

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representatives Curran, Hall, and George**

A Bill

ACT 878 OF 1993
HOUSE BILL 1637

For An Act To Be Entitled

8 "AN ACT TO SET THE SALARY AND EXPENSES OF THE DEPUTY
9 PROSECUTING ATTORNEYS IN THE FIFTH JUDICIAL DISTRICT; AND
10 FOR OTHER PURPOSES."

Subtitle

13 "TO SET SALARY AND EXPENSES OF THE DEPUTY PROSECUTING
14 ATTORNEYS IN THE FIFTH JUDICIAL DISTRICT."

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 Fifth Judicial District shall be entitled to the following assistance
21 and employees:

22 (a) One (1) Chief Deputy Prosecuting Attorney, whose salary shall not
23 be less than twenty-seven thousand four hundred forty-two dollars (\$27,442)
24 per annum. Said salary to be paid in accordance with the pay periods and
25 payroll policy for county employees of Pope County, Arkansas. In addition to
26 said salaries: social security, matching retirement, insurance, and all
27 related salary expenses shall be paid as set forth in Section 2, below.

28 (b) One (1) Deputy Prosecuting Attorney for Pope County, whose salary
29 shall not be less than seventeen thousand eight hundred sixty-one dollars
30 (\$17,861) per annum. Said salary to be paid in accordance with the pay
31 periods and payroll policy for county employees of Pope County, Arkansas. In
32 addition to said salaries: social security, matching retirement, insurance
33 and all related salary expenses shall be paid by Pope County.

34 (c) One (1) Deputy Prosecuting Attorney for Johnson County who shall be
35 a resident of Johnson County and whose salary shall not be less than twenty-
36 two thousand dollars (\$22,000) per annum. Johnson County, Arkansas shall also

1 provide said deputy prosecuting attorney with a secretary who shall be a
2 resident of Johnson County and whose salary shall not be less than thirteen
3 thousand seven hundred dollars (\$13,700) per annum. Said salaries to be paid
4 in accordance with the pay periods and payroll policy of Johnson County,
5 Arkansas. In addition to said salaries: social security, matching retirement,
6 insurance and all related salary expenses shall be paid by Johnson County.
7 Johnson County, Arkansas, shall also provide an expense account for the
8 Johnson County deputy prosecuting attorney that shall not be less than two
9 thousand five hundred dollars (\$2,500) per annum.

10 (d) One (1) Deputy Prosecuting Attorney for the Ozark and Charleston
11 Districts of Franklin County who shall be a resident of Franklin County and
12 whose salary shall not be less than seventeen thousand dollars (\$17,000) nor
13 more than thirty thousand dollars (\$30,000) per annum. Said salary to be paid
14 in accordance with the pay periods and payroll policy of Franklin County,
15 Arkansas. Said deputy shall be entitled to an expense allowance of not less
16 than thirteen thousand two hundred dollars (\$13,200) per annum. Said deputy
17 shall be entitled to hire a secretary who shall be a resident of Franklin
18 County with funds from the aforementioned expense allowance. In addition to
19 said salaries: social security, matching retirement, insurance and all
20 related salary expenses shall be paid by Franklin County.

21 (e) One (1) Investigator/Attorney, whose duties shall be to investigate
22 all matters referred to him by the Prosecuting Attorney of the Fifth Judicial
23 District, including violations of the Statutes of the State of Arkansas and
24 collecting evidence in cases in which the State of Arkansas, Fifth Judicial
25 District, is or may be a party in interest. In the event the prosecuting
26 attorney fills said position with an attorney, said attorney shall have all
27 the rights, powers, and privileges as would a deputy prosecuting attorney.
28 The investigator may serve all process issuing out of the courts in said
29 county or counties for the prosecuting attorney_s office. The salary of the
30 investigator shall not be less than fifteen thousand six hundred fifty-six
31 dollars and seventy-five cents (\$15,656.75). Said salary to be paid in
32 accordance with the pay periods and payroll policy of Pope County, Arkansas.
33 In addition to said salaries: social security, matching retirement, insurance
34 and all related salary expenses shall be paid as set forth in Section 2,
35 below.

1 (f) One (1) office manager/chief clerk, whose salary shall not be less
2 than sixteen thousand seven hundred eighty-one dollars and thirty cents
3 (\$16,781.30) or less than the salary of a chief clerk of other county
4 officials in Pope County, Arkansas. Said salary to be paid in accordance with
5 the pay periods and payroll policy of Pope County, Arkansas. In addition to
6 said salaries: social security, matching retirement, insurance and all
7 related salary expenses shall be paid as set forth in Section 2, below.

8 (g) One (1) part-time employee, whose salary shall not be less than
9 seven thousand one hundred six dollars and fifty-five cents (\$7,106.55) or
10 less than one-half the salary of a clerk of other county officials in Pope
11 County, Arkansas. Said salary to be paid in accordance with the pay periods
12 and payroll policy of Pope County, Arkansas. In addition to said salaries:
13 social security, matching retirement, insurance and all related salary
14 expenses shall be paid as set forth in Section 2, below.

15 (h) One (1) Secretary/Records Clerk, whose salary shall not be less
16 than fourteen thousand two hundred thirteen dollars (\$14,213) per annum, or
17 less than the salary of a clerk of other county officials in Pope County,
18 Arkansas. Said salary to be paid in accordance with the pay periods and
19 payroll policy of Pope County, Arkansas. In addition to said salaries:
20 social security, matching retirement, insurance and all related salary
21 expenses shall be paid as set forth in Section 2, below.

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23 SECTION 2. Said salaries, social security, matching retirement,
24 insurance and all expenses incurred by the Chief Deputy Prosecuting Attorney,
25 Investigator/Attorney, Office Manager/Chief Clerk, part-time employee, and
26 secretary/records clerk shall be paid by Pope County, Arkansas. At the end of
27 each quarter, one-third (1/3) of the said total shall be reimbursed to Pope
28 County by Johnson County and Franklin County equally, being one-sixth (1/6)
29 each.

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31 SECTION 3. The Prosecuting Attorney of the Fifth Judicial District
32 shall be entitled to an operating expense of not less than seventeen thousand
33 five hundred dollars (\$17,500) to cover the cost of printing, supplies,
34 equipment, janitorial services, cleaning supplies, food, service contracts,
35 accounting, postage, photocopies, travel, training, utilities, rent, juror and

1 witness fees, and such other expenses which within the discretion of the
2 prosecuting attorney may be proper expenses of the office in connection with
3 the investigation and prosecution of criminal activity within the district.
4 Said expenses shall be paid in equal monthly installments from Pope County
5 General Fund. At the end of each quarter, one-third (1/3) of said sum shall
6 be reimbursed to Pope County by Johnson County and Franklin County equally,
7 being one-sixth (1/6) each. In addition, the telephone bill shall be
8 submitted to the county for payment, this payment to be in addition to the
9 operating expenses hereinabove set forth.

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11 SECTION 4. The Prosecuting Attorney shall have the power to appoint all
12 assistants and employees without confirmation of any court or tribunal.

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14 SECTION 5. The Quorum Courts of the respective counties of the Fifth
15 Judicial District shall annually appropriate out of the General Funds
16 sufficient amounts to cover the salaries and expenses provided for herein.
17 The salaries and expenses provided herein are minimum provisions only and the
18 quorum courts of the respective counties may appropriate any additional funds
19 they deem necessary for the efficient operation of the office of the
20 prosecuting attorney.

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22 SECTION 6. (a) A Deputy Prosecuting Attorney who is duly appointed in
23 any county of the Fifth Judicial District shall have the authority to perform
24 all official acts as deputy prosecuting attorney in all counties within the
25 district,

26 (b) The Prosecuting Attorney of the Fifth Judicial District and those
27 deputy prosecuting attorneys and other staff members he designates shall be
28 considered law enforcement officers for the purposes of utilizing emergency,
29 protective, and communication equipment in coordination with inter-agency
30 cooperative investigations and operations. Provided that the prosecuting
31 attorney and all members of his office shall have no greater arrest powers
32 than that accorded all citizens under the Arkansas Constitution and the
33 Arkansas Statutes.

34 (c) The Prosecuting Attorney shall have the power to appoint deputy
35 prosecuting attorneys and other employees at such salaries as are authorized

1 in the grant awards from the Department of Finance and Administration Drug Law
2 Enforcement Program, Anti-Drug Abuse Act of 1986 as amended or its successor.

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4 SECTION 7. In addition to the Deputy Prosecuting Attorney positions
5 created by Arkansas Code Annotated section 16-21-113 and other Arkansas code
6 provisions and laws, the Prosecuting Attorney for the Fifth Judicial District
7 shall have the power to enter into a contract for personal services with a
8 licensed attorney whose duty it will be to act as a deputy prosecutor to
9 prosecute civil asset forfeiture actions in such a manner as is deemed proper
10 by the prosecuting attorney. This attorney shall be paid in accordance with
11 §5-64-505(k)(4).

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13 SECTION 8. Purpose of act - prosecutor_s fees - settlement for fee -
14 salaries not dependent of fees. It is not the purpose of this act to repeal
15 any laws now or hereafter enacted fixing the fees of prosecuting attorneys.
16 In the Ozark and Charleston Districts of Franklin County and in Pope and
17 Johnson Counties, municipal courts, circuit courts and other courts shall
18 assess in all cases the prosecuting attorney_s fees provided by law. At the
19 end of each calendar month and within five (5) days thereafter, the officers
20 collecting such fees shall pay the same into the treasury of the county,
21 except as herein otherwise provided, and shall receive from the treasurer his
22 receipt in duplicate, one (1) copy of which shall be filed with the county
23 clerk and the other copy kept by the officer or person making such settlement
24 with the treasury. Any officer or person having in his hands any such fees
25 who fails to settle with the county treasurer within the time and in the
26 manner herein provided shall be subject to indictment, prosecution and
27 punishment for theft of property. It is further recognized that for the most
28 important and complicated work performed by the prosecuting attorney of the
29 counties affected by this act, fees are not provided by law. Therefore, it
30 specifically is the legislative intent to provide the salaries herein set
31 forth without regard to the amount of prosecuting attorney fees and emoluments
32 earned or collected in the judicial circuit affected by this act.

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34 SECTION 9. All provisions of this act of a general and permanent nature
35 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

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