

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

State of Arkansas

As Engrossed: H3/23/99

82nd General Assembly

# A Bill

Regular Session, 1999

HOUSE BILL 2137

By: Representative Napper

## For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE ANNOTATED TITLE 16, CHAPTER 21, SUBCHAPTER 11 TO ESTABLISH THE SALARIES OF THE STAFF OF THE PROSECUTING ATTORNEY FOR THE SIXTH JUDICIAL DISTRICT; AND FOR OTHER PURPOSES. "

## Subtitle

"TO ESTABLISH THE SALARIES OF THE STAFF OF THE PROSECUTING ATTORNEY FOR THE SIXTH JUDICIAL DISTRICT. "

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

*SECTION 1. Arkansas Code 16-21-1102 is amended to read as follows:*

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

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

*(1) A minimum of ~~thirty-three (33)~~ thirty-five (35) deputy prosecuting attorneys, whose salaries shall be as follows:*

*(A) One (1) chief deputy, at not less than ~~sixty-five thousand forty-seven dollars (\$65,047)~~ seventy thousand three hundred fifty-five dollars (\$70,355);*

*(B) ~~Two (2)~~ Three (3) senior deputies, at not less than ~~forty thousand six hundred twenty-eight dollars (\$40,628)~~ forty-five thousand seven hundred one dollars (\$45,701);*

*(C) A minimum of seven (7) division chiefs, at not less*

1 ~~than thirty-five thousand six hundred forty-nine dollars (\$35,649)~~ forty  
2 thousand one hundred dollars (\$40,100);

3 (D) A minimum of ~~nine (9)~~ eight (8) staff attorneys, at  
4 not less than ~~thirty-one thousand two hundred ninety-three dollars (\$31,293)~~  
5 thirty-five thousand two hundred dollars (\$35,200);

6 (E) A minimum of fourteen (14) staff attorneys, at not  
7 less than ~~twenty-seven thousand four hundred seventy dollars (\$27,470)~~ thirty  
8 thousand nine hundred dollars (\$30,900);

9 (F) Two (2) trial attorneys, at not less than forty  
10 thousand one hundred dollars (\$40,100);

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

12 (i) One (1) chief investigator, at not less than  
13 ~~nineteen thousand nine hundred fourteen dollars (\$19,914)~~ twenty-two thousand  
14 four hundred one dollars (\$22,401);

15 (ii) Seven (7) investigators, at not less than  
16 ~~eighteen thousand four hundred two dollars (\$18,402)~~ twenty thousand seven  
17 hundred dollars (\$20,700);

18 (B) In addition to the above investigators listed by  
19 salary, the prosecuting attorney shall have the authority to appoint other  
20 investigators as necessary for the administration of justice who shall serve  
21 without pay.

22 (C) (i) All investigators authorized and so appointed  
23 shall have the authority to issue process, serve warrants, and possess all law  
24 enforcement officer powers.

25 (ii) They shall be certified by the Arkansas  
26 Commission on Law Enforcement Standards and Training and shall be defined as  
27 public safety members under Arkansas Law.

28 (iii) In the event that investigators shall issue  
29 process or serve warrants, the prosecutor's office shall be entitled to  
30 receive the same fee as provided in  
31 § 21-6-307, which shall be deposited into the hot check fees account;

32 (3) A minimum of ~~thirty-four (34)~~ forty-three (43) support  
33 personnel whose salaries shall be as follows:

34 (A) ~~One (1)~~ Two (2) lead case ~~clerk clerks~~, at not less  
35 than ~~fourteen thousand eight hundred forty-six dollars (\$14,846)~~ sixteen  
36 thousand seven hundred dollars (\$16,700);

1 (B) ~~Nineteen (19)~~ Twenty (20) case clerks, at not less  
2 than ~~thirteen thousand six hundred ninety-one dollars (\$13,691)~~ fifteen-  
3 thousand four hundred one dollars (\$15,401);

4 (C) One (1) administrative coordinator, at not less than  
5 ~~twenty-seven thousand four hundred seventy dollars (\$27,470)~~ thirty thousand  
6 nine hundred dollars (\$30,900);

7 (D) One (1) budget administrator, at not less than ~~twenty-~~  
8 ~~four thousand ninety-two dollars (\$24,092)~~ twenty-seven thousand one hundred  
9 dollars (\$27,100);

10 (E) ~~One (1)~~ Two (2) executive ~~secretary~~ secretaries, who  
11 shall serve at the will of the prosecuting attorney. The executive ~~secretary~~  
12 secretaries shall receive a salary of not less than ~~sixteen thousand one~~  
13 ~~dollar (\$16,001)~~ seventeen thousand nine hundred ninety-nine dollars  
14 (\$17,999);

15 (F) One (1) hot check administrator at not less than  
16 ~~nineteen thousand nine hundred fourteen dollars (\$19,914)~~ twenty-two thousand  
17 four hundred one dollars (\$22,401);

18 (G) ~~Two (2)~~ Three (3) hot check accounting clerks III at  
19 not less than ~~sixteen thousand one dollar (\$16,001)~~ seventeen thousand nine  
20 hundred ninety-nine dollars (\$17,999);

21 (H) One (1) victim assistance program coordinator at not  
22 less than ~~twenty-four thousand ninety-two dollars (\$24,092)~~ twenty-seven  
23 thousand one hundred dollars (\$27,100);

24 (I) One (1) volunteer coordinator at not less than ~~twenty-~~  
25 ~~one thousand eight hundred sixty-nine dollars (\$21,869)~~ twenty-four thousand  
26 six hundred dollars (\$24,600);

27 (J) A minimum of ~~five (5)~~ seven (7) victim assistance case  
28 coordinators, at not less than ~~sixteen thousand one dollar (\$16,001)~~ seventeen  
29 thousand nine hundred ninety-nine dollars (\$17,999);

30 (K) One (1) systems analyst at not less than ~~twenty-one~~  
31 ~~thousand eight hundred sixty-nine dollars (\$21,869)~~ thirty-four thousand four  
32 hundred dollars (\$34,400);

33 (L) Two (2) Youth Resource Officers at not less than  
34 seventeen thousand nine hundred ninety-nine dollars (\$17,999);

35 (M) One (1) Pre-Charging Diversion Supervisor at not less  
36 than twenty-three thousand six hundred fifty-three dollars (\$23,653);

1                   (4)(A)       (i)   One (1) part-time deputy prosecuting attorney  
2 whose duties shall be to represent the Office of the Prosecuting Attorney of  
3 the Sixth Judicial District in all cases involving food stamp fraud and Aid to  
4 Families with Dependent Children fraud referred to the prosecuting attorney by  
5 the Department of Human Services and any other responsibilities that may be  
6 delegated to him by the prosecuting attorney.

7                               (ii)   The Prosecuting Attorney of the Sixth Judicial  
8 District shall contract with the Department of Human Services to determine the  
9 compensation of said deputy prosecutor to be paid by the Department of Human  
10 Services.

11                              (iii) The part-time deputy so appointed shall be  
12 permitted to engage in the private practice of law in the area of civil cases  
13 only.

14                              (iv) At the discretion of the prosecuting attorney,  
15 this part-time deputy may be delegated other duties and made a full-time  
16 deputy and paid therefor from the existing appropriation for full-time  
17 deputies;

18                              (B)   Four (4) deputy prosecuting attorneys to be paid by  
19 the Prosecutor Coordinator, and not through quorum court appropriations, to  
20 handle criminal and civil commitments, including involuntary admissions and  
21 alcohol and narcotic commitments and insanity acquittees and other deputy  
22 duties as requested; and

23                   (5)(A)       The prosecuting attorney may hire part-time,  
24 temporary, contract, or permanent paralegals, law clerks, or deputy  
25 prosecuting attorneys as authorized by the quorum court or provided for by law  
26 if deemed necessary for the proper administration of justice and for the  
27 efficient operation of the Office of the Prosecuting Attorney of the Sixth  
28 Judicial District;

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

35                              (C)   In addition to the deputy prosecutor positions created  
36 by this subchapter, or any other Arkansas Code provisions, the Prosecuting

1 Attorney of the Sixth Judicial District shall have the authority to contract  
2 for such legal services as are necessary, to include, but not be limited to,  
3 asset forfeiture actions, at such salary or compensation amounts as may be  
4 available or appropriated by the quorum court.

5 (b)(1) The prosecuting attorney shall have the power to appoint the  
6 assistants and employees authorized in subsection (a) of this section without  
7 confirmation of any court or tribunal.

8 (2) Deputy prosecuting attorneys and other staff members so  
9 designated in this subchapter shall be considered law enforcement officers for  
10 all protective, emergency, investigative, and communication purposes, either  
11 individually or in coordination with interagency cooperative investigations  
12 and operations.

13 (3) Deputy prosecuting attorneys duly appointed shall have such  
14 authority as conferred by the prosecuting attorney to perform any official  
15 acts so designated in all counties within the district.

16 (4)(A) The Pulaski County Quorum Court shall annually  
17 appropriate funds sufficient to cover salaries, maintenance and operations  
18 expenditures, and capital outlay as required by the prosecuting attorney for  
19 the administration of justice.

20 (B) All of the salaries shall be paid by Pulaski County.

21 (C) When the Pulaski County Quorum Court raises salaries  
22 for Pulaski County employees, they shall also raise salaries an equivalent  
23 amount for the above employees.

24 (D) Those employees covered by this subchapter shall be  
25 treated by Pulaski County in the same manner as other Pulaski County employees  
26 for all other purposes."

27  
28 SECTION 2. Arkansas Code 16-21-1107 is amended to read as follows:

29 "16-21-1107. Appointment of employees.

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

36 ~~Deputy Prosecuting Attorney~~ (Drug Unit Division Chief) ~~\$41,704~~ \$43,372

1	<del>Deputy Prosecuting Attorney</del> Civil Litigation Attorney	<del>35,201</del>	<u>36,608</u>
2	<del>Deputy Prosecuting Attorney (Asset Forfeiture)</del> Trial Attorney	<del>36,608</del>	<u>38,071</u>
3	<del>Asset Recovery Financial Investigator</del> Financial Investigator	<del>30,484</del>	<u>32,972</u>
4	<del>Drug Abatement Investigator</del> Civil Litigation Investigator	25,056	
5	Administrative Assistant	<del>24,292</del>	<u>26,275</u>
6	Secretary	<del>18,720</del>	<u>20,248</u>

(b) The Prosecuting Attorney of the Sixth Judicial District shall have the power to appoint deputy prosecuting attorneys to handle cases involving violence against women if the prosecutor receives a federal grant award therefor pursuant to the VAWA (Violence Against Women Act), without confirmation of any court or tribunal, at such salaries as are authorized in such grant.

(c)(1) The positions created in subsection (a) of this section shall be in addition to those created by §§ 16-21-113 and 16-21-1102, and other Arkansas Code provisions.

(2) In the event additional funding becomes available, the prosecuting attorney may employ such additional employees and have expense allowances as are authorized in the Department of Finance and Administration, Office of Intergovernmental Services, Arkansas Drug Law Enforcement Program grant awards.

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

(e)(1)(A) The Prosecuting Attorney of the Sixth Judicial District shall administer its Arkansas Drug Law Enforcement Program grant from the Office of Intergovernmental Services of the Department of Finance and Administration.

(B) Expenditures may be made only for purposes of the grant.

(C) All moneys from the grant are appropriated on a continuing basis and are subject to the prosecuting attorney's financial management system, § 10-4-209.

(2) It is the explicit legislative intent that nothing in this section or §§ 16-21-1108 and 16-21-1109 shall be construed to decrease, supplant, or be substituted for employee positions, salaries, or expenses, or maintenance and operation expenses, or capital equipment expenditures which the Office of the Prosecuting Attorney of the Sixth Judicial District will

1 receive through quorum court appropriation from and after January 1, 1999."

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3       SECTION 3. The provisions of this act shall be effective retroactive to  
4 January 1, 1999.

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6       SECTION 4. All provisions of this act of a general and permanent nature  
7 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
8 Revision Commission shall incorporate the same in the Code.

9  
10       SECTION 5. If any provision of this act or the application thereof to  
11 any person or circumstance is held invalid, such invalidity shall not affect  
12 other provisions or applications of the act which can be given effect without  
13 the invalid provision or application, and to this end the provisions of this  
14 act are declared to be severable.

15  
16       SECTION 6. All laws and parts of laws in conflict with this act are  
17 hereby repealed.

18  
19       SECTION 7. EMERGENCY CLAUSE. It is hereby found and determined by the  
20 Eighty-second General Assembly that this act is essential to the operation of  
21 the criminal justice system within the Sixth Judicial District. It is also  
22 determined that the prosecuting attorney of the Sixth Judicial District is in  
23 need of these personnel in order to fight the war on drugs and combat crime in  
24 the Sixth Judicial District. Therefore, an emergency is declared to exist and  
25 this act being immediately necessary for the preservation of the public peace,  
26 health and safety shall become effective on the date of its approval by the  
27 Governor. If the bill is neither approved nor vetoed by the Governor, it  
28 shall become effective on the expiration of the period of time during which  
29 the Governor may veto the bill. If the bill is vetoed by the Governor and the  
30 veto is overridden, it shall become effective on the date the last house  
31 overrides the veto.

32                               /s/ Napper  
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