged against him or her, the district court shall render judgment against him or her for the amount due on the execution, or for the amount received by him or her without execution, according to the nature of the case, together with interest thereon, at the rate of one hundred percent (100%) per annum, from the time

the execution ought to have been returned, and from the time the money ought to have been had before the district court ready to be paid over to the parties entitled thereto, or from the time the money was received on the judgment without execution, or was demanded by the party or his or her agent.

(d) Any process issued against any constable shall be served and executed by a special deputy, who shall be appointed by the district court for that purpose and who shall have the same power to execute and return such process as a constable, and whose return shall be sworn to.

(e) Upon a judgment against a constable pursuant to this section, there shall be no stay of execution, but an appeal may be had as in other cases and with like effect.

(f) The party injured may proceed against the constable as provided in this section or may institute a suit against him or her on his or her official bond. When proceeding on the constable's official bond, the injured party shall be entitled to the same recovery as upon a summons against the constable.

14-15-1103. Removal from office.

(a) If any constable fails to pay over any money collected by him or her after demand is made, or fails to return any execution or other process within the time specified in the process, or fails or neglects to perform any other duty required by law, he or she shall be removed from office by the county court on motion on charges exhibited against him or her.

(b) A copy of the charges, together with notice of the time of hearing the charges, shall be served on the constable at least five (5) days before the commencement of the term of the county court at which the motion is made, which may be served in the same manner as a summons, and by any person over the age of twenty-one (21) years who would be a competent witness.

14-15-1104. Failure to pay moneys collected – Responsibility of sureties – Relief from liability.

(a) If any constable receives from any person any bonds, bills, notes, or accounts for collection and gives his or her receipt therefor in his or her official capacity, and fails to pay to that person on demand the amount he or she may have collected, and fails to return the bonds, bills, notes, or accounts, if they have not been collected, the constable and his or her

securities shall be responsible on his or her official bond for the amount of the bonds, bills, notes, or accounts not paid over or returned.

(b) No constable shall be responsible for any bond, bill, or note for which he or she may have given his or her receipts and on which suit may have been brought.

14-15-1105. Continuance in office upon division of township.

If any township is divided, the constable in office at the time of the division shall continue in office and be constable of the township in which he or she resides.

14-15-1106. Restriction on constables' authority to appoint deputies.

Constables in the various townships in this state shall have no authority to appoint deputies.

SECTION 19. DO NOT CODIFY. CONSTRUCTION AND LEGISLATIVE INTENT.

It is the intent of the General Assembly that:

(1) The enactment and adoption of this act shall not expressly or impliedly repeal an act passed during the regular session of the Ninety-Fourth General Assembly;

(2) To the extent that a conflict exists between an act of the regular session of the Ninety-Fourth General Assembly and this act:

(A) The act of the regular session of the Ninety-Fourth General Assembly shall be treated as a subsequent act passed by the General Assembly for the purposes of:

(i) Giving the act of the regular session of the Ninety-Fourth General Assembly its full force and effect; and

(ii) Amending or repealing the appropriate parts of the Arkansas Code of 1987; and

(B) Section 1-2-107 shall not apply; and

(3) This act shall make only technical, not substantive, changes to the Arkansas Code of 1987.