

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Representative Maddox**

# A Bill

**ACT 853 OF 1993**  
**HOUSE BILL 1882**

## For An Act To Be Entitled

8 "AN ACT TO SET THE SALARY AND EXPENSES OF THE DEPUTY  
9 PROSECUTING ATTORNEY IN THE EIGHTEENTH JUDICIAL DISTRICT -  
10 WEST; AND FOR OTHER PURPOSES."

## Subtitle

13 "SET SALARY AND EXPENSES OF DEPUTY PROSECUTING ATTORNEY IN  
14 EIGHTEENTH JUDICIAL DISTRICT - WEST."

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

18 SECTION 1. Appointment of deputies and employees.

19 Retroactive to January 1, 1993, and thereafter, the Prosecuting Attorney  
20 in the Eighteenth Judicial District - West shall be entitled to the following  
21 assistants and employees:

22 (a) One (1) Deputy Prosecuting Attorney for Polk County, whose salary  
23 shall not be less than eighteen thousand dollars (\$18,000) per annum. Said  
24 salary to be paid biweekly. In addition to said salary: social security,  
25 matching retirement, insurance and all related salary expenses shall be paid  
26 by Polk County. Said deputy shall be entitled to an expense allowance of not  
27 less than six hundred dollars (\$600) per annum.

28 (b) One (1) Deputy Prosecuting Attorney for Montgomery County, whose  
29 salary shall not be less than fourteen thousand dollars (\$14,000) per annum.  
30 Said salary to be paid biweekly. In addition to said salary: social  
31 security, matching retirement, insurance and all related salary expenses shall  
32 be paid by Montgomery County. Said deputy shall be entitled to an expense  
33 allowance of not less than six hundred dollars (\$600) per annum.

34 (c) Nothing in this act shall be construed to prohibit the prosecuting  
35 attorney from appointing one (1) individual to serve as deputy prosecuting  
36 attorney for both Polk and Montgomery Counties

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SECTION 2. The prosecuting attorney shall have the power to appoint all assistants and employees without confirmation of any court or tribunal.

SECTION 3. Quorum court appropriation.

The quorum courts of the respective counties of the Eighteenth Judicial District - West shall annually appropriate out of the general funds sufficient amounts to cover the salaries and expenses of deputy prosecuting attorneys provided for herein. The salaries and expenses provided herein are minimum provisions only and the quorum courts of the respective counties may appropriate any additional funds they deem necessary for the efficient operation of the office of the prosecuting attorney.

SECTION 4. Investigative and law enforcement designation.

(a) A deputy prosecuting attorney who is duly appointed in any county of the Eighteenth Judicial District - West shall have the authority to perform all official acts as deputy prosecuting attorney in all counties within the district.

(b) A deputy prosecuting attorney who is duly appointed in any county of the Eighteenth Judicial District - West, in addition to his rights, powers, and privileges as a deputy prosecutor, shall act as an investigator with the duty to investigate all matters referred to him by the Prosecuting Attorney of the Eighteenth Judicial District - West, including violations of the statutes of the state of Arkansas and collecting evidence in cases in which the state of Arkansas or the Eighteenth Judicial District - West is or may be a party in interest. As investigator, such Deputy Prosecuting Attorney may serve all process issuing out of the courts in Polk or Montgomery counties for the prosecuting attorney\_s office, including subpoenas issued by the prosecuting attorney\_s office.

(c) The prosecuting attorney of the Eighteenth Judicial District - West and those deputy prosecuting attorneys so designated shall be considered law enforcement officers for the purpose of utilizing emergency, protective, and communication equipment in the performance of their official duties and in coordination with inter-agency cooperative investigations and operations. Provided that the prosecuting attorney and all members of his office shall

1 have no greater arrest powers than that accorded all citizens under the  
2 Arkansas Constitution and the Arkansas statutes.

3 (d) The prosecuting attorney shall have the power to appoint deputy  
4 prosecuting attorneys and other employees at such salaries as are authorized  
5 in the grant awards from the Department of Finance and Administration Drug Law  
6 Enforcement Program, Anti-Drug Abuse Act of 1986 as amended or its successor.

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8 SECTION 5. Civil asset forfeiture personnel.

9 (a) The prosecuting attorney for the Eighteenth Judicial District -  
10 West shall have the power to enter into a contract for personal services with  
11 any duly appointed deputy prosecuting attorney to prosecute civil asset  
12 forfeiture actions at such salary, amounts, or compensation as are deemed  
13 proper.

14 (b) Nothing in this act shall be construed to prohibit the quorum  
15 courts or city governing bodies of the Eighteenth Judicial District - West  
16 from providing additional personnel or funds, from whatever sources are  
17 available, to the prosecuting attorney\_s office for purposes of pursuing civil  
18 asset forfeiture.

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20 SECTION 6. Purpose of act - prosecutor\_s fees - settlement for fee -  
21 salaries not dependent of fees.

22 It is not the purpose of this act to repeal any laws now or hereafter  
23 enacted fixing the fees of prosecuting attorneys. In Polk and Montgomery  
24 counties, municipal courts, circuit courts and other courts shall assess in  
25 all cases the prosecuting attorney\_s fees provided by law. On the first day  
26 of each calendar month or within five (5) days thereafter, the officers  
27 collecting such fees shall pay the same into the treasury of the county,  
28 except as herein otherwise provided, and shall receive from the treasurer his  
29 receipt in duplicate, one (1) copy of which shall be filed with the county  
30 clerk and the other copy kept by the officer or person making such settlement  
31 with the treasury. Any officer or person having in his hands any such fees  
32 who fails to settle with the county treasurer within the time and in the  
33 manner herein provided shall be subject to indictment, prosecution and  
34 punishment for theft of property. It is further recognized that for the most  
35 important and complicated work performed by the prosecuting attorney of the

1 counties affected by this act, fees are not provided by law. Therefore, it  
2 specifically is the legislative intent to provide the salaries herein set  
3 forth without regard to the amount of prosecuting attorney fees and emoluments  
4 earned or collected in the judicial circuit affected by this act.

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6 SECTION 7. All provisions of this act of a general and permanent nature  
7 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
8 Revision Commission shall incorporate the same in the Code.

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10 SECTION 8. If any provision of this act or the application thereof to  
11 any person or circumstance is held invalid, such invalidity shall not affect  
12 other provisions or applications of the act which can be given effect without  
13 the invalid provision or application, and to this end the provisions of this  
14 act are declared to be severable.

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16 SECTION 9. All laws and parts of laws in conflict with this act are  
17 hereby repealed.

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19 SECTION 10. EMERGENCY. It is hereby found and determined by the  
20 General Assembly that this act is essential to the operation of criminal  
21 justice within the Eighteenth Judicial District - West; it is also hereby  
22 found and determined by the General Assembly that the Prosecuting Attorney of  
23 the Eighteenth Judicial District - West is in need of personnel and expense  
24 funding in order to fight the war on crime. Therefore, an emergency is  
25 hereby declared to exist and this act being necessary for the immediate  
26 preservation of the public peace, health and safety shall be in full force and  
27 effect from and after its passage and approval.

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APPROVED: 4/2/93

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