

INTERIM STUDY PROPOSAL 2017-147

1  
2  
3 REQUESTING THAT THE HOUSE COMMITTEE ON JUDICIARY STUDY THE  
4 RESPONSIBILITY FOR AND ALLOCATION OF FUNDING FOR TRAVEL EXPENSES  
5 FOR PUBLIC DEFENDERS IN RURAL COUNTIES OR PUBLIC DEFENDERS WHO  
6 ARE ASSIGNED TO MULTICOUNTY JUDICIAL DISTRICTS.  
7

8 WHEREAS, many public defenders who are assigned to rural counties or  
9 public defenders who are assigned to a multicounty judicial district are  
10 required to travel a great deal and can incur large travel expenses; and  
11

12 WHEREAS, under § 16-87-302 the Arkansas Public Defender Commission is  
13 required to pay for certain expenses of public defenders and rural counties  
14 or multicounty judicial districts are required to pay for certain expenses  
15 "necessary to the effective and efficient operation of the public defender's  
16 office". However, travel is not explicitly referenced; and  
17

18 WHEREAS, oftentimes, a public defender's travel expenses exceed what  
19 the county is able to pay, especially for a public defender assigned to a  
20 rural county or a multicounty judicial district; and  
21

22 WHEREAS, the nature of being a public defender requires travel to see  
23 clients, many of whom are incarcerated in county jails and are unable to  
24 travel to see their assigned public defenders; and  
25

26 WHEREAS, currently, in order to provide the very best and effective  
27 defense to a client, a public defender assigned to a rural county or a  
28 multicounty judicial district is forced to make difficult choices regarding  
29 travel and travel expenses, oftentimes putting the public defender or his or  
30 her client, or both the public defender and client, in a disadvantaged  
31 position; and  
32

33 WHEREAS, the interests of fairness and justice should require that a  
34 public defender not be forced to compromise his or her effective  
35 representation of an indigent client due to underfunding of the public  
36 defender's travel expenses,

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

NOW THEREFORE,  
BE IT PROPOSED BY THE HOUSE COMMITTEE ON JUDICIARY OF THE NINETY-FIRST  
GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
  
THAT the House Committee on Judiciary study the funding responsibility,  
allocation, obligations, mechanisms, and possible solutions to the  
underfunding of public defender travel expenses.

Respectfully submitted,

Representative Sarah Capp  
District 82  
Prepared by: BPG/BPG