

ARKANSAS PUBLIC DEFENDER COMMISSION (0324)

FISCAL YEAR 2018

AS ENACTED BY ACT 828 OF 2017

**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 \$25,976,523 for FY2018.

**FUNDING SOURCES**

**Ombudsman Program**-Funded directly from funds transferred by the Department of Human Services per Special Language.

**Public Defender-Operations**-Funded from the State Central Services Fund.

**Public Defender-Trial Office**-Funded primarily by the State Central Services Funds and Administration of Justice Funds, User/Attorney Fees and Bail Bond Fees.

**II) CHANGE LEVEL REQUESTS**

**TRIAL PUBLIC DEFENDER OFFICE**

Appropriation totals \$23,024,176 for FY2018 which is \$1,333,799 over base level for the following line item change levels:

**Regular Salaries & Personal Services Matching** - increase of \$1,016,988 for eighteen (18) new positions

**Operating Expenses** - increase of \$306,911 for FY2018 for expenses relating to the new positions including furniture, supplies, fees and dues.

**Conference & Travel** - increase of \$9,900 to support required continuing education training.

**III) ADDITIONAL POSITIONS (Total FY2017 Authorized Positions:254)**

Total Positions FY2018:272

Total Base Level Positions:254

Increase/(Decrease) from Base Level:18

+3 Public Defender III

+5 Capital Conflicts Investigators

+5 Mitigation Specialists

+5 Legal Services Specialists

Extra Help Positions FY2018:6 (Base Level 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.

**PROVIDING PUBLIC DEFENDER SERVICES AGREEMENT.** The Commission shall have the authority to enter into professional services agreements with public defenders or attorneys with a state agency who have been appointed to provide defense representation.

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

April 2017