

Department of Finance and Administration

Legislative Impact Statement

Bill: SB383

Bill Subtitle: CONCERNING THE RECOVERY OF UNPAID PUBLIC DEFENDER USER FEES.

Basic Change : Sponsor: Senator E. Williams

Amends state law to ensure that the Arkansas Public Defender Commission may use the income tax refund setoff program to recover various fees related to the representation of an indigent person. The Commission is currently an approved setoff agency and this bill clarifies the types of fees for which an income tax setoff may be obtained.

Revenue Impact :

None

Taxpayer Impact :

None

Resources Required :

None

Time Required :

Adequate time is provided.

Procedural Changes :

None

Other Comments :

Additional language would be required to actually add the commission as a claimant agency.

Legal Analysis :

Act 961 of 2013 provided a procedure for the State of Arkansas to collect money expended in the representation of a person by a public defender wherein it is later determined that the person was not indigent. SB383 amends § 16-87-217 to clarify that the provisions of Act 961 do not affect that ability of the Arkansas Public Defender Commission (Commission) to file a claim to setoff a person's individual income tax refund to recover the "User Fee" assessed by the court under § 16-87-213 at the time a public defender is appointed. In addition, this bill also clarifies that the provisions of Act 961 do not affect the ability of the Commission to file a claim for setoff against a person's tax refund to collect the Commission's costs for providing legal services to an indigent person as provided in § 16-87-218.