

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

A Bill

HOUSE BILL 1663

4 By: Representative B.G. Hendrix

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For An Act To Be Entitled

8 "AN ACT TO SET THE SALARY AND EXPENSES OF THE DEPUTY
9 PROSECUTORS IN THE TWELFTH (12TH) CIRCUIT-CHANCERY COURT
10 CIRCUIT; AND FOR OTHER PURPOSES."

11

Subtitle

12 "AN ACT TO SET THE SALARY AND EXPENSES
13 OF THE DEPUTY PROSECUTORS IN THE TWELFTH
14 (12TH) CIRCUIT-CHANCERY COURT CIRCUIT."
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. APPOINTMENT OF DEPUTIES AND EMPLOYEES. Effective January
20 1, 1995, and thereafter, the Prosecuting Attorney in the Twelfth (12th)
21 Judicial Circuit shall be entitled to the following assistance and deputies:

22 (1) Crawford County. Two (2) or more deputies and two (2) or
23 more secretaries whose total salaries shall be one hundred three thousand
24 eight hundred thirty-four dollars (\$103,834.00) per annum, provided that the
25 Quorum Court may appropriate additional money for yearly salary increases or
26 additional personnel in their discretion.

27 (2) Sebastian County. Nine (9) or more deputies and eleven (11)
28 or more secretaries, whose total salaries shall be five hundred seventy-two
29 thousand six hundred fifty-four dollars (\$572,654.00) per annum, provided
30 that the Quorum Court may appropriate additional money for yearly salary
31 increases or additional personnel in their discretion.

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33 SECTION 2. CONTINGENT EXPENSE ALLOWANCE.

34 (a) Effective January 1, 1995, and thereafter, the Prosecuting
35 Attorney of the Twelfth (12th) Judicial Circuit shall receive a contingent

1 expense allowance to provide for office expenses, including telephone,
2 telegraph, postage, printing, office supplies and equipment, office rent,
3 stationery, traveling expenses, special services, operation of automobiles,
4 and such other expenses which, within the discretion of the Prosecuting
5 Attorney, may be a proper expense of the office, and also including necessary
6 expense in connection with any proper investigation incidental to any
7 criminal law violation or trials before any grand jury, or any court within
8 the Twelfth (12th) Judicial Circuit, coming within the duties of his office.

9 (b) The contingent expense allowance is to be borne by the respective
10 counties of the Twelfth (12th) Judicial Circuit as follows:

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12	Crawford County	\$10,995.00
13	Sebastian County	\$99,375.34

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15 Provided, the counties in the Twelfth (12th) Judicial Circuit shall pay
16 the above prescribed annual amounts upon vouchers signed by the Prosecuting
17 Attorney and allowed as claims against the county general revenue funds of
18 the respective county.

19 (c) The Quorum Courts may increase these amounts in their discretion
20 if necessary.

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22 SECTION 3. (a) A Deputy Prosecuting Attorney who is duly appointed in
23 any county of the Twelfth (12th) Judicial Circuit shall have the authority to
24 perform all official acts as Deputy Prosecuting Attorney in all counties
25 within the Circuit.

26 (b) Deputy Prosecuting Attorneys in the Twelfth (12th) Judicial
27 Circuit shall not engage in the private practice of law.

28 (c) The Prosecuting Attorney of the Twelfth (12th) Judicial Circuit
29 and those Deputy Prosecuting Attorneys and other Deputy Prosecuting Attorneys
30 and other staff members he designates shall be considered law enforcement
31 officers for the purposes of utilizing emergency, protective, and
32 communications equipment. Provided, that the Prosecuting Attorney and all
33 members of his office shall have no greater arrest powers than that accorded
34 all citizens under the Arkansas Constitution and the Arkansas code.

35 (d) The Prosecuting Attorney shall have the power to appoint Deputy

1 Prosecuting Attorneys and other employees at such salaries as are authorized
2 in the grant awards from the Department of Finance and Administration Drug
3 Law Enforcement Program, Anti-Drug Abuse Act of 1986, or other federal
4 program and may expend funds from any federal program that are tendered to
5 the office for official purposes.

6 (e) The Prosecuting Attorney acting through the Twelfth (12th)
7 Judicial Circuit Drug Task Force shall have the authority to expend funds
8 from the Department of Finance and Administration Drug Law Enforcement
9 Program, Anti-Drug Abuse Act of 1986, or other federal law enforcement
10 program which tenders funds to the office to be used for official purposes.
11 Those funds that are designated "overtime funds" are authorized under the
12 grant to be paid to law enforcement officers who are certified with various
13 police agencies in the State of Arkansas. Law enforcement personnel who are
14 employed by police agencies or sheriffs_ offices, including the State Police,
15 may receive these funds without being considered employees of the Prosecuting
16 Attorney_s Office. In addition, overtime funds paid these officers under
17 this Drug Task Force Grant procedure are not to be construed as violating any
18 legislative salary cap accorded these officers in the normal course of
19 employment with their various agencies. These funds are intended to
20 supplement funds provided to these departments as salaries to enhance the
21 drug-fighting and violent crime-fighting capabilities of the Twelfth (12th)
22 Judicial Circuit Task Forces and to a larger extent, the State of Arkansas.

23 (f) The Prosecuting Attorney_s Office of the Twelfth (12th) Judicial
24 Circuit is authorized to receive funds from the federal government in the
25 name of the Twelfth (12th) Judicial Circuit Task Force both from federal
26 grants and from asset forfeiture funds and utilize those for official
27 purposes as described in the above paragraph (e).

28 (g) The Prosecuting Attorney_s Office is hereby authorized pursuant to
29 state code to collect fees for the hot check fund as authorized by the State
30 Legislature and to expend those funds in official uses for the benefit of the
31 office.

32 (h) Account funds in the Restitution and Hot Check Accounts which are
33 designated unclaimed by audit for a period of two years or more shall be
34 placed in the Fee Account to be expended for official purposes only.

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1 SECTION 4. APPROPRIATIONS BY QUORUM COURTS. The Quorum Courts of the
2 respective counties with the Circuit shall annually appropriate out of the
3 general revenue, funds sufficient to cover the salaries and contingent
4 expense fund provided for herein, provided that the Quorum Courts shall not
5 be required to pay any additional amounts except by their consent. Provided
6 however, that in the event that the district is separated into two districts
7 or one county is removed from the district by state action, the shared time
8 personnel currently funded by Sebastian County will be funded full time by
9 Sebastian County. Provided further, that in the event that a Deputy within
10 the district is selected to be interim Prosecutor said Deputy may take a
11 leave of absence to fulfill this duty. Upon completion of said duty, the
12 Deputy shall be entitled to return to either District_s Prosecutor_s Office
13 with the consent of the Prosecuting Attorney at the level of funding that
14 said Deputy would have been paid at had he not accepted the appointment duty.
15 The Prosecutor of the Twelfth Circuit, at the request of the interim
16 Prosecutor of the new District, may designate a Deputy to serve as the Deputy
17 Prosecuting Attorney of the new District. In the event that this procedure
18 is followed, that Deputy shall be able to return to Sebastian County at the
19 same pay as he is receiving at the time he is transferred back to Sebastian
20 County from Crawford County at the end of the interim Prosecutor_s term or
21 any time before hand. For purposes of this Act, the new District shall be
22 considered the one which is formed with Crawford County as a member county.
23 Upon division, the Prosecutor shall transfer all district equipment to
24 Crawford County that is currently placed within the Crawford County Office at
25 the time of the effective date of this Act and all equipment assigned to full
26 time Crawford County personnel at the effective date of the separation Act.

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28 SECTION 5. All provisions of this act of a general and permanent
29 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
30 Code Revision Commission shall incorporate the same in the Code.

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32 SECTION 6. If any provision of this act or the application thereof to
33 any person or circumstance is held invalid, such invalidity shall not affect
34 other provisions or applications of the act which can be given effect without
35 the invalid provision or application, and to this end the provisions of this

1 act are declared to be severable.

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3 SECTION 7. All laws and parts of laws in conflict with this act are
4 hereby repealed.

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6 SECTION 8. EMERGENCY. It is hereby found and determined by the
7 General Assembly that this act is essential to the operation of criminal
8 justice within the Twelfth (12th) Judicial Circuit. It is also hereby found
9 and determined by the General Assembly that the Prosecuting Attorney of the
10 Twelfth (12th) Judicial Circuit is in need of additional personnel in order
11 to fight the war on drugs and combat violent crime, that this act authorizes
12 such additional personnel and expenditures, and that said personnel are
13 cooperating with law enforcement agencies in manners such as to incur threats
14 to their personal safety and the safety of persons they are working with, and
15 that protective measures need to be taken in order to encourage the
16 Prosecutor_s Office to undertake such actions which result in greater
17 cooperation between law enforcement agencies within the District and more
18 effective and efficient law enforcement in all areas and particularly the war
19 on drugs and violent and juvenile crime. The Legislature recognizes that tax
20 funds normally available for law enforcement agencies to increase manpower
21 are unavailable and that the Federal Grant Program and Asset Forfeiture
22 Programs are an excellent means of providing additional law enforcement help
23 to combat drugs and violent crimes without depleting the treasuries of the
24 state. The Legislature specifically intends that these funds are to be
25 utilized to enhance manpower available by allowing the Prosecutor_s Office to
26 pay overtime to these officers as an incentive to increase anti-drug and
27 anti-crime effectiveness of these agencies. The question of whether or not
28 this may exceed normal salary caps is specifically addressed in the code to
29 provide that salary caps shall not apply in the case of overtime funds
30 expended under the provisions of this act. Also, in the event that the
31 Twelfth Circuit is subject to a division, an orderly transition must be set
32 in place to ensure that the public is protected and to further guarantee that
33 the division will not interfere with the effective and efficient operation of
34 the Prosecuting Attorney_s Office of the Twelfth Judicial Circuit.
35 Therefore, an emergency is hereby declared to exist and this act being

1 necessary for the immediate preservation of the public peace, health and
2 safety shall be in full force and effect from and after its passage and
3 approval.

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