

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 1007

4
5 By: Representative J. Hutchinson
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For An Act To Be Entitled

8
9 AN ACT TO AUTHORIZE AN ATTORNEY IN THE OFFICE OF
10 THE ATTORNEY GENERAL TO COMMENCE AND PROSECUTE
11 CERTAIN CASES INVOLVING ABUSE OF ADULTS; AND FOR
12 OTHER PURPOSES.
13

Subtitle

14
15 ALLOWS COMMENCEMENT AND PROSECUTION OF
16 CASES INVOLVING ABUSE OF ADULTS BY A
17 SPECIAL PROSECUTOR.
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 5-28-108 is amended to read as follows:
23 5-28-108. Special deputy prosecutor.

24 (a)(1) An attorney employed in the office of the Attorney General may
25 be designated a special deputy prosecutor, by the prosecuting attorney having
26 criminal jurisdiction in the matter, for the purposes of prosecuting in a
27 court of competent jurisdiction actions brought under this chapter or other
28 actions for the physical or mental abuse or exploitation of residents of
29 long-term care facilities.

30 (2) In cases referred for prosecution pursuant to §§ 5-28-107
31 and 5-28-109, an attorney employed in the office of the Attorney General may
32 commence and prosecute the cases if the prosecuting attorney having
33 jurisdiction in the matter refuses to prosecute the referred cases.

34 (b)(1) As a special deputy prosecutor, such attorney shall have the
35 power to issue subpoenas and to administer oaths as provided in § 25-16-705.

36 (2) The subpoena shall be substantially in the form set forth in



1 § 25-16-705(b).

2 (c) A special deputy prosecutor appointed and functioning as
3 authorized under this section shall be entitled to the same immunity granted
4 by law to the prosecuting attorney.

5 (d)(1) Appointment as a special deputy prosecutor shall not enable
6 such attorney to receive any additional fees or salary from the state for
7 services provided pursuant to the appointment.

8 (2) Expenses of the special prosecutor and any fees and costs
9 incurred thereby in the prosecution of cases as herein provided shall be the
10 responsibility of the Attorney General.

11 (3) In cases commenced under subdivision (a)(2) of this section:

12 (A) The special deputy prosecutor shall not receive any
13 additional fees or salary from the state for services provided.

14 (B) Expenses of the special deputy prosecutor and any fees
15 and costs incurred in the prosecution of cases shall be the responsibility of
16 the Attorney General.

17 (e) The prosecuting attorney may revoke the appointment of a special
18 prosecutor at any time. This subsection (e) does not apply to cases
19 commenced under subdivision (a)(2) of this section.

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21 SECTION 2. Arkansas Code § 16-21-103 is amended to read as follows:

22 16-21-103. Duty to commence and prosecute criminal actions.

23 Each prosecuting attorney shall commence and prosecute all criminal
24 actions in which the state or any county in his district may be concerned.
25 However, special deputy prosecutors may commence and prosecute cases as
26 provided in § 5-28-108.