

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**

A Bill

ACT 1148 OF 1995
HOUSE BILL 1663

4 **By: Representative B.G. Hendrix**

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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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Subtitle

13 "AN ACT TO SET THE SALARY AND EXPENSES
14 OF THE DEPUTY PROSECUTORS IN THE TWELFTH
15 (12TH) CIRCUIT-CHANCERY COURT CIRCUIT."

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

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19 SECTION 1. APPOINTMENT OF DEPUTIES AND EMPLOYEES. Effective January 1,
20 1995, and thereafter, the Prosecuting Attorney in the Twelfth (12th) Judicial
21 Circuit shall be entitled to the following assistance and deputies:

22 (1) Crawford County. Two (2) or more deputies and two (2) or
23 more secretaries whose total salaries shall be one hundred three thousand
24 eight hundred thirty-four dollars (\$103,834.00) per annum, provided that the
25 Quorum Court may appropriate additional money for yearly salary increases or
26 additional personnel in their discretion.

27 (2) Sebastian County. Nine (9) or more deputies and eleven (11)
28 or more secretaries, whose total salaries shall be five hundred seventy-two
29 thousand six hundred fifty-four dollars (\$572,654.00) per annum, provided that
30 the Quorum Court may appropriate additional money for yearly salary increases
31 or additional personnel in their discretion.

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33 SECTION 2. CONTINGENT EXPENSE ALLOWANCE.

34 (a) Effective January 1, 1995, and thereafter, the Prosecuting Attorney
35 of the Twelfth (12th) Judicial Circuit shall receive a contingent expense
36 allowance to provide for office expenses, including telephone, telegraph,

1 postage, printing, office supplies and equipment, office rent, stationery,
2 traveling expenses, special services, operation of automobiles, and such other
3 expenses which, within the discretion of the Prosecuting Attorney, may be a
4 proper expense of the office, and also including necessary expense in
5 connection with any proper investigation incidental to any criminal law
6 violation or trials before any grand jury, or any court within the Twelfth
7 (12th) Judicial Circuit, coming within the duties of his office.

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

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11 Crawford County \$10,995.00

12 Sebastian County \$99,375.34

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14 Provided, the counties in the Twelfth (12th) Judicial Circuit shall pay
15 the above prescribed annual amounts upon vouchers signed by the Prosecuting
16 Attorney and allowed as claims against the county general revenue funds of the
17 respective county.

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

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

25 (b) Deputy Prosecuting Attorneys in the Twelfth (12th) Judicial Circuit
26 shall not engage in the private practice of law.

27 (c) The Prosecuting Attorney of the Twelfth (12th) Judicial Circuit and
28 those Deputy Prosecuting Attorneys and other Deputy Prosecuting Attorneys and
29 other staff members he designates shall be considered law enforcement officers
30 for the purposes of utilizing emergency, protective, and communications
31 equipment. Provided, that the Prosecuting Attorney and all members of his
32 office shall have no greater arrest powers than that accorded all citizens
33 under the Arkansas Constitution and the Arkansas code.

34 (d) 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, or other federal program and
3 may expend funds from any federal program that are tendered to the office for
4 official purposes.

5 (e) The Prosecuting Attorney acting through the Twelfth (12th) Judicial
6 Circuit Drug Task Force shall have the authority to expend funds from the
7 Department of Finance and Administration Drug Law Enforcement Program, Anti-
8 Drug Abuse Act of 1986, or other federal law enforcement program which tenders
9 funds to the office to be used for official purposes. Those funds that are
10 designated "overtime funds" are authorized under the grant to be paid to law
11 enforcement officers who are certified with various police agencies in the
12 State of Arkansas. Law enforcement personnel who are employed by police
13 agencies or sheriffs_ offices, including the State Police, may receive these
14 funds without being considered employees of the Prosecuting Attorney_s Office.
15 In addition, overtime funds paid these officers under this Drug Task Force
16 Grant procedure are not to be construed as violating any legislative salary
17 cap accorded these officers in the normal course of employment with their
18 various agencies. These funds are intended to supplement funds provided to
19 these departments as salaries to enhance the drug-fighting and violent crime-
20 fighting capabilities of the Twelfth (12th) Judicial Circuit Task Forces and
21 to a larger extent, the State of Arkansas.

22 (f) The Prosecuting Attorney_s Office of the Twelfth (12th) Judicial
23 Circuit is authorized to receive funds from the federal government in the name
24 of the Twelfth (12th) Judicial Circuit Task Force both from federal grants and
25 from asset forfeiture funds and utilize those for official purposes as
26 described in the above paragraph (e).

27 (g) The Prosecuting Attorney_s Office is hereby authorized pursuant to
28 state code to collect fees for the hot check fund as authorized by the State
29 Legislature and to expend those funds in official uses for the benefit of the
30 office.

31 (h) Account funds in the Restitution and Hot Check Accounts which are
32 designated unclaimed by audit for a period of two years or more shall be
33 placed in the Fee Account to be expended for official purposes only.

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35 SECTION 4. APPROPRIATIONS BY QUORUM COURTS. The Quorum Courts of the

1 respective counties with the Circuit shall annually appropriate out of the
2 general revenue, funds sufficient to cover the salaries and contingent expense
3 fund provided for herein, provided that the Quorum Courts shall not be
4 required to pay any additional amounts except by their consent. Provided
5 however, that in the event that the district is separated into two districts
6 or one county is removed from the district by state action, the shared time
7 personnel currently funded by Sebastian County will be funded full time by
8 Sebastian County. Provided further, that in the event that a Deputy within
9 the district is selected to be interim Prosecutor said Deputy may take a leave
10 of absence to fulfill this duty. Upon completion of said duty, the Deputy
11 shall be entitled to return to either District_s Prosecutor_s Office with the
12 consent of the Prosecuting Attorney at the level of funding that said Deputy
13 would have been paid at had he not accepted the appointment duty. The
14 Prosecutor of the Twelfth Circuit, at the request of the interim Prosecutor of
15 the new District, may designate a Deputy to serve as the Deputy Prosecuting
16 Attorney of the new District. In the event that this procedure is followed,
17 that Deputy shall be able to return to Sebastian County at the same pay as he
18 is receiving at the time he is transferred back to Sebastian County from
19 Crawford County at the end of the interim Prosecutor_s term or any time before
20 hand. For purposes of this Act, the new District shall be considered the one
21 which is formed with Crawford County as a member county. Upon division, the
22 Prosecutor shall transfer all district equipment to Crawford County that is
23 currently placed within the Crawford County Office at the time of the
24 effective date of this Act and all equipment assigned to full time Crawford
25 County personnel at the effective date of the separation Act.

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27 SECTION 5. All provisions of this act of a general and permanent nature
28 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
29 Revision Commission shall incorporate the same in the Code.

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

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SECTION 7. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 8. 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 and combat violent crime, 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 and violent and juvenile crime. The Legislature recognizes that tax funds normally available for law enforcement agencies to increase manpower are unavailable and that the Federal Grant Program and Asset Forfeiture Programs are an excellent means of providing additional law enforcement help to combat drugs and violent crimes without depleting the treasuries of the state. The Legislature specifically intends that these funds are to be utilized to enhance manpower available by allowing the Prosecutor_s Office to pay overtime to these officers as an incentive to increase anti-drug and anti-crime effectiveness of these agencies. The question of whether or not this may exceed normal salary caps is specifically addressed in the code to provide that salary caps shall not apply in the case of overtime funds expended under the provisions of this act. Also, in the event that the Twelfth Circuit is subject to a division, an orderly transition must be set in place to ensure that the public is protected and to further guarantee that the division will not interfere with the effective and efficient operation of the Prosecuting Attorney_s Office of the Twelfth Judicial Circuit. 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

1 passage and approval.

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BECAME LAW WITHOUT GOVERNOR'S SIGNATURE: 4-11-95