

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A Bill

SENATE BILL

4 **By: Senators Walters, Miles and Harriman**

5

6

7

For An Act To Be Entitled

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

11

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

13

14 SECTION 1. Appointment of Deputies and Employees. Effective January 1,
15 1991, and thereafter, the Prosecuting Attorney in the Twelfth (12th) Judicial
16 Circuit shall be entitled to the following assistance and deputies:

17 (1) Crawford County. Two (2) or more deputies and two (2) or more
18 secretaries whose total salaries shall be seventy-one thousand three hundred
19 thirty-eight dollars (\$71,338) per annum, provided that the Quorum Court may
20 appropriate additional money for yearly salary increases or additional
21 personnel in their discretion.

22 (2) Sebastian County. Eight (8) or more deputies and eight (8) or more
23 secretaries, whose total salaries shall be four hundred fifty-two thousand
24 five hundred forty-six dollars (\$452,546) per annum, provided that the Quorum
25 Court may appropriate additional money for yearly salary increases or
26 additional personnel in their discretion.

27

28 SECTION 2. Contingent Expense Allowance. (a) Effective January 1,
29 1991, and thereafter, the Prosecuting Attorney of the Twelfth (12th) Judicial
30 Circuit shall receive a contingent expense allowance to provide for office
31 expenses, including telephone, telegraph, postage, printing, office supplies
32 and equipment, office rent, stationery, traveling expenses, special services,
33 operation of automobiles, and such other expenses which, within the discretion
34 of the Prosecuting Attorney, may be a proper expense of the office, and also
35 including necessary expense in connection with any proper investigation

1 incidental to any criminal law violation or trials before any grand jury, or
2 any court within the Twelfth (12th) Judicial Circuit, coming within the duties
3 of his office.

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

6		
7	Crawford County	\$14,632
8	Sebastian County	\$52,284
9		

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

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

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

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

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

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

1 (e) The Prosecuting Attorney may also expend funds from the Arkansas
2 Hot Check Fee Program as may be deemed necessary to the efficient operation of
3 the office. Provided that no expenditure of these funds shall be construed as
4 implying that the general funds of the respective counties will be obligated
5 to expend any amounts in the event that these programs cease through either
6 federal or state action.

7

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

16

17 SECTION 5. Purpose of Act - Prosecutor's Fees - Settlement for Fee -
18 Salaries Not Dependent of Fees. It is not the purpose of this act to repeal
19 any laws now or hereafter enacted fixing the fees of prosecuting attorneys.
20 In the Fort Smith and Greenwood Districts of Sebastian and in Crawford County,
21 the Justices of the Peace, Municipal Courts, Circuit Courts and other courts
22 shall assess in all cases the prosecuting attorney's fees provided by law. At
23 the end of each calendar month and within five (5) days thereafter, the
24 officers collecting such fees shall pay the same into the treasury of the
25 county, except as herein otherwise provided, and shall receive from the
26 treasurer his receipt in duplicate, one (1) copy of which shall be filed with
27 the county clerk and the other copy kept by the officer or person making such
28 settlement with the treasury. Any officer or person having in his hands any
29 such fees who fails to settle with the county treasurer within the time and in
30 the manner herein provided shall be subject to indictment, prosecution and
31 punishment for embezzlement. It is further recognized that for the most
32 important and complicated work performed by the prosecuting attorney of the
33 counties affected by this act, fees are not provided by law. Therefore, it
34 specifically is the legislative intent to provide the salaries herein set
35 forth without regard to the amount of prosecuting attorney fees and emoluments

1 earned or collected in the judicial circuit affected by this act.

2

3 SECTION 6. All provisions of this act of a general and permanent nature
4 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
5 Revision Commission shall incorporate the same in the Code.

6

7 SECTION 7. If any provision of this act or the application thereof to
8 any person or circumstance is held invalid, such invalidity shall not affect
9 other provisions or applications of the act which can be given effect without
10 the invalid provision or application, and to this end the provisions of this
11 act are declared to be severable.

12

13 SECTION 8. All laws and parts of laws in conflict with this act are
14 hereby repealed.

15

16 SECTION 9. Emergency. It is hereby found and determined by the General
17 Assembly that this act is essential to the operation of criminal justice
18 within the Twelfth (12th) Judicial Circuit. It is also hereby found and
19 determined by the General Assembly that the Prosecuting Attorney of the
20 Twelfth (12th) Judicial Circuit is in need of additional personnel in order to
21 fight the war on drugs; that this act authorizes such additional personnel and
22 expenditures, and that said personnel are cooperating with law enforcement
23 agencies in manners such as to incur threats to their personal safety and the
24 safety of persons they are working with, and that protective measures need to
25 be taken in order to encourage the Prosecutor's Office to undertake such
26 actions which result in greater cooperation between law enforcement agencies
27 within the District and more effective and efficient law enforcement in all
28 areas and particularly the war on drugs. Therefore, an emergency is hereby
29 declared to exist and this act, being necessary for the immediate preservation
30 of the public peace, health and safety shall be in full force and effect from
31 and after its passage and approval.

32

33

34

35

- 1
- 2
- 3