

As Engrossed: 3/12/91

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

A BILL ACT 819 OF 1991
HOUSE BILL 1998

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 16-21-1102, 16-21-1103 AND
9 16-21-1107, RELATING TO THE OFFICE OF PROSECUTING ATTORNEY
10 FOR THE SIXTH JUDICIAL DISTRICT; AND FOR 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 16-21-1102 is hereby amended to read as
15 follows:

16 "16-21-1102. Assistants and employees.

17 (a) The Prosecuting Attorney of the Sixth Judicial District of the
18 State of Arkansas shall be entitled to the following assistants and employees
19 to be paid by the county in which they serve:

20 (1) A minimum of twenty-five (25) deputy prosecuting attorneys, whose
21 salaries shall be as follows:

22 (A) One (1) chief deputy, at not less than thirty-nine thousand and
23 sixty-five dollars (\$39,065);

24 (B) Two (2) senior deputies, at not less than thirty-four thousand two
25 hundred seventy-eight dollars (\$34,278);

26 (C) Five (5) division chiefs, at not less than thirty-four thousand two
27 hundred seventy-eight dollars (\$34,278);

28 (D) Four (4) staff attorneys, at not less than thirty thousand and
29 eighty-nine dollars (\$30,089);

30 (E) One (1) staff attorney, at not less than twenty-six thousand, four
31 hundred thirteen dollars (\$26,413);

32 (F) Five (5) staff attorneys, at not less than twenty-three thousand
33 one hundred sixty-five dollars (\$23,165);

34 (G) Seven (7) staff attorneys, at not less than twenty-one thousand and
35 twenty-eight dollars (\$21,028);

36 (2) A minimum of seven (7) investigators/process servers as follows:

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1 (A) One (1) chief investigator, at not less than nineteen thousand one
2 hundred forty-eight dollars (\$19,148);

3 (B) Six (6) investigators/process servers, at not less than sixteen
4 thousand four hundred twelve dollars (\$16,412);

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

9 (C) All investigators shall have the authority to issue process and
10 have law enforcement officer powers.

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

13 (A) Two (2) division clerks, at not less than thirteen thousand one
14 hundred sixty-four dollars (\$13,164);

15 (B) One (1) lead clerk, at not less than thirteen thousand one hundred
16 sixty-four dollars (\$13,164);

17 (C) Twelve (12) case clerks/stenographers, at not less than twelve
18 thousand two hundred twenty-four dollars (\$12,224);

19 (D) One (1) administrative coordinator, at not less than twenty-one
20 thousand and twenty-eight dollars (\$21,028);

21 (E) One (1) administrative assistant, at not less than sixteen thousand
22 four hundred twelve dollars (\$16,412);

23 (F) One (1) court reporter/executive secretary who shall serve at the
24 will of the prosecuting attorney. Said court reporter/executive secretary
25 shall receive a salary of not less than thirteen thousand one hundred sixty-
26 four dollars (\$13,164);

27 (4) (A) One (1) victim assistance program coordinator, at not less than
28 twenty-three thousand one hundred sixty-five dollars (\$23,165);

29 (B) A minimum of one (1) victim assistance case coordinator/case
30 worker(s), at not less than fifteen thousand three hundred eighty-six dollars
31 (\$15,386);

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

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

10 (B) One (1) part-time deputy prosecuting attorney whose duties shall be
11 to represent the office of the Prosecuting Attorney of the Sixth Judicial
12 District in the Maumelle Municipal Court and assume such other
13 responsibilities as may be delegated to him by the prosecuting attorney. *The*
14 *part-time deputy shall be paid by the Maumelle city treasurer only such*
15 *prosecutor fees as are allowed and collected on a case by case basis.*

16 (C) *Four (4) deputy prosecuting attorneys to be paid by the Prosecutor*
17 *Coordinator, and not through quorum court appropriations, to handle criminal*
18 *and civil commitments.*

19 (6) The prosecuting attorney may hire part-time, temporary, contract,
20 or permanent paralegals or law clerks as authorized by the Quorum Court if
21 deemed necessary for the proper administration of justice and for the
22 efficient operation of the office of the Prosecuting Attorney of the Sixth
23 Judicial District.

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

27 (c) All of the salaries shall be paid by Pulaski County. All of the
28 salaries shall be paid bi-weekly by Pulaski County. When the Pulaski County
29 Quorum Court raises salaries for Pulaski County employees, they shall also
30 raise salaries an equivalent amount for the above employees. These employees
31 covered by § 16-21-1102 - 16-21-1107 shall be treated by Pulaski County in the
32 same manner as other Pulaski County employees for all other purposes."

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34 SECTION 2. Arkansas Code 16-21-1103 is hereby amended to read as
35 follows:

1 "16-21-1103. Representation of Perry County.

2 (a) The Prosecuting Attorney, Sixth Judicial District, may designate
3 the various deputy prosecuting attorneys on the staff to represent the office
4 of the prosecuting attorney in Perry County. When this is done, Perry County
5 shall reimburse the Prosecuting Attorney's Office for the Sixth Judicial
6 District for said representation in Perry County. The Perry County Quorum
7 Court shall appropriate not less than seven thousand two hundred sixty-three
8 dollars (\$7,263) annually for this purpose, as determined by the Quorum Court
9 of Perry County.

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

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

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24 SECTION 3. All provisions of this act of a general and permanent nature
25 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
26 Revision Commission shall incorporate the same in the Code.

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28 SECTION 4. If any provision of this act or the application thereof to
29 any person or circumstance is held invalid, such invalidity shall not affect
30 other provisions or applications of the act which can be given effect without
31 the invalid provision or application, and to this end the provisions of this
32 act are declared to be severable.

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34 SECTION 5. All laws and parts of laws in conflict with this act are
35 hereby repealed.

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SECTION 6. EMERGENCY. It is hereby found and determined by the General Assembly that the compensation and allowances currently provided the office of Prosecuting Attorney of the Sixth Judicial District are inadequate; that it is essential to the effective and efficient administration of justice that the office be adequately funded; and this act is designed to accomplish this purpose and should be given effect immediately. Therefore, an emergency is hereby declared to exist and this act being 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.

/s/M. Wilson

APPROVED: 3/27/91