

**ARKANSAS PUBLIC DEFENDER COMMISSION (0324)
2009-11 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. The Commission also has the responsibility for the Trial Public Defender System and the Ombudsman Division which insures that children placed within the custody of the Division of Youth Services are receiving the necessary services. In the 2007 Session the Commission was given the responsibility of handling Dependency-Neglect appeals.

Total Biennial Budget

The total budget for the 2009-2011 biennium is \$21,127,653 for the first year and \$21,518,024 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 Human Services, User/Attorney Fees, and Bail Bond Fees.

- **Ombudsman Program**-Funded directly from funds transferred by the Department of 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 \$1,935,946 year one and \$1,964,077 year two which is an increase over base level of \$229,000 each year in professional fees due to increases in the number of capital cases.

Public Defender-Trial Office-provides for \$19,105,542 the first year and \$19,465,934 the second year which is \$576,944 and \$583,925 over base level for 5 new positions including a transfer from Ombudsman Program, increases in operating expenses and an increase in bail bond fees line item for quarterly payments to counties.

Ombudsman Program-provides for \$86,165 the first year and \$88,013 the second year which is a decrease from base level of \$85,354 and \$87,200 due to the transfer of one position to the Trial Office appropriation to facilitate better internal control.

III) ADDITIONAL POSITIONS

Total Positions for 2009-11 Biennium-237

Total Positions for 2007-09 Biennium-233

(+3) Public Defender III

(+1) Legal Support Specialist

IV) SPECIAL LANGUAGE

Fees - Courts. 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 -Bail Bond. 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.

Transfer Provision. If 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.

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

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