



TIM GRIFFIN
ATTORNEY GENERAL

Opinion No. 2025-116

December 5, 2025

Ms. Jana Bradford
Prosecuting Attorney
Ninth-West Judicial District
316 North First Street
Glenwood, Arkansas 71943

Dear Ms. Bradford:

I am writing in response to your request for my opinion on whether a quorum court must appropriate county funds for the salaries and benefits of existing support staff positions within the prosecuting attorney's office under A.C.A. §§ 16-21-146(a) and 16-21-156(1).

You report that grant funding, which your office has traditionally relied upon for covering significant portions of the salaries and benefits for your "administrative and victim services support staff," expired on September 30, 2025. You were able to secure funding from counties for the remainder of 2025. But for 2026, only "[o]ne county has agreed to continue funding its portion of these positions for 2026," while "the remaining three have declined or not yet appropriated funds to do so."

You also note that "Arkansas law imposes duties on prosecuting attorneys to provide victim and witness services." Because the current support staff were in place before the loss of grant funding, you contend that these positions qualify as "existing support staff" under A.C.A. § 16-21-156 and therefore must "be funded by the counties through annual appropriation."

RESPONSE

In my opinion, the administrative and victim services positions do not qualify as "existing support staff" under A.C.A. § 16-21-156 unless they existed at the time of the county's 1999 appropriation. If those positions existed then, they qualify as "existing support staff" under A.C.A. § 16-21-156, and the county quorum court must appropriate salaries and benefits for the positions at levels sufficient for the office's operation. If the positions did not exist then, the quorum court retains discretion under A.C.A. § 16-21-156(2) to appropriate funds for the positions.

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DISCUSSION

Arkansas law requires each quorum court to annually appropriate “sufficient amounts to cover the salaries and expenses of the prosecuting attorney’s office.”¹ Quorum courts may also appropriate any additional funds “as they deem necessary for the efficient operation” of that office.² That annual appropriation must include—“at sufficient levels for operation”—the cost of the “salaries and benefits of existing support staff” that are not “less than the amounts appropriated by ordinance in effect January 1, 1999.”³ Additionally, counties must pay “any and all other line item appropriations as approved in the 1999 county budget except for deputy prosecuting attorneys’ salaries and benefits.”⁴ For any “additional personnel and expenses,” the county only pays if approved by the quorum court.⁵

Thus, if certain support staff positions existed at the time of the county’s 1999 appropriation, the county must appropriate salaries and benefits at levels not less than those in effect on January 1, 1999.⁶ If, however, the support staff positions did not exist at the time of the 1999 appropriation but were later added by the prosecutor’s office, funding is discretionary and subject to quorum court approval.⁷

Whether the administrative and victim services positions qualify as “existing support staff” under A.C.A. § 16-21-156 is a question of fact outside the scope of an Attorney General opinion.⁸ In my opinion, if those positions were added after 1999, they do not qualify as “existing support staff” under A.C.A. § 16-21-156(1), and the quorum court has discretion under A.C.A. § 16-21-156(2) to decide whether to appropriate funds for the salaries and benefits of those positions at the prosecuting attorney’s office. But if the administrative and victim services positions existed at the time of the county’s 1999 appropriation, the county must fund those positions “at sufficient levels for operation, but not less than the amounts appropriated by ordinance in effect January 1, 1999.”

¹ A.C.A. § 16-21-146(a).

² *Id.* § 16-21-146(b); *see also* Ark. Att’y Gen. Op. 95-292 (noting that “the quorum court is given a substantial amount of discretion in this matter”).

³ *Id.* § 16-21-156.

⁴ *Id.* § 16-21-156(1).

⁵ *Id.* § 16-21-156(2).

⁶ *Id.* § 16-21-156 (tying “existing staff” payments to levels appropriated in 1999).

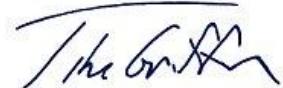
⁷ *Id.* § 16-21-156(2).

⁸ The phrase “support staff” is undefined. Based on the information submitted, you indicate that the prosecuting office has classified these positions as “support staff.” I lack the facts to definitively conclude whether the “administrative and victim services support staff” are indeed “support staff” under A.C.A. § 16-21-156.

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Assistant Attorney General William R. Olson prepared this opinion, which I hereby approve.

Sincerely,



TIM GRIFFIN
Attorney General