

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

# A Bill

**HOUSE BILL**

## 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."

## Subtitle

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

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

18 SECTION 1. Appointment of Deputies and Employees. Effective January 1,  
19 1993, and thereafter, the Prosecuting Attorney in the Twelfth (12th) Judicial  
20 Circuit shall be entitled to the following assistance and deputies:

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

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

32 SECTION 2. Contingent Expense Allowance. (a) Effective January 1,  
33 1993, and thereafter, the Prosecuting Attorney of the Twelfth (12th) Judicial  
34 Circuit shall receive a contingent expense allowance to provide for office  
35 expenses, including telephone, telegraph, postage, printing, office supplies

1 and equipment, office rent, stationery, traveling expenses, special services,  
2 operation of automobiles, and such other expenses which, within the discretion  
3 of the Prosecuting Attorney, may be a proper expense of the office, and also  
4 including necessary expense in connection with any proper investigation  
5 incidental to any criminal law violation or trials before any grand jury, or  
6 any court within the Twelfth (12th) Judicial Circuit, coming within the duties  
7 of his office.

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

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11	Crawford County	\$19,498.00
12	Sebastian County	\$53,409.00

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

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

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

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

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

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

5 (e) The Prosecuting Attorney acting through the Twelfth (12th) Judicial  
6 Circuit Drug Task Force shall have the authority to expend funds from the  
7 Department of Finance and Administration Drug Law Enforcement Program, Anti-  
8 Drug Abuse Act of 1986. Those funds that are designated "overtime funds" are  
9 authorized under the grant to be paid to law enforcement officers who are  
10 certified with various police agencies in the State of Arkansas. Law  
11 enforcement personnel who are employed by police agencies or sheriffs\_  
12 offices, including the State Police, may receive these funds without being  
13 considered employees of the Prosecuting Attorney\_s Office. In addition,  
14 overtime funds paid these officers under this Drug Task Force Grant procedure  
15 are not to be construed as violating any legislative salary cap accorded these  
16 officers in the normal course of employment with their various agencies.  
17 These funds are intended to supplement funds provided to these departments as  
18 salaries to enhance the drug-fighting capabilities of the Twelfth (12th)  
19 Judicial Circuit Task Force and to a larger extent, the State of Arkansas, and  
20 will be paid with the knowledge of the cooperating agencies involved.

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

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

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31 SECTION 4. Appropriations by Quorum Courts. The Quorum Courts of the  
32 respective counties with the Circuit shall annually appropriate out of the  
33 general revenue, funds sufficient to cover the salaries and contingent expense  
34 fund provided for herein, provided that the Quorum Courts shall not be  
35 required to pay any additional amounts except by their consent. The state may

1 provide for supplemental funding to the Prosecutor's Office, but shall furnish  
2 sufficient funding to cover such acts without reliance upon the respective  
3 counties.

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

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

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

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18 SECTION 8. Emergency. It is hereby found and determined by the General  
19 Assembly that this act is essential to the operation of criminal justice  
20 within the Twelfth (12th) Judicial Circuit. It is also hereby found and  
21 determined by the General Assembly that the Prosecuting Attorney of the  
22 Twelfth (12th) Judicial Circuit is in need of additional personnel in order to  
23 fight the war on drugs, and that this act authorizes such additional personnel  
24 and expenditures, and that said personnel are cooperating with law enforcement  
25 agencies in manners such as to incur threats to their personal safety and the  
26 safety of persons they are working with, and that protective measures need to  
27 be taken in order to encourage the Prosecutor's Office to undertake such  
28 actions which result in greater cooperation between law enforcement agencies  
29 within the District and more effective and efficient law enforcement in all  
30 areas and particularly the war on drugs. The Legislature recognizes that tax  
31 funds normally available for law enforcement agencies to increase manpower are  
32 unavailable and that the Federal Grant Program and Asset Forfeiture Programs  
33 are an excellent means of providing additional law enforcement help to combat  
34 drugs without depleting the treasuries of the state. The Legislature  
35 specifically intends that these funds are to be utilized to enhance manpower

1 available by allowing the Prosecutor\_s Office to pay overtime to these  
2 officers as an incentive to increase anti-drug effectiveness of these  
3 agencies. The question of whether or not this may exceed normal salary caps  
4 is specifically addressed in the statute to provide that the salary caps shall  
5 not apply in the case of overtime funds expended under the provisions of this  
6 act. Therefore, an emergency is hereby declared to exist and this act, being  
7 necessary for the immediate preservation of the public peace, health and  
8 safety shall be in full force and effect from and after its passage and  
9 approval.

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