

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

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO SET THE SALARY AND EXPENSES OF THE DEPUTY
9 PROSECUTING ATTORNEY IN THE EIGHTEENTH JUDICIAL DISTRICT -
10 WEST; AND FOR OTHER PURPOSES."

Subtitle

13 "SET SALARY AND EXPENSES OF DEPUTY PROSECUTING ATTORNEY IN
14 EIGHTEENTH JUDICIAL DISTRICT - WEST."

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

18 SECTION 1. Appointment of deputies and employees.
19 Retroactive to January 1, 1993, and thereafter, the Prosecuting Attorney
20 in the Eighteenth Judicial District - West shall be entitled to the following
21 assistants and employees:

22 (a) One (1) Deputy Prosecuting Attorney for Polk County, whose salary
23 shall not be less than eighteen thousand dollars (\$18,000) per annum. Said
24 salary to be paid biweekly. In addition to said salary: social security,
25 matching retirement, insurance and all related salary expenses shall be paid
26 by Polk County. Said deputy shall be entitled to an expense allowance of not
27 less than six hundred dollars (\$600) per annum.

28 (b) One (1) Deputy Prosecuting Attorney for Montgomery County, whose
29 salary shall not be less than fourteen thousand dollars (\$14,000) per annum.
30 Said salary to be paid biweekly. In addition to said salary: social
31 security, matching retirement, insurance and all related salary expenses shall
32 be paid by Montgomery County. Said deputy shall be entitled to an expense
33 allowance of not less than six hundred dollars (\$600) per annum.

34 (c) Nothing in this act shall be construed to prohibit the prosecuting
35 attorney from appointing one (1) individual to serve as deputy prosecuting

1 attorney for both Polk and Montgomery Counties

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3 SECTION 2. The prosecuting attorney shall have the power to appoint all
4 assistants and employees without confirmation of any court or tribunal.

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6 SECTION 3. Quorum court appropriation.

7 The quorum courts of the respective counties of the Eighteenth Judicial
8 District - West shall annually appropriate out of the general funds sufficient
9 amounts to cover the salaries and expenses of deputy prosecuting attorneys
10 provided for herein. The salaries and expenses provided herein are minimum
11 provisions only and the quorum courts of the respective counties may
12 appropriate any additional funds they deem necessary for the efficient
13 operation of the office of the prosecuting attorney.

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15 SECTION 4. Investigative and law enforcement designation.

16 (a) A deputy prosecuting attorney who is duly appointed in any county
17 of the Eighteenth Judicial District - West shall have the authority to perform
18 all official acts as deputy prosecuting attorney in all counties within the
19 district.

20 (b) A deputy prosecuting attorney who is duly appointed in any county
21 of the Eighteenth Judicial District - West, in addition to his rights, powers,
22 and privileges as a deputy prosecutor, shall act as an investigator with the
23 duty to investigate all matters referred to him by the Prosecuting Attorney of
24 the Eighteenth Judicial District - West, including violations of the statutes
25 of the state of Arkansas and collecting evidence in cases in which the state
26 of Arkansas or the Eighteenth Judicial District - West is or may be a party in
27 interest. As investigator, such Deputy Prosecuting Attorney may serve all
28 process issuing out of the courts in Polk or Montgomery counties for the
29 prosecuting attorney_s office, including subpoenas issued by the prosecuting
30 attorney_s office.

31 (c) The prosecuting attorney of the Eighteenth Judicial District - West
32 and those deputy prosecuting attorneys so designated shall be considered law
33 enforcement officers for the purpose of utilizing emergency, protective, and
34 communication equipment in the performance of their official duties and in
35 coordination with inter-agency cooperative investigations and operations.

1 Provided that the prosecuting attorney and all members of his office shall
2 have no greater arrest powers than that accorded all citizens under the
3 Arkansas Constitution and the Arkansas statutes.

4 (d) The prosecuting attorney shall have the power to appoint deputy
5 prosecuting attorneys and other employees at such salaries as are authorized
6 in the grant awards from the Department of Finance and Administration Drug Law
7 Enforcement Program, Anti-Drug Abuse Act of 1986 as amended or its successor.

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9 SECTION 5. Civil asset forfeiture personnel.

10 (a) The prosecuting attorney for the Eighteenth Judicial District -
11 West shall have the power to enter into a contract for personal services with
12 any duly appointed deputy prosecuting attorney to prosecute civil asset
13 forfeiture actions at such salary, amounts, or compensation as are deemed
14 proper.

15 (b) Nothing in this act shall be construed to prohibit the quorum
16 courts or city governing bodies of the Eighteenth Judicial District - West
17 from providing additional personnel or funds, from whatever sources are
18 available, to the prosecuting attorney_s office for purposes of pursuing civil
19 asset forfeiture.

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21 SECTION 6. Purpose of act - prosecutor_s fees - settlement for fee -
22 salaries not dependent of fees.

23 It is not the purpose of this act to repeal any laws now or hereafter
24 enacted fixing the fees of prosecuting attorneys. In Polk and Montgomery
25 counties, municipal courts, circuit courts and other courts shall assess in
26 all cases the prosecuting attorney_s fees provided by law. On the first day
27 of each calendar month or within five (5) days thereafter, the officers
28 collecting such fees shall pay the same into the treasury of the county,
29 except as herein otherwise provided, and shall receive from the treasurer his
30 receipt in duplicate, one (1) copy of which shall be filed with the county
31 clerk and the other copy kept by the officer or person making such settlement
32 with the treasury. Any officer or person having in his hands any such fees
33 who fails to settle with the county treasurer within the time and in the
34 manner herein provided shall be subject to indictment, prosecution and
35 punishment for theft of property. It is further recognized that for the most

1 important and complicated work performed by the prosecuting attorney of the
2 counties affected by this act, fees are not provided by law. Therefore, it
3 specifically is the legislative intent to provide the salaries herein set
4 forth without regard to the amount of prosecuting attorney fees and emoluments
5 earned or collected in the judicial circuit affected by this act.

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

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

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17 SECTION 9. All laws and parts of laws in conflict with this act are
18 hereby repealed.

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20 SECTION 10. EMERGENCY. It is hereby found and determined by the
21 General Assembly that this act is essential to the operation of criminal
22 justice within the Eighteenth Judicial District - West; it is also hereby
23 found and determined by the General Assembly that the Prosecuting Attorney of
24 the Eighteenth Judicial District - West is in need of personnel and expense
25 funding in order to fight the war on crime. Therefore, an emergency is
26 hereby declared to exist and this act being necessary for the immediate
27 preservation of the public peace, health and safety shall be in full force and
28 effect from and after its passage and approval.

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