

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

SENATE BILL 463

4
5 By: Senator Harriman

For An Act To Be Entitled

9 "AN ACT TO SET THE SALARY AND EXPENSES OF THE DEPUTY
10 PROSECUTORS IN THE TWENTY-FIRST JUDICIAL DISTRICT; AND FOR
11 OTHER PURPOSES."

Subtitle

14 "TO SET THE SALARY AND EXPENSES OF THE
15 DEPUTY PROSECUTORS IN THE TWENTY-FIRST
16 JUDICIAL DISTRICT."

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

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20 SECTION 1. APPOINTMENT OF DEPUTIES AND EMPLOYEES. Effective January 1,
21 1997, and thereafter, the prosecuting attorney in the Twenty-First (21st)
22 Judicial District shall be entitled to the following assistants and deputies
23 to be paid by the county in which they serve:

24 Two (2) or more deputies and two (2) or more secretaries whose total
25 salaries shall be one hundred sixteen thousand two hundred three dollars
26 (\$116,203.00) per annum, provided that the quorum court may appropriate
27 additional money for yearly salary increases or additional personnel in its
28 discretion.

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30 SECTION 2. CONTINGENT EXPENSE REIMBURSEMENT.

31 (a) Effective January 1, 1997, and thereafter, the office of
32 prosecuting attorney of the Twenty-First (21st) Judicial District shall
33 receive a contingent expense allowance to provide for office expenses,
34 including telephone, telegraph, postage, printing, office supplies and
35 equipment, office rent, stationery, traveling expenses, special services,
36 operation of automobiles, and such other expenses which, within the discretion

1 of the prosecuting attorney, may be a proper expense of the office, and also
2 including necessary expense in connection with any proper investigation
3 incidental to any criminal law violation or trials before any grand jury, or
4 any court within the Twenty-First (21st) Judicial District, coming within the
5 duties of his office.

6 (b) The contingent expense allowance shall be in the amount of eleven
7 thousand eight hundred dollars (\$11,800.00) per year.

8 Provided, the county in the Twenty-First (21st) Judicial District shall
9 pay to the office of the prosecuting attorney the above prescribed amounts in
10 equal monthly payments. The office of the prosecuting attorney may disburse
11 these funds only for the above noted expenses. Disbursements shall be
12 approved by the prosecuting attorney and based upon itemized vouchers and
13 adequate documentation. All vouchers and documentation shall be retained for
14 audit purposes.

15 The quorum courts may increase these amounts in their discretion if
16 necessary.

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18 SECTION 3. (A) The prosecuting attorney of the Twenty-First (21st)
19 Judicial District and the deputy prosecuting attorneys and other staff members
20 he designates shall be considered law enforcement officers for the purposes of
21 utilizing emergency, protective, and communications equipment. Provided, that
22 the prosecuting attorney and all members of his office shall have no greater
23 arrest powers than that accorded all citizens under the Arkansas Constitution
24 and the Arkansas Code.

25 (B) The prosecuting attorney shall have the power to appoint deputy
26 prosecuting attorneys and other employees at such salaries as are authorized
27 in the grant awards from the Department of Finance and Administration Drug Law
28 Enforcement Program, Anti-Drug Abuse Act of 1986, or other federal programs
29 and may expend funds from any federal program that are tendered to the office
30 for official purposes.

31 (C) The prosecuting attorney, acting through the Twenty-First (21st)
32 Judicial District Drug Task Force shall have the authority to expend funds
33 from the Department of Finance and Administration Drug Law Enforcement
34 Program, Anti-Drug Abuse Act of 1986, or other federal law enforcement
35 programs which tender funds to the office to be used for official purposes.
36 Those funds that are designated "overtime funds" are authorized under the

1 grant to be paid to law enforcement officers who are certified with various
2 police agencies in the State of Arkansas. Law enforcement personnel who are
3 employed by police agencies or sheriffs offices, including the State Police,
4 may receive these funds without being considered employees of the prosecuting
5 attorneys office. In addition, overtime funds paid these officers under this
6 Drug Task Force Grant procedure are not to be construed as violating any
7 legislative salary cap accorded these officers in the normal course of
8 employment with their various agencies. These funds are intended to
9 supplement funds provided to these departments as salaries to enhance the
10 drug-fighting and violent crime-fighting capabilities of the Twenty-First
11 (21st) Judicial District task forces and to a larger extent, the State of
12 Arkansas.

13 (D) The prosecuting attorneys office of the Twenty-First (21st)
14 Judicial District is authorized to receive funds from the federal government
15 in the name of the Twenty-First (21st) Judicial District Task Force, both from
16 federal grants and from asset forfeiture funds and utilize those for official
17 purposes as described in the above paragraph (C). The prosecuting attorney
18 may have an employee paid for from a V.A.W.A. grant from the Prosecutor
19 Coordinators Office.

20 (E) The prosecuting attorneys office is hereby authorized, pursuant to
21 state code, to collect fees for the hot check fund as authorized by law and to
22 expend those funds in official uses for the benefit of the office.

23 (F) Account funds in the Restitution and Hot Check Accounts which are
24 designated unclaimed by audit for a period of two (2) years or more shall be
25 placed in the Fee Account to be expended for official purposes only.

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27 SECTION 4. APPROPRIATIONS BY QUORUM COURTS. The quorum court of the
28 district shall annually appropriate out of the general revenue, funds
29 sufficient to cover the salaries and contingent expense fund provided for
30 herein.

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

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36 SECTION 6. If any provision of this act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect
2 other provisions or applications of the act which can be given effect without
3 the invalid provision or application, and to this end the provisions of this
4 act are declared to be severable.

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

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9 SECTION 8. EMERGENCY. It is hereby found and determined by the General
10 Assembly that this act is essential to the operation of criminal justice
11 within the Twenty-First (21st) Judicial District; that the prosecuting
12 attorney of the Twenty-First (21st) Judicial District is in need of additional
13 personnel in order to fight the war on drugs and combat violent crime; that
14 this act authorizes such additional personnel and expenditures; and that this
15 act should be given effect immediately to assure more effective and efficient
16 law enforcement in all areas and particularly the war on drugs and violent and
17 juvenile crime. Therefore, an emergency is declared to exist and this act
18 being immediately necessary for the preservation of the public peace, health
19 and safety shall become effective on the date of its approval by the Governor.
20 If the bill is neither approved nor vetoed by the Governor, it shall become
21 effective on the expiration of the period of time during which the Governor
22 may veto the bill. If the bill is vetoed by the Governor and the veto is
23 overridden, it shall become effective on the date the last house overrides the
24 veto.

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