

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

A Bill

ACT 1181 OF 1995
HOUSE BILL 1177

4 **By: Representatives Northcutt, M. Wilson and Ferrell**

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARK. CODE ANN. § 9-14-210(c) TO PROVIDE
9 FOR THE APPOINTMENT OF SPECIAL *DEPUTY* PROSECUTORS WHO ARE
10 AUTHORIZED TO PROSECUTE CRIMINAL NON-SUPPORT CASES IN
11 CIRCUIT COURT; AND FOR OTHER PURPOSES."

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Subtitle

14 "TO AMEND A.C.A. § 9-14-210(c) TO
15 PROVIDE FOR THE APPOINTMENT OF SPECIAL
16 *DEPUTY* PROSECUTORS."

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

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20 SECTION 1. Arkansas Code Annotated § 9-14-210(c) is hereby amended to
21 read as follows:

22 "(c) An attorney employed under this subchapter, whether directly or by
23 contract with the Office of Child Support Enforcement, may be designated a
24 special *deputy* prosecutor by the prosecuting attorney of that judicial
25 district, for the limited purposes of prosecuting in a court of competent
26 jurisdiction actions brought under § 5-26-401 or § 5-54-102, in those cases
27 proceeding under Title IV-D of the Social Security Act. However, nothing in
28 this section shall be construed to entitle such attorneys to those rights,
29 benefits, or privileges which accrue to a prosecuting attorney under any other
30 provision of state law, except as set forth below:

31 (1) As a special *deputy* prosecutor, such attorney shall have the
32 power to issue subpoenas in all matters being investigated by the Office of
33 Child Support Enforcement under § 5-26-401 or § 5-54-102 and may administer
34 oaths for taking the testimony of witnesses subpoenaed before them. Such
35 oaths shall have the same effect as if administered by the foreman of a grand
36 jury. The subpoena shall be substantially in the form set forth in § 16-43-

1 212.

2 (2) A special *deputy* prosecutor appointed and functioning as
3 authorized under this section shall be entitled to the same immunity granted
4 by law to the prosecuting attorney. The prosecuting attorney may revoke the
5 appointment of a special *deputy* prosecutor at any time.

6 (3) Appointment as a special *deputy* prosecutor shall not *entitle*
7 such attorney to receive any additional fees or salary from the State for
8 services provided pursuant to the appointment. Expenses of the special *deputy*
9 prosecutor and any fees and costs incurred thereby in the prosecution of cases
10 under §§ 5-26-401 or 5-54-102 shall be the responsibility of the Office of
11 Child Support Enforcement under the Title IV-D program."
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13 SECTION 2. All provisions of this act of a general and permanent nature
14 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
15 Revision Commission shall incorporate the same in the Code.
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17 SECTION 3. If any provision of this act or the application thereof to
18 any person or circumstance is held invalid, such invalidity shall not affect
19 other provisions or applications of the act which can be given effect without
20 the invalid provision or application, and to this end the provisions of this
21 act are declared to be severable.
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23 SECTION 4. All laws and parts of laws in conflict with this act are
24 hereby repealed.

25 /s/Northcutt, et al

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27 APPROVED: 4-11-95
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