

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

# A Bill

HOUSE BILL 1662

4 By: Representative M. Wilson

5  
6

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED 16-21-1101  
9 THROUGH 16-21-1109 TO ESTABLISH THE SALARIES OF THE STAFF  
10 OF THE PROSECUTING ATTORNEY FOR THE SIXTH JUDICIAL  
11 DISTRICT; AND FOR OTHER PURPOSES."

12  
13

## Subtitle

14 "TO ESTABLISH THE SALARIES OF THE STAFF  
15 OF THE PROSECUTING ATTORNEY FOR THE  
16 SIXTH JUDICIAL DISTRICT"

17

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

19

20 SECTION 1. Arkansas Code Annotated 16-21-1101 is amended to read as  
21 follows:

22 "16-21-1101. Applicability.

23 This subchapter shall apply to the Sixth Judicial District, which is  
24 composed of Pulaski County and Perry County."

25

26 SECTION 2. Arkansas Code Annotated 16-21-1102 is amended to read as  
27 follows:

28 "16-21-1102. Assistants and employees.

29 (a) The Prosecuting Attorney of the Sixth Judicial District, shall be  
30 entitled to the following assistants and employees to be paid by the county  
31 in which they serve:

32 (1) A minimum of thirty-two (32) deputy prosecuting attorneys,  
33 whose salaries shall be as follows:

34 (A) One (1) chief deputy, at not less than sixty-two  
35 thousand five hundred forty-five dollars (\$62,545);

1 (B) Two (2) senior deputies, at not less than forty  
2 thousand six hundred twenty-eight dollars (\$40,628);

3 (C) A minimum of six (6) division chiefs, at not less than  
4 thirty-five thousand six hundred forty-nine dollars (\$35,649);

5 (D) A minimum of nine (9) staff attorneys, at not less  
6 than thirty-one thousand two hundred ninety-three dollars (\$31,293);

7 (E) A minimum of fourteen (14) staff attorneys, at not  
8 less than twenty-seven thousand four hundred seventy dollars (\$27,470);

9 (2)(A) A minimum of eight (8) investigators, as follows:

10 (i) One (1) chief investigator, at not less than  
11 nineteen thousand nine hundred fourteen dollars (\$19,914); and

12 (ii) Seven (7) investigators, at not less than  
13 eighteen thousand four hundred two dollars (\$18,402);

14 (B) In addition to the above investigators listed by  
15 salary, the prosecuting attorney shall have the authority to appoint other  
16 investigators as necessary for the administration of justice who shall serve  
17 without pay;

18 (C) All investigators authorized and so appointed shall  
19 have the authority to issue process, serve warrants, and possess all law  
20 enforcement officer powers. They shall be certified by the Arkansas  
21 Commission On Law Enforcement Standards and Training and shall be defined as  
22 public safety members under Arkansas law. In the event that investigators  
23 shall issue process or serve warrants, the Prosecutor\_s office shall be  
24 entitled to receive the same fee as provided in Ark. Code Ann. § 21-6-307  
25 which shall be deposited into the Hot Check Fees Account.

26 (3) A minimum of thirty-two (32) support personnel whose  
27 salaries shall be as follows:

28 (A) One lead case clerk at not less than fourteen thousand  
29 eight hundred forty-six dollars (\$14,846);

30 (B) Nineteen (19) case clerks, at not less than thirteen  
31 thousand six hundred ninety-one dollars (\$13,691);

32 (C) One (1) administrative coordinator, at not less than  
33 twenty-seven thousand four hundred seventy dollars (\$27,470) ;

34 (D) One (1) administrative assistant, at not less than  
35 seventeen thousand sixty-eight dollars (\$17,068);

1                   (E) One (1) executive secretary, who shall serve at the  
2 will of the prosecuting attorney. The executive secretary shall receive a  
3 salary of not less than sixteen thousand one dollars (\$16,001);

4                   (F) One (1) hot check administrator at not less than  
5 nineteen thousand nine hundred fourteen dollars (\$19,914);

6                   (G) One (1) hot check accounting clerk III at not less  
7 than sixteen thousand one dollars (\$16,001);

8                   (H) One (1) victim assistance program coordinator, at not  
9 less than twenty-four thousand ninety-two dollars (\$24,092);

10                  (I) One (1) volunteer coordinator, at not less than  
11 twenty-one thousand eight hundred sixty-nine dollars (\$21,869);

12                  (J) A minimum of five (5) victim assistance caseworkers,  
13 at not less than sixteen thousand one dollars (\$16,001);

14                  (4)(A) One (1) part-time deputy prosecuting attorney whose  
15 duties shall be to represent the Office of the Prosecuting Attorney of the  
16 Sixth Judicial District in all cases involving food stamp fraud and Aid to  
17 Families with Dependent Children fraud referred to the prosecuting attorney  
18 by the Department of Human Services and any other responsibilities that may  
19 be delegated to him by the prosecuting attorney. The Prosecuting Attorney of  
20 the Sixth Judicial District shall contract with the Department of Human  
21 Services to determine the compensation of said deputy prosecutor to be paid  
22 by the Department of Human Services. The part-time deputy so appointed shall  
23 be permitted to engage in the private practice of law in the area of civil  
24 cases only. At the discretion of the prosecuting attorney, this part-time  
25 deputy may be delegated other duties and made a full-time deputy and paid  
26 therefor from the existing appropriation for full-time deputies;

27                  (B) Four (4) deputy prosecuting attorneys to be paid by the  
28 Prosecutor Coordinator, and not through quorum court appropriations, to  
29 handle criminal and civil commitments, including involuntary admissions and  
30 alcohol and narcotic commitments; and

31                  (5)(A) The prosecuting attorney may hire part-time, temporary,  
32 contract, or permanent paralegals, law clerks, or deputy prosecuting  
33 attorneys as authorized by the quorum court or provided for by law if deemed  
34 necessary for the proper administration of justice and for the efficient  
35 operation of the Office of the Prosecuting Attorney of the Sixth Judicial

1 District;

2                   (B) The prosecuting attorney shall have the power to  
3 appoint additional deputy prosecuting attorneys and other employees at such  
4 salaries as are authorized in grant awards from the Department of Finance and  
5 Administration, including, but not limited to, the federal Drug Law  
6 Enforcement Program Anti-Abuse Act of 1986, as amended, or its successor; or  
7 any other grant funds so awarded.

8                   (C) In addition to the deputy prosecutor positions created  
9 by this subchapter, or any other Arkansas Code provisions, the Prosecuting  
10 Attorney of the Sixth Judicial District shall have the authority to contract  
11 for such legal services as are necessary, to include, but not be limited to,  
12 asset forfeiture actions, at such salary or compensation amounts as may be  
13 available or appropriated by the quorum court;

14           (b) The prosecuting attorney shall have the power to appoint the  
15 assistants and employees authorized in subsection (a) of this section without  
16 confirmation of any court or tribunal. Deputy prosecuting attorneys and  
17 other staff members so designated in this subchapter shall be considered law  
18 enforcement officers for all protective, emergency, investigative, and  
19 communication purposes, either individually or in coordination with  
20 interagency cooperative investigations and operations;

21           (c) Deputy prosecuting attorneys duly appointed shall have such  
22 authority as conferred by the prosecuting attorney to perform any official  
23 acts so designated in all counties within the district; and

24           (d) The Pulaski County Quorum Court shall annually appropriate funds  
25 sufficient to cover salaries, maintenance and operations expenditures, and  
26 capital outlay as required by the prosecuting attorney for the administration  
27 of justice. All of the salaries shall be paid by Pulaski County. When the  
28 Pulaski County Quorum Court raises salaries for Pulaski County employees,  
29 they shall also raise salaries an equivalent amount for the above employees.  
30 Those employees covered by this subchapter shall be treated by Pulaski  
31 County in the same manner as other Pulaski County employees for all other  
32 purposes."

33

34           SECTION 3. Arkansas Code Annotated 16-21-1103 is amended to read as  
35 follows:

1 "16-21-1103. Representation of Perry County.

2 (a) The Prosecuting Attorney of the Sixth Judicial District may  
3 designate a part-time deputy prosecuting attorney to represent the Office of  
4 the Prosecuting Attorney in Perry County. Perry County shall reimburse the  
5 deputy prosecuting attorney on a monthly basis for said representation in  
6 Perry County. The prosecuting attorney may also choose to designate various  
7 deputy prosecuting attorneys on his staff to represent the Office of the  
8 Prosecuting Attorney in Perry County. When this is done, Perry County shall  
9 reimburse the Office of the Prosecuting Attorney of the Sixth Judicial  
10 District for said representation in Perry County. The Perry County Quorum  
11 Court shall appropriate not less than ten thousand nine hundred seven dollars  
12 (\$10,907) annually for said representation, as determined by the Quorum Court  
13 of Perry County.

14 (b) There shall be assessed and collected, in all criminal cases in  
15 all courts in Perry County in the Sixth Judicial District when the  
16 prosecuting attorney or his deputy is present, whether participating in the  
17 proceedings or not, the following court costs in addition to all other court  
18 costs now or hereafter imposed:

19 For each conviction, plea of guilty or nolo contendere, or bond  
20 forfeiture, in criminal cases, including felony, misdemeanor, and traffic  
21 violations for violations of state law or local ordinance, in circuit courts,  
22 municipal courts, police courts, or city courts in Perry County, the sum of  
23 ten dollars (\$10.00), to defray the cost of prosecutor representation for  
24 Perry County. Any moneys collected above the appropriated amount shall go to  
25 the Office of the Prosecuting Attorney of the Sixth Judicial District as  
26 provided for by law."

27

28 SECTION 4. Arkansas Code Annotated 16-21-1104 is amended to read as  
29 follows:

30 "16-21-1104. Additional personnel or funds.

31 Nothing in this subchapter shall be construed to prohibit the Quorum  
32 Courts of Pulaski County and Perry County from providing additional personnel  
33 or funds from whatever source available, whether federal, state, county, or  
34 municipal, if deemed necessary for the efficient operation of the Office of  
35 the Prosecuting Attorney of the Sixth Judicial District."

1

2 SECTION 5. Arkansas Code Annotated 16-21-1105 is amended to read as  
3 follows:

4 "16-21-1105. Supplemental funding.

5 The state may provide for supplemental funding directly to the  
6 prosecuting attorney's office, including, but not limited to, funds collected  
7 under the provisions of §§ 5-64-505, 16-21-120, and 21-6-411. These funds  
8 shall be in addition to appropriated funds of the local quorum court, but  
9 subject to state audit."

10

11 SECTION 6. Arkansas Code Annotated 16-21-1106 is amended to read as  
12 follows:

13 "16-21-1106. Local appropriation for Pulaski County Division.

14 The Pulaski County Quorum Court shall appropriate not less than two  
15 hundred nineteen thousand two hundred dollars (\$219,200) in funds for the  
16 maintenance and operations account of the Pulaski County Division of the  
17 Office of the Prosecuting Attorney of the Sixth Judicial District."

18

19 SECTION 7. Arkansas Code Annotated 16-21-1107 is amended to read as  
20 follows:

21 "16-21-1107. Appointment of employees.

22 (a) The Prosecuting Attorney of the Sixth Judicial District shall have  
23 the power to appoint the following employees if the prosecutor receives a  
24 grant award therefor, without confirmation of any court or tribunal, at such  
25 salaries as are indicated below, or as are authorized in grants awarded from  
26 the Department of Finance and Administration, Office of Intergovernmental  
27 Services, Arkansas Drug Law Enforcement Program:

28 Deputy Prosecuting Attorney (Drug	
29 Unit Division Chief)	\$41,704
30 Deputy Prosecuting Attorney	33,847
31 Deputy Prosecuting Attorney (Asset Forfeiture)	33,847
32 Deputy Prosecuting Attorney (Drug Court)	36,608
33 Asset Recovery Financial Investigator	28,184
34 Drug Abatement Investigator	25,056
35 Administrative Assistant	22,460

1 Secretary 17,801

2 (b) The positions created in subsection (a) of this section shall be  
3 in addition to those created by §§ 16-21-113 and 16-21-1102, and other  
4 Arkansas Code provisions. In the event additional funding becomes available,  
5 the prosecuting attorney may employ such additional employees and have  
6 expense allowances as are authorized in the Department of Finance and  
7 Administration, Office of Intergovernmental Services, Arkansas Drug Law  
8 Enforcement Program grant awards.

9 (c) All law enforcement investigative positions shall have peace  
10 officer jurisdiction throughout the Sixth Judicial District and may serve  
11 process issuing out of all courts within the state.

12 (d)(1) The Prosecuting Attorney of the Sixth Judicial District shall  
13 administer its Arkansas Drug Law Enforcement Program grant from the Office of  
14 Intergovernmental Services of the Department of Finance and Administration.  
15 Expenditures may be made only for purposes of the grant. All moneys from the  
16 grant are appropriated on a continuing basis and are subject to the  
17 Prosecuting Attorney's Financial Management System, § 10-4-209.

18 (2) It is the explicit legislative intent that nothing in this  
19 section or §§ 16-21-1108 and 16-21-1109 shall be construed to decrease,  
20 supplant, or be substituted for employee positions, salaries, or expenses, or  
21 maintenance and operation expenses, or capital equipment expenditures which  
22 the Office of the Prosecuting Attorney of the Sixth Judicial District will  
23 receive through quorum court appropriation from and after February 1, 1995."

24  
25 SECTION 8. Arkansas Code Annotated 16-21-1108 is amended to read as  
26 follows:

27 "16-21-1108. Federal funds.

28 The Prosecuting Attorney's Office of the Sixth Judicial District is  
29 authorized to receive funds from the federal government in the name of the  
30 prosecuting attorney and to receive both federal and state asset forfeiture  
31 funds and to utilize and expend those funds for such purposes as are allowed  
32 for by law or specified in § 5-64-505."

33  
34 SECTION 9. Arkansas Code Annotated 16-21-1109 is amended to read as  
35 follows:

1 "16-21-1109. Hot check funds.

2 The Office of the Prosecuting Attorney of the Sixth Judicial District  
3 is hereby authorized to establish a hot check program pursuant to state  
4 statute to collect fees for the hot check fund as authorized by the General  
5 Assembly and to expend those funds in official uses for the benefit of the  
6 office."

7

8 SECTION 10. All provisions of this act of a general and permanent  
9 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
10 Code Revision Commission shall incorporate the same in the Code.

11

12 SECTION 11. If any provision of this act or the application thereof to  
13 any person or circumstance is held invalid, such invalidity shall not affect  
14 other provisions or applications of the act which can be given effect without  
15 the invalid provision or application, and to this end the provisions of this  
16 act are declared to be severable.

17

18 SECTION 12. All laws and parts of laws in conflict with this act are  
19 hereby repealed.

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11