

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4  
5 By: Senator Walters

# A Bill

SENATE BILL 713

## For An Act To Be Entitled

9 "AN ACT TO CREATE THE POSITIONS OF DEPUTY PROSECUTING  
10 ATTORNEYS AND SET THE SALARIES AND EXPENSES THEREOF IN THE  
11 EIGHTEENTH JUDICIAL DISTRICT - WEST; TO CREATE THE  
12 POSITIONS OF PROSECUTOR S INVESTIGATORS AND SET THE  
13 SALARIES AND EXPENSES THEREOF IN THE EIGHTEENTH JUDICIAL  
14 DISTRICT - WEST; AND FOR OTHER PURPOSES."

## Subtitle

16  
17 "TO SET SALARIES AND EXPENSES OF DEPUTY  
18 PROSECUTING ATTORNEYS IN THE 18TH  
19 JUDICIAL DISTRICT - WEST"

20  
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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23 SECTION 1. Appointment of deputies and employees.  
24 Retroactive to January 1, 1997, and thereafter, the Prosecuting Attorney  
25 in the Eighteenth Judicial District - West shall be entitled to the following  
26 assistants and employees:

27 (a) Two (2) Deputy Prosecuting Attorneys for Polk County, whose salary  
28 shall not be less than eighteen thousand dollars (\$18,000) per annum. Said  
29 salary to be paid biweekly. In addition to said salary: social security,  
30 matching retirement, insurance and all related salary expenses shall be paid  
31 by Polk County. Said deputy shall be entitled to an expense allowance of not  
32 less than six hundred dollars (\$600) per annum.

33 (b) Two (2) Deputy Prosecuting Attorneys for Montgomery County, whose  
34 salary shall not be less than fourteen thousand dollars (\$14,000) per annum.  
35 Said salary to be paid biweekly. In addition to said salary: social  
36 security, matching retirement, insurance and all related salary expenses shall

1 be paid by Montgomery County. Said deputy shall be entitled to an expense  
2 allowance of not less than six hundred dollars (\$600) per annum.

3 (c) Nothing in this act shall be construed to prohibit the prosecuting  
4 attorney from appointing one (1) individual to serve as deputy prosecuting  
5 attorney for both Polk and Montgomery Counties.

6 (d) One (1) investigator for Polk County, whose salary shall not be  
7 less than ten thousand dollars (\$10,000) per annum. Said salary to be paid  
8 biweekly. In addition to said salary: social security, matching retirement,  
9 insurance and all related salary expenses shall be paid by Polk County.

10 (e) One (1) investigator for Montgomery County, whose salary shall not  
11 be less than Ten Thousand Dollars (\$10,000) per annum. Said salary to be paid  
12 biweekly. In addition to said salary: social security, matching retirement,  
13 insurance and all related salary expense shall be paid by Montgomery County.

14 (f) Nothing in this act shall be construed to prohibit the prosecuting  
15 attorney from appointing one (1) individual to serve as investigator for both  
16 Polk and Montgomery Counties.

17 (g) Said investigator in each Polk and Montgomery Counties shall be a  
18 law enforcement officer certified by the Arkansas Commission on Law  
19 Enforcement Standards and Training and shall be defined as Public Safety  
20 Members under Arkansas law possessing the authority to issue process, serve  
21 warrants, and possess all law enforcement officer powers. In the event said  
22 investigators shall issue process or serve warrants, the prosecuting  
23 attorneys office shall be entitled to receive the same fee as provided in  
24 Arkansas Code Annotated § 21-6-307 which shall be deposited into the Hot Check  
25 Fees Account.

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27 SECTION 2. The prosecuting attorney shall have the power to appoint all  
28 deputies, investigators, and employees without confirmation of any court or  
29 tribunal.

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31 SECTION 3. Quorum court appropriation.

32 The quorum courts of the respective counties of the Eighteenth Judicial  
33 District - West shall annually appropriate out of the general funds sufficient  
34 amounts to cover the salaries and expenses of deputy prosecuting attorneys  
35 provided for herein. The salaries and expenses provided herein are minimum  
36 provisions only and the quorum courts of the respective counties may

1 appropriate any additional funds they deem necessary for the efficient  
2 operation of the office of the prosecuting attorney.

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4 SECTION 4. Investigative and law enforcement designation.

5 (a) A deputy prosecuting attorney who is duly appointed in any county  
6 of the Eighteenth Judicial District - West shall have the authority to perform  
7 all official acts as deputy prosecuting attorney in all counties within the  
8 district.

9 (b) A deputy prosecuting attorney who is duly appointed in any county  
10 of the Eighteenth Judicial District - West, in addition to his rights, powers,  
11 and privileges as a deputy prosecutor, may without additional compensation or  
12 salary act as an investigator with the duty to investigate all matters  
13 referred to him by the Prosecuting Attorney of the Eighteenth Judicial  
14 District - West, including violations of the statutes of the State of Arkansas  
15 and collecting evidence in cases in which the State of Arkansas or the  
16 Eighteenth Judicial District - West is or may be a party in interest. As  
17 investigator, such Deputy Prosecuting Attorney may serve all process issuing  
18 out of the courts in Polk or Montgomery counties for the prosecuting  
19 attorneys office, including subpoenas issued by the prosecuting attorneys  
20 office.

21 (c) The prosecuting attorney of the Eighteenth Judicial District - West  
22 and those deputy prosecuting attorneys so designated shall be considered law  
23 enforcement officers for the purpose of utilizing emergency, protective, and  
24 communication equipment in the performance of their official duties and in  
25 coordination with inter-agency cooperative investigations and operations,  
26 specifically incorporating but not limited to the provisions of Arkansas Code  
27 Annotated § 5-73-120(c)(1). Provided that the prosecuting attorney and such  
28 designated deputy prosecuting attorneys shall have no greater arrest powers  
29 than that accorded all citizens under the Arkansas Constitution and the  
30 Arkansas statutes.

31 (d) The prosecuting attorney shall have the power to appoint deputy  
32 prosecuting attorneys and other employees at such salaries as are authorized  
33 in the grant awards from the Department of Finance and Administration Drug Law  
34 Enforcement Program, Anti-Drug Abuse Act of 1986 as amended or its successor.

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36 SECTION 5. Civil asset forfeiture personnel.

1       (a) The prosecuting attorney for the Eighteenth Judicial District -  
2 West shall have the power to enter into a contract for personal services with  
3 any duly appointed deputy prosecuting attorney to prosecute civil asset  
4 forfeiture actions at such salary, amounts, or compensation as are deemed  
5 proper.

6       (b) Nothing in this act shall be construed to prohibit the quorum  
7 courts or city governing bodies of the Eighteenth Judicial District - West  
8 from providing additional personnel or funds, from whatever sources are  
9 available, to the prosecuting attorneys office for purposes of pursuing civil  
10 asset forfeiture.

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12       SECTION 6. Purpose of act - prosecutors fees - settlement for fee -  
13 salaries not dependent of fees.

14       It is not the purpose of this act to repeal any laws now or hereafter  
15 enacted fixing the fees of prosecuting attorneys. In Polk and Montgomery  
16 counties, municipal courts, circuit courts and other courts shall assess in  
17 all cases the prosecuting attorneys fees provided by law. On the first day  
18 of each calendar month or within five (5) days thereafter, the officers  
19 collecting such fees shall pay the same into the treasury of the county,  
20 except as herein otherwise provided, and shall receive from the treasurer his  
21 receipt in duplicate, one (1) copy of which shall be filed with the county  
22 clerk and the other copy kept by the officer or person making such settlement  
23 with the treasury. Any officer or person having in his hands any such fees  
24 who fails to settle with the county treasurer within the time and in the  
25 manner herein provided shall be subject to indictment, prosecution and  
26 punishment for theft of property. It is further recognized that for the most  
27 important and complicated work performed by the prosecuting attorney of the  
28 counties affected by this act, fees are not provided by law. Therefore, it  
29 specifically is the legislative intent to provide the salaries herein set  
30 forth without regard to the amount of prosecuting attorney fees and emoluments  
31 earned or collected in the judicial circuit affected by this act.

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33       SECTION 7. All provisions of this act of a general and permanent nature  
34 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
35 Revision Commission shall incorporate the same in the Code.

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1 SECTION 8. If any provision of this act or the application thereof to  
2 any person or circumstance is held invalid, such invalidity shall not affect  
3 other provisions or applications of the act which can be given effect without  
4 the invalid provision or application, and to this end the provisions of this  
5 act are declared to be severable.

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7 SECTION 9. All laws and parts of laws in conflict with this act are  
8 hereby repealed.

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10 SECTION 10. EMERGENCY. It is found and determined by the General  
11 Assembly of the State of Arkansas that this act is essential to the operation  
12 of criminal justice within the Eighteenth Judicial District - West and that it  
13 is also found and determined by the General Assembly that the Prosecuting  
14 Attorney of the Eighteenth Judicial District - West is in need of personnel  
15 and expense funding in order to fight the war on crime. Therefore an  
16 emergency is declared to exist and this act being immediately necessary for  
17 the preservation of the public peace, health and safety shall become effective  
18 on the date of its approval by the Governor. If the bill is neither approved  
19 nor vetoed by the Governor, it shall become effective on the expiration of the  
20 period of time during which the Governor may veto the bill. If the bill is  
21 vetoed by the Governor and the veto is overridden, it shall become effective  
22 on the date the last house overrides the veto.

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