

Stricken language would be deleted from and underlined language would be added to the Arkansas Constitution.

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4
5 By: Representative Hall

HJR 1002

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7 **HOUSE JOINT RESOLUTION**

8 TO AMEND THE ARKANSAS CONSTITUTION TO ALLOW THE
9 GENERAL ASSEMBLY TO PROVIDE BY LAW FOR THE SELECTION,
10 TENURE, DUTIES, AND COMPENSATION OF SPECIAL
11 PROSECUTING ATTORNEYS TO INVESTIGATE REFERRALS THAT
12 ARE MADE BY GOVERNMENTAL ENTITIES OF THE STATE.
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15 **Subtitle**

16 TO AMEND THE CONSTITUTION TO ALLOW THE
17 GENERAL ASSEMBLY TO PROVIDE FOR THE
18 SELECTION, TENURE, DUTIES, AND
19 COMPENSATION OF SPECIAL PROSECUTING
20 ATTORNEYS TO INVESTIGATE REFERRALS.
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23 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-EIGHTH GENERAL
24 ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL
25 MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:
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27 SECTION 1. (a) The General Assembly may provide by law for the
28 selection, tenure, duties, and compensation of one (1) or more special
29 prosecuting attorneys to investigate referrals made by entities of the state.

30 (b) Referrals shall be based upon some evidence of:

31 (1) Unauthorized disbursements, unaccounted for, or misuse of
32 public funds by a public official or employee;

33 (2) Unaccounted for or misuse of public property by a public
34 official or employee; or

35 (3) Unethical conduct by a public official or employee in his or
36 her capacity as a public official or employee.



1 (c) The General Assembly shall specify by law, the state entities
2 authorized to make referrals to special prosecuting attorneys.

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4 SECTION 2. (a) Special prosecuting attorneys may prosecute offenses
5 as provided under § 1 of Amendment 21 of the Arkansas Constitution.

6 (b) Each special prosecuting attorney may be vested with sole and
7 exclusive authority to investigate any referral made as provided by law and
8 to prosecute any offense revealed by the investigation.

9 (c) Special prosecuting attorneys may prosecute offenses in any
10 judicial circuit of this state, subject to the venue provision under § 10 of
11 Article 2 of the Arkansas Constitution.

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13 SECTION 3. (a) Special prosecuting attorneys selected under this
14 amendment are not subject to § 20 of Amendment 80 of the Arkansas
15 Constitution.

16 (b) To be eligible to be a special prosecuting attorney, the attorney
17 must be a licensed attorney of this state for at least four (4) years
18 immediately preceding the date of selection as a special prosecuting
19 attorney.

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21 SECTION 4. (a) The General Assembly may provide for the selection,
22 tenure, duties, and compensation of personnel to support special prosecuting
23 attorneys, including without limitation:

24 (1) Deputy special prosecuting attorneys;

25 (2) Investigators; and

26 (3) Clerical assistants.

27 (b) The General Assembly may require any other public officials or
28 public employees to cooperate with special prosecuting attorneys.

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30 SECTION 5. This amendment is effective on July 1, 2013.

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32 SECTION 6. No provision of the Constitution of the State of Arkansas
33 is repealed by this amendment unless the provision is in irreconcilable
34 conflict with this amendment.