

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.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001

A Bill

HOUSE BILL 1924

4
5 By: Representative Napper
6
7

For An Act To Be Entitled

8
9 AN ACT TO ESTABLISH STAFF POSITIONS, DUTIES, AND STAFF
10 SALARIES OF THE PROSECUTING ATTORNEY FOR THE SIXTH
11 JUDICIAL DISTRICT; AND FOR OTHER PURPOSES.
12

Subtitle

13
14 AN ACT TO ESTABLISH STAFF POSITIONS,
15 DUTIES, AND STAFF SALARIES OF THE
16 PROSECUTING ATTORNEY FOR THE SIXTH
17 JUDICIAL DISTRICT.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Assistants and employees.

23 (a) The Prosecuting Attorney of the Sixth Judicial District shall be
24 entitled to the following assistants and employees to be paid by the county in
25 which they serve:

26 (1) A minimum of (40) forty deputy prosecuting attorneys, whose
27 salaries shall be as provided by law.

28 (2) (A) A minimum of nine (9) investigators, whose salaries shall be as
29 follows:

30 (i) One (1) chief investigator, at not less than
31 twenty-five thousand three hundred four dollars (\$25,304);

32 (ii) Eight (8) investigators, at not less than
33 twenty-three thousand four hundred thirty dollars (\$23,430);

34 (B) In addition to the investigators listed by salary, the
35 prosecuting attorney shall have the authority to appoint other investigators
36 as necessary for the administration of justice who shall serve without pay.

1 (C)(i) All investigators authorized and appointed shall
2 have the authority to serve process of court, including subpoenas and
3 warrants, and shall possess all law enforcement officer powers, including all
4 powers pertaining to service of process either in person or by telephone as
5 found in Rule 45, Arkansas Rules of Civil Procedure, and as provided by law.

6 (ii) The investigators shall be certified by the
7 Arkansas Commission on Law Enforcement Standards and Training and shall be
8 defined as public safety members and law enforcement officers under law, but
9 are not subject to ongoing training which is now or may be required by law
10 except as provided and required by the Prosecuting Attorney of the Sixth
11 Judicial District.

12 (iii) In the event that investigators shall serve
13 process or serve warrants, the prosecutor's office shall be entitled to
14 receive the same fee as provided in Arkansas Code 21-6-307, which shall be
15 deposited into the hot check fees account.

16 (3) A minimum of forty-four (44) support personnel whose salaries
17 shall be as follows:

18 (A) Two (2) lead case clerks, at not less than twenty
19 thousand two hundred fifty-two dollars (\$20,252);

20 (B) Twenty (20) case clerks, at not less than eighteen
21 thousand seven hundred fifty-two dollars (\$18,752);

22 (C) One (1) administrative coordinator, at not less than
23 thirty-nine thousand eight hundred four dollars (\$39,804);

24 (D) One (1) records management supervisor at not less than
25 thirty-one thousand one hundred seventy-five dollars (\$31,175);

26 (E) Two (2) executive secretaries, who shall serve at the
27 will of the prosecuting attorney. The executive secretaries shall each
28 receive a salary of not less than twenty thousand two hundred fifty-two
29 dollars (\$20,252);

30 (F) One (1) hot check administrator at not less than
31 twenty-seven thousand eight hundred thirty-five dollars (\$27,835);

32 (G) Three (3) hot check accounting clerks III at not less
33 than twenty-thousand two hundred fifty-two dollars (\$20,252);

34 (H) One (1) victim assistance program coordinator at not
35 less than thirty-one thousand one hundred seventy-five dollars (\$31,175);

36 (I) One (1) volunteer coordinator at not less than twenty-

1 seven thousand eight hundred thirty-five dollars (\$27,835);

2 (J) A minimum of seven (7) victim assistance case
3 coordinators, at not less than twenty-one thousand six hundred ninety-four
4 dollars (\$21,694);

5 (K) One (1) contract labor systems analyst at not less than
6 thirty thousand dollars (\$30,000);

7 (L) One (1) Youth Resource Officer at not less than twenty
8 thousand two hundred fifty-two dollars (\$20,252);

9 (M) One (1) Pre-Charging Diversion Supervisor at not less
10 than twenty-three thousand four hundred thirty dollars (\$23,430);

11 (N) One (1) Administrative Assistant at not less than
12 twenty thousand two hundred fifty-two dollars (\$20,252);

13 (O) One (1) Secretary at not less than seventeen thousand
14 three hundred sixty-three dollars (\$17,363);

15 (P) The lead case clerks and case clerks appointed and
16 authorized shall, among other duties, have all powers of a deputy circuit
17 clerk in the State of Arkansas to issue subpoenas for trial or to issue
18 subpoenas for the prosecuting attorney's investigative purposes, and may
19 employ the seal of any circuit or chancery clerk within the Sixth Judicial
20 District to carry out those duties, as has been the historical practice of the
21 Office of the Prosecuting Attorney of the Sixth Judicial District.

22 (4) Four (4) deputy prosecuting attorneys to be paid by the
23 prosecutor coordinator to handle criminal and civil commitments, including
24 involuntary admissions, alcohol and narcotic commitments, insanity acquittees,
25 and other deputy duties as requested.

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

31 (B) The prosecuting attorney shall have the power to
32 appoint additional deputy prosecuting attorneys and other employees at
33 salaries as are authorized in grant awards from the Department of Finance and
34 Administration, including, but not limited to, the Federal Drug Law
35 Enforcement Program Anti-Abuse Act of 1986, as amended, or its successor, or
36 any other grant funds so awarded;

1 (C) In addition to the deputy prosecutor positions created
2 by this act, or any other law, the Prosecuting Attorney of the Sixth Judicial
3 District shall have the authority to contract for such legal services as are
4 necessary, to include, but not be limited to, asset forfeiture actions, at
5 salaries or compensation amounts as may be available or appropriated by the
6 quorum court.

7 (b)(1) The prosecuting attorney shall have the power to appoint the
8 assistants and employees authorized in subsection (a) of this section without
9 confirmation of any court, tribunal, county or state official or officer.

10 (2) Deputy prosecuting attorneys and other staff members
11 designated in this act shall be considered law enforcement officers for all
12 protective, emergency, investigative, and communication purposes, either
13 individually or in coordination with interagency cooperative investigations
14 and operations.

15 (3) Deputy prosecuting attorneys appointed shall have such
16 authority as conferred by the prosecuting attorney to perform any official
17 acts designated in all counties within the district.

18 (4)(A) The Pulaski County Quorum Court shall annually appropriate
19 funds sufficient to cover salaries, maintenance and operations expenditures,
20 and capital outlay as required by the prosecuting attorney for the
21 administration of justice.

22 (B) All of the salaries, unless otherwise provided for,
23 shall be paid by Pulaski County.

24 (C) When the Pulaski County Quorum Court raises salaries
25 for Pulaski County employees, they shall also raise salaries an equivalent
26 amount for the employees of the Office of the Prosecuting Attorney of the
27 Sixth Judicial District.

28 (D) Those employees covered by this act shall be treated by
29 Pulaski County in the same manner as other Pulaski County employees for all
30 other purposes.

31
32 SECTION 2. Appointment of employees.

33 (a) In the event additional funding becomes available, the Prosecuting
34 Attorney of the Sixth Judicial District may employ additional employees and
35 have expense allowances as are authorized in the Department of Finance and
36 Administration, Office of Intergovernmental Services, Arkansas Drug Law

1 Enforcement Program grant awards.

2 (b) All law enforcement investigative positions shall have peace
3 officer jurisdiction throughout the Sixth Judicial District and may serve
4 process and warrants issuing out of all courts within the state.

5 (c) (1)(A) The Prosecuting Attorney of the Sixth Judicial District
6 shall administer its Arkansas Drug Law Enforcement Program grant from the
7 Office of Intergovernmental Services of the Department of Finance and
8 Administration.

9 (B) Expenditures may be made only for purposes of the
10 grant.

11 (C) All moneys from the grant are appropriated on a
12 continuing basis and are subject to the prosecuting attorney's financial
13 management system, Arkansas Code 10-4-209.

14 (2) It is the explicit legislative intent that nothing in this
15 section or Arkansas Code 16-21-1108 and 16-21-1109 shall be construed to
16 decrease, supplant, or be substituted for employee positions, salaries, or
17 expenses, or maintenance and operation expenses, or capital equipment
18 expenditures which the Office of the Prosecuting Attorney of the Sixth
19 Judicial District will receive through quorum court appropriation from and
20 after January 1, 2001.

21
22 SECTION 3. [THE ARKANSAS CODE REVISION COMMISSION IS NOT REQUIRED TO
23 CODIFY THIS SECTION.] This act shall be effective retroactive to January 1,
24 2001.

25
26 SECTION 4. Arkansas Code 16-21-1102 is repealed.

27 ~~16-21-1102.—Assistants and employees.—~~

28 ~~(a) The Prosecuting Attorney of the Sixth Judicial District shall be~~
29 ~~entitled to the following assistants and employees:—~~

30 ~~(1) To be paid by the county in which they serve:—~~

31 ~~(A) A minimum of thirty five (35) deputy prosecuting~~
32 ~~attorneys, whose salaries shall be as follows:—~~

33 ~~(i) One (1) chief deputy at not less than seventy~~
34 ~~thousand three hundred fifty five dollars (\$70,355);—~~

35 ~~(ii) Three (3) senior deputies at not less than~~
36 ~~forty five thousand seven hundred one dollars (\$45,701);—~~

1 ~~twenty seven thousand one hundred dollars (\$27,100);~~

2 ~~(v)(a) Two (2) executive secretaries who shall serve~~
3 ~~at the will of the prosecuting attorney.~~

4 ~~(b) The executive secretaries shall receive a salary of not less than~~
5 ~~seventeen thousand nine hundred ninety nine dollars (\$17,999);~~

6 ~~(vi) One (1) hot check administrator at not less than~~
7 ~~twenty two thousand four hundred one dollars (\$22,401);~~

8 ~~(vii) Three (3) hot check accounting clerks III at~~
9 ~~not less than seventeen thousand nine hundred ninety nine dollars (\$17,999);~~

10 ~~(viii) One (1) victim assistance program coordinator~~
11 ~~at not less than twenty seven thousand one hundred dollars (\$27,100);~~

12 ~~(ix) One (1) volunteer coordinator at not less than~~
13 ~~twenty four thousand six hundred dollars (\$24,600);~~

14 ~~(x) A minimum of seven (7) victim assistance case~~
15 ~~coordinators at not less than seventeen thousand nine hundred ninety nine~~
16 ~~dollars (\$17,999);~~

17 ~~(xi) One (1) systems analyst at not less than thirty-~~
18 ~~four thousand four hundred dollars (\$34,400);~~

19 ~~(xii) Two (2) youth resource officers at not less~~
20 ~~than seventeen thousand nine hundred ninety nine dollars (\$17,999); and~~

21 ~~(xiii) One (1) precharging division supervisor at not~~
22 ~~less than twenty three thousand six hundred fifty three dollars (\$23,653);~~

23 ~~(2)(A) One (1) part time deputy prosecuting attorney whose duties~~
24 ~~shall be to represent the office of the Prosecuting Attorney of the Sixth~~
25 ~~Judicial District in all cases involving food stamp fraud and Aid to Families~~
26 ~~with Dependent Children fraud referred to the prosecuting attorney by the~~
27 ~~Department of Human Services and any other responsibilities that may be~~
28 ~~delegated to him by the prosecuting attorney.~~

29 ~~(B) The Prosecuting Attorney of the Sixth Judicial District~~
30 ~~shall contract with the Department of Human Services to determine the~~
31 ~~compensation of the deputy prosecuting attorney to be paid by the Department~~
32 ~~of Human Services.~~

33 ~~(C) The part time deputy prosecuting attorney so appointed~~
34 ~~shall be permitted to engage in the private practice of law in the area of~~
35 ~~civil cases only.~~

36 ~~(D) At the discretion of the prosecuting attorney, this~~

1 ~~part-time deputy prosecuting attorney may be delegated other duties and made a~~
 2 ~~full-time deputy prosecuting attorney and paid therefor from the existing~~
 3 ~~appropriation for full-time deputy prosecuting attorneys;~~

4 ~~(3) Four (4) deputy prosecuting attorneys, to be paid by the~~
 5 ~~Prosecutor Coordinator and not through quorum court appropriations, to handle~~
 6 ~~criminal and civil commitments, including involuntary admissions and alcohol~~
 7 ~~and narcotic commitments and insanity acquittees and other deputy prosecuting~~
 8 ~~attorney duties as requested;~~

9 ~~(4) The prosecuting attorney may hire part-time, temporary,~~
 10 ~~contract, or permanent paralegals, law clerks, or deputy prosecuting attorneys~~
 11 ~~as authorized by the quorum court or provided for by law if deemed necessary~~
 12 ~~for the proper administration of justice and for the efficient operation of~~
 13 ~~the office of the Prosecuting Attorney of the Sixth Judicial District;~~

14 ~~(5) The prosecuting attorney shall have the power to appoint~~
 15 ~~additional deputy prosecuting attorneys and other employees at such salaries~~
 16 ~~as are authorized in grant awards from the Department of Finance and~~
 17 ~~Administration, including, but not limited to, the Federal Drug Law~~
 18 ~~Enforcement Program Anti Abuse Act of 1986, as amended, or its successor, or~~
 19 ~~any other grant funds so awarded; and~~

20 ~~(6) In addition to the deputy prosecuting attorney positions~~
 21 ~~created by this subchapter or any other Arkansas Code provisions, the~~
 22 ~~Prosecuting Attorney of the Sixth Judicial District shall have the authority~~
 23 ~~to contract at such salary or compensation amounts as may be available or~~
 24 ~~appropriated by the quorum court for such legal services as are necessary, to~~
 25 ~~include, but not be limited to, asset forfeiture actions.~~

26 ~~(b)(1) The prosecuting attorney shall have the power to appoint the~~
 27 ~~assistants and employees authorized in subsection (a) of this section without~~
 28 ~~confirmation of any court or tribunal.~~

29 ~~(2) Deputy prosecuting attorneys and other staff members so~~
 30 ~~designated in this subchapter shall be considered law enforcement officers for~~
 31 ~~all protective, emergency, investigative, and communication purposes, either~~
 32 ~~individually or in coordination with interagency cooperative investigations~~
 33 ~~and operations.~~

34 ~~(3) Deputy prosecuting attorneys duly appointed shall have such~~
 35 ~~authority as conferred by the prosecuting attorney to perform any official~~
 36 ~~acts so designated in all counties within the district.~~

1 ~~(4)(A) The Pulaski County Quorum Court shall annually appropriate~~
2 ~~funds sufficient to cover salaries, maintenance and operations expenditures,~~
3 ~~and capital outlay as required by the prosecuting attorney for the~~
4 ~~administration of justice.~~

5 ~~(B) All of the salaries shall be paid by Pulaski County.~~

6 ~~(C) When the Pulaski County Quorum Court raises salaries~~
7 ~~for Pulaski County employees, it shall also raise salaries an equivalent~~
8 ~~amount for the above employees.~~

9 ~~(D) Those employees covered by this subchapter shall be~~
10 ~~treated by Pulaski County in the same manner as other Pulaski County employees~~
11 ~~for all other purposes.~~

12
13 SECTION 4. Arkansas Code 16-21-1107 is repealed.

14 ~~16-21-1107. Appointment of employees.~~

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

21 ~~(1) Drug Unit Division Chief~~
22 ~~\$43,372;~~

23 ~~(2) Civil Litigation Attorney~~
24 ~~\$36,608;~~

25 ~~(3) Trial Attorney~~
26 ~~\$38,071;~~

27 ~~(4) Financial Investigator~~
28 ~~\$32,972;~~

29 ~~(5) Civil Litigation Investigator~~
30 ~~\$25,056;~~

31 ~~(6) Administrative Assistant~~
32 ~~\$26,275; and~~

33 ~~(7) Secretary~~
34 ~~\$20,248.~~

35 ~~(b) The Prosecuting Attorney of the Sixth Judicial District shall have~~
36 ~~the power to appoint deputy prosecuting attorneys to handle cases involving~~

1 violence against women if the prosecutor receives a federal grant award
2 therefor pursuant to the Violence Against Women Act, without confirmation of
3 any court or tribunal, at such salaries as are authorized in the grant.

4 (c)(1) The positions created in subsection (a) of this section shall be
5 in addition to those created by §§ 16-21-113 and 16-21-1102, and other
6 Arkansas Code provisions.

7 (2) In the event additional funding becomes available, the
8 prosecuting attorney may employ such additional employees and have expense
9 allowances as are authorized in the grant awards of the Drug Law Enforcement
10 Program of the Office of Intergovernmental Services of the Department of
11 Finance and Administration.

12 (d) All law enforcement investigative positions shall have peace
13 officer jurisdiction throughout the Sixth Judicial District and may serve
14 process issuing out of all courts within the state.

15 (e)(1)(A) The Prosecuting Attorney of the Sixth Judicial District shall
16 administer its Drug Law Enforcement Program grant from the Office of
17 Intergovernmental Services of the Department of Finance and Administration.

18 (B) Expenditures may be made only for purposes of the
19 grant.

20 (C) All moneys from the grant are appropriated on a
21 continuing basis and are subject to the prosecuting attorney's financial
22 management system, § 10-4-209.

23 (2) It is the explicit legislative intent that nothing in this
24 section or §§ 16-21-1108 and 16-21-1109 shall be construed to decrease,
25 supplant, or be substituted for employee positions, salaries, expenses,
26 maintenance and operation expenses, or capital equipment expenditures which
27 the office of the Prosecuting Attorney of the Sixth Judicial District will
28 receive through quorum court appropriation from and after January 1, 1999.

29
30 SECTION 5. EMERGENCY CLAUSE. It is hereby found and determined by the
31 General Assembly of the State of Arkansas that this act is essential to the
32 operation of the criminal justice system within the Sixth Judicial District;
33 that the Prosecuting Attorney of the Sixth Judicial District is in need of
34 these personnel in order to fight the war on drugs and combat crime in the
35 Sixth Judicial District. Therefore, an emergency is declared to exist and this
36 act being immediately necessary for the preservation of the public peace,

1 health and safety shall become effective on the date of its approval by the
2 Governor. If the bill is neither approved nor vetoed by the Governor, it
3 shall become effective on the expiration of the period of time during which
4 the Governor may veto the bill. If the bill is vetoed by the Governor and the
5 veto is overridden, it shall become effective on the date the last house
6 overrides the veto.

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