

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4  
5 By: Representative Vess  
6  
7

# A Bill

HOUSE BILL 1190

## For An Act To Be Entitled

9 "AN ACT TO AMEND SUBCHAPTER 2 OF TITLE 16, CHAPTER 43, OF  
10 THE ARKANSAS CODE OF 1987, ANNOTATED, TO PRESCRIBE THE  
11 POWERS OF CITY ATTORNEYS TO ISSUE SUBPOENAS FOR  
12 INVESTIGATION OF OFFENSES; AND FOR OTHER PURPOSES."

## Subtitle

13  
14 "TO AUTHORIZE CITY ATTORNEYS TO ISSUE  
15 SUBPOENAS FOR THE INVESTIGATION OF  
16 OFFENSES."  
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Subchapter 2 of Title 16, Chapter 43 of the Arkansas Code of  
22 1987, Annotated, is amended to add a new Section 16-43-215 to read as follows:

23 "16-43-215. City attorneys - Issuance of subpoenas to investigate  
24 offenses.

25 (a) In all cities of the first class and second class and incorporated  
26 towns, the city attorneys and their deputies may issue subpoenas in all  
27 criminal matters they are investigating and may administer oaths for the  
28 purpose of taking the testimony of witnesses subpoenaed before them. The oath  
29 when administered by the city attorney or his deputy shall have the same  
30 effect as if administered by the prosecuting attorney. The subpoena shall be  
31 substantially in the following form:

32 The City (or Town) of . . . . . of the State of Arkansas to the  
33 Sheriff of . . . . . County: You are commanded to summon . . . . .  
34 to attend before the City Attorney of the City (or Town) of . . . . .  
35 at . . . . . on the . . . . ., A. D. 19. . .,  
36 at . . M., and testify in the matter of an investigation then to be conducted

1 by the said City Attorney growing out of a representation that . . . . .  
2 has committed the offense of . . . . . in said City (or Town).

3 Witness my hand this . . . . . A. D. 19 . . . . .

4 \_\_\_\_\_

5 City Attorney

6 By . . . . .

7 Deputy City Attorney

8 (b) The subpoena provided for in subsection (a) of this section shall  
9 be served in the manner as provided by law and shall be returned, and a record  
10 made and kept, as provided by law for subpoenas of the prosecuting attorney.

11 The fees and mileage of officers serving the subpoenas and of witnesses in  
12 appearances in answer to the subpoenas shall be the same, and shall be paid in  
13 the same manner, as provided by law for prosecuting attorney witnesses.

14 (c) The failure of any officer to serve the subpoena or of a witness to  
15 appear on the returned date thereof shall constitute a misdemeanor and be  
16 punishable by fine of not less than ten dollars (\$10.00) nor more than one  
17 hundred dollars (\$100) or by imprisonment in the county jail not to exceed six  
18 (6) months, or by both such fine and imprisonment."

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20 SECTION 2. All provisions of this act of general and permanent nature  
21 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
22 Revision Commission shall incorporate the same in the Code.

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24 SECTION 3. If any provisions of this act or the application thereof to  
25 any person or circumstance is held invalid, the invalidity shall not affect  
26 other provisions or applications of the act which can be given effect without  
27 the invalid provisions or application, and to this end the provisions of this  
28 act are declared to be severable.

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

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