

**ARKANSAS PUBLIC DEFENDER COMMISSION (0324)
2007-09 BIENNIUM**

I) AGENCY SUMMARY & REVENUE SOURCES

Mission

The Public Defender Commission was created to address a variety of concerns relating to the representation of indigent criminal defendants in Arkansas. During the 1997 Legislative Session the State assumed the responsibility for funding the Trial Public Defender System, and during the 1999 Legislative Session the Ombudsman Division was created to insure that children placed within the custody of the Division of Youth Services are receiving the necessary services.

Total Biennial Budget

The total budget for the 2007-2009 biennium is \$19,328,809 for the first year and \$19,585,663 for the second year.

Funding Source

Operations of the Commission are funded through an allocation from the Administration of Justice Fund, State Central Services Fund Monies, a transfer from the Department of Health and Human Services, User/Attorney Fees, and Bail Bond Fees.

- **Ombudsman Program**-Funded directly from funds transferred by the Department of Health and Human Services per Special Language.
- **Public Defender-Operations**-State Central Services Funding.
- **Public Defender-Trial Office**-Funded by Administration of Justice Funds, State Central Services Fund, and User/Attorney Fees.

II) SIGNIFICANT CHANGES

Public Defender-Operations-provides for \$1,639,972 year one and \$1,609,350 year two which is an increase over base level of \$206,340 and \$175,718 for two new positions, increases in rent, mileage, meals and lodging, and new computers.

Public Defender-Trial Office-provides for \$17,546,296 the first year and \$17,831,086 the second year which is \$1,958,529 and \$1,931,564 over base level for increases in operating expenses, conference and travel expenses, the transfer of a position from the Ombudsman Program, and new positions.

Ombudsman Program-provides for \$142,541 the first year and \$145,227 which is a decrease from base level of \$51,345 and \$48,659 due to the transfer of one position to the Trial Office appropriation to facilitate better internal control.

III) ADDITIONAL POSITIONS

Total Positions for 2007-09 Biennium-233

Total Positions for 2005-07 Biennium-(216 Authorized) 213 Budgeted

(+2) Class A Public Defender-Grade 26

(+10) Class B Public Defender-Grade 25

(+2) Dependency-Neglect Appeals Attorneys-Grade 22

(+2) Mitigation Specialist-Grade 20

- (+2) Management Project Analyst II-Grade 20
- (+1) Paralegal/Legal Assistant-Grade 19
- (+1) Secretary II-Grade 15

IV) SPECIAL LANGUAGE

Fees. Attorney/User fees generated through the provisions of ACA 5-4-303(g) and 16-87-213 shall be deposited into or transferred to the State Central Services Fund

Fees. The monies collected by bail bond companies shall be deposited into State Central Services, to be used by the Public Defender Commission. Three dollars collected by each licensed bail bond company shall be transferred to various Counties for the operating expenses of the local public defender's office. On a quarterly basis, the Commission shall remit to each County its portion of the three dollars based upon the formula used for state aid for counties. 3/20 of the fee collected per Act 1956 will go to counties. New Language

Transfer Provision. If during either year of the 2007-09 fiscal biennium the Public Defender Commission should determine that the appropriations made available for payments to the Counties are insufficient, appropriation may be transferred from the Public Defender Commission Program line item to the Bail Bond-County Public Defender line item, after approval from the Chief Fiscal Officer of the state. New Language

Duties of Dependency-Neglect Appeals Attorneys. Dependency-Neglect Appeals Attorneys shall be used exclusively to write appeals in dependence-neglect cases.

*Special Language for DHHS-Youth Services regulates transfer of \$240,000 each year for the Juvenile Ombudsman Program