

As Engrossed: 2/25/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**
4 **By: Representative Mahony**
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A BILL ACT 914 OF 1991
HOUSE BILL 1833

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For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE ANNOTATED §16-87-105(a) TO
PROVIDE FOR THE APPOINTMENT OF PUBLIC DEFENDERS FOR TWO
(2) YEAR TERMS; TO REPEAL ARKANSAS CODE ANNOTATED §16-87-
104(b); AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Annotated §16-87-105(a) is amended to read as follows:

"(a) The commission shall appoint a public defender for a term of two (2) years who may be removed by the commission for just cause.

(1) Just cause for removal shall consist of permanent physical or mental disability seriously interfering with the performance of duties, willful misconduct in office, willful and persistent failure to perform public defender duties, habitual intemperance, or conduct prejudicial to the administration of justice.

(2) The public defender may serve as many successive terms as the commission may approve."

SECTION 2. Arkansas Code Annotated §16-87-104(b) is repealed.

SECTION 3. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this

1 act are declared to be severable.

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3 SECTION 5. All laws and parts of laws in conflict with this act are
4 hereby repealed.

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6 SECTION 6. *It is hereby found and determined by the General Assembly*
7 *that public defenders should be appointed for two (2) year terms; that this*
8 *Act so provides; and that this Act should go into effect immediately in order*
9 *to provide for the appointments for two (2) year terms as soon as possible.*
10 *Therefore, an emergency is hereby declared to exist and this Act being*
11 *immediately necessary for the preservation of the public peace, health and*
12 *safety shall be in full force and effect from and after its passage and*
13 *approval.*

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15 /s/J. Mahony

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17 APPROVED: 3/29/91

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