

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

As Engrossed: H1/23/97

A Bill

HOUSE BILL 1132

4
5 By: Representative George

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED 16-87-208 TO
10 PERMIT CITY AND COUNTY ATTORNEYS TO SERVE AS PART-TIME
11 PUBLIC DEFENDERS; AND FOR OTHER PURPOSES."

Subtitle

14 "TO PERMIT CITY AND COUNTY ATTORNEYS TO
15 SERVE AS PART-TIME PUBLIC DEFENDERS"

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

19 SECTION 1. Arkansas Code 16-87-208 is amended to read as follows:
20 "16-87-208. Personnel.

21 (a) A trial public defender may employ assistants, investigators, and
22 other staff within the budget prescribed by the quorum courts of the counties
23 he serves.

24 (b) The counties served by the trial public defender shall bear the
25 costs of facilities, equipment, supplies, and other expenses of the trial
26 public defender's office and the compensation of the trial public defender and
27 his staff.

28 (c)(1) A trial public defender and deputy public defenders may be
29 employed on a full-time or a part-time basis.

30 (2) A trial public defender and deputies employed on a part-time
31 basis may engage in the private practice of law.

32 (3) No person may serve as a part-time trial public defender or
33 deputy public defender who also serves as a part-time municipal court judge,
34 police court judge, or prosecuting attorney, ~~city attorney, or county~~
35 ~~attorney~~.

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SECTION 2. 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 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

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 All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 5. EMERGENCY. It is found and determined by the General Assembly of the State of Arkansas that in many rural areas there are not enough attorneys to serve as public defenders; that this lack of personnel needed to preserve our rights as guaranteed under the United States Constitution constitutes a great burden on the State's judicial system, which should be immediately corrected; and that this bill eliminates some of the restrictions on serving as public defender. Therefore an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.

/s/Rep. George