

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

A Bill

ACT 997 OF 1993
HOUSE BILL 1978

For An Act To Be Entitled

8 "AN ACT TO ESTABLISH THE SALARIES OF THE STAFF OF THE
9 PROSECUTING ATTORNEY FOR THE SIXTH JUDICIAL DISTRICT; AND
10 FOR OTHER PURPOSES."

Subtitle

13 "TO ESTABLISH SALARIES OF THE STAFF OF THE PROSECUTING
14 ATTORNEY FOR THE SIXTH JUDICIAL DISTRICT."

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

18 SECTION 1. This subchapter shall apply to the Sixth Judicial District
19 in the State of Arkansas which is comprised of Pulaski and Perry Counties.

21 SECTION 2. (a) The Prosecuting Attorney of the Sixth Judicial District
22 of the State of Arkansas shall be entitled to the following assistants and
23 employees to be paid by the county in which they serve:

24 (1) A minimum of twenty-seven (27) deputy prosecuting attorneys, whose
25 salaries shall be as follows:

26 (A) One (1) chief deputy, at not less than fifty-seven thousand,
27 eight hundred twenty-six dollars (\$57,826);

28 (B) Two (2) senior deputies, at not less than forty thousand, six
29 hundred twenty-eight dollars (\$40,628);

30 (C) A minimum of five (5) division chiefs, at not less than
31 thirty-five thousand, six hundred forty-nine dollars (\$35,649);

32 (D) A minimum of five (5) staff attorneys at not less than
33 thirty-one thousand, two hundred ninety-three dollars (\$31,293);

34 (E) A minimum of fourteen (14) staff attorneys, at not less than
35 twenty-seven thousand, four hundred seventy dollars (\$27,470);

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

1 (A) One (1) chief investigator, at not less than nineteen
2 thousand, nine hundred fourteen dollars (\$19,914);

3 (B) (i) Six (6) investigators, at not less than eighteen
4 thousand, four hundred two dollars (\$18,402);

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

9 (C) All investigators so appointed shall have the authority to
10 issue process and possess all 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,
14 six hundred ninety-one dollars (\$13,691);

15 (B) One (1) lead case clerk, at not less than thirteen thousand,
16 six hundred ninety-one dollars (\$13,691);

17 (C) Twelve (12) case clerks, at not less than twelve thousand,
18 seven hundred thirteen dollars (\$12,713);

19 (D) One (1) administrative coordinator, at not less than twenty-
20 one thousand, eight hundred sixty-nine dollars (\$21,869);

21 (E) One (1) administrative assistant, at not less than seventeen
22 thousand, sixty-eight dollars (\$17,068);

23 (F) One (1) executive secretary, who shall serve at the will of
24 the prosecuting attorney. The executive secretary shall receive a salary of
25 not less than sixteen thousand one dollars (\$16,001);

26 (4) (A) One (1) victim assistance program coordinator, at not less
27 than twenty-four thousand, ninety-two dollars (\$24,092);

28 (B) One (1) volunteer coordinator, at not less than twenty-one
29 thousand, eight hundred sixty nine dollars (\$21,869);

30 (C) A minimum of four (4) victim assistance case workers, at not
31 less than sixteen thousand one dollars (\$16,001).

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

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

10 (B) One (1) part-time deputy prosecuting attorney whose duties
11 shall be to represent the office of the Prosecuting Attorney of the Sixth
12 Judicial 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, up to
16 \$28,000 annually inclusive of all necessary personnel salaries and all
17 overhead expenses. Any additional monies collected above said amount shall be
18 paid to the Prosecuting Attorney for the Sixth Judicial District to hire such
19 additional part-time deputies as provided for by law.

20 (C) Four (4) deputy prosecuting attorneys to be paid by the
21 Prosecutor Coordinator, and not through quorum court appropriations, to handle
22 criminal and civil commitments, including involuntary admissions and alcohol
23 and narcotic commitments.

24 (6) (A) The prosecuting attorney may hire part-time, temporary,
25 contract, or permanent paralegals, law clerks, or deputy prosecuting attorneys
26 as authorized by the quorum court or provided for by law if deemed necessary
27 for the proper administration of justice and for the efficient operation of
28 the office of the Prosecuting Attorney of the Sixth Judicial District.

29 (B) The Prosecuting Attorney shall have the power to appoint
30 additional deputy prosecuting attorneys and other employees at such salaries
31 as are authorized in grant awards from the Department of Finance and
32 Administration including, but not limited to, the Drug Law Enforcement Program
33 Anti-Abuse Act of 1986 as amended or its successor.

34 (C) In addition to the deputy prosecutor positions created by
35 Arkansas Code Annotated 16-21-1102 et.seq., or any other Arkansas Code

1 provisions, the Prosecuting Attorney for the Sixth Judicial District shall
2 have the authority to contract for such legal services as are necessary to
3 include but not be limited to asset forfeiture actions, at such salary or
4 compensation amounts as may be available or appropriated by the Quorum Court.

5 (b) The prosecuting attorney shall have the power to appoint the
6 assistants and employees authorized in subsection (a) of this section without
7 confirmation of any court or tribunal. Deputy prosecuting attorneys and other
8 staff members so designated in Sections 16-21-1101 through 16-21-1108, shall
9 be considered law enforcement officers for all protective, emergency,
10 investigative, and communication purposes either individually or in
11 coordination with inter-agency cooperative investigations and operations.

12 (c) Deputy prosecuting attorneys duly appointed shall have such
13 authority as conferred by the Prosecuting Attorney to perform any official
14 acts so designated in all counties within the District.

15 (d) The Pulaski County Quorum Court shall annually appropriate funds
16 sufficient to cover salaries, maintenance and operations expenditures, and
17 capital outlay as required by the Prosecuting Attorney for the administration
18 of justice. All of the salaries shall be paid by Pulaski County. When the
19 Pulaski County Quorum Court raises salaries for Pulaski County employees, they
20 shall also raise salaries an equivalent amount for the above employees. These
21 employees covered by Sections 16-21-1102 through 16-21-1108 shall be treated
22 by Pulaski County in the same manner as other Pulaski County employees for all
23 other purposes.

24

25 SECTION 3. Representation of Perry County

26 (a) The Prosecuting Attorney, Sixth Judicial District, may designate a
27 part-time deputy prosecuting attorney to represent the Office of the
28 Prosecuting Attorney in Perry County. Perry County shall reimburse the deputy
29 prosecuting attorney on a monthly basis for said representation in Perry
30 County. The Prosecuting Attorney may also choose to designate various deputy
31 prosecuting attorneys on staff to represent the Office of the Prosecuting
32 Attorney in Perry County. When this is done, Perry County shall reimburse the
33 Prosecuting Attorney's Office for the Sixth Judicial District for said
34 representation in Perry County. The Perry County Quorum Court shall
35 appropriate not less than ten thousand dollars (\$10,000) annually for said

1 representation, as determined by the Quorum Court of Perry County.

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

7 For each conviction, plea of guilty or nolo contendere, or bond
8 forfeiture, in criminal cases, including felony, misdemeanor, and traffic
9 violations for violations of state law or local ordinance, in circuit courts,
10 municipal courts, police courts, or city courts in Perry County, the sum of
11 ten dollars (\$10.00), to defray the cost of prosecutor representation for
12 Perry County. Any moneys collected above the appropriated amount shall go to
13 the Prosecuting Attorney's Office for the Sixth Judicial District as provided
14 for by law.

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16 SECTION 4. Additional personnel or funds.

17 Nothing in this chapter shall be construed to prohibit the Quorum Courts
18 of Pulaski and Perry Counties from providing additional personnel or funds
19 from whatever source available, whether federal, state, county, or municipal,
20 if deemed necessary for the efficient operation of the Office of the
21 Prosecuting Attorney of the Sixth Judicial District of Arkansas.

22

23 SECTION 5. Supplemental funding.

24 The state may provide for supplemental funding directly to the
25 prosecuting attorney's office, including but not limited to funds collected
26 under the provision of Sections 5-64-505, 16-21-120, and 21-6-411. These
27 funds shall be in addition to appropriated funds of the local quorum court,
28 but subject to state audit.

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30 SECTION 6. Local appropriation for Pulaski County division.

31 The Pulaski County Quorum Court shall appropriate not less than one
32 hundred sixty-three thousand, eight hundred eighty-nine dollars (\$163,889), in
33 funds for the maintenance and operations account of the Pulaski County
34 Division of the Prosecuting Attorney's Office.

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1 SECTION 7. Appointment of employees.

2 (a) The Prosecuting Attorney of the Sixth Judicial District shall have
3 the power to appoint the following employees if the prosecutor receives a
4 grant award therefor, without confirmation of any court or tribunal, at such
5 salaries as are indicated below, or as are authorized in grants awarded from
6 the Arkansas Department of Finance and Administration (DFA), Office of
7 Intergovernmental Services (IGS), Arkansas Drug Law Enforcement Program:

8	Deputy Prosecuting Attorney (DTF Chief)	\$38,558
9	Deputy Prosecuting Attorney	29,711
10	Deputy Prosecuting Attorney	28,568
11	Law Enforcement Agent-In-Charge	40,066
12	Law Enforcement Investigation Agent	19,103
13	Asset Recovery Director Accountant	33,846
14	Law Enforcement Drug Abatement Agent	27,100
15	Administrative Assistant	19,200
16	Secretary	16,458

17 (b) The positions created in subsection (a) of this section shall be in
18 addition to those created by Sections 16-21-113 and 16-21-1102, and other
19 Arkansas Code provisions. In the event additional funding becomes available,
20 the prosecuting attorney may employ such additional employees and have expense
21 allowances as are authorized in the Department of Finance and Administration,
22 Office of Intergovernmental Services, Arkansas Drug Law Enforcement Program
23 grant awards.

24 (c) Any law enforcement agent positions created in subsection (a) of
25 this section who are assigned to the Sixth Judicial District Prosecutor's
26 Regional Interdiction Drug Enforcement Task Force from their respective law
27 enforcement agencies shall be treated as an employee of their respective law
28 enforcement agency for administrative and fringe benefit purposes. All law
29 enforcement agent positions shall have peace officer jurisdiction throughout
30 the Sixth Judicial District, and may serve process issuing out of all courts
31 within the state.

32 (d) The Prosecuting Attorney's Office for the Sixth (6th) Judicial
33 District is authorized to receive funds from the federal government in the
34 name of the Prosecuting Attorney and to receive both federal and state asset
35 forfeiture funds, and to utilize and expend those funds for such purposes as

1 are allowed for by law and/or specified in Ark. Code Ann. Section 5-64-505.

2 (e) The Prosecuting Attorney's Office is hereby authorized to establish
3 a hot check program pursuant to state statute to collect fees for the hot
4 check fund as authorized by the State Legislature and to expend those funds in
5 official uses for the benefit of the office.

6 (e) The Prosecuting Attorney for the Sixth Judicial District shall
7 administer its Arkansas Drug Law Enforcement Program grant from the Department
8 of Finance and Administration, Office of Intergovernmental Services.
9 Expenditures may be made only for purposes of the grant. All moneys from the
10 grant are appropriated on a continuing basis and are subject to Section 10-4-
11 209, the Prosecuting Attorney's Financial Management System. It is the
12 explicit legislative intent that nothing in this section shall be construed to
13 decrease, supplant, or be substituted for employee positions, salaries, or
14 expenses, nor maintenance and operation expenses or capital equipment
15 expenditures which the Sixth Judicial District Prosecuting Attorney's Office
16 will receive through quorum court appropriation from and after February 1,
17 1993.

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19 SECTION 8. Subchapter 11 of Chapter 21 of Title 16 of the Arkansas Code
20 is hereby repealed.

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22 SECTION 9. All provisions of this act of a general and permanent nature
23 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
24 Revision Commission shall incorporate the same in the Code.

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26 SECTION 10. If any provision of this act or the application thereof to
27 any person or circumstance is held invalid, such invalidity shall not affect
28 other provisions or applications of the act which can be given effect without
29 the invalid provision or application, and to this end the provisions of this
30 act are declared to be severable.

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32 SECTION 11. All laws and parts of laws in conflict with this act are
33 hereby repealed.

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APPROVED: 4/12/93

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