

1 INTERIM RESOLUTION 2011-003

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

HJR 1002

5
6 By: Representative Hall

7 Filed with: Interim House Committee on State Agencies and Governmental Affairs
8 pursuant to A.C.A. §10-3-217.

9 **HOUSE JOINT RESOLUTION**

10 TO AMEND THE ARKANSAS CONSTITUTION TO ALLOW THE
11 GENERAL ASSEMBLY TO PROVIDE BY LAW FOR THE SELECTION,
12 TENURE, DUTIES, AND COMPENSATION OF SPECIAL
13 PROSECUTING ATTORNEYS TO INVESTIGATE REFERRALS THAT
14 ARE MADE BY GOVERNMENTAL ENTITIES OF THE STATE.

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17 **Subtitle**

18 TO AMEND THE CONSTITUTION TO ALLOW THE
19 GENERAL ASSEMBLY TO PROVIDE FOR THE
20 SELECTION, TENURE, DUTIES, AND
21 COMPENSATION OF SPECIAL PROSECUTING
22 ATTORNEYS TO INVESTIGATE REFERRALS.

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25 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-EIGHTH GENERAL
26 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL
27 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

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29 SECTION 1. (a) The General Assembly may provide by law for the
30 selection, tenure, duties, and compensation of one (1) or more special
31 prosecuting attorneys to investigate referrals made by entities of the state.

32 (b) Referrals shall be based upon some evidence of:

33 (1) Unauthorized disbursements, unaccounted for, or misuse of
34 public funds by a public official or employee;

35 (2) Unaccounted for or misuse of public property by a public
36 official or employee; or

1 (3) Unethical conduct by a public official or employee in his or
2 her capacity as a public official or employee.

3 (c) The General Assembly shall specify by law, the state entities
4 authorized to make referrals to special prosecuting attorneys.

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6 SECTION 2. (a) Special prosecuting attorneys may prosecute offenses
7 as provided under § 1 of Amendment 21 of the Arkansas Constitution.

8 (b) Each special prosecuting attorney may be vested with sole and
9 exclusive authority to investigate any referral made as provided by law and
10 to prosecute any offense revealed by the investigation.

11 (c) Special prosecuting attorneys may prosecute offenses in any
12 judicial circuit of this state, subject to the venue provision under § 10 of
13 Article 2 of the Arkansas Constitution.

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15 SECTION 3. (a) Special prosecuting attorneys selected under this
16 amendment are not subject to § 20 of Amendment 80 of the Arkansas
17 Constitution.

18 (b) To be eligible to be a special prosecuting attorney, the attorney
19 must be a licensed attorney of this state for at least four (4) years
20 immediately preceding the date of selection as a special prosecuting
21 attorney.

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23 SECTION 4. (a) The General Assembly may provide for the selection,
24 tenure, duties, and compensation of personnel to support special prosecuting
25 attorneys, including without limitation:

26 (1) Deputy special prosecuting attorneys;

27 (2) Investigators; and

28 (3) Clerical assistants.

29 (b) The General Assembly may require any other public officials or
30 public employees to cooperate with special prosecuting attorneys.

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32 SECTION 5. This amendment is effective on July 1, 2013.

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34 SECTION 6. No provision of the Constitution of the State of Arkansas
35 is repealed by this amendment unless the provision is in irreconcilable
36 conflict with this amendment.

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Referred by the Arkansas House of Representatives

Prepared by: MAG/VJF