

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995

# A Bill

HOUSE BILL 1177

4 By: Representatives Northcutt, M. Wilson and Ferrell

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## For An Act To Be Entitled

8 "AN ACT TO AMEND ARK. CODE ANN. § 9-14-210(c) TO PROVIDE  
9 FOR THE APPOINTMENT OF SPECIAL *DEPUTY* PROSECUTORS WHO ARE  
10 AUTHORIZED TO PROSECUTE CRIMINAL NON-SUPPORT CASES IN  
11 CIRCUIT COURT; AND FOR OTHER PURPOSES."

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## Subtitle

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

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20 SECTION 1. Arkansas Code Annotated § 9-14-210(c) is hereby amended to  
21 read as follows:

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"(c) An attorney employed under this subchapter, whether directly or by contract with the Office of Child Support Enforcement, may be designated a special *deputy* prosecutor by the prosecuting attorney of that judicial district, for the limited purposes of prosecuting in a court of competent jurisdiction actions brought under § 5-26-401 or § 5-54-102, in those cases proceeding under Title IV-D of the Social Security Act. However, nothing in this section shall be construed to entitle such attorneys to those rights, benefits, or privileges which accrue to a prosecuting attorney under any other provision of state law, except as set forth below:

(1) As a special *deputy* prosecutor, such attorney shall have the power to issue subpoenas in all matters being investigated by the Office of Child Support Enforcement under § 5-26-401 or § 5-54-102 and may administer oaths for taking the testimony of witnesses subpoenaed before them. Such oaths shall have the same effect as if administered by the foreman of a grand

1 jury. The subpoena shall be substantially in the form set forth in § 16-43-  
2 212.

3           (2) A special *deputy* prosecutor appointed and functioning as  
4 authorized under this section shall be entitled to the same immunity granted  
5 by law to the prosecuting attorney. The prosecuting attorney may revoke the  
6 appointment of a special *deputy* prosecutor at any time.

7           (3) Appointment as a special *deputy* prosecutor shall not *entitle*  
8 such attorney to receive any additional fees or salary from the State for  
9 services provided pursuant to the appointment. Expenses of the special  
10 *deputy* prosecutor and any fees and costs incurred thereby in the prosecution  
11 of cases under §§ 5-26-401 or 5-54-102 shall be the responsibility of the  
12 Office of Child Support Enforcement under the Title IV-D program."

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14           SECTION 2. All provisions of this act of a general and permanent  
15 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
16 Code Revision Commission shall incorporate the same in the Code.

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18           SECTION 3. If any provision of this act or the application thereof to  
19 any person or circumstance is held invalid, such invalidity shall not affect  
20 other provisions or applications of the act which can be given effect without  
21 the invalid provision or application, and to this end the provisions of this  
22 act are declared to be severable.

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24           SECTION 4. All laws and parts of laws in conflict with this act are  
25 hereby repealed.

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*/s/Northcutt, et al*

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