

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Representative Hendrix**

# A Bill

**ACT 312 OF 1993**  
**HOUSE BILL 1429**

## For An Act To Be Entitled

"AN ACT TO SET THE SALARY AND EXPENSES OF THE DEPUTY  
PROSECUTORS IN THE TWELFTH (12TH) CIRCUIT-CHANCERY COURT  
CIRCUIT; AND FOR OTHER PURPOSES."

### Subtitle

**"PRESCRIBES SALARIES AND EXPENSE ALLOWANCES OF  
DEPUTY PROSECUTING ATTORNEYS IN THE TWELFTH  
(12TH) CIRCUIT."**

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

**SECTION 1. Appointment of Deputies and Employees. Effective January 1, 1993, and thereafter, the Prosecuting Attorney in the Twelfth (12th) Judicial Circuit shall be entitled to the following assistance and deputies:**

**(1) Crawford County. Two (2) or more deputies and two (2) or more secretaries whose total salaries shall be ninety-two thousand three hundred seventy-nine dollars (\$92,379.00) per annum, provided that the Quorum Court may appropriate additional money for yearly salary increases or additional personnel in their discretion.**

**(2) Sebastian County. Eight (8) or more deputies and eight (8) or more secretaries, whose total salaries shall be five hundred ninety-five thousand seven hundred ninety-nine dollars and forty-nine cents (\$595,799.49) per annum, provided that the Quorum Court may appropriate additional money for yearly salary increases or additional personnel in their discretion.**

**SECTION 2. Contingent Expense Allowance. (a) Effective January 1, 1993, and thereafter, the Prosecuting Attorney of the Twelfth (12th) Judicial Circuit shall receive a contingent expense allowance to provide for office expenses, including telephone, telegraph, postage, printing, office supplies and equipment, office rent, stationery, traveling expenses, special services, operation of automobiles, and such other expenses which, within the**

1 discretion of the Prosecuting Attorney, may be a proper expense of the office, and also  
2 including necessary expense in connection with any proper investigation incidental to any  
3 criminal law violation or trials before any grand jury, or any court within the Twelfth (12th)  
4 Judicial Circuit, coming within the duties of his office.

5 (b) The contingent expense allowance is to be borne by the respective counties of the  
6 Twelfth (12th) Judicial Circuit as follows:

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8	<b>Crawford County</b>	<b>\$19,498.00</b>
9	<b>Sebastian County</b>	<b>\$53,409.00</b>

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11 **Provided, the counties in the Twelfth (12th) Judicial Circuit shall pay the above-**  
12 **prescribed annual amounts upon vouchers signed by the Prosecuting Attorney and allowed as**  
13 **claims against the county general revenue funds of the respective county.**

14 (c) The Quorum Courts may increase these amounts in their discretion if necessary.

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16 **SECTION 3. (a) A Deputy Prosecuting Attorney who is duly appointed in any county**  
17 **of the Twelfth (12th) Judicial Circuit shall have the authority to perform all official acts as**  
18 **Deputy Prosecuting Attorney in all counties within the Circuit.**

19 (b) Deputy Prosecuting Attorneys in the Twelfth (12th) Judicial Circuit shall be  
20 residents of the Circuit and shall not engage in the private practice of law.

21 (c) The Prosecuting Attorney of the Twelfth (12th) Judicial Circuit and those Deputy  
22 Prosecuting Attorneys and other Deputy Prosecuting Attorneys and other staff members he  
23 designates shall be considered law enforcement officers for the purposes of utilizing  
24 emergency, protective, and communications equipment in coordination with inter-agency  
25 cooperative investigations and operations. **Provided, that the Prosecuting Attorney and all**  
26 **members of his office shall have no greater arrest powers than that accorded all citizens under**  
27 **the Arkansas Constitution and the Arkansas Statutes.**

28 (d) The Prosecuting Attorney shall have the power to appoint Deputy Prosecuting  
29 Attorneys and other employees at such salaries as are authorized in the grant awards from the  
30 Department of Finance and Administration Drug Law Enforcement Program, Anti-Drug  
31 Abuse Act of 1986.

32 (e) The Prosecuting Attorney acting through the Twelfth (12th) Judicial Circuit Drug  
33 Task Force shall have the authority to expend funds from the Department of Finance and  
34 Administration Drug Law Enforcement Program, Anti-Drug Abuse Act of 1986. Those funds  
35 that are designated "overtime funds" are authorized under the grant to be paid to law

1 enforcement officers who are certified with various police agencies in the State of Arkansas.  
 2 Law enforcement personnel who are employed by police agencies or sheriffs\_ offices, including  
 3 the State Police, may receive these funds without being considered employees of the  
 4 Prosecuting Attorney\_s Office. In addition, overtime funds paid these officers under this Drug  
 5 Task Force Grant procedure are not to be construed as violating any legislative salary cap  
 6 accorded these officers in the normal course of employment with their various agencies. These  
 7 funds are intended to supplement funds provided to these departments as salaries to enhance  
 8 the drug-fighting capabilities of the Twelfth (12th) Judicial Circuit Task Force and to a larger  
 9 extent, the State of Arkansas, and will be paid with the knowledge of the cooperating agencies  
 10 involved.

11 (f) The Prosecuting Attorney\_s Office of the Twelfth (12th) Judicial Circuit is  
 12 authorized to receive funds from the federal government in the name of the Twelfth (12th)  
 13 Judicial Circuit Task Force both from federal grants and from asset forfeiture funds, and  
 14 utilize those for official purposes as described in the above paragraph (e).

15 (g) The Prosecuting Attorney\_s Office is hereby authorized pursuant to state  
 16 statute to collect fees for the hot check fund as authorized by the State Legislature and to  
 17 expend those funds in official uses for the benefit of the office.

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 19 SECTION 4. Appropriations by Quorum Courts. The Quorum Courts of the respective  
 20 counties with the Circuit shall annually appropriate out of the general revenue, funds  
 21 sufficient to cover the salaries and contingent expense fund provided for herein, provided that  
 22 the Quorum Courts shall not be required to pay any additional amounts except by their  
 23 consent. The state may provide for supplemental funding to the Prosecutor's Office, but shall  
 24 furnish sufficient funding to cover such acts without reliance upon the respective counties.

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 26 SECTION 5. All provisions of this act of a general and permanent nature are  
 27 amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision  
 28 Commission shall incorporate the same in the Code.

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 30 SECTION 6. If any provision of this act or the application thereof to any person or  
 31 circumstance is held invalid, such invalidity shall not affect other provisions or applications of  
 32 the act which can be given effect without the invalid provision or application, and to this end  
 33 the provisions of this act are declared to be severable.

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 35 SECTION 7. All laws and parts of laws in conflict with this act are hereby repealed.

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**SECTION 8. Emergency. It is hereby found and determined by the General Assembly that this act is essential to the operation of criminal justice within the Twelfth (12th) Judicial Circuit. It is also hereby found and determined by the General Assembly that the Prosecuting Attorney of the Twelfth (12th) Judicial Circuit is in need of additional personnel in order to fight the war on drugs, and that this act authorizes such additional personnel and expenditures, and that said personnel are cooperating with law enforcement agencies in manners such as to incur threats to their personal safety and the safety of persons they are working with, and that protective measures need to be taken in order to encourage the Prosecutor's Office to undertake such actions which result in greater cooperation between law enforcement agencies within the District and more effective and efficient law enforcement in all areas and particularly the war on drugs. The Legislature recognizes that tax funds normally available for law enforcement agencies to increase manpower are unavailable and that the Federal Grant Program and Asset Forfeiture Programs are an excellent means of providing additional law enforcement help to combat drugs without depleting the treasuries of the state. The Legislature specifically intends that these funds are to be utilized to enhance manpower available by allowing the Prosecutor\_s Office to pay overtime to these officers as an incentive to increase anti-drug effectiveness of these agencies. The question of whether or not this may exceed normal salary caps is specifically addressed in the statute to provide that the salary caps shall not apply in the case of overtime funds expended under the provisions of this act. Therefore, an emergency is hereby declared to exist and this act, being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.**

**APPROVED: 03/02/93**

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