

11-26-2018 08:39;

INTERIM STUDY PROPOSAL 2017-147

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3 REQUESTING THAT THE HOUSE COMMITTEE ON JUDICIARY STUDY THE
4 RESPONSIBILITY FOR AND ALLOCATION OF FUNDING FOR TRAVEL EXPENSES
5 FOR PUBLIC DEFENDERS IN RURAL COUNTIES OR PUBLIC DEFENDERS WHO
6 ARE ASSIGNED TO MULTICOUNTY JUDICIAL DISTRICTS.
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8 WHEREAS, many public defenders who are assigned to rural counties or
9 public defenders who are assigned to a multicounty judicial district are
10 required to travel a great deal and can incur large travel expenses; and
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12 WHEREAS, under § 16-87-302 the Arkansas Public Defender Commission is
13 required to pay for certain expenses of public defenders and rural counties
14 or multicounty judicial districts are required to pay for certain expenses
15 "necessary to the effective and efficient operation of the public defender's
16 office". However, travel is not explicitly referenced; and
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18 WHEREAS, oftentimes, a public defender's travel expenses exceed what
19 the county is able to pay, especially for a public defender assigned to a
20 rural county or a multicounty judicial district; and
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22 WHEREAS, the nature of being a public defender requires travel to see
23 clients, many of whom are incarcerated in county jails and are unable to
24 travel to see their assigned public defenders; and
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26 WHEREAS, currently, in order to provide the very best and effective
27 defense to a client, a public defender assigned to a rural county or a
28 multicounty judicial district is forced to make difficult choices regarding
29 travel and travel expenses, oftentimes putting the public defender or his or
30 her client, or both the public defender and client, in a disadvantaged
31 position; and
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33 WHEREAS, the interests of fairness and justice should require that a
34 public defender not be forced to compromise his or her effective
35 representation of an indigent client due to underfunding of the public
36 defender's travel expenses,

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NOW THEREFORE,
BE IT PROPOSED BY THE HOUSE COMMITTEE ON JUDICIARY OF THE NINETY-FIRST
GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

THAT the House Committee on Judiciary study the funding responsibility,
allocation, obligations, mechanisms, and possible solutions to the
underfunding of public defender travel expenses.

Respectfully submitted,

Representative Sarah Capp
District 82
Prepared by: BPG/BPG