

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4  
5 By: Representative Vess  
6  
7

# A Bill

HOUSE BILL 1819

## For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED TITLE 16,  
10 CHAPTER 21, SUBCHAPTER 11 TO ESTABLISH THE SALARIES OF THE  
11 STAFF OF THE PROSECUTING ATTORNEY FOR THE SIXTH JUDICIAL  
12 DISTRICT; AND FOR OTHER PURPOSES."

## Subtitle

14 "TO ESTABLISH THE SALARIES OF THE STAFF  
15 OF THE PROSECUTING ATTORNEY FOR THE  
16 SIXTH JUDICIAL DISTRICT"  
17

18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
20

21 SECTION 1. Effective January 1, 1997 and thereafter, Arkansas Code  
22 Annotated Title 16, Chapter 21, Subchapter 11 is amended to read as follows:

23 "16-21-1101. Applicability.

24 This subchapter shall apply to the Sixth Judicial District, which is  
25 composed of Pulaski County and Perry County.

26 16-21-1102. Assistants and employees.

27 (a) The Prosecuting Attorney of the Sixth Judicial District shall be  
28 entitled to the following assistants and employees to be paid by the county in  
29 which they serve:

30 (1) A minimum of ~~thirty-two (32)~~ thirty-three (33) deputy  
31 prosecuting attorneys, whose salaries shall be as follows:

32 (A) One (1) chief deputy, at not less than ~~sixty-two~~  
33 ~~thousand five hundred forty-five dollars (\$62,545)~~ sixty-five thousand  
34 forty-seven dollars (\$65,047);

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

1 (C) A minimum of ~~six (6)~~ seven (7) division chiefs, at not  
 2 less than thirty-five thousand six hundred forty-nine dollars (\$35,649);

3 (D) A minimum of nine (9) staff attorneys, at not less than  
 4 thirty-one thousand two hundred ninety-three dollars (\$31,293);

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

7 (2)(A) A minimum of eight (8) investigators, as follows:

8 (i) One (1) chief investigator, at not less than  
 9 nineteen thousand nine hundred fourteen dollars (\$19,914); and

10 (ii) Seven (7) investigators, at not less than  
 11 eighteen thousand four hundred two dollars (\$18,402);

12 (B) In addition to the above investigators listed by  
 13 salary, the prosecuting attorney shall have the authority to appoint other  
 14 investigators as necessary for the administration of justice who shall serve  
 15 without pay.

16 (C)(i) All investigators authorized and so appointed shall  
 17 have the authority to issue process, serve warrants, and possess all law  
 18 enforcement officer powers.

19 (ii) They shall be certified by the Arkansas  
 20 Commission on Law Enforcement Standards and Training and shall be defined as  
 21 public safety members under Arkansas law.

22 (iii) In the event that investigators shall issue  
 23 process or serve warrants, the prosecutor's office shall be entitled to  
 24 receive the same fee as provided in § 21-6-307, which shall be deposited into  
 25 the hot check fees account;

26 (3) A minimum of ~~thirty-two (32)~~ thirty-four (34) support  
 27 personnel whose salaries shall be as follows:

28 (A) One (1) lead case clerk at not less than fourteen  
 29 thousand eight hundred forty-six dollars (\$14,846);

30 (B) Nineteen (19) case clerks, at not less than thirteen  
 31 thousand six hundred ninety-one dollars (\$13,691);

32 (C) One (1) administrative coordinator, at not less than  
 33 twenty-seven thousand four hundred seventy dollars (\$27,470);

34 (D) ~~One (1) administrative assistant, at not less than~~  
 35 ~~seventeen thousand sixty-eight dollars (\$17,068)~~ One (1) budget administrator,  
 36 at not less than twenty-four thousand ninety-two dollars (\$24,092);

1                   (E)~~(i)~~ One (1) executive secretary, who shall serve at the  
 2 will of the prosecuting attorney. ~~(ii)~~ The executive secretary shall receive  
 3 a salary of not less than sixteen thousand one dollars (\$16,001);

4                   (F) One (1) hot check administrator at not less than  
 5 nineteen thousand nine hundred fourteen dollars (\$19,914);

6                   (G) ~~One (1) hot check accounting clerk~~ Two (2) hot check  
 7 accounting clerks III at not less than sixteen thousand one dollars (\$16,001);

8                   (H) One (1) victim assistance program coordinator at not  
 9 less than twenty-four thousand ninety-two dollars (\$24,092);

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

12                   (J) A minimum of five (5) victim assistance caseworkers, at  
 13 not less than sixteen thousand one dollars (\$16,001);

14                   (K) One (1) systems analyst, at not less than twenty-one  
 15 thousand eight hundred sixty-nine dollars (\$21,869).

16                   (4)(A)(i) One (1) part-time deputy prosecuting attorney whose  
 17 duties shall be to represent the Office of the Prosecuting Attorney of the  
 18 Sixth Judicial District in all cases involving food stamp fraud and Aid to  
 19 Families with Dependent Children fraud referred to the prosecuting attorney by  
 20 the Department of Human Services and any other responsibilities that may be  
 21 delegated to him by the prosecuting attorney.

22                                   (ii) The Prosecuting Attorney of the Sixth Judicial  
 23 District shall contract with the Department of Human Services to determine the  
 24 compensation of said deputy prosecutor to be paid by the Department of Human  
 25 Services.

26                                   (iii) The part-time deputy so appointed shall be  
 27 permitted to engage in the private practice of law in the area of civil cases  
 28 only.

29                                   (iv) At the discretion of the prosecuting attorney,  
 30 this part-time deputy may be delegated other duties and made a full-time  
 31 deputy and paid therefor from the existing appropriation for full-time  
 32 deputies;

33                   (B) Four (4) deputy prosecuting attorneys to be paid by the  
 34 Prosecutor Coordinator, and not through quorum court appropriations, to handle  
 35 criminal and civil commitments, including involuntary admissions and alcohol  
 36 and narcotic commitments and insanity acquittees and other deputy duties as

1 requested; and

2 (5)(A) The prosecuting attorney may hire part-time, temporary,  
 3 contract, or permanent paralegals, law clerks, or deputy prosecuting attorneys  
 4 as authorized by the quorum court or provided for by law if deemed necessary  
 5 for the proper administration of justice and for the efficient operation of  
 6 the Office of the Prosecuting Attorney of the Sixth Judicial District;

7 (B) The prosecuting attorney shall have the power to  
 8 appoint additional deputy prosecuting attorneys and other employees at such  
 9 salaries as are authorized in grant awards from the Department of Finance and  
 10 Administration, including, but not limited to, the federal Drug Law  
 11 Enforcement Program Anti-Abuse Act of 1986, as amended, or its successor, or  
 12 any other grant funds so awarded;

13 (C) In addition to the deputy prosecutor positions created  
 14 by this subchapter, or any other Arkansas Code provisions, the Prosecuting  
 15 Attorney of the Sixth Judicial District shall have the authority to contract  
 16 for such legal services as are necessary, to include, but not be limited to,  
 17 asset forfeiture actions, at such salary or compensation amounts as may be  
 18 available or appropriated by the quorum court.

19 (b)(1) The prosecuting attorney shall have the power to appoint the  
 20 assistants and employees authorized in subsection (a) of this section without  
 21 confirmation of any court or tribunal.

22 (2) Deputy prosecuting attorneys and other staff members so  
 23 designated in this subchapter shall be considered law enforcement officers for  
 24 all protective, emergency, investigative, and communication purposes, either  
 25 individually or in coordination with interagency cooperative investigations  
 26 and operations.

27 (3) Deputy prosecuting attorneys duly appointed shall have such  
 28 authority as conferred by the prosecuting attorney to perform any official  
 29 acts so designated in all counties within the district.

30 (4)(A) The Pulaski County Quorum Court shall annually appropriate  
 31 funds sufficient to cover salaries, maintenance and operations expenditures,  
 32 and capital outlay as required by the prosecuting attorney for the  
 33 administration of justice.

34 (B) All of the salaries shall be paid by Pulaski County.

35 (C) When the Pulaski County Quorum Court raises salaries  
 36 for Pulaski County employees, they shall also raise salaries an equivalent

1 amount for the above employees.

2 (D) Those employees covered by this subchapter shall be  
 3 treated by Pulaski County in the same manner as other Pulaski County employees  
 4 for all other purposes.

5 16-21-1103. Representation of Perry County.

6 (a) The Prosecuting Attorney of the Sixth Judicial District may  
 7 designate a part-time deputy prosecuting attorney to represent the Office of  
 8 the Prosecuting Attorney in Perry County.

9 (b) Perry County shall reimburse the deputy prosecuting attorney on a  
 10 monthly basis for said representation in Perry County.

11 (c)(1) The prosecuting attorney may also choose to designate various  
 12 deputy prosecuting attorneys on his staff to represent the Office of the  
 13 Prosecuting Attorney in Perry County.

14 (2) When this is done, Perry County shall reimburse the Office of  
 15 the Prosecuting Attorney of the Sixth Judicial District for said  
 16 representation in Perry County.

17 (d) The Perry County Quorum Court shall appropriate not less than ten  
 18 thousand nine hundred seven dollars (\$10,907) annually for said  
 19 representation, as determined by the Quorum Court of Perry County.

20 16-21-1104. Additional personnel or funds.

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

26 16-21-1105. Supplemental funding.

27 (a) The state may provide for supplemental funding directly to the  
 28 prosecuting attorney's office, including, but not limited to, funds collected  
 29 under the provisions of §§ 5-64-505, 16-21-120, and 21-6-411.

30 (b) These funds shall be in addition to appropriated funds of the local  
 31 quorum court, but subject to state audit.

32 16-21-1106. Local appropriation for Pulaski County Division.

33 The Pulaski County Quorum Court shall appropriate not less than ~~two~~  
 34 ~~hundred nineteen thousand two hundred dollars (\$219,200)~~ one hundred  
 35 eighty-two thousand two hundred fifty dollars (\$182,250) in funds for the  
 36 maintenance and operations account of the Pulaski County Division of the

1 Office of the Prosecuting Attorney of the Sixth Judicial District.

2 16-21-1107. Appointment of employees.

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

9 Deputy Prosecuting Attorney (Drug Unit Division Chief)	\$41,704	
10 Deputy Prosecuting Attorney	<del>33,847</del>	<u>35,201</u>
11 Deputy Prosecuting Attorney (Asset Forfeiture)	<del>33,847</del>	<u>36,608</u>
12 Deputy Prosecuting Attorney (Drug Court)	<del>36,608</del>	<u>39,596</u>
13 Asset Recovery Financial Investigator	<del>28,184</del>	<u>30,484</u>
14 Drug Abatement Investigator		25,056
15 Administrative Assistant	<del>22,460</del>	<u>24,292</u>
16 Secretary	<del>17,801</del>	<u>18,720</u>

17 (b) The Prosecuting Attorney of the Sixth Judicial District shall have  
18 the power to appoint deputy prosecuting attorneys to handle cases involving  
19 violence against women if the prosecutor receives a federal grant award  
20 therefor pursuant to the VAWA (Violence Against Women Act), without  
21 confirmation of any court or tribunal, at such salaries as are authorized in  
22 such grant.

23 ~~(b)(c)~~(1) The positions created in subsection (a) of this section shall  
24 be in addition to those created by §§ 16-21-113 and 16-21-1102, and other  
25 Arkansas Code provisions.

26 (2) In the event additional funding becomes available, the  
27 prosecuting attorney may employ such additional employees and have expense  
28 allowances as are authorized in the Department of Finance and Administration,  
29 Office of Intergovernmental Services, Arkansas Drug Law Enforcement Program  
30 grant awards.

31 ~~(c)(d)~~ All law enforcement investigative positions shall have peace  
32 officer jurisdiction throughout the Sixth Judicial District and may serve  
33 process issuing out of all courts within the state.

34 ~~(d)(e)~~(1)(A) The Prosecuting Attorney of the Sixth Judicial District  
35 shall administer its Arkansas Drug Law Enforcement Program grant from the  
36 Office of Intergovernmental Services of the Department of Finance and

1 Administration.

2 (B) Expenditures may be made only for purposes of the  
3 grant.

4 (C) All moneys from the grant are appropriated on a  
5 continuing basis and are subject to the prosecuting attorney's financial  
6 management system, § 10-4-209.

7 (2) It is the explicit legislative intent that nothing in this  
8 section or §§ 16-21-1108 and 16-21-1109 shall be construed to decrease,  
9 supplant, or be substituted for employee positions, salaries, or expenses, or  
10 maintenance and operation expenses, or capital equipment expenditures which  
11 the Office of the Prosecuting Attorney of the Sixth Judicial District will  
12 receive through quorum court appropriation from and after ~~February 1, 1995~~  
13 January 1, 1997.

14 16-21-1108. Federal funds.

15 The Prosecuting Attorney's Office of the Sixth Judicial District is  
16 authorized to receive funds from the federal government in the name of the  
17 office of the prosecuting attorney and to receive both federal and state asset  
18 forfeiture funds and to utilize and expend those funds for such purposes as  
19 are allowed for by law or specified in § 5-64-505.

20 16-21-1109. Hot check funds.

21 The Office of the Prosecuting Attorney of the Sixth Judicial District is  
22 hereby authorized to establish a hot check program pursuant to state statute  
23 to collect fees for the hot check fund as authorized by the General Assembly  
24 and to expend those funds in official uses for the benefit of the office."  
25

26 SECTION 2. All provisions of this act of a general and permanent nature  
27 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
28 Revision Commission shall incorporate the same in the Code.

29

30 SECTION 3. If any provision of this act or the application thereof to  
31 any person or circumstance is held invalid, such invalidity shall not affect  
32 other provisions or applications of the act which can be given effect without  
33 the invalid provision or application, and to this end the provisions of this  
34 act are declared to be severable.

35

36 SECTION 4. All laws and parts of laws in conflict with this act are

1 hereby repealed.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35