

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 84th General Assembly
3 Regular Session, 2003
4

A Bill

HOUSE BILL 2389

5 By: Representative Agee
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For An Act To Be Entitled

8 AN ACT TO AMEND ARKANSAS CODE § 16-87-306 TO
9 PROVIDE PUBLIC DEFENDER REPRESENTATION IN CITY
10 COURTS.
11

Subtitle

12 AN ACT TO AMEND ARKANSAS CODE § 16-87-
13 306 TO PROVIDE PUBLIC DEFENDER
14 REPRESENTATION IN CITY COURTS.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 16-87-306 is amended to read as follows:
22 16-87-306. Duties.

23 The public defender in each judicial district shall have the following
24 duties:

25 (1)(A) To defend indigents within the district as determined by the
26 circuit, municipal, city, juvenile, probate, or chancery courts in the
27 district in all:

28 (i) Felony, misdemeanor, juvenile, guardianship, and
29 mental health cases;

30 (ii) Traffic cases punishable by incarceration; and

31 (iii) Contempt proceedings punishable by incarceration.

32 (B) Except for city court cases and for juvenile representation
33 in family in need of services cases, in no case may a public defender be
34 appointed or the commission be responsible for payment where there is no risk
35 of incarceration or loss of liberty; and

36 (2)(A) In all capital cases where the death penalty is sought, two (2)



1 attorneys shall be appointed, unless the prosecuting attorney informs the
2 circuit court at the arraignment of the defendant that the death penalty will
3 not be sought.

4 (B) The Capital, Conflicts, and Appellate Office of the Arkansas
5 Public Defender Commission may be appointed, consistent with § 16-87-205.

6 (C) It should be presumed for purposes of this section that the
7 death penalty will be sought.

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