

State of Arkansas
85th General Assembly
Regular Session, 2005

A Bill

HOUSE BILL 1920

By: Representative Lamoureux

For An Act To Be Entitled

AN ACT TO AUTHORIZE A FEE FOR THE DEFENSE OF
INDIGENTS FUNDS; AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO AUTHORIZE A FEE FOR THE
DEFENSE OF INDIGENTS FUNDS.

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

SECTION 1. Arkansas Code § 14-20-102 is amended to add an additional subsection to read as follows:

14-20-102. County funds for defense of indigents - Fees assessed.

(a)(1) There is hereby created on the books of the treasurer of each county in the state a fund to be used for the purpose of paying reasonable and necessary costs incurred in the defense of indigent persons accused of criminal offenses and in the representation of persons against whom involuntary admissions procedures for mental health or alcohol and narcotic commitments or criminal commitments have been brought, and for representation in civil and criminal matters of persons deemed incompetent by the court due to minority or mental incapacity, which have been brought in any circuit courts, chancery courts, juvenile courts, probate courts, or city or county division of municipal courts, including, but not limited to, investigative expenses, expert witness fees, and legal fees.

(2) Where there are adequate unappropriated moneys in this fund, the quorum court may also provide for the use of the funds for the purpose of defraying the cost of the juvenile division of chancery court.

(3) Where there are adequate unappropriated moneys in this fund,



1 the quorum court may also provide for the use of the funds for the purpose of
 2 defraying the cost of medical and dental costs incurred by the county for
 3 indigent defendants incarcerated in the county jail.

4 (4) The quorum court is authorized to supplement the fund by
 5 additional appropriation from the county general fund, and expenditures from
 6 such fund shall be made in the manner and amounts prescribed by the quorum
 7 court.

8 (b) [Repealed.]

9 (c) In any county where a public defender commission has been
 10 established under §§ 16-87-101 - 16-87-112, the amount to be paid for
 11 attorney fees, investigative costs, and other costs under subdivision (a)(1)
 12 of this section shall be determined in a manner prescribed by the quorum
 13 court acting with the advisory resolution of the public defender commission.

14 (d) [Repealed].

15 (e)(1)(A) A fee not to exceed five hundred dollars (\$500) may be
 16 imposed by a circuit court or district court upon a person based on a
 17 conviction, plea of guilty, plea of nolo contendere, or bond forfeiture in a
 18 felony, misdemeanor, or traffic violation case involving a state law or local
 19 ordinance.

20 (B) The court shall only impose the fee under subdivision
 21 (e)(1)(A) of this section if the court determines that the person required to
 22 pay the fee has sufficient assets to enable the person to pay the assessed
 23 fee. The amount of the fee assessed shall be commensurate with the person's
 24 ability to pay.

25 (2) The moneys collected pursuant to subdivision (e)(1)(A) of
 26 this section shall be credited to the fund created under subdivision (a)(1)
 27 of this section.

28 (3) The fee authorized in subdivision (e)(1)(A) of this section
 29 may be imposed at the conclusion of any criminal case that does not end in an
 30 acquittal, dismissal, or with the consent of the prosecution, a nolle
 31 prosequi, including, but not limited to, cases involving a suspended or
 32 probated sentence that at any time may be expunged or otherwise removed from
 33 the record of the person required to pay the fee.