

State of Arkansas

76th General Assembly

Regular Session, 1987 AS ENGROSSED 3/4/87

HOUSE BILL 1734

By: Representative Wilson

"AN ACT TO AMEND SECTION 2 OF ACT 870 OF 1975, AS AMENDED, FIXING THE SALARIES OF DEPUTY PROSECUTING ATTORNEYS AND EMPLOYEES IN THE OFFICE OF THE PROSECUTING ATTORNEY IN THE SIXTH JUDICIAL DISTRICT OF THE STATE OF ARKANSAS; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 2 of Act 870 of 1975, as amended, is hereby amended to read as follows:

"Section 2. The Prosecuting Attorney of the Sixth Judicial District of the State of Arkansas shall be entitled to the following assistants and employees to be paid by the county in which they serve:

(a) Twenty deputy prosecuting attorneys whose salaries shall be as follows:

- (1) One Chief Deputy, not less than \$39,065, nor more than \$57,825.
- (2) Four Division Chiefs, not less than \$34,278, nor more than \$50,738.
- (3) One Director Victim Witness/Staff Attorney IV, not less than \$30,089, nor more than \$44,539.
- (4) Three Staff Attorney IV, not less than \$30,089, nor more than \$44,539.
- (5) One Staff Attorney III, not less than \$26,413, nor more than \$39,098.
- (6) Five Staff Attorneys II, not less than \$23,165, nor more than \$34,290.
- (7) Five Staff Attorneys I, not less than \$21,028, nor more than \$31,127.

(b) Eight investigators/warrant clerks as follows:

(1) One Chief Investigator, not less than \$19,148, nor more than \$28,343.

(2) Six Investigators, not less than \$16,412, nor more than \$24,294.

(3) One Part-Time Investigator at \$6,000.

Said Investigators/Warrant Clerks shall have all the powers granted to peace officers granted by the statutes of this State and may serve all process issuing out of all courts in said county or counties for the Prosecuting Attorney's Office. In addition to the above designated employees listed by number and salary, the Prosecuting Attorney shall have the authority to appoint other investigators as necessary to the administration of justice who shall serve without pay and who shall have the powers of a law enforcement officer if they are certified in accordance with the Minimum Standards for Law Enforcement Officers.

(c) Eighteen support personnel whose salaries shall be as follows:

(1) Two Division Clerks, not less than \$13,164, nor more than \$19,485.

(2) Ten Case Clerks, not less than \$12,224, nor more than \$18,093.

(3) Two Stenographers, not less than \$12,224, nor more than \$18,093.

(4) One Administrative Assistant, not less than \$16,412, nor more than \$24,294.

(5) One Administrative Aide, not less than \$13,164, nor more than \$19,485.

(6) Two Victim/Witness Case Coordinators, not less than \$15,386, nor more than \$22,766.

(7) One Victim/Witness Case Coordinator (Grant Employee), not less than \$13,164, nor more than \$19,485.

(d) Two paralegals who shall have completed at least 48 hours in an accredited law school and whose salaries shall be as follows:

(1) Two paralegals, not less than \$17,694, nor more than \$26,192.

(e) One Court Stenographer for a municipal court of Pulaski County, who shall serve at the will of the Prosecuting Attorney who appoints her. Said stenographer shall receive a salary of not less than \$13,164, nor more than \$19,485.

(f) One part-time deputy prosecuting attorney whose duties shall be to

represent the office of the Prosecuting Attorney of the Sixth Judicial District in all cases involving food stamp and AFDC fraud, referred to the Prosecuting Attorney by the Arkansas Department of Social Services and any other responsibilities that may be delegated to him by the Prosecuting Attorney. The Prosecuting Attorney of the Sixth Judicial District shall contract with the Department of Social Services to determine the compensation of said deputy prosecutor to be paid by the Arkansas Department of Social Services. The part-time deputy so appointed shall be permitted to engage in the private practice of law in the area of civil cases only. At the discretion of the Prosecuting Attorney, this part-time deputy may be delegated other duties and made a full-time deputy and be paid therefor from the appropriation for full-time deputies."

SECTION 2. The Prosecuting Attorney shall have the power to appoint the assistants and employees authorized in Section 1 hereof without confirmation of any court or tribunal.

SECTION 3. The Prosecuting Attorney, Sixth Judicial District, may designate the various deputy prosecuting attorneys on the staff to represent the office of the Prosecuting Attorney in Perry County. When this is done, Perry County shall reimburse Pulaski County for the time spent by the deputy prosecutor in Perry County, and said deputy prosecutor shall also receive mileage reimbursement from Perry County for travel to Perry County. The Perry County Quorum Court shall appropriate not less than \$6,500 nor more than \$10,000 each year for this purpose, as determined by the Quorum Court of Perry County.

SECTION 4. There shall be assessed and collected, in all criminal cases in all courts of any county in the Sixth Judicial District when the prosecuting attorney or his deputy is present, whether participating in the proceedings or not, the following court costs in addition to all other court costs now or hereafter imposed:

(1) For each judgment obtained on complaint, information or otherwise in the name of the State or any county the sum of \$5.00;

(2) For each conviction of indictment, presentment or information for misdemeanor or breach of the peace, the sum of \$10.00; and

(3) For each conviction or indictment for any felony not capital, the sum of \$25.00

All court costs assessed and collected above plus ten percent (10%) of the amount on forfeited bail bonds and recognizances, shall be deposited in the County General Fund.

SECTION 5. Nothing in this Act shall be construed to prohibit the Quorum Court of Pulaski and Perry Counties from providing additional personnel and/or funds from whatever source available, Federal, State, county or municipal, if deemed necessary for the efficient operation of the Prosecuting Attorney's Office of the Sixth Judicial District of Arkansas.

SECTION 6. The State may provide for supplemental funding directly to the Prosecuting Attorney's Office, including but not limited to funds collected from Ark. Stat. Ann. §82-2629 and §67-728, these funds shall be in addition to appropriated funds of the local Quorum Court but subject to State audit.

SECTION 7. If any provision of this Act shall be adjudged invalid, such invalidity shall not affect the validity of other provisions of the Act which can be given effect without the invalid provisions or application and to this end are declared to be severable.

SECTION 8. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 9. EMERGENCY. It is hereby found and determined by the General Assembly that the operation of the Prosecuting Attorney's Office of the Sixth Judicial District of the State of Arkansas is essential to the efficient and proper administration of justice in said Sixth Judicial District, and further determined that the deputies, the salaries thereof, and other allowances provided in this Act are deemed essential and necessary for the operation of the Prosecuting Attorney's Office of the Sixth Judicial District. Therefore, an emergency is hereby declared to exist, and this Act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval.

/s/ M. Wilson