

1 State of Arkansas

2 80th General Assembly

# A Bill

3 Regular Session, 1995

HOUSE BILL

1136

4 By: Representative M. Wilson

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## For An Act To Be Entitled

8 "AN ACT TO REQUIRE PERSONS CHARGED WITH A CRIMINAL OFFENSE  
9 TO AFFIRM THAT THEY ARE WITHOUT FUNDS TO EMPLOY COUNSEL  
10 AND THAT THEY HAVE NOT BEEN RELEASED ON MONEY BAIL IN AN  
11 AMOUNT IN EXCESS OF *FIFTEEN THOUSAND DOLLARS (\$15,000)* TO  
12 BE ELIGIBLE TO BE REPRESENTED BY A PUBLIC DEFENDER; AND  
13 FOR OTHER PURPOSES."

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## Subtitle

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

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SECTION 1. Any person charged with a criminal offense desiring to obtain the services of a Public Defender shall affirm in writing that he is without funds or assets with which to employ private counsel and that he has not been released on money bail in an amount greater than *fifteen thousand dollars (\$15,000)* pursuant to the execution of an unsecured or secured bond. The affirmation certificate shall be provided by the court or the Public Defender to the indigent person and upon execution of the affirmation certificate shall become a permanent part of the indigent person's court record.

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If a public defender is appointed and the indigent person is later released on money bail in an amount greater than *fifteen thousand dollars (\$15,000)* pursuant to the execution of an unsecured or secured bond, then the

1 court may hold a hearing to determine if the person is still eligible and  
2 entitled to the services of a public defender. If the court determines that  
3 the person is ineligible and not entitled to the services of a public  
4 defender, then the court may release the public defender as attorney of  
5 record.

6 SECTION 2. All provisions of this act of a general and permanent  
7 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
8 Code Revision Commission shall incorporate the same in the Code.

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10 SECTION 3. If any provision of this act or the application thereof to  
11 any person or circumstance is held invalid, such invalidity shall not affect  
12 other provisions or applications of the act which can be given effect without  
13 the invalid provision or application, and to this end the provisions of this  
14 act are declared to be severable.

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16 SECTION 4. All laws and parts of laws in conflict with this act are  
17 hereby repealed.

18 /s/M. Wilson  
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*As Engrossed: 1/18/95 1/18/95 1/20/95 4/7/95*

**HB 1136**

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