

Duties of a Justice of the Peace

*Taken from Chapter 2 of the
"Arkansas Justice of the Peace Procedural Manual"*

The Justice of the Peace is an elected official in county government. The Constitution of the State of Arkansas provides for the election of the Justice of the Peace to a two year term of office with the requirements that he/she be a qualified elector and resident. In the event of a vacancy in office, the Governor fills the vacancy by appointment, and the appointee serves until the next general election, when a successor is elected.

Before beginning his/her duties, the Justice of the Peace must take the constitutional oath of office. The Justice of the Peace is entitled to per diem compensation for attending any official, regular, special or committee meetings of the Quorum Court, as long as the compensation does not exceed the specified amount for that size county as prescribed by state law for the calendar year. ACA 14-14-1205

The per diem compensation of justices shall be not less than one hundred twenty dollars (\$120) per diem for each regular meeting nor exceed seven thousand dollars (\$7,000) per calendar year in counties having a population of less than seventy thousand (70,000) and shall not exceed eight thousand five hundred ninety-five dollars (\$8,595) per calendar year in counties having a population of at least seventy thousand (70,000) and less than two hundred thousand (200,000), and shall not exceed ten thousand dollars (\$11,400) per calendar year in counties having a population of two hundred thousand (200,000) or more.

The Legislative body of county government is called the Quorum Court and is composed of 9, 11, 13, or 15 members depending on the population of the county. These officers representing districts within the county meet each month, more often if necessary, to conduct county business and review ordinances and resolutions for passage. The county judge is the presiding officer over the Quorum Court without a vote, but with the power of veto. This veto can be overridden with a 3/5 vote of the total membership of the Quorum Court.

As provided by Amendment No. 55 of the Arkansas Constitution, a county government acting through its Quorum Court may exercise local legislative authority not expressly prohibited by the Constitution or by law for the affairs of the county. Some limitations are: The Quorum Court cannot declare any act a felony (felonies are covered by the State Criminal Code); Quorum Court may exercise no authority unrelated to county affairs.

The Quorum Court may exercise the following powers, but are not limited to:

- A. the levy of taxes in manner prescribed by law;
- B. Appropriate public funds for the expenses of the county in a manner prescribed by ordinances;
- C. Preserve the peace and order and secure freedom from dangerous or noxious activities; provided, however, that no act may be declared a felony;
- D. for any public purpose, contract, or join with any other county, or with any political sub-division or with the United States;
- E. create, consolidate, separate, revise or abandon any elected office or offices except during the term thereof; provided, however, that a majority of those voting on the question at a general election have approved said action; fix the number and compensation of deputies and county employees;
- F. fix the compensation of each county officer with a minimum and maximum to be determined by law;
- G. fill vacancies in elected county offices;
- H. provide for any service or performance of any function relating to county affairs;
- I. to exercise other powers, not inconsistent with law, necessary for effective administration of authorized services and functions. (ACA 14-14-802)