

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1589

By: Representative Wilson

For An Act To Be Entitled

"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-three deputy prosecuting attorneys, whose salaries shall be as follows:

(1) One Chief Deputy, not less than \$39,065, nor more than \$57,825, with the current incumbent employee salary to be \$45,700.

(2) Six Division Chiefs, not less than \$34,278, nor more than \$50,738, with the current incumbent employee's salaries to be as follows:

Position Control #02 at \$37,074.96

Position Control #03 at \$35,649.12

Position Control #04 at \$35,649.12

Position Control #05 at \$41,704.00

Position Control #53 at \$34,272.68

Position Control #54 at \$34,272.68

(3) One Director Victim Witness/Staff Attorney IV not less than \$30,089, or more than \$44,539, with the current incumbent employee salary to

be \$31,293.

(4) Three Staff Attorneys IV, not less than \$30,089, nor more than \$44,539, with the current incumbent employee's salaries to be as follows:

Position Control #13, 50, and 06 at \$31,293

(5) One Staff Attorney III, not less than \$26,413, nor more than \$39,098, with the current incumbent employee salary to be \$30,900.

(6) Five Staff Attorneys II, not less than \$23,165, nor more than \$34,290, with the current incumbent employee's salaries to be as follows:

Position Control #08, 09, and 10 to be \$24,092.12

Position Control #11 to be at \$25,054.90

Position Control #12 to be at \$27,100.00

(7) Six Staff Attorneys I, not less than \$21,028, nor more than \$31,127, with the current incumbent employee's salaries to be as follows:

Position Control #15, 16, 44, 49, and 52 to be \$21,869

Position Control #14 to \$23,654.12

(b) Eight investigators/warrant clerks as follows:

(1) One Chief Investigator, not less than \$19,148, nor more than \$28,343, with the current incumbent employee's salary to be \$26,204.88.

(2) Seven Investigators, not less than \$16,412, nor more than \$24,294, with the current incumbent employee's salaries to be as follows:

Position Control #23 and 21 to be \$20,766.98

Position Control #19 and 22 to be \$22,460.88

Position Control #45 to be \$18,461.04

Position Control #20 to be \$17,069.00

Position Control #55 to be \$16,412.00

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, with the current incumbent employee's salaries to be as follows:

Position Control #25 to be \$16,656.90

Position Control #26 to be \$18,736.12

(2) One Lead Clerk, not less than \$13,164, nor more than \$19,485, with the current incumbent employee's salary to be \$14,808.04.

(3) Eleven Case Clerks, not less than \$12,224, nor more than \$18,093, with the current incumbent employee's salaries to be as follows:

Position Control #27, #28, #32, to be \$17,397.90

Position Control #33, #35, #36, #37, #34, #47 to be \$13,750.10

Position Control #31 to be \$16,728.92

Position Control #30 to be \$14,872.00

(4) One Administrative Assistant, not less than \$16,412, nor more than \$24,294, with the current incumbent employee's salary to be \$18,461.04.

(5) One Administrative Aide, not less than \$13,164, nor more than \$19,485, with the current incumbent employee's salary, Position Control #41 to be \$16,656.90.

(6) Two Victim/Witness Case Coordinators, not less than \$15,386, nor more than \$22,776, with the current incumbent employee's salaries to be as follows:

Position Control #46 to be \$17,307.94

Position Control #48 to be \$18,000.06.

(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, with the current incumbent employee's salaries to be \$18,402.02.

(e) One Court Reporter for a municipal court of Pulaski County, who shall serve at the will of the Prosecuting Attorney who appoints her. Said Court Reporter shall receive a salary of not less than \$13,164, nor more than \$19,485, with the current incumbent employee salary to be \$13,691.08.

(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 therefore from the appropriation for full-time deputies.

(g) One part-time deputy prosecuting attorney for Perry County at \$16,000. Perry County Quorum Court shall appropriate said salary in the Perry County budget. Said deputy prosecuting attorney whose duties shall be to represent the Office of the Prosecuting Attorney of the Sixth Judicial District in all criminal cases in Perry County Municipal and Circuit Courts and any other responsibilities that may be delegated to him by the Prosecuting Attorney. Said deputy will also represent Perry County in all civil matters and advise the Quorum Court accordingly. The part-time deputy so appointed shall be permitted to engage in the private practice of law; however, the part-time deputy shall not represent criminal defendants within the Sixth Judicial District. 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 from appropriation for full-time deputies.

(h) Two summer-time, temporary law clerks for May 15 to September 1, who shall have completed at least 48 hours in an accredited law school and whose salaries shall be as follows:

(1) Two law clerks, not less than \$16,988, nor more than \$25,145."

SECTION 2. All salaries for these positions provided for in this act shall be for the calendar year 1989. All salaries shall be increased by four percent (4%) for the calendar year 1990.

SECTION 3. 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 4. There shall be assessed and collected, in all Municipal Court cases in all courts of Perry 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 conviction in Perry County Municipal Court, County or City, the sum of \$10.00, to defray cost of salary for part-time deputy

prosecuting attorney for Perry County, any monies above his said salary will go to the Perry County General Fund, this shall be in addition to costs collected in Section 6.

SECTION 5. The Pulaski County Quorum Court shall appropriate not less than \$172,300, in funds for the maintenance and operations accounts of the Pulaski County Division of the Prosecuting Attorney Office.

SECTION 6. 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 or 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 or forfeited bail bonds and recognizances, shall be deposited in the county general fund.

SECTION 7. 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 8. The state may provide for supplemental funding directly to the Prosecuting Attorney's Office, including but not limited to funds collected from Arkansas Code Annotated §§5-64-505, 16-21-120, and 21-6-411. These funds shall be in addition to appropriated funds of the local Quorum Court but subject to state audit.

SECTION 9. All provisions of this act of a general and permanent nature

are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 10. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 11. 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 preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

