

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

As Engrossed: H3/13/03 H3/21/03

A Bill

HOUSE BILL 2389

5 By: Representative Agee
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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

Subtitle

13 AN ACT TO AMEND ARKANSAS CODE § 16-87-
14 306 TO PROVIDE PUBLIC DEFENDER
15 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 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 (3)(A) In addition to all other court costs provided by law, there
10 shall be levied and collected a court cost of five dollars (\$5.00) from each
11 defendant upon each conviction, each plea of guilty or nolo contendere, or
12 each forfeiture of bond for all misdemeanors, traffic offenses which are
13 misdemeanors or violations under state law or local ordinance, or other
14 violations of state law or local ordinance in city court.

15 (B) The costs set forth in this subdivision (3) shall be imposed
16 at the conclusion of each criminal case enumerated in subdivision (3)(A) of
17 this section that does not end in an acquittal, dismissal, or, with the
18 consent of the prosecution, a nolle prosequi.

19 (C) The costs shall be imposed at the conclusion of cases
20 involving a suspended or probated sentence even though that sentence may be
21 expunged or otherwise removed from the defendant's record.

22 (D) No municipality or town shall be liable for the payment of
23 the costs taxed under this section in any instance where they are not
24 collected.

25 (E) Any money collected under this subdivision (3) shall be
26 remitted on or before the tenth day of the month following the month of
27 collection to the State Treasury to the credit of the State Central Services
28 Fund Account, there to be put into a separate account entitled "Public
29 Defender Attorney Fees" to be used solely to defray costs to the Arkansas
30 Public Defender Commission for representing indigent defendants in city court
31 cases.

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33 /s/ Agee
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