

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**

**A BILL ACT 538 OF 1991**  
**SENATE BILL 275**

4 **By: Senators Walters, Miles and Harriman**

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**For An Act To Be Entitled**

8 "AN ACT TO SET THE SALARY AND EXPENSES OF THE DEPUTY  
9 PROSECUTORS IN THE TWELFTH (12th) CIRCUIT-CHANCERY COURT  
10 CIRCUIT; AND FOR OTHER PURPOSES."

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

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14 SECTION 1. Appointment of Deputies and Employees. Effective January 1,  
15 1991, and thereafter, the Prosecuting Attorney in the Twelfth (12th) Judicial  
16 Circuit shall be entitled to the following assistance and deputies:

17 (1) Crawford County. Two (2) or more deputies and two (2) or more  
18 secretaries whose total salaries shall be seventy-one thousand three hundred  
19 thirty-eight dollars (\$71,338) per annum, provided that the Quorum Court may  
20 appropriate additional money for yearly salary increases or additional  
21 personnel in their discretion.

22 (2) Sebastian County. Eight (8) or more deputies and eight (8) or more  
23 secretaries, whose total salaries shall be four hundred fifty-two thousand  
24 five hundred forty-six dollars (\$452,546) per annum, provided that the Quorum  
25 Court may appropriate additional money for yearly salary increases or  
26 additional personnel in their discretion.

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28 SECTION 2. Contingent Expense Allowance. (a) Effective January 1,  
29 1991, and thereafter, the Prosecuting Attorney of the Twelfth (12th) Judicial  
30 Circuit shall receive a contingent expense allowance to provide for office  
31 expenses, including telephone, telegraph, postage, printing, office supplies  
32 and equipment, office rent, stationery, traveling expenses, special services,  
33 operation of automobiles, and such other expenses which, within the discretion  
34 of the Prosecuting Attorney, may be a proper expense of the office, and also  
35 including necessary expense in connection with any proper investigation  
36 incidental to any criminal law violation or trials before any grand jury, or

1 any court within the Twelfth (12th) Judicial Circuit, coming within the duties  
2 of his office.

3 (b) The contingent expense allowance is to be borne by the respective  
4 counties of the Twelfth (12th) Judicial Circuit as follows:

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6	Crawford County	\$14,632
7	Sebastian County	\$52,284
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9 Provided, the counties in the Twelfth (12th) Judicial Circuit shall pay  
10 the above-prescribed annual amounts upon vouchers signed by the Prosecuting  
11 Attorney and allowed as claims against the county general revenue funds of the  
12 respective county.

13 (c) The Quorum Courts may increase these amounts in their discretion if  
14 necessary.

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16 SECTION 3. (a) A Deputy Prosecuting Attorney who is duly appointed in  
17 any county of the Twelfth (12th) Judicial Circuit shall have the authority to  
18 perform all official acts as Deputy Prosecuting Attorney in all counties  
19 within the Circuit.

20 (b) Deputy Prosecuting Attorneys in the Twelfth (12th) Judicial Circuit  
21 shall be residents of the Circuit and shall not engage in the private practice  
22 of law.

23 (c) The Prosecuting Attorney of the Twelfth (12th) Judicial Circuit and  
24 those Deputy Prosecuting Attorneys and other staff members he designates shall  
25 be considered law enforcement officers for the purposes of utilizing  
26 emergency, protective, and communication equipment in coordination with inter-  
27 agency cooperative investigations and operations. Provided, that the  
28 Prosecuting Attorney and all members of his office shall have no greater  
29 arrest powers than that accorded all citizens under the Arkansas Constitution  
30 and the Arkansas Statutes.

31 (d) The Prosecuting Attorney shall have the power to appoint Deputy  
32 Prosecuting Attorneys and other employees at such salaries as are authorized  
33 in the grant awards from the Department of Finance and Administration Drug Law  
34 Enforcement Program, Anti-Drug Abuse Act of 1986.

35 (e) The Prosecuting Attorney may also expend funds from the Arkansas

1 Hot Check Fee Program as may be deemed necessary to the efficient operation of  
2 the office. Provided that no expenditure of these funds shall be construed as  
3 implying that the general funds of the respective counties will be obligated  
4 to expend any amounts in the event that these programs cease through either  
5 federal or state action.

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7         SECTION 4. Appropriations by Quorum Courts. The Quorum Courts of the  
8 respective counties with the Circuit shall annually appropriate out of the  
9 general revenue, funds sufficient to cover the salaries and contingent expense  
10 fund provided for herein, provided that the Quorum Courts shall not be  
11 required to pay any additional amounts except by their consent. The state may  
12 provide for supplemental funding to the Prosecutor's Office, but shall furnish  
13 sufficient funding to cover such acts without reliance upon the respective  
14 counties.

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16         SECTION 5. Purpose of Act - Prosecutor's Fees - Settlement for Fee -  
17 Salaries Not Dependent of Fees. It is not the purpose of this act to repeal  
18 any laws now or hereafter enacted fixing the fees of prosecuting attorneys.  
19 In the Fort Smith and Greenwood Districts of Sebastian and in Crawford County,  
20 the Justices of the Peace, Municipal Courts, Circuit Courts and other courts  
21 shall assess in all cases the prosecuting attorney's fees provided by law. At  
22 the end of each calendar month and within five (5) days thereafter, the  
23 officers collecting such fees shall pay the same into the treasury of the  
24 county, except as herein otherwise provided, and shall receive from the  
25 treasurer his receipt in duplicate, one (1) copy of which shall be filed with  
26 the county clerk and the other copy kept by the officer or person making such  
27 settlement with the treasury. Any officer or person having in his hands any  
28 such fees who fails to settle with the county treasurer within the time and in  
29 the manner herein provided shall be subject to indictment, prosecution and  
30 punishment for embezzlement. It is further recognized that for the most  
31 important and complicated work performed by the prosecuting attorney of the  
32 counties affected by this act, fees are not provided by law. Therefore, it  
33 specifically is the legislative intent to provide the salaries herein set  
34 forth without regard to the amount of prosecuting attorney fees and emoluments  
35 earned or collected in the judicial circuit affected by this act.

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SECTION 6. 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 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 8. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 9. Emergency. It is hereby found and determined by the General Assembly that this act is essential to the operation of criminal justice within the Twelfth (12th) Judicial Circuit. It is also hereby found and determined by the General Assembly that the Prosecuting Attorney of the Twelfth (12th) Judicial Circuit is in need of additional personnel in order to fight the war on drugs; that this act authorizes such additional personnel and expenditures, and that said personnel are cooperating with law enforcement agencies in manners such as to incur threats to their personal safety and the safety of persons they are working with, and that protective measures need to be taken in order to encourage the Prosecutor's Office to undertake such actions which result in greater cooperation between law enforcement agencies within the District and more effective and efficient law enforcement in all areas and particularly the war on drugs. Therefore, an emergency is hereby declared to exist and this act, being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

APPROVED: 3-14-91

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