

Act 825 of the 1989 Regular Session.

Act 825

HB1942

By: Representative Dowd

"AN ACT TO AMEND ARKANSAS CODE 16-21-112 TO AUTHORIZE MUNICIPAL COURT JUDGES TO APPOINT SPECIAL PROSECUTORS; AND FOR OTHER PURPOSES."

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

SECTION 1. Arkansas Code 16-21-112 is hereby amended to read as follows:

"16-21-112. Prosecuting attorney pro tem. (a) If any prosecuting attorney neglects, or fails from sickness or any other cause, to attend any of the courts of the district for which he was elected and to prosecute as required by law, it shall be the duty of the court to appoint some proper person, being an attorney at law, to prosecute for the state during the term. That person shall, on taking the oath of office, perform all the duties of the regular prosecuting attorney for the term.

(b) (1) The person so appointed shall be entitled to receive the same fees on convictions as the prosecuting attorney, and the sum of forty dollars (\$40.00) for each term of the court, for prosecuting as provided in subsection (a) of this section, to be paid by the Treasurer of State out of any money appropriated for that purpose.

(2) It shall be the duty of the Auditor of State, on receiving the certificate of the judge of the circuit court making the appointment of the prosecuting attorney pro tem., to audit and allow the account and draw his warrant on the Treasurer of State for the payment thereof.

(3) The amounts allowed in this subsection for prosecuting attorneys pro tem. shall be deducted from the regular prosecuting attorney's salary whenever a failure occurs on his part which is not occasioned by sickness of himself or family.

(c) Judges of municipal courts shall have the same authority as judges of circuit courts to appoint a special prosecutor under circumstances as prescribed in this section."

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

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

APPROVED: March 21, 1989
