

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**

A Bill

HOUSE BILL 1637

4 **By: Representatives Curran, Hall, and George**

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For An Act To Be Entitled

8 "AN ACT TO SET THE SALARY AND EXPENSES OF THE DEPUTY
9 PROSECUTING ATTORNEYS IN THE FIFTH JUDICIAL DISTRICT; AND
10 FOR OTHER PURPOSES."

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Subtitle

13 "TO SET SALARY AND EXPENSES OF THE DEPUTY PROSECUTING
14 ATTORNEYS IN THE FIFTH JUDICIAL DISTRICT."

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

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18 SECTION 1. Appointment of deputies and employees.

19 Retroactive to January 1, 1993, and thereafter, the Prosecuting Attorney
20 in the Fifth Judicial District shall be entitled to the following assistance
21 and employees:

22 (a) One (1) Chief Deputy Prosecuting Attorney, whose salary shall not
23 be less than twenty-seven thousand four hundred forty-two dollars (\$27,442)
24 per annum. Said salary to be paid in accordance with the pay periods and
25 payroll policy for county employees of Pope County, Arkansas. In addition to
26 said salaries: social security, matching retirement, insurance, and all
27 related salary expenses shall be paid as set forth in Section 2, below.

28 (b) One (1) Deputy Prosecuting Attorney for Pope County, whose salary
29 shall not be less than seventeen thousand eight hundred sixty-one dollars
30 (\$17,861) per annum. Said salary to be paid in accordance with the pay
31 periods and payroll policy for county employees of Pope County, Arkansas. In
32 addition to said salaries: social security, matching retirement, insurance
33 and all related salary expenses shall be paid by Pope County.

34 (c) One (1) Deputy Prosecuting Attorney for Johnson County who shall be
35 a resident of Johnson County and whose salary shall not be less than twenty-

1 two thousand dollars (\$22,000) per annum. Johnson County, Arkansas shall also
2 provide said deputy prosecuting attorney with a secretary who shall be a
3 resident of Johnson County and whose salary shall not be less than thirteen
4 thousand seven hundred dollars (\$13,700) per annum. Said salaries to be paid
5 in accordance with the pay periods and payroll policy of Johnson County,
6 Arkansas. In addition to said salaries: social security, matching retirement,
7 insurance and all related salary expenses shall be paid by Johnson County.
8 Johnson County, Arkansas, shall also provide an expense account for the
9 Johnson County deputy prosecuting attorney that shall not be less than two
10 thousand five hundred dollars (\$2,500) per annum.

11 (d) One (1) Deputy Prosecuting Attorney for the Ozark and Charleston
12 Districts of Franklin County who shall be a resident of Franklin County and
13 whose salary shall not be less than seventeen thousand dollars (\$17,000) nor
14 more than thirty thousand dollars (\$30,000) per annum. Said salary to be paid
15 in accordance with the pay periods and payroll policy of Franklin County,
16 Arkansas. Said deputy shall be entitled to an expense allowance of not less
17 than thirteen thousand two hundred dollars (\$13,200) per annum. Said deputy
18 shall be entitled to hire a secretary who shall be a resident of Franklin
19 County with funds from the aforementioned expense allowance. In addition to
20 said salaries: social security, matching retirement, insurance and all
21 related salary expenses shall be paid by Franklin County.

22 (e) One (1) Investigator/Attorney, whose duties shall be to investigate
23 all matters referred to him by the Prosecuting Attorney of the Fifth Judicial
24 District, including violations of the Statutes of the State of Arkansas and
25 collecting evidence in cases in which the State of Arkansas, Fifth Judicial
26 District, is or may be a party in interest. In the event the prosecuting
27 attorney fills said position with an attorney, said attorney shall have all
28 the rights, powers, and privileges as would a deputy prosecuting attorney.
29 The investigator may serve all process issuing out of the courts in said
30 county or counties for the prosecuting attorney_s office. The salary of the
31 investigator shall not be less than fifteen thousand six hundred fifty-six
32 dollars and seventy-five cents (\$15,656.75). Said salary to be paid in
33 accordance with the pay periods and payroll policy of Pope County, Arkansas.
34 In addition to said salaries: social security, matching retirement, insurance
35 and all related salary expenses shall be paid as set forth in Section 2,

1 below.

2 (f) One (1) office manager/chief clerk, whose salary shall not be less
3 than sixteen thousand seven hundred eighty-one dollars and thirty cents
4 (\$16,781.30) or less than the salary of a chief clerk of other county
5 officials in Pope County, Arkansas. Said salary to be paid in accordance with
6 the pay periods and payroll policy of Pope County, Arkansas. In addition to
7 said salaries: social security, matching retirement, insurance and all
8 related salary expenses shall be paid as set forth in Section 2, below.

9 (g) One (1) part-time employee, whose salary shall not be less than
10 seven thousand one hundred six dollars and fifty-five cents (\$7,106.55) or
11 less than one-half the salary of a clerk of other county officials in Pope
12 County, Arkansas. Said salary to be paid in accordance with the pay periods
13 and payroll policy of Pope County, Arkansas. In addition to said salaries:
14 social security, matching retirement, insurance and all related salary
15 expenses shall be paid as set forth in Section 2, below.

16 (h) One (1) Secretary/Records Clerk, whose salary shall not be less
17 than fourteen thousand two hundred thirteen dollars (\$14,213) per annum, or
18 less than the salary of a clerk of other county officials in Pope County,
19 Arkansas. Said salary to be paid in accordance with the pay periods and
20 payroll policy of Pope County, Arkansas. In addition to said salaries:
21 social security, matching retirement, insurance and all related salary
22 expenses shall be paid as set forth in Section 2, below.

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24 SECTION 2. Said salaries, social security, matching retirement,
25 insurance and all expenses incurred by the Chief Deputy Prosecuting Attorney,
26 Investigator/Attorney, Office Manager/Chief Clerk, part-time employee, and
27 secretary/records clerk shall be paid by Pope County, Arkansas. At the end of
28 each quarter, one-third (1/3) of the said total shall be reimbursed to Pope
29 County by Johnson County and Franklin County equally, being one-sixth (1/6)
30 each.

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32 SECTION 3. The Prosecuting Attorney of the Fifth Judicial District
33 shall be entitled to an operating expense of not less than seventeen thousand
34 five hundred dollars (\$17,500) to cover the cost of printing, supplies,
35 equipment, janitorial services, cleaning supplies, food, service contracts,

1 accounting, postage, photocopies, travel, training, utilities, rent, juror and
2 witness fees, and such other expenses which within the discretion of the
3 prosecuting attorney may be proper expenses of the office in connection with
4 the investigation and prosecution of criminal activity within the district.
5 Said expenses shall be paid in equal monthly installments from Pope County
6 General Fund. At the end of each quarter, one-third (1/3) of said sum shall
7 be reimbursed to Pope County by Johnson County and Franklin County equally,
8 being one-sixth (1/6) each. In addition, the telephone bill shall be
9 submitted to the county for payment, this payment to be in addition to the
10 operating expenses hereinabove set forth.

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12 SECTION 4. The Prosecuting Attorney shall have the power to appoint all
13 assistants and employees without confirmation of any court or tribunal.

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15 SECTION 5. The Quorum Courts of the respective counties of the Fifth
16 Judicial District shall annually appropriate out of the General Funds
17 sufficient amounts to cover the salaries and expenses provided for herein.
18 The salaries and expenses provided herein are minimum provisions only and the
19 quorum courts of the respective counties may appropriate any additional funds
20 they deem necessary for the efficient operation of the office of the
21 prosecuting attorney.

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23 SECTION 6. (a) A Deputy Prosecuting Attorney who is duly appointed in
24 any county of the Fifth Judicial District shall have the authority to perform
25 all official acts as deputy prosecuting attorney in all counties within the
26 district,

27 (b) The Prosecuting Attorney of the Fifth Judicial District and those
28 deputy prosecuting attorneys and other staff members he designates shall be
29 considered law enforcement officers for the purposes of utilizing emergency,
30 protective, and communication equipment in coordination with inter-agency
31 cooperative investigations and operations. Provided that the prosecuting
32 attorney and all members of his office shall have no greater arrest powers
33 than that accorded all citizens under the Arkansas Constitution and the
34 Arkansas Statutes.

35 (c) The Prosecuting Attorney shall have the power to appoint deputy

1 prosecuting attorneys and other employees at such salaries as are authorized
2 in the grant awards from the Department of Finance and Administration Drug Law
3 Enforcement Program, Anti-Drug Abuse Act of 1986 as amended or its successor.

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5 SECTION 7. In addition to the Deputy Prosecuting Attorney positions
6 created by Arkansas Code Annotated section 16-21-113 and other Arkansas code
7 provisions and laws, the Prosecuting Attorney for the Fifth Judicial District
8 shall have the power to enter into a contract for personal services with a
9 licensed attorney whose duty it will be to act as a deputy prosecutor to
10 prosecute civil asset forfeiture actions in such a manner as is deemed proper
11 by the prosecuting attorney. This attorney shall be paid in accordance with
12 §5-64-505(k)(4).

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14 SECTION 8. Purpose of act - prosecutor_s fees - settlement for fee -
15 salaries not dependent of fees. It is not the purpose of this act to repeal
16 any laws now or hereafter enacted fixing the fees of prosecuting attorneys.
17 In the Ozark and Charleston Districts of Franklin County and in Pope and
18 Johnson Counties, municipal courts, circuit courts and other courts shall
19 assess in all cases the prosecuting attorney_s fees provided by law. At the
20 end of each calendar month and within five (5) days thereafter, the officers
21 collecting such fees shall pay the same into the treasury of the county,
22 except as herein otherwise provided, and shall receive from the treasurer his
23 receipt in duplicate, one (1) copy of which shall be filed with the county
24 clerk and the other copy kept by the officer or person making such settlement
25 with the treasury. Any officer or person having in his hands any such fees
26 who fails to settle with the county treasurer within the time and in the
27 manner herein provided shall be subject to indictment, prosecution and
28 punishment for theft of property. It is further recognized that for the most
29 important and complicated work performed by the prosecuting attorney of the
30 counties affected by this act, fees are not provided by law. Therefore, it
31 specifically is the legislative intent to provide the salaries herein set
32 forth without regard to the amount of prosecuting attorney fees and emoluments
33 earned or collected in the judicial circuit affected by this act.

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35 SECTION 9. All provisions of this act of a general and permanent nature

1 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
2 Revision Commission shall incorporate the same in the Code.

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

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10 SECTION 11. All laws and parts of laws in conflict with this act are
11 hereby repealed.

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13 SECTION 12. EMERGENCY. It is hereby found and determined by the
14 General Assembly that this act is essential to the operation of criminal
15 justice within the Fifth Judicial District; that the Prosecuting Attorney of
16 the Fifth Judicial Circuit is in need of personnel and expense funding in
17 order to fight the war on crime. Therefore, an emergency is hereby declared
18 to exist and this act being necessary for the immediate preservation of the
19 public peace, health and safety shall be in full force and effect from and
20 after its passage and approval.

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24 */s/Rep. Curran, et al*

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