

Department of Finance and Administration

Legislative Impact Statement

Bill: HB1213

Amendment Number: H1

Bill Subtitle: CONCERNING INDIGENT PERSONS AND THE USE OF A PUBLIC DEFENDER.

Basic Change :

Sponsor: Rep. Maddox

House Amendment No. 1 -- HB1213-H1 (engrossed 2/23/2021) deletes everything after the enacting clause of the original bill and substitutes the provided language in the amendment. HB1213-H1 expands the definition of "indigent person" under § 16-87-201 to mean a person who cannot afford an attorney "due to substantial financial hardship." The amendment also adds a definition of "substantial financial hardship."

HB1213-H1 also provides that in determining whether a defendant qualifies as indigent, a court may require the Department of Finance and Administration (DFA) to provide the indigent person's tax returns for the past three years.

Revenue Impact :

None.

Taxpayer Impact :

A taxpayer's income tax records will be disclosed to a court upon request.

Resources Required :

DFA employees would be required to verify and transmit returns to the court.

Time Required :

Adequate time is provided.

Procedural Changes :

Department employees will need to be trained on new procedures.

Other Comments :

None.

Legal Analysis :

House Amendment No. 1 --- Pursuant to § 26-18-303(b)(4), DFA is required to provide confidential tax records if "compelled" to do so by an Arkansas circuit court. HB1213-H1 requires DFA to provide an indigent person's past three years of income tax returns upon the request of a circuit court.