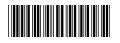
Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 2	State of Arkansas 84th General Assembly	A Bill		
3	Regular Session, 2003		HOUSE BILL 1550	
4	Regular Session, 2005		HOUSE DILL 1990	
5	By: Representatives Jeffrey, Le	edbetter		
6				
7				
8	For An Act To Be Entitled			
9	AN ACT CONCERNING THE DISTRIBUTION AND PLACEMENT			
10	OF PUBLIC	OF PUBLIC DEFENDER POSITIONS; AND FOR OTHER		
11	PURPOSES.			
12				
13	Subtitle			
14	AN ACT CONCERNING THE DISTRIBUTION AND			
15	PLACEMENT OF PUBLIC DEFENDER POSITIONS;			
16	AND FOR OTHER PURPOSES.			
17				
18				
19	BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:			
20				
21				
22	SECTION 1. Arkansas Code § 16-87-304 is amended to read as follows:			
23	16-87-304. Distribution and placement of public defender positions.			
24	(a) There shall be created within the Arkansas Public Defender			
25	Commission a number of positions, including chief public defenders, <u>managing</u>			
26	public defenders, public defenders, investigators, and secretaries.			
27	(b)(1) The Arkansas Public Defender Commission shall allocate			
28	positions to each county and/or judicial district based on an appropriate			
29	formula adopted by the commission.			
30	(2) In the distribution of positions, the commission shall be			
31	guided by:			
32	(A)	The current distribution and ty	pe of positions across	
33	the state;			
34	(B)	An evaluation of court case fil	lings and dispositions,	
35	the number of judges, the size and population of the county or district, and			
36	other appropriate factors; and			



HB1550

1 (C) The desire to avoid the necessity of appointing outside 2 public defenders or private counsel due to conflicts of interest. (c)(1) There shall be at least one (1) public defender position 3 4 allocated to each judicial district. 5 (2)(A) Where appropriate, a position or positions may be 6 assigned to a single county. 7 (B) In counties where more than one (1) position is 8 allocated, the commission may designate one (1) or more of the positions as 9 chief public defenders or as managing public defenders. 10 (3)(A) When one (1) or more The chief public defenders, or if 11 there is not a chief public defender, then the managing public defender is assigned to a county or judicial district and the chief public defender shall 12 13 have administrative authority over other public defenders within the county or district, the chief public defender and may select the other public 14 15 defenders subject to the approval of the commission. 16 (4)(A) Public defender positions may be allocated on a full-time 17 or part-time basis. 18 (B) When a public defender is employed on a part-time 19 basis, he or she may engage in the general practice of law. 20 (C) No person who serves as a full-time public defender 21 may engage in the private practice of law. 22 (D) No person shall serve as a part-time public defender 23 who also serves as a part-time municipal court judge, city court judge, or 24 deputy prosecuting attorney in any judicial district. 25 26 27 28 29 30 31 32 33 34 35

2

36