

ARKANSAS PUBLIC DEFENDER COMMISSION (0324)

FISCAL YEAR 2019

AS ENACTED BY ACT 87 OF 2018

**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 \$25,929,819 for FY2019.

**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 by Administration of Justice Funds, State Central Services Funds, User/Attorney Fees and Bail Bond Fees.

**II) CHANGE LEVEL REQUESTS (FY2019 CHANGES FROM FY2018 AUTHORIZED)**

**TRIAL PUBLIC DEFENDER OFFICE**

Appropriation totals \$22,976,489 for FY2019 which is (\$47,687) below FY2018 authorized for the following line item change levels:

**Operating Expenses** - decrease of (\$47,687) for FY2019 for onetime expenses in FY2018 relating to new positions.

**III) ADDITIONAL POSITIONS**

Total Positions FY2019:272

Total Positions FY2018:272

Increase/(Decrease):0

Extra Help Positions FY2019:6 (Total FY2018 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.

**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.

March 20, 2018