

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1398 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

As Engrossed: H3/4/05

A Bill

HOUSE BILL 1339

5 By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR THE PAYMENT OF A PORTION OF FULL-TIME JUVENILE PROBATION AND INTAKE OFFICERS' SALARIES FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2007; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE AUDITOR OF STATE - JUVENILE PROBATION AND INTAKE OFFICERS APPROPRIATION FOR THE 2005-2007 BIENNIUM.

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

SECTION 1. APPROPRIATION - JUVENILE PROBATION AND INTAKE OFFICERS. There is hereby appropriated, to the Auditor of State, to be payable from the State Central Services Fund, for the payment of a portion of the salaries of full-time juvenile probation and intake officers in accordance with Arkansas Code 16-13-327 and Arkansas Code 16-13-328 for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) JUVENILE PROBATION & INTAKE OFFICERS	\$ 2,534,810	\$ 2,698,300

SECTION 2. SPECIAL LANGUAGE. Arkansas Code § 16-13-327 is amended to



1 read as follows:

2 16-13-327. Probation officers.

3 (a) Each juvenile division of circuit court shall be provided with not
4 fewer than one (1) probation officer to manage the probation services and
5 needs of the court.

6 (b) Each probation officer shall be an employee of the judge or judges of
7 the circuit court designated to hear juvenile cases in their district plan
8 under Arkansas Supreme Court Administrative Order Number 14, originally
9 issued April 6, 2001, and shall serve at the pleasure of the judge or judges.

10 (c)(1) The probation officers shall be certified as juvenile probation
11 officers according to the laws of this state and must complete initial
12 certification requirements within one (1) year of the officers' employment
13 and must maintain the certification during the terms of their employment.

14 (2) The Juvenile Intake and Probation Officers' Certification
15 Committee, composed of juvenile officers and judges of the circuit court
16 designated to hear juvenile cases in their district plan under Arkansas
17 Supreme Court Administrative Order Number 14, originally issued April 6,
18 2001, and staffed by an employee of the Administrative Office of the Courts,
19 shall establish certification standards for intake and probation officers.

20 (3) The office shall collect and maintain records for the juvenile
21 officers' certification documentation.

22 (d)(1)(A) The salary of the probation officer shall be paid by the county
23 or counties in which the probation officer works.

24 (B) However, beginning August 1, 1990, except as provided in
25 subdivision (d)(3), the state shall pay a portion of the salary of a full-
26 time probation officer who:

27 (i) Who is certified according to the laws of this state; and
28 whose

29 (ii) Whose salary has been paid by the county or counties for a
30 period of one (1) year.

31 (2) The portion to be paid by the state shall be the lesser of either
32 fifteen thousand dollars (\$15,000) a year or one-half (1/2) the probation
33 officer's average salary as calculated over the last twelve (12) months.

34 (3) The state shall only reimburse a county for salaries paid to the
35 number of probation officers that:

36 (A) Meet the requirements of subdivision (d)(1) of this section;

1 and

2 (B) Does not exceed two hundred and twenty-four (224) positions
3 authorized by the counties for probation and intake officers as of January 1,
4 2005; and does not exceed two hundred thirty-one (231) positions authorized
5 by the counties for probation and intake officers as of January 1, 2006 and
6 each year thereafter; for reimbursement under the requirements of subdivision
7 (d) of this section.

8

9 SECTION 3. SPECIAL LANGUAGE. Arkansas Code § 16-13-328 is amended to
10 read as follows:

11 16-13-328. Intake officers.

12 (a) Each juvenile division of circuit court shall be provided with not
13 fewer than one (1) intake officer to manage the intake needs of the court.

14 (b) Each intake officer shall be employed by the judge or judges of the
15 circuit court designated to hear juvenile cases in their district plan under
16 Arkansas Supreme Court Administrative Order Number 14, originally issued
17 April 6, 2001, and shall serve at the pleasure of the judge or judges.

18 (c)(1) Each intake officer shall be certified as a juvenile intake
19 officer according to the laws of this state and must complete initial
20 certification requirements within one (1) year of the officer's employment
21 and must maintain the certification during the terms of employment.

22 (2) The Juvenile Intake and Probation Officers' Certification
23 Committee, composed of juvenile officers and judges of the circuit court
24 designated to hear juvenile cases in their district plan under the order, and
25 staffed by an employee of the office, shall establish certification standards
26 for intake and probation officers.

27 (3) The office shall collect and maintain records for the juvenile
28 officers' certification documentation.

29 (d)(1)(A) The salary of the intake officer shall be paid by the county or
30 counties in which the intake officer works.

31 (B) However, beginning August 1, 1990, except as provided in
32 subdivision (d)(3), the state shall pay a portion of the salary of a full-
33 time intake officer~~who;~~

34 (i) Who is certified according to the laws of this state; and
35 ~~whose;~~

36 (ii) Whose salary has been paid by the county or counties for a

1 period of one (1) year.

2 (2) The portion to be paid by the state shall be the lesser of either
3 fifteen thousand dollars (\$15,000) a year or one-half (1/2) the intake
4 officer's average salary as calculated over the last twelve (12) months.

5 (3) The state shall only reimburse a county for a portion of salaries
6 paid to the number of intake officers that:

7 (A) Meet the requirements of subdivision (d)(1) of this section;
8 and

9 (B) Does not exceed two hundred and twenty-four (224) positions
10 authorized by the counties for probation and intake officers as of January 1,
11 2005; and does not exceed two hundred thirty-one (231) positions authorized
12 by the counties for probation and intake officers as of January 1, 2006 and
13 each year thereafter; for reimbursement under the requirements of subdivision
14 (d) of this section.

15 (e)(1) Each circuit judge whose primary responsibility is conducting
16 hearings for the involuntary admission or commitment of persons to the
17 Arkansas State Hospital or any other public or private hospital with a fully
18 trained psychiatrist on the active or consultant staff shall be provided with
19 not fewer than one (1) intake officer to manage the intake needs of the
20 court.

21 (2) The salaries of the intake officers shall be paid by the county or
22 counties in which the intake officers work, with the state paying a portion,
23 the lesser of either fifteen thousand dollars (\$15,000) per year or one-half
24 (1/2) of each full-time intake officer's annual salary.

25

26 *SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE*
27 *NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. JUVENILE*
28 *PROBATION AND INTAKE OFFICERS STUDY. The Administrative Office of the Courts*
29 *shall study the caseload of the Juvenile Probation and Intake Officers and*
30 *shall report back to the Arkansas Legislative Council prior to the convening*
31 *of the 86th General Assembly in order to allow the 86th General Assembly to*
32 *make an informed decisions regarding the appropriation and funding level for*
33 *Juvenile Probation and Intake Officers. The provisions of this section shall*
34 *be in effect only from July 1, 2005 through June 30, 2007.*

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36 SECTION 5. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized

1 by this act shall be limited to the appropriation for such agency and funds
2 made available by law for the support of such appropriations; and the
3 restrictions of the State Procurement Law, the General Accounting and
4 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
5 Procedures and Restrictions Act, or their successors, and other fiscal
6 control laws of this State, where applicable, and regulations promulgated by
7 the Department of Finance and Administration, as authorized by law, shall be
8 strictly complied with in disbursement of said funds.

9
10 SECTION 6. LEGISLATIVE INTENT. It is the intent of the General Assembly
11 that any funds disbursed under the authority of the appropriations contained
12 in this act shall be in compliance with the stated reasons for which this act
13 was adopted, as evidenced by the Agency Requests, Executive Recommendations
14 and Legislative Recommendations contained in the budget manuals prepared by
15 the Department of Finance and Administration, letters, or summarized oral
16 testimony in the official minutes of the Arkansas Legislative Council or
17 Joint Budget Committee which relate to its passage and adoption.

18
19 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the General
20 Assembly, that the Constitution of the State of Arkansas prohibits the
21 appropriation of funds for more than a two (2) year period; that the
22 effectiveness of this Act on July 1, 2005 is essential to the operation of
23 the agency for which the appropriations in this Act are provided, and that in
24 the event of an extension of the Regular Session, the delay in the effective
25 date of this Act beyond July 1, 2005 could work irreparable harm upon the
26 proper administration and provision of essential governmental programs.
27 Therefore, an emergency is hereby declared to exist and this Act being
28 necessary for the immediate preservation of the public peace, health and
29 safety shall be in full force and effect from and after July 1, 2005.

30
31 /s/ Joint Budget Committee

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34 APPROVED: 3/30/2005

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