

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

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999

# A Bill

Act 231 of 1999  
SENATE BILL 286

4  
5 By: Senator Everett  
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## For An Act To Be Entitled

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9 "AN ACT TO AMEND ARKANSAS CODE § 5-4-303(g) TO PROVIDE  
10 FOR REIMBURSEMENT OF ATTORNEY'S FEES PAID ON BEHALF OF  
11 INDIGENTS; AND FOR OTHER PURPOSES."

## Subtitle

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15 "TO PROVIDE FOR REIMBURSEMENT OF  
16 ATTORNEY'S FEES PAID ON BEHALF OF  
17 INDIGENTS."  
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Arkansas Code 5-4-303(g) is amended to read as follows:

23 "(g) In cases where the counsel has been appointed to represent a  
24 defendant due to his indigency and ~~If the court suspends the imposition of~~  
25 ~~sentence on a defendant or places him a defendant on probation, and if the~~  
26 ~~defendant was determined to be indigent and was appointed counsel, who was~~  
27 ~~paid by the county, then the court, as a condition thereof, may require the~~  
28 ~~defendant to pay, in an amount he can afford to pay, to the county the amount~~  
29 ~~of any indigent attorney's fee expended on his behalf. If the attorney's fees~~  
30 ~~were paid from the county general fund, they shall be returned to the county~~  
31 ~~general fund. If the attorney's fees were expended from the fund pursuant to §~~  
32 ~~14-20-102, then the money shall be placed back in that fund. at the time of~~  
33 ~~disposition, the court may revisit the issue of the defendant's indigency.~~  
34 Where appropriate, and where the defendant is financially able to do so, the  
35 court may assess an attorney's fee to be paid by the defendant as part of his  
36 suspended or probated sentence. The amount of the fee assessed should be

1 commensurate with the defendant's ability to pay. The fee assessed shall be  
2 paid to the state as a means of partial reimbursement for providing appointed  
3 counsel. In no event shall failure to pay the assessed attorney's fees,  
4 standing alone, be grounds for the revocation of the suspended sentence or  
5 probated sentence."

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7 SECTION 2. All provisions of this act of a general and permanent nature  
8 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
9 Revision Commission shall incorporate the same in the Code.

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11 SECTION 3. If any provision of this act or the application thereof to  
12 any person or circumstance is held invalid, such invalidity shall not affect  
13 other provisions or applications of the act which can be given effect without  
14 the invalid provision or application, and to this end the provisions of this  
15 act are declared to be severable.

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17 SECTION 4. All laws and parts of laws in conflict with this act are  
18 hereby repealed.

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23 APPROVED: 2/24/1999  
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