

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1879

By: Representative Gibson

For An Act To Be Entitled

"AN ACT TO PERMIT AN INCREASE IN FILING FEES AND COURT COSTS FOR THE PURPOSE OF FUNDING THE OFFICE OF PUBLIC DEFENDER; TO AMEND ARKANSAS CODE ANNOTATED §16-87-107; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Any county or municipality within a judicial district in which there exists a public defender commission, established pursuant to Ark. Code Ann. §16-87-104, may levy a filing fee of not more than seven dollars and fifty cents (\$7.50) to be paid upon the institution, or reinstitution, of any civil cause of action or proceeding in any court within such county or municipality, including probate, county, chancery, circuit and municipal courts. A like fee may be levied in all criminal matters in circuit and municipal courts, to be taxed as costs. Such fees shall be in addition to the fee authorized by Ark. Code Ann. §14-20-102; any uniform advance filing fee; or other fees provided by law.

SECTION 2. All such fees levied shall be collected by the clerks of the respective courts, and paid over not less than quarterly to the public defender commission for the jurisdiction in which the court sits, to be used by the commission solely for the salaries and expenses of the public defender's office.

SECTION 3. Arkansas Code Annotated §16-87-107 is amended to read as follows:

"(a) The salaries and expenses of the public defender's office in each judicial district shall be established and determined by the commission.

(b) Salaries and expenses of the office of public defender in each district shall be paid by the counties in the district in such amounts as may be approved by the respective quorum courts of the counties, or as may otherwise be provided by law."

SECTION 4. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 5. EMERGENCY. It is hereby found and determined by the General Assembly that the adequate funding of public defender's offices in this State is immediately necessary to properly provide for the constitutionally-required defense of indigent persons. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.