

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
90th General Assembly  
Regular Session, 2015

# A Bill

HOUSE BILL 1283

By: Representative Wright

## For An Act To Be Entitled

AN ACT CONCERNING THE PAYMENT OF CERTAIN EXPENSES INCURRED BY A PROSECUTING ATTORNEY IN THE FIRST JUDICIAL DISTRICT; CONCERNING PERSONNEL EMPLOYED BY THE PROSECUTING ATTORNEY OF THE FIRST JUDICIAL DISTRICT; AND FOR OTHER PURPOSES.

### Subtitle

CONCERNING THE PAYMENT OF CERTAIN EXPENSES INCURRED BY A PROSECUTING ATTORNEY IN THE FIRST JUDICIAL DISTRICT; AND CONCERNING PERSONNEL EMPLOYED BY THE PROSECUTING ATTORNEY OF THE FIRST JUDICIAL DISTRICT.

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

SECTION 1. Arkansas Code § 16-21-601 is amended to read as follows:

16-21-601. ~~Contingent~~ Prosecuting attorney contingent expense allowance.

(a) In lieu of any other contingent expense allowance provided by law for the Prosecuting Attorney of the First Judicial District, the prosecuting attorney shall receive an expense allowance to be ~~borne~~ paid by the respective counties of the First Judicial District as follows:

(1) Cross County . . . . . Such amount as may be approved by the Quorum Court of Cross County, ~~not to exceed one thousand dollars (\$1,000) per annum~~ no less than five thousand dollars (\$5,000) per year;

(2) Lee County . . . . . Such amount as may be approved by



the Quorum Court of Lee County, ~~not to exceed one thousand dollars (\$1,000) per annum~~ no less than four thousand dollars (\$4,000) per year;

(3) Monroe County . . . . . Such amount as may be approved by the Quorum Court of Monroe County, ~~not to exceed one thousand eight hundred dollars (\$1,800) per annum~~ no less than four thousand dollars (\$4,000) per year;

(4) Phillips County . . . . . Such amount as may be approved by the Quorum Court of Phillips County, ~~not to exceed one thousand eight hundred dollars (\$1,800) per annum~~ no less than five thousand dollars (\$5,000) per year;

(5) St. Francis County . . . Such amount as may be approved by the Quorum Court of St. Francis County, ~~not to exceed one thousand eight hundred dollars (\$1,800) per annum~~ no less than five thousand dollars (\$5,000) per year; and

(6) Woodruff County . . . Such amount as may be approved by the Quorum Court of Woodruff County, ~~not to exceed one thousand four hundred dollars (\$1,400) per annum~~ no less than four thousand dollars (\$4,000) per year.

(b)(1) The expenses described in subsection (a) of this section shall be paid in equal monthly or quarterly installments from each county's general fund and shall be made payable to the office of the Prosecuting Attorney of the First Judicial District.

(2) The prosecuting attorney shall make disbursements for the expenses of the office based upon adequate documentation.

SECTION 2. Arkansas Code Title 16, Chapter 21, Subchapter 6, is amended to add three new sections to read as follows:

16-21-602. Funding of expenses and employees.

(a) Through an annual appropriation at sufficient levels for operation, each county within the First Judicial District is responsible for the office expenses of the elected prosecuting attorney and the deputy prosecuting attorneys, including without limitation:

(1) The cost of facilities, equipment, maintenance and operation, service contracts, capital outlay, office supplies, office and mobile telephones, postage, copy machines, copying, computers, printers, computer and printer supplies, travel, insurance, and copies of the Arkansas

Code and Arkansas Model Jury Instructions;

(2) Within the discretion of the prosecuting attorney, other office expenses that are a proper expense for elected prosecuting attorneys and deputy prosecuting attorneys; and

(3) Necessary expenses in connection with an investigation incidental to a criminal law violation or trial before a court within the judicial district coming within the duties of the prosecuting attorney's office.

(b) Through an annual appropriation at sufficient levels for operation, each county within the First Judicial District is responsible for employee and assistant expenses of the elected prosecuting attorney and the deputy prosecuting attorneys, including without limitation:

(1) The cost of salaries and benefits of support staff, Social Security, matching, retirement, health insurance, and all related salary expenses of employees and assistants; and

(2) Within the discretion of the prosecuting attorney, other employee and assistant expenses for the elected prosecuting attorneys and deputy prosecuting attorneys that are a proper expense, except for deputy prosecuting attorneys' salaries and benefits.

16-21-603. Investigators.

(a) The Prosecuting Attorney of the First Judicial District may appoint and employ one (1) investigator whose salary shall be no less than thirty thousand dollars (\$30,000) per year, to be paid by the respective counties of the First Judicial District, together with the cost of Social Security, matching, retirement, health insurance, and all related salary expenses, as follows:

(1) Cross County . . . . . Eighteen percent (18%);

(2) Lee County . . . . . Fourteen percent (14%);

(3) Monroe County . . . . . Eighteen percent (18%);

(4) Phillips County . . . . . Eighteen percent (18%);

(5) St. Francis County . . . . . Eighteen percent (18%); and

(6) Woodruff County . . . . . Fourteen percent (14%).

(b) In addition to the investigator listed in subsection (a) of this section, the prosecuting attorney for the First Judicial District may appoint and employ other investigators as necessary for the administration of

justice.

(c)(1) All investigators authorized and appointed may issue process, serve warrants, and possess all law enforcement officer powers.

(2) Investigators under this section shall be certified law enforcement officers commissioned by the Arkansas Commission on Law Enforcement Standards and Training and shall be defined as law enforcement officers under Arkansas law.

(3) If an investigator under this section issues process or serves a warrant, the office of the prosecuting attorney shall receive the same fee as provided in § 21-6-307, which shall be deposited into the hot check fees account.

16-21-604. Phillips County Prosecuting Attorney and deputies expenses.

(a) Phillips County shall appropriate at a minimum thirty five thousand dollars (\$35,000) under § 16-21-602(a).

(b)(1) The expenses as described in subsection (a) of this section shall be paid in equal monthly installments from the county general fund, and the checks shall be made payable to the office of the prosecuting attorney or as directed by the Prosecuting Attorney of the First Judicial District.

(2) The prosecuting attorney shall make disbursements for the expenses of the office based upon adequate documentation.

(c) The prosecuting attorney also may be allowed additional office expenses upon appropriation of the Phillips County quorum court and approval of the county judge.

(d) In addition to office expenses, the prosecuting attorney may employ the following employees and assistants for Phillips County:

(1)(A) One (1) person to serve as secretary and administrative assistant, whose salary shall not be less than twenty-four thousand five hundred dollars (\$24,500) per year.

(B) The salary under subdivision (d)(1)(A) of this section shall be paid in accordance with the pay periods and payroll policy of Phillips County.

(C) In addition to the salary under subdivision (d)(1)(A) of this section, Social Security, matching, retirement, health insurance, and all related salary expenses shall be paid by Phillips County; and

(2)(A) One (1) secretary, whose salary shall not be less than

eighteen thousand dollars (\$18,000) per year.

(B) The salary under subdivision (d)(2)(A) of this section shall be paid in accordance with the pay periods and payroll policy of Phillips County.

(C) In addition to the salary under subdivision (d)(2)(A) of this section, Social Security, matching, retirement, health insurance, and all related salary expenses shall be paid by Phillips County.

(e) This section does not prohibit the quorum court of Phillips County from appropriating additional positions, salaries, salary matching requirements, or expenses greater than the amounts mandated in this section.

(f) The prosecuting attorney is allowed additional assistance and employees in Phillips County upon appropriation of the quorum court and approval of the county judge.