

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 794 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

HOUSE BILL 2074

5 By: Representative Hawkins
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND § 16-21-2501 CONCERNING THE
10 APPOINTMENT AND AUTHORITY OF INVESTIGATORS FOR
11 THE TWENTIETH JUDICIAL DISTRICT; AND FOR OTHER
12 PURPOSES.
13

Subtitle

14 TO AMEND § 16-21-2501 CONCERNING THE
15 APPOINTMENT AND AUTHORITY OF
16 INVESTIGATORS FOR THE TWENTIETH JUDICIAL
17 DISTRICT.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 16-21-2501 is amended to read as follows:
24 16-21-2501. Investigators.

25 (a) The Prosecuting Attorney of the Twentieth Judicial District is
26 hereby authorized to appoint and employ certified law enforcement officers as
27 investigators for the prosecuting attorney's office.

28 ~~(b) The investigators so appointed by the prosecuting attorney shall~~
29 ~~be classified as and have the same full power and authority as all other law~~
30 ~~enforcement officers in this state for purposes of retirement and for all~~
31 ~~other purposes~~ In addition to the investigators listed in subsection (a) of
32 this section, the prosecuting attorney shall have the authority to appoint or
33 employ with or without pay at his or her discretion other investigators
34 necessary for the administration of justice.

35 (c)(1) An authorized investigator authorized and appointed shall:



1 (A) Have the authority to issue process, serve warrants,
 2 and possess all powers of a law enforcement officer;

3 (B) Be a certified law enforcement officer commissioned by
 4 the Arkansas Commission on Law Enforcement Standards and Training; and

5 (C) Be defined as a public safety member.

6 (2)(A) If an investigator issues process or serves warrants, the
 7 office of the prosecuting attorney shall be entitled to receive the same fee
 8 a sheriff is authorized to charge under § 21-6-307.

9 (B) The fee is to be deposited into the hot check fees
 10 account.

11 (d) A deputy prosecuting attorney and a staff member designated by the
 12 prosecuting attorney shall be considered a law enforcement officer for all
 13 protective, emergency, investigative, and commercial purposes, either
 14 individually or in coordination with interagency cooperative investigation
 15 and operations.

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 17 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
 18 General Assembly of the State of Arkansas that investigators are a vital tool
 19 used in the prosecution of criminal offenders; that currently their powers
 20 are not specifically provided; and that this act is immediately necessary
 21 because the immediate need for empowered investigators is of vital public
 22 interest. Therefore, an emergency is declared to exist, and this act being
 23 immediately necessary for the preservation of the public peace, health, and
 24 safety shall become effective on:

25 (1) The date of its approval by the Governor;

26 (2) If the bill is neither approved nor vetoed by the Governor,
 27 the expiration of the period of time during which the Governor may veto the
 28 bill; or

29 (3) If the bill is vetoed by the Governor and the veto is
 30 overridden, the date the last house overrides the veto.

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 32 **APPROVED: 4/3/2009**