

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

Subtitle of Senate Bill No. 878

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

Amendment No. 5 to Senate Bill No. 878.

Amend Senate Bill No. 878 as originally introduced:

Page 4, delete line 17 and substitute

"(e)(1) The state may also have the right to appeal. The commission may, in its sole discretion, pay for attorneys, experts and investigators appointed by the trial court in post-conviction proceedings under Arkansas Rules of Criminal Procedure, Rule 37.3.

(2) The trial court shall notify the Executive Director, in writing, of:

(A) The appointment of counsel to pursue a Rule 37.3 petition within five (5) days of the appointment, and shall specify, in detail, the need for the appointment;

(B) The hiring of any expert witness in a Rule 37.3 case within five (5) days of authorizing the hiring, and the reasons for the hiring of an expert; and

(C) The hiring of any investigator in a Rule 37.3 case within five (5) days of authorizing the hiring, and the reasons for the hiring of the investigator.

(3) In exercising its discretion, the commission shall consider:

(A) The availability of funds for payment of professional fees and services in all other types of cases which the commission is required to pay which have priority over Rule 37.3 cases;

(B) The need for the appointment of counsel, experts or investigators;

(C) The time expended;

(D) The hourly rate requested; and

(E) The resources spent in the district for Rule 37.3 appointments.

(4) If the Commission does not pay for the fees and expenses associated with Rule 37.3 cases, the fees and expenses shall be paid by the county in which the petition was adjudicated."

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

By: Senator Everett
PBB/RTK - 032620011448
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Secretary

