

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Mahony**

A BILL ACT 1124 OF 1991
HOUSE BILL 1888

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 16-21-106 PERTAINING TO THE
9 PROSECUTING ATTORNEYS' VICTIM/WITNESS PROGRAMS; AND FOR
10 OTHER PURPOSES."

11

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

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14 SECTION 1. Arkansas Code 16-21-106 is hereby amended to read as
15 follows:

16 "16-21-106. Assistance to victims and witnesses of crimes - Victim of
17 crimes case coordinator.

18 (a) The several prosecuting attorneys and deputy prosecuting attorneys
19 may provide the following services to victims of crimes and witnesses of
20 crimes and the family members of all homicide victims, whether or not they are
21 witnesses in criminal proceedings:

22 (1) Notify such persons that a court proceeding for which they have
23 been subpoenaed will not transpire as scheduled;

24 (2) Assist such persons in obtaining protection from harm and threats
25 of harm arising out of their cooperation with law enforcement and prosecution
26 efforts;

27 (3) Assist such persons in applying for financial assistance and other
28 social services available as a result of being a witness or victim of a crime;

29 (4) Assist such persons in applying for any witness fees to which they
30 are entitled;

31 (5) Provide, when possible, a secure waiting area during court
32 proceedings that does not require such persons to be in close proximity to the
33 defendants and families and friends of the defendants;

34 (6) Assure that any stolen property or other personal property, other
35 than contraband, belonging to such persons are expeditiously returned to them
36 when no longer needed as evidence;

1 (7) Intercede with such persons' employers to assure that the employers
2 cooperate with the criminal justice process in order to minimize loss of pay
3 and other benefits resulting from court appearances.

4 (b) In order to enable the prosecuting attorney to perform the
5 additional duties provided in this section:

6 (1) The prosecutor may request the county judge of the county to
7 designate or provide an appropriate room or area in the county courthouse,
8 reasonably close to the court room, to serve as a waiting area during court
9 proceedings to accommodate the families and friends of the defendants, as
10 provided in
11 subsection (a); and

12 (2) (A) The prosecutor may request the quorum court of the county to
13 provide additional employees for his office to be known as victim of crimes
14 case coordinators at such salary as may be determined by the quorum court, to
15 be in addition to any other position available to the prosecutor's office.

16 (B) The quorum court may, if it deems it to be necessary, provide for
17 the levy of an additional cost, not to exceed five dollars (\$5.00), upon each
18 civil action filed, upon each conviction, plea of guilty, plea of nolo
19 contendere, or bond forfeiture in felony, misdemeanor, and traffic violation
20 cases for violations of state law or local ordinance, in all courts in the
21 county including circuit, chancery, municipal, city and police courts. All
22 monies collected hereunder shall be transmitted to the county treasurer who
23 shall deposit the same in a special fund to be known as the 'Prosecutors'
24 Victim/Witness Fund'. Monies deposited into the Fund shall be used
25 exclusively to pay the cost of the Prosecutors' Victim/Witness Program."
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27 SECTION 2. All provisions of this Act of a general and permanent nature
28 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
29 Revision Commission shall incorporate the same in the Code.

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

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SECTION 4. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 5. EMERGENCY CLAUSE. It is hereby found and determined by the General Assembly that the present law pertaining to the funding of the Victim/Witness Programs is unclear; this Act clarifies the law by providing that the additional court cost levied under Arkansas Code 16-21-106 must be used only to defray the cost of the Victim/Witness Program; and that this Act should go into effect immediately in order to clarify the law as soon as possible. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

APPROVED: 4/9/91