

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Representative M. Wilson**

A Bill

ACT 803 OF 1995
HOUSE BILL 1662

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED 16-21-1101
9 THROUGH 16-21-1109 TO ESTABLISH THE SALARIES OF THE STAFF
10 OF THE PROSECUTING ATTORNEY FOR THE SIXTH JUDICIAL
11 DISTRICT; AND FOR OTHER PURPOSES."

Subtitle

14 "TO ESTABLISH THE SALARIES OF THE STAFF
15 OF THE PROSECUTING ATTORNEY FOR THE
16 SIXTH JUDICIAL DISTRICT"

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

20 SECTION 1. Arkansas Code Annotated 16-21-1101 is amended to read as
21 follows:

22 "16-21-1101. Applicability.

23 This subchapter shall apply to the Sixth Judicial District, which is
24 composed of Pulaski County and Perry County."

26 SECTION 2. Arkansas Code Annotated 16-21-1102 is amended to read as
27 follows:

28 "16-21-1102. Assistants and employees.

29 (a) The Prosecuting Attorney of the Sixth Judicial District, shall be
30 entitled to the following assistants and employees to be paid by the county in
31 which they serve:

32 (1) A minimum of thirty-two (32) deputy prosecuting attorneys,
33 whose salaries shall be as follows:

34 (A) One (1) chief deputy, at not less than sixty-two
35 thousand five hundred forty-five dollars (\$62,545);

36 (B) Two (2) senior deputies, at not less than forty

1 thousand six hundred twenty-eight dollars (\$40,628);

2 (C) A minimum of six (6) division chiefs, at not less than
3 thirty-five thousand six hundred forty-nine dollars (\$35,649);

4 (D) A minimum of nine (9) staff attorneys, at not less than
5 thirty-one thousand two hundred ninety-three dollars (\$31,293);

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

8 (2)(A) A minimum of eight (8) investigators, as follows:

9 (i) One (1) chief investigator, at not less than
10 nineteen thousand nine hundred fourteen dollars (\$19,914); and

11 (ii) Seven (7) investigators, at not less than
12 eighteen thousand four hundred two dollars (\$18,402);

13 (B) In addition to the above investigators listed by
14 salary, the prosecuting attorney shall have the authority to appoint other
15 investigators as necessary for the administration of justice who shall serve
16 without pay;

17 (C) All investigators authorized and so appointed shall
18 have the authority to issue process, serve warrants, and possess all law
19 enforcement officer powers. They shall be certified by the Arkansas
20 Commission On Law Enforcement Standards and Training and shall be defined as
21 public safety members under Arkansas law. In the event that investigators
22 shall issue process or serve warrants, the Prosecutor_s office shall be
23 entitled to receive the same fee as provided in Ark. Code Ann. § 21-6-307
24 which shall be deposited into the Hot Check Fees Account.

25 (3) A minimum of thirty-two (32) support personnel whose salaries
26 shall be as follows:

27 (A) One lead case clerk at not less than fourteen thousand
28 eight hundred forty-six dollars (\$14,846);

29 (B) Nineteen (19) case clerks, at not less than thirteen
30 thousand six hundred ninety-one dollars (\$13,691);

31 (C) One (1) administrative coordinator, at not less than
32 twenty-seven thousand four hundred seventy dollars (\$27,470) ;

33 (D) One (1) administrative assistant, at not less than
34 seventeen thousand sixty-eight dollars (\$17,068);

35 (E) One (1) executive secretary, who shall serve at the

1 will of the prosecuting attorney. The executive secretary shall receive a
2 salary of not less than sixteen thousand one dollars (\$16,001);

3 (F) One (1) hot check administrator at not less than
4 nineteen thousand nine hundred fourteen dollars (\$19,914);

5 (G) One (1) hot check accounting clerk III at not less than
6 sixteen thousand one dollars (\$16,001);

7 (H) One (1) victim assistance program coordinator, at not
8 less than twenty-four thousand ninety-two dollars (\$24,092);

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

11 (J) A minimum of five (5) victim assistance caseworkers, at
12 not less than sixteen thousand one dollars (\$16,001);

13 (4) (A) One (1) part-time deputy prosecuting attorney whose duties
14 shall be to represent the Office of the Prosecuting Attorney of the Sixth
15 Judicial District in all cases involving food stamp fraud and Aid to Families
16 with Dependent Children fraud referred to the prosecuting attorney by the
17 Department of Human Services and any other responsibilities that may be
18 delegated to him by the prosecuting attorney. The Prosecuting Attorney of the
19 Sixth Judicial District shall contract with the Department of Human Services
20 to determine the compensation of said deputy prosecutor to be paid by the
21 Department of Human Services. The part-time deputy so appointed shall be
22 permitted to engage in the private practice of law in the area of civil cases
23 only. At the discretion of the prosecuting attorney, this part-time deputy
24 may be delegated other duties and made a full-time deputy and paid therefor
25 from the existing appropriation for full-time deputies;

26 (B) Four (4) deputy prosecuting attorneys to be paid by the
27 Prosecutor Coordinator, and not through quorum court appropriations, to handle
28 criminal and civil commitments, including involuntary admissions and alcohol
29 and narcotic commitments; and

30 (5) (A) The prosecuting attorney may hire part-time, temporary,
31 contract, or permanent paralegals, law clerks, or deputy prosecuting attorneys
32 as authorized by the quorum court or provided for by law if deemed necessary
33 for the proper administration of justice and for the efficient operation of
34 the Office of the Prosecuting Attorney of the Sixth Judicial District;

35 (B) The prosecuting attorney shall have the power to

1 appoint additional deputy prosecuting attorneys and other employees at such
2 salaries as are authorized in grant awards from the Department of Finance and
3 Administration, including, but not limited to, the federal Drug Law
4 Enforcement Program Anti-Abuse Act of 1986, as amended, or its successor; or
5 any other grant funds so awarded.

6 (C) In addition to the deputy prosecutor positions created
7 by this subchapter, or any other Arkansas Code provisions, the Prosecuting
8 Attorney of the Sixth Judicial District shall have the authority to contract
9 for such legal services as are necessary, to include, but not be limited to,
10 asset forfeiture actions, at such salary or compensation amounts as may be
11 available or appropriated by the quorum court;

12 (b) The prosecuting attorney shall have the power to appoint the
13 assistants and employees authorized in subsection (a) of this section without
14 confirmation of any court or tribunal. Deputy prosecuting attorneys and other
15 staff members so designated in this subchapter shall be considered law
16 enforcement officers for all protective, emergency, investigative, and
17 communication purposes, either individually or in coordination with
18 interagency cooperative investigations and operations;

19 (c) Deputy prosecuting attorneys duly appointed shall have such
20 authority as conferred by the prosecuting attorney to perform any official
21 acts so designated in all counties within the district; and

22 (d) The Pulaski County Quorum Court shall annually appropriate funds
23 sufficient to cover salaries, maintenance and operations expenditures, and
24 capital outlay as required by the prosecuting attorney for the administration
25 of justice. All of the salaries shall be paid by Pulaski County. When the
26 Pulaski County Quorum Court raises salaries for Pulaski County employees, they
27 shall also raise salaries an equivalent amount for the above employees. Those
28 employees covered by this subchapter shall be treated by Pulaski County in the
29 same manner as other Pulaski County employees for all other purposes."

30

31 SECTION 3. Arkansas Code Annotated 16-21-1103 is amended to read as
32 follows:

33 "16-21-1103. Representation of Perry County.

34 (a) The Prosecuting Attorney of the Sixth Judicial District may
35 designate a part-time deputy prosecuting attorney to represent the Office of

1 the Prosecuting Attorney in Perry County. Perry County shall reimburse the
2 deputy prosecuting attorney on a monthly basis for said representation in
3 Perry County. The prosecuting attorney may also choose to designate various
4 deputy prosecuting attorneys on his staff to represent the Office of the
5 Prosecuting Attorney in Perry County. When this is done, Perry County shall
6 reimburse the Office of the Prosecuting Attorney of the Sixth Judicial
7 District for said representation in Perry County. The Perry County Quorum
8 Court shall appropriate not less than ten thousand nine hundred seven dollars
9 (\$10,907) annually for said representation, as determined by the Quorum Court
10 of Perry County.

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

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

24

25 SECTION 4. Arkansas Code Annotated 16-21-1104 is amended to read as
26 follows:

27 "16-21-1104. Additional personnel or funds.

28 Nothing in this subchapter shall be construed to prohibit the Quorum
29 Courts of Pulaski County and Perry County from providing additional personnel
30 or funds from whatever source available, whether federal, state, county, or
31 municipal, if deemed necessary for the efficient operation of the Office of
32 the Prosecuting Attorney of the Sixth Judicial District."

33

34 SECTION 5. Arkansas Code Annotated 16-21-1105 is amended to read as
35 follows:

1 "16-21-1105. Supplemental funding.

2 The state may provide for supplemental funding directly to the
3 prosecuting attorney's office, including, but not limited to, funds collected
4 under the provisions of §§ 5-64-505, 16-21-120, and 21-6-411. These funds
5 shall be in addition to appropriated funds of the local quorum court, but
6 subject to state audit."

7

8 SECTION 6. Arkansas Code Annotated 16-21-1106 is amended to read as
9 follows:

10 "16-21-1106. Local appropriation for Pulaski County Division.

11 The Pulaski County Quorum Court shall appropriate not less than two
12 hundred nineteen thousand two hundred dollars (\$219,200) in funds for the
13 maintenance and operations account of the Pulaski County Division of the
14 Office of the Prosecuting Attorney of the Sixth Judicial District."

15

16 SECTION 7. Arkansas Code Annotated 16-21-1107 is amended to read as
17 follows:

18 "16-21-1107. Appointment of employees.

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

25 Deputy Prosecuting Attorney (Drug	
26 Unit Division Chief)	\$41,704
27 Deputy Prosecuting Attorney	33,847
28 Deputy Prosecuting Attorney (Asset Forfeiture)	33,847
29 Deputy Prosecuting Attorney (Drug Court)	36,608
30 Asset Recovery Financial Investigator	28,184
31 Drug Abatement Investigator	25,056
32 Administrative Assistant	22,460
33 Secretary	17,801

34 (b) The positions created in subsection (a) of this section shall be in
35 addition to those created by §§ 16-21-113 and 16-21-1102, and other Arkansas

1 Code provisions. In the event additional funding becomes available, the
2 prosecuting attorney may employ such additional employees and have expense
3 allowances as are authorized in the Department of Finance and Administration,
4 Office of Intergovernmental Services, Arkansas Drug Law Enforcement Program
5 grant awards.

6 (c) All law enforcement investigative positions shall have peace
7 officer jurisdiction throughout the Sixth Judicial District and may serve
8 process issuing out of all courts within the state.

9 (d) (1) The Prosecuting Attorney of the Sixth Judicial District shall
10 administer its Arkansas Drug Law Enforcement Program grant from the Office of
11 Intergovernmental Services of the Department of Finance and Administration.
12 Expenditures may be made only for purposes of the grant. All moneys from the
13 grant are appropriated on a continuing basis and are subject to the
14 Prosecuting Attorney's Financial Management System, § 10-4-209.

15 (2) It is the explicit legislative intent that nothing in this
16 section or §§ 16-21-1108 and 16-21-1109 shall be construed to decrease,
17 supplant, or be substituted for employee positions, salaries, or expenses, or
18 maintenance and operation expenses, or capital equipment expenditures which
19 the Office of the Prosecuting Attorney of the Sixth Judicial District will
20 receive through quorum court appropriation from and after February 1, 1995."

21

22 SECTION 8. Arkansas Code Annotated 16-21-1108 is amended to read as
23 follows:

24 "16-21-1108. Federal funds.

25 The Prosecuting Attorney's Office of the Sixth Judicial District is
26 authorized to receive funds from the federal government in the name of the
27 prosecuting attorney and to receive both federal and state asset forfeiture
28 funds and to utilize and expend those funds for such purposes as are allowed
29 for by law or specified in § 5-64-505."

30

31 SECTION 9. Arkansas Code Annotated 16-21-1109 is amended to read as
32 follows:

33 "16-21-1109. Hot check funds.

34 The Office of the Prosecuting Attorney of the Sixth Judicial District is
35 hereby authorized to establish a hot check program pursuant to state statute

1 to collect fees for the hot check fund as authorized by the General Assembly
2 and to expend those funds in official uses for the benefit of the office."

3

4 SECTION 10. All provisions of this act of a general and permanent
5 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
6 Code Revision Commission shall incorporate the same in the Code.

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

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14 SECTION 12. All laws and parts of laws in conflict with this act are
15 hereby repealed.

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17 BECAME LAW WITHOUT GOVERNOR'S SIGNATURE: 3-28-95

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