

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 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

A Bill

HOUSE BILL 1550

5 By: Representatives Jeffrey, Ledbetter
6
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE DISTRIBUTION AND PLACEMENT
10 OF PUBLIC DEFENDER POSITIONS; AND FOR OTHER
11 PURPOSES.
12

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, managing
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 type of positions across
33 the state;

34 (B) An evaluation of court case filings and dispositions,
35 the number of judges, the size and population of the county or district, and
36 other appropriate factors; and



1 (C) The desire to avoid the necessity of appointing outside
 2 public defenders or private counsel due to conflicts of interest.

3 (c)(1) There shall be at least one (1) public defender position
 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
 12 assigned to a county or judicial district ~~and the chief public defender~~ shall
 13 have administrative authority over other public defenders within the county
 14 or district, ~~the chief public defender~~ and may select the other public
 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
 36