

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: H3/28/01

A Bill

SENATE BILL 707

5 By: Senator Everett
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE 16-87-211 AND 16-
10 87-212 TO PROVIDE FOR THE SETTING OF COURT
11 APPOINTED ATTORNEY FEES BY THE PUBLIC DEFENDER
12 COMMISSION; AND FOR OTHER PURPOSES.
13

Subtitle

15 AN ACT TO AMEND ARKANSAS CODE 16-87-211
16 AND 16-87-212 TO PROVIDE FOR THE SETTING
17 OF COURT APPOINTED ATTORNEY FEES BY THE
18 PUBLIC DEFENDER COMMISSION.
19
20

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

23 *SECTION 1. Arkansas Code 16-87-211 is amended to read as follows:*
24 *16-87-211. Compensation.*

25 *(a) ~~At~~ On an interim basis in complex cases or at the conclusion of*
26 *each case, the appointed attorney shall submit his bill to the appointing*
27 *court which shall issue an order ~~for appropriate~~ authorizing compensation.*

28 *(b) An application for compensation shall be submitted to the Arkansas*
29 *Public Defender Commission and accompanied by the affidavit of the appointed*
30 *attorney detailing the hours spent on the case and the services rendered and*
31 *whether compensation was received or has been applied for from any other*
32 *source; the Arkansas Public Defender Commission shall determine and set the*
33 *compensation award based upon guidelines established by the commission.*

34 *(c) There shall be no maximum amount of compensation in capital cases.*

35 *~~(d) Any attorney dissatisfied with the decision of the appointing~~*
36 *~~court may appeal to the Arkansas Supreme Court.~~*

~~(e) The state may also have the right of appeal.~~

SECTION 2. Arkansas Code 16-87-212 is amended to read as follows:
16-87-212. Court fees and expenses.

(a)(1) The commission is authorized to pay for certain expenses regarding the defense of indigents.

(2) The expenses shall include, but shall not necessarily be limited to, fees for appointed counsel, expert witnesses, temporary investigators, testing, and travel.

(3) Whenever, in a case involving an indigent person, a judge orders an authorized payment, a copy of the order, accompanied by a detailed explanation of services rendered, time spent and expenses incurred, shall be transmitted to the commission, and the commission shall set the amount of compensation. ~~the payment of funds for the aforementioned expenses, the judge shall transmit a copy of the order to the commission, which is authorized in its discretion to pay the funds.~~ Orders as authorized throughout this chapter shall be paid by the commission provided sufficient funds are available.

(b)(1) With the approval of the executive director, trial public defenders, appointed private attorneys, and the Capital, Conflicts, and Appellate Office are hereby authorized to utilize the services of the State Crime Laboratory for pathology and biology, toxicology, criminalistics, raw drug analysis, latent fingerprint identification, questioned documents examination, firearms and toolmarks identification, and in other such areas as the trial judge may deem necessary and appropriate.

(2) If approved by the executive director, the State Crime Laboratory shall provide the requested services.

(c) At the discretion of the Arkansas Public Defender Commission, capital murder cases and all proceedings under the Arkansas Rules of Criminal Procedure, Rule 37.5, shall be paid entirely by the Arkansas Public Defender Commission.

/s/ Everett