

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

A Bill

HOUSE BILL

For An Act To Be Entitled

8 "AN ACT TO ESTABLISH THE SALARIES OF THE STAFF OF THE
9 PROSECUTING ATTORNEY FOR THE SIXTH JUDICIAL DISTRICT; AND
10 FOR OTHER PURPOSES."

Subtitle

13 "TO ESTABLISH SALARIES OF THE STAFF OF THE PROSECUTING
14 ATTORNEY FOR THE SIXTH JUDICIAL DISTRICT."

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

18 SECTION 1. This subchapter shall apply to the Sixth Judicial District
19 in the State of Arkansas which is comprised of Pulaski and Perry Counties.

21 SECTION 2. (a) The Prosecuting Attorney of the Sixth Judicial District
22 of the State of Arkansas shall be entitled to the following assistants and
23 employees to be paid by the county in which they serve:

24 (1) A minimum of twenty-seven (27) deputy prosecuting attorneys, whose
25 salaries shall be as follows:

26 (A) One (1) chief deputy, at not less than fifty-seven thousand,
27 eight hundred twenty-six dollars (\$57,826);

28 (B) Two (2) senior deputies, at not less than forty thousand, six
29 hundred twenty-eight dollars (\$40,628);

30 (C) A minimum of five (5) division chiefs, at not less than
31 thirty-five thousand, six hundred forty-nine dollars (\$35,649);

32 (D) A minimum of five (5) staff attorneys at not less than
33 thirty-one thousand, two hundred ninety-three dollars (\$31,293);

34 (E) A minimum of fourteen (14) staff attorneys, at not less than
35 twenty-seven thousand, four hundred seventy dollars (\$27,470);

1 (2) A minimum of seven (7) investigators as follows:

2 (A) One (1) chief investigator, at not less than nineteen
3 thousand, nine hundred fourteen dollars (\$19,914);

4 (B) (i) Six (6) investigators, at not less than eighteen
5 thousand, four hundred two dollars (\$18,402);

6 (ii) In addition to the above investigators listed by
7 salary, the prosecuting attorney shall have the authority to appoint other
8 investigators as necessary for the administration of justice who shall serve
9 without pay.

10 (C) All investigators so appointed shall have the authority to
11 issue process and possess all law enforcement officer powers.

12 (3) A minimum of eighteen (18) support personnel whose salaries shall
13 be as follows:

14 (A) Two (2) division clerks, at not less than thirteen thousand,
15 six hundred ninety-one dollars (\$13,691);

16 (B) One (1) lead case clerk, at not less than thirteen thousand,
17 six hundred ninety-one dollars (\$13,691);

18 (C) Twelve (12) case clerks, at not less than twelve thousand,
19 seven hundred thirteen dollars (\$12,713);

20 (D) One (1) administrative coordinator, at not less than twenty-
21 one thousand, eight hundred sixty-nine dollars (\$21,869);

22 (E) One (1) administrative assistant, at not less than seventeen
23 thousand, sixty-eight dollars (\$17,068);

24 (F) One (1) executive secretary, who shall serve at the will of
25 the prosecuting attorney. The executive secretary shall receive a salary of
26 not less than sixteen thousand one dollars (\$16,001);

27 (4) (A) One (1) victim assistance program coordinator, at not less
28 than twenty-four thousand, ninety-two dollars (\$24,092);

29 (B) One (1) volunteer coordinator, at not less than twenty-one
30 thousand, eight hundred sixty nine dollars (\$21,869);

31 (C) A minimum of four (4) victim assistance case workers, at not
32 less than sixteen thousand one dollars (\$16,001).

33 (5) (A) One (1) part-time deputy prosecuting attorney whose duties
34 shall be to represent the office of the Prosecuting Attorney of the Sixth
35 Judicial District in all cases involving food stamp and Aid to Families with

1 Dependent Children fraud referred to the prosecuting attorney by the Arkansas
2 Department of Human Services and any other responsibilities that may be
3 delegated to him by the prosecuting attorney. The Prosecuting Attorney of the
4 Sixth Judicial District shall contract with the Department of Human Services
5 to determine the compensation of said deputy prosecutor to be paid by the
6 Department of Human Services. The part-time deputy so appointed shall be
7 permitted to engage in the private practice of law in the area of civil cases
8 only. At the discretion of the prosecuting attorney, this part-time deputy
9 may be delegated other duties and made a full-time deputy and paid therefor
10 from the existing appropriation for full-time deputies;

11 (B) One (1) part-time deputy prosecuting attorney whose duties
12 shall be to represent the office of the Prosecuting Attorney of the Sixth
13 Judicial District in the Maumelle Municipal Court and assume such other
14 responsibilities as may be delegated to him by the Prosecuting Attorney. The
15 part-time deputy shall be paid by the Maumelle city treasurer only such
16 prosecutor fees as are allowed and collected on a case-by-case basis, up to
17 \$28,000 annually inclusive of all necessary personnel salaries and all
18 overhead expenses. Any additional monies collected above said amount shall be
19 paid to the Prosecuting Attorney for the Sixth Judicial District to hire such
20 additional part-time deputies as provided for by law.

21 (C) Four (4) deputy prosecuting attorneys to be paid by the
22 Prosecutor Coordinator, and not through quorum court appropriations, to handle
23 criminal and civil commitments, including involuntary admissions and alcohol
24 and narcotic commitments.

25 (6) (A) The prosecuting attorney may hire part-time, temporary,
26 contract, or permanent paralegals, law clerks, or deputy prosecuting attorneys
27 as authorized by the quorum court or provided for by law if deemed necessary
28 for the proper administration of justice and for the efficient operation of
29 the office of the Prosecuting Attorney of the Sixth Judicial District.

30 (B) The Prosecuting Attorney shall have the power to appoint
31 additional deputy prosecuting attorneys and other employees at such salaries
32 as are authorized in grant awards from the Department of Finance and
33 Administration including, but not limited to, the Drug Law Enforcement Program
34 Anti-Abuse Act of 1986 as amended or its successor.

35 (C) In addition to the deputy prosecutor positions created by

1 Arkansas Code Annotated 16-21-1102 et.seq., or any other Arkansas Code
2 provisions, the Prosecuting Attorney for the Sixth Judicial District shall
3 have the authority to contract for such legal services as are necessary to
4 include but not be limited to asset forfeiture actions, at such salary or
5 compensation amounts as may be available or appropriated by the Quorum Court.

6 (b) The prosecuting attorney shall have the power to appoint the
7 assistants and employees authorized in subsection (a) of this section without
8 confirmation of any court or tribunal. Deputy prosecuting attorneys and other
9 staff members so designated in Sections 16-21-1101 through 16-21-1108, shall
10 be considered law enforcement officers for all protective, emergency,
11 investigative, and communication purposes either individually or in
12 coordination with inter-agency cooperative investigations and operations.

13 (c) Deputy prosecuting attorneys duly appointed shall have such
14 authority as conferred by the Prosecuting Attorney to perform any official
15 acts so designated in all counties within the District.

16 (d) The Pulaski County Quorum Court shall annually appropriate funds
17 sufficient to cover salaries, maintenance and operations expenditures, and
18 capital outlay as required by the Prosecuting Attorney for the administration
19 of justice. All of the salaries shall be paid by Pulaski County. When the
20 Pulaski County Quorum Court raises salaries for Pulaski County employees, they
21 shall also raise salaries an equivalent amount for the above employees. These
22 employees covered by Sections 16-21-1102 through 16-21-1108 shall be treated
23 by Pulaski County in the same manner as other Pulaski County employees for all
24 other purposes.

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26 SECTION 3. Representation of Perry County

27 (a) The Prosecuting Attorney, Sixth Judicial District, may designate a
28 part-time deputy prosecuting attorney to represent the Office of the
29 Prosecuting Attorney in Perry County. Perry County shall reimburse the deputy
30 prosecuting attorney on a monthly basis for said representation in Perry
31 County. The Prosecuting Attorney may also choose to designate various deputy
32 prosecuting attorneys on staff to represent the Office of the Prosecuting
33 Attorney in Perry County. When this is done, Perry County shall reimburse the
34 Prosecuting Attorney's Office for the Sixth Judicial District for said
35 representation in Perry County. The Perry County Quorum Court shall

1 appropriate not less than ten thousand dollars (\$10,000) annually for said
2 representation, as determined by the Quorum Court of Perry County.

3 (b) There shall be assessed and collected, in all criminal cases in all
4 courts in Perry County in the Sixth Judicial District when the prosecuting
5 attorney or his deputy is present, whether participating in the proceedings or
6 not, the following court costs in addition to all other court costs now or
7 hereafter imposed:

8 For each conviction, plea of guilty or nolo contendere, or bond
9 forfeiture, in criminal cases, including felony, misdemeanor, and traffic
10 violations for violations of state law or local ordinance, in circuit courts,
11 municipal courts, police courts, or city courts in Perry County, the sum of
12 ten dollars (\$10.00), to defray the cost of prosecutor representation for
13 Perry County. Any moneys collected above the appropriated amount shall go to
14 the Prosecuting Attorney's Office for the Sixth Judicial District as provided
15 for by law.

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17 SECTION 4. Additional personnel or funds.

18 Nothing in this chapter shall be construed to prohibit the Quorum Courts
19 of Pulaski and Perry Counties from providing additional personnel or funds
20 from whatever source available, whether federal, state, county, or municipal,
21 if deemed necessary for the efficient operation of the Office of the
22 Prosecuting Attorney of the Sixth Judicial District of Arkansas.

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24 SECTION 5. Supplemental funding.

25 The state may provide for supplemental funding directly to the
26 prosecuting attorney's office, including but not limited to funds collected
27 under the provision of Sections 5-64-505, 16-21-120, and 21-6-411. These
28 funds shall be in addition to appropriated funds of the local quorum court,
29 but subject to state audit.

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31 SECTION 6. Local appropriation for Pulaski County division.

32 The Pulaski County Quorum Court shall appropriate not less than one
33 hundred sixty-three thousand, eight hundred eighty-nine dollars (\$163,889), in
34 funds for the maintenance and operations account of the Pulaski County
35 Division of the Prosecuting Attorney's Office.

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SECTION 7. Appointment of employees.

(a) The Prosecuting Attorney of the Sixth Judicial District shall have the power to appoint the following employees if the prosecutor receives a grant award therefor, without confirmation of any court or tribunal, at such salaries as are indicated below, or as are authorized in grants awarded from the Arkansas Department of Finance and Administration (DFA), Office of Intergovernmental Services (IGS), Arkansas Drug Law Enforcement Program:

Deputy Prosecuting Attorney (DTF Chief)	\$38,558
Deputy Prosecuting Attorney	29,711
Deputy Prosecuting Attorney	28,568
Law Enforcement Agent-In-Charge	40,066
Law Enforcement Investigation Agent	19,103
Asset Recovery Director Accountant	33,846
Law Enforcement Drug Abatement Agent	27,100
Administrative Assistant	19,200
Secretary	16,458

(b) The positions created in subsection (a) of this section shall be in addition to those created by Sections 16-21-113 and 16-21-1102, and other Arkansas Code provisions. In the event additional funding becomes available, the prosecuting attorney may employ such additional employees and have expense allowances as are authorized in the Department of Finance and Administration, Office of Intergovernmental Services, Arkansas Drug Law Enforcement Program grant awards.

(c) Any law enforcement agent positions created in subsection (a) of this section who are assigned to the Sixth Judicial District Prosecutor's Regional Interdiction Drug Enforcement Task Force from their respective law enforcement agencies shall be treated as an employee of their respective law enforcement agency for administrative and fringe benefit purposes. All law enforcement agent positions shall have peace officer jurisdiction throughout the Sixth Judicial District, and may serve process issuing out of all courts within the state.

(d) The Prosecuting Attorney's Office for the Sixth (6th) Judicial District is authorized to receive funds from the federal government in the name of the Prosecuting Attorney and to receive both federal and state asset

1 forfeiture funds, and to utilize and expend those funds for such purposes as
2 are allowed for by law and/or specified in Ark. Code Ann. Section 5-64-505.

3 (e) The Prosecuting Attorney's Office is hereby authorized to establish
4 a hot check program pursuant to state statute to collect fees for the hot
5 check fund as authorized by the State Legislature and to expend those funds in
6 official uses for the benefit of the office.

7 (e) The Prosecuting Attorney for the Sixth Judicial District shall
8 administer its Arkansas Drug Law Enforcement Program grant from the Department
9 of Finance and Administration, Office of Intergovernmental Services.

10 Expenditures may be made only for purposes of the grant. All moneys from the
11 grant are appropriated on a continuing basis and are subject to Section 10-4-
12 209, the Prosecuting Attorney's Financial Management System. It is the
13 explicit legislative intent that nothing in this section shall be construed to
14 decrease, supplant, or be substituted for employee positions, salaries, or
15 expenses, nor maintenance and operation expenses or capital equipment
16 expenditures which the Sixth Judicial District Prosecuting Attorney's Office
17 will receive through quorum court appropriation from and after February 1,
18 1993.

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20 SECTION 8. Subchapter 11 of Chapter 21 of Title 16 of the Arkansas Code
21 is hereby repealed.

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

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

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

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