1	State of Arkansas	*As Engrossed: H3/13/03*
2	84th General Assembly	A Bill
3	Regular Session, 2003	HOUSE BILL 2389

4

5 By: Representative Agee

6

7

8 ## For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE § 16-87-306 TO

10 PROVIDE PUBLIC DEFENDER REPRESENTATION IN CITY

11 COURTS.

12

13 ## Subtitle

14 AN ACT TO AMEND ARKANSAS CODE § 16-87-

15 306 TO PROVIDE PUBLIC DEFENDER

16 REPRESENTATION IN CITY COURTS.

17

18

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

20

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 juvenile representation in family in need of

33 services cases, in no case may a public defender be appointed or the

34 commission be responsible for payment where there is no risk of incarceration

35 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.

8

9   */s/ Agee*

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36