

**ARKANSAS SENATE**  
83rd General Assembly - Regular Session, 2001  
**Amendment Form**

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**Subtitle of Senate Bill No. 878**

"AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE CONCERNING  
THE ARKANSAS PUBLIC DEFENDER COMMISSION."

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**Amendment No. 3 to Senate Bill No. 878.**

Amend Senate Bill No. 878 as originally introduced:

Page 1, delete lines 29 and 30 and substitute

"(c) ~~The Capital, Conflicts, and Appellate Office~~ Public Defender Commission shall be appointed by the trial court in the following situations: "

AND

Page 2, delete lines 6 through 12 and substitute

~~"(D) Should the Capital, Conflicts, and Appellate Office also have a conflict, or for any other reason cannot or should not serve, the indigent person shall be represented by trial public defenders from another area, or, as a last resort, by private attorneys whose names appear on the list of attorneys maintained by the commission, or by both a trial public defender from another area and a private attorney whose name appears on the list maintained by the commission. (i) The Executive Director may assign the Capital, Conflicts, and Appellate Office, a trial public defender from another area, a private attorney whose name appears on a list of attorneys maintained by the commission, or a combination of private and public defender attorneys to represent the indigent person.~~

(i) The Executive Director shall notify the trial court of the assignment and an order reflecting the assignment shall be entered.

AND

Page 2, delete lines 32 through 34 and substitute

"by Arkansas courts. then the court, if time permits, shall contact the Public Defender Commission to determine if a public defender from an adjacent area is available for appointment; if time does not permit, or if there is not a public defender from an adjacent area available, then the court may appoint a private attorney and the trial judge shall, within twenty (20) days

of the appointment, notify, in writing, the Public Defender Commission of the appointment, the type of case, and the reason for the appointment.

AND

Page 4, delete lines 14 through 16 and substitute

~~"(d) Any attorney dissatisfied with the decision of the appointing court may appeal to the Arkansas Supreme Court."~~

AND

Page 4, delete line 33, and substitute "chapter shall be paid by the commission provided sufficient funds are available."

AND

Page 4, delete lines 34 through 36

AND

Page 5, delete lines 1 through 5

AND

Page 5, delete lines 19 through 25

AND

Page 6, line 8, delete "(a)"

AND

Page 6, delete lines 10 through 13

AND

Page 7, delete line 36 and substitute

"(2)(A) The commission shall evaluate and submit up to three (3) names to the judges within the judicial district.

(B) The judges will, by majority vote, select one of the candidates whose name was submitted by the commission, as the public defender.

(C) If one of the candidates submitted does not receive a majority vote from the judges, then the Public Defender Commission shall select the public defender."

AND

Page 9, line 17, delete "and"

AND

Page 9, line 18, add "and FINS cases" after "incarceration" and before the period

AND

Page 10, delete lines 7 and 8 and substitute

"

Page 1, delete lines 29 and 30 and substitute

"(c) ~~The Capital, Conflicts, and Appellate Office~~ Public Defender Commission shall be appointed by the trial court in the following situations: "

AND

Page 2, delete lines 6 through 12 and substitute

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AND

Page 9, line 17, delete "and"

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AND

Page 10, delete lines 7 and 8 and substitute

"the judge pursuant to § 16-87-210 who shall, within twenty (20) days of the appointment, notify in writing the Arkansas Public Defender Commission of the appointment, the type of case, and the reason for the appointment."

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator Everett  
PBB/RTK - 032620011139  
RTK324

\_\_\_\_\_  
Secretary