

ARKANSAS PUBLIC DEFENDER COMMISSION (0324)

FISCAL YEAR 2016

As Enacted by Act 972 of 2015

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 is responsible for the Trial Public Defender System, Dependency-Neglect appeals, and the Juvenile Ombudsman Program which insures that children placed within the custody of the Division of Youth Services are receiving necessary services.

TOTAL APPROPRIATION

The total appropriation is \$24,651,759 for FY2016.

FUNDING SOURCES

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 Funds, User/Attorney Fees and Bail Bond Fees.

II) CHANGE LEVEL REQUESTS

PUBLIC DEFENDER OPERATIONS

Appropriation totals \$2,820,186 for FY2016 which is \$122,478 over base level for the restoration of a growth pool position received during the interim that is being requested to continue in FY2016.

TRIAL PUBLIC DEFENDER OFFICE

- Appropriation totals \$21,604,410 for FY2016 which is \$508,355 over base level for six new positions and expenses associated with those positions including salaries, match, operating expenses and conference and travel fees.
- Three of the new positions were funded with a new \$250 public defender user fee established in Act 894 of 2015 The Criminal Justice Reform Act.

TRIAL PUBLIC DEFENDER OFFICE-GIF

New appropriation totaling \$136,527 with 3 new Public Defenders and salary and match for those positions funded from General Improvement Funds.

III) ADDITIONAL POSITIONS (Total FY2015 Authorized Positions:244)

Total Positions FY2016: 251

Total Base Level Positions: 244

Increase/(Decrease) Over Base Level: 7

Extra Help Positions FY2016:6 (Total FY2015 Authorized Extra Help:6)

IV) SPECIAL LANGUAGE

FEE GENERATION & SUPPORT-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.

FEE GENERATION & SUPPORT - BAIL BOND FEES. 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 ATTORNEY. Dependency-Neglect Appeals Attorneys shall be used exclusively to write appeals in dependency-neglect cases.

PUBLIC DEFENDERS. No funds shall be used for retained counsel who have not been certified by the Commission. The Commission may approve exemptions.

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

April 2015