

State of Arkansas
82nd General Assembly
Regular Session, 1999

A Bill

SENATE BILL 286

By: Senator Everett

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE § 5-4-303(g) TO PROVIDE
FOR REIMBURSEMENT OF ATTORNEY'S FEES PAID ON BEHALF OF
INDIGENTS; AND FOR OTHER PURPOSES."

Subtitle

"TO PROVIDE FOR REIMBURSEMENT OF
ATTORNEY'S FEES PAID ON BEHALF OF
INDIGENTS."

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

SECTION 1. Arkansas Code 5-4-303(g) is amended to read as follows:

"(g) In cases where the counsel has been appointed to represent a
defendant due to his indigency and ~~if the court suspends the imposition of~~
~~sentence on a defendant or places him a defendant on probation, and if the~~
~~defendant was determined to be indigent and was appointed counsel, who was~~
~~paid by the county, then the court, as a condition thereof, may require the~~
~~defendant to pay, in an amount he can afford to pay, to the county the amount~~
~~of any indigent attorney's fee expended on his behalf. If the attorney's fees~~
~~were paid from the county general fund, they shall be returned to the county~~
~~general fund. If the attorney's fees were expended from the fund pursuant to §~~
~~14-20-102, then the money shall be placed back in that fund.~~ at the time of
disposition, the court may revisit the issue of the defendant's indigency.
Where appropriate, and where the defendant is financially able to do so, the
court may assess an attorney's fee to be paid by the defendant as part of his
suspended or probated sentence. The amount of the fee assessed should be

1 commensurate with the defendant's ability to pay. The fee assessed shall be
2 paid to the state as a means of partial reimbursement for providing appointed
3 counsel. In no event shall failure to pay the assessed attorney's fees,
4 standing alone, be grounds for the revocation of the suspended sentence or
5 probated sentence."

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

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

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