

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

# A Bill

HOUSE BILL 1281

5 By: Representative Patterson  
6 By: Senator E. Williams  
7

## For An Act To Be Entitled

9 AN ACT CONCERNING CITY ATTORNEYS HANDLING  
10 PROSECUTORIAL MATTERS FOR THE CITY; AND FOR OTHER  
11 PURPOSES.  
12  
13

## Subtitle

15 CONCERNING CITY ATTORNEYS HANDLING  
16 PROSECUTORIAL MATTERS FOR THE CITY.  
17  
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 14-42-112 is repealed.

22 ~~14-42-112. Municipal attorneys for cities of the second class or~~  
23 ~~towns.~~

24 ~~(a)(1) All cities of the second class and incorporated towns within~~  
25 ~~the State of Arkansas may elect a municipal attorney at the time of the~~  
26 ~~election of other officers of these cities of the second class and~~  
27 ~~incorporated towns, if it is not established by ordinance that the office of~~  
28 ~~the city attorney will be appointed.~~

29 ~~(2)(A) All municipal attorneys elected under the provisions of~~  
30 ~~this section shall be regularly licensed attorneys of this state.~~

31 ~~(B) When no attorney resides within the limits of the city~~  
32 ~~or town or when no resident attorney has been elected as municipal attorney,~~  
33 ~~the mayor and city or town council may appoint any regularly licensed~~  
34 ~~attorney of this state to serve as the municipal attorney.~~

35 ~~(b) Any municipal attorney elected or appointed under the provisions~~  
36 ~~of this section shall subscribe to the oath of office as all other officers~~



1 ~~of these cities or towns.~~

2 ~~(c) All municipal attorneys are authorized to file information for the~~  
 3 ~~arrest of any person for the violation of any ordinance of the city or town~~  
 4 ~~or of the laws of this state which are violated within the limits of the city~~  
 5 ~~or town.~~

6 ~~(d)(1) The duties of the municipal attorney shall be to represent the~~  
 7 ~~city or town in all actions, both civil and criminal.~~

8 ~~(2)(A) It shall be the duty of the municipal attorney to:~~

9 ~~(i) Advise with all city or town officials at any~~  
 10 ~~time needed;~~

11 ~~(ii) Prepare all legal papers, blank forms, etc.;~~

12 ~~(iii) File a complete report of his or her work with~~  
 13 ~~the city or town council at the end of each year; and~~

14 ~~(iv) If requested to do so, furnish all information~~  
 15 ~~in his or her possession to the state courts for the prosecution of cases in~~  
 16 ~~the state courts.~~

17 ~~(B) Nothing in this section shall prohibit the city or~~  
 18 ~~town council from prescribing other duties, and they are authorized to~~  
 19 ~~prescribe such other duties as they desire which shall be done by proper~~  
 20 ~~ordinance by the council.~~

21 ~~(e) The term of office for an elected municipal attorney shall be four~~  
 22 ~~(4) years.~~

23  
 24 SECTION 2. Arkansas Code Title 14, Chapter 42, Subchapter 1 is amended  
 25 to add an additional section to read as follows:

26 14-42-120. City attorneys for cities of the first class, cities of the  
 27 second class, and incorporated towns.

28 (a)(1) All cities of the first class, cities of the second class, and  
 29 incorporated towns within the State of Arkansas may elect a city attorney at  
 30 the time of the election of other officers of these cities, if it is not  
 31 established by ordinance that the office of the city attorney will be  
 32 appointed in a city of the second class or incorporated town.

33 (2)(A) All city attorneys elected under this section shall be  
 34 regularly licensed attorneys of this state.

35 (B) When no attorney resides within the limits of the city  
 36 or town or when no resident attorney has not been elected as city attorney,

1 the mayor and city or town council may appoint any regularly licensed  
2 attorney of this state to serve as the city attorney.

3 (b) Any city attorney elected or appointed under this section shall  
4 subscribe to the oath of office as all other officers of these cities or  
5 towns.

6 (c)(1)(A) The city attorney shall represent the city or town in all  
7 actions except prosecutorial matters.

8 (B)(i) The prosecuting attorney of the county shall handle  
9 prosecutorial matters.

10 (ii)(a) However, the city attorney may prosecute  
11 matters for the city if the city attorney does not represent litigants in  
12 criminal defense matters in the same court.

13 (b) A city attorney under subdivision  
14 (c)(1)(B)(ii)(a) of this section may file information for the arrest of any  
15 person for the violation of any ordinance of the city or town or of the laws  
16 of this state that are violated within the limits of the city or town.

17 (2)(A) It shall be the duty of the city attorney to:

18 (i) Advise city or town officials as needed;

19 (ii) Prepare all legal papers and blank forms;

20 (iii) File a complete report of his or her work with  
21 the city or town council at the end of each year; and

22 (iv) Furnish all information in his or her  
23 possession to the state courts for the prosecution of cases in the state  
24 courts.

25 (B) This section does not prohibit the city or town  
26 council from prescribing other duties, and the city or town council may  
27 prescribe other duties, which shall be done by proper ordinance by the  
28 council.

29 (d) The term of office for an elected city attorney shall be four (4)  
30 years.