

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H1/25/17

A Bill

HOUSE BILL 1197

5 By: Representative Sturch
6

For An Act To Be Entitled

8 AN ACT TO ESTABLISH A METHOD FOR A PERSON WHO WAS
9 FALSELY ACCUSED OF A CRIMINAL OFFENSE TO MAKE A CLAIM
10 FOR REIMBURSEMENT FOR HIS OR HER EXPENSES PAID TO AN
11 ATTORNEY IN DEFENSE OF THE FALSE ACCUSATION; AND FOR
12 OTHER PURPOSES.
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Subtitle

15 TO ESTABLISH A METHOD FOR A PERSON WHO
16 WAS FALSELY ACCUSED OF A CRIMINAL OFFENSE
17 TO MAKE A CLAIM FOR REIMBURSEMENT FOR HIS
18 OR HER EXPENSES PAID TO AN ATTORNEY IN
19 DEFENSE OF THE FALSE ACCUSATION.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code § 19-10-204(d), concerning the jurisdiction
26 of the Arkansas State Claims Commission, is amended to read as follows:

27 (d)(1) The commission shall have jurisdiction over claims to recover
28 reasonable attorney's fees and other litigation expenses reasonably incurred
29 by:

30 (A) plaintiffs ~~A plaintiff~~ who substantially prevailed in
31 actions under § 25-19-107 against the State of Arkansas or a department,
32 agency, or institution of the state under the standard described in § 25-19-
33 107(d)(1)~~;~~ or

34 (B) A person who:

35 (i) Was charged with a criminal offense;

36 (ii) Retained his or her own private attorney; and



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(iii) Was found not guilty at trial.

(2) In order to prevail, a person who brings a claim under subdivision (d)(1)(B) of this section shall prove by a preponderance of the evidence that:

(A) He or she was falsely accused of the offense for which he or she was tried; and

(B) The state was reckless in taking his or her case to trial.

(3) The commission shall set off against any award given under a claim brought under subdivision (d)(1)(B) of this section any attorney's fees or damages already ordered by a court to be paid to the person as a result of his or her being tried for the same criminal offense for which he or she was falsely accused.

/s/Sturch