

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

SENATE BILL 941

5 By: Senator M. Lamoureux
6 By: Representative Wright
7

For An Act To Be Entitled

8
9 AN ACT REGARDING THE ARKANSAS PUBLIC DEFENDER
10 COMMISSION; AND FOR OTHER PURPOSES.
11

Subtitle

12
13 REGARDING THE ARKANSAS PUBLIC DEFENDER
14 COMMISSION.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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20 SECTION 1. Arkansas Code § 16-87-211 is amended to read as follows:
21 16-87-211. Compensation.

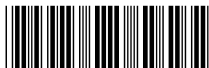
22 (a) On an interim basis in complex cases or at the conclusion of each
23 case, the appointed attorney shall submit his or her bill to the appointing
24 court, which shall issue an order authorizing compensation.

25 (b)(1)(A) An application for compensation shall be submitted to the
26 Arkansas Public Defender Commission, accompanied by ~~the affidavit of the~~
27 ~~appointed attorney detailing the hours spent on the case and the services~~
28 ~~rendered and~~ an itemized bill with a detailed explanation of services
29 rendered, time spent, and expenses incurred.

30 (B) The application for compensation should also indicate
31 whether compensation was received or has been applied for from any other
32 source.

33 (2) The commission shall determine and set the compensation
34 award based upon guidelines established by the commission.

35 (c) There shall not be ~~no~~ a maximum amount of compensation in capital
36 cases.



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2 SECTION 2. Arkansas Code § 16-87-212(a), regarding court fees and
3 expenses that the Arkansas Public Defender Commission is authorized to pay,
4 is amended to read as follows:

5 (a)(1) The Arkansas Public Defender Commission is authorized to pay
6 for certain expenses regarding the defense of indigents.

7 (2) The expenses shall include, but shall not necessarily be
8 limited to, fees for:

- 9 (A) ~~appointed~~ Appointed counsel;
- 10 (B) ~~expert~~ Expert witnesses;
- 11 (C) ~~temporary investigators~~ Investigators;
- 12 (D) Mitigation specialists;
- 13 (E) ~~testing~~, Testing; and
- 14 (F) ~~travel~~ Travel of the:
 - 15 (i) Appointed counsel;
 - 16 (ii) Expert witness;
 - 17 (iii) Investigator; or
 - 18 (iv) Mitigation specialist.

19 ~~(3)(A) Whenever a judge orders an authorized payment in a case~~
20 ~~involving an indigent person, a copy of the order accompanied by a detailed~~
21 ~~explanation of services rendered, time spent, and expenses incurred shall be~~
22 ~~transmitted to the commission, and the commission shall set the amount of~~
23 ~~compensation.~~

24 ~~(B)(3) Orders as authorized throughout this chapter shall be~~
25 ~~paid by the commission provided~~ If sufficient funds are available, the
26 commission shall pay all orders as authorized throughout this chapter.

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28 SECTION 3. Arkansas Code § 16-87-213(a)(2)(A), regarding a certificate
29 of indigency, is amended to read as follows:

30 (2)(A)(i) If the court in which the person is charged determines that
31 the person qualifies for the appointment of an attorney under standards set
32 by the commission, the court, except as otherwise provided by in this
33 subchapter, shall appoint the trial public defender to represent the person
34 before the court.

35 (ii) The court shall not appoint counsel prior to review
36 of the submitted affidavit.

1 ~~the candidates whose name was submitted by the commission as the public~~
2 ~~defender.~~

3 ~~(C) If one (1) of the candidates submitted does not~~
4 ~~receive a majority vote from the judges, then the commission shall select the~~
5 ~~public defender.~~

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