

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 1197

5 By: Representative Sturch  
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## For An Act To Be Entitled

8 AN ACT TO ESTABLISH A METHOD FOR A PERSON WHO WAS  
9 FALSELY ACCUSED OF A CRIMINAL OFFENSE TO MAKE A CLAIM  
10 FOR REIMBURSEMENT FOR HIS OR HER EXPENSES PAID TO AN  
11 ATTORNEY IN DEFENSE OF THE FALSE ACCUSATION; AND FOR  
12 OTHER PURPOSES.  
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## Subtitle

15 TO ESTABLISH A METHOD FOR A PERSON WHO  
16 WAS FALSELY ACCUSED OF A CRIMINAL OFFENSE  
17 TO MAKE A CLAIM FOR REIMBURSEMENT FOR HIS  
18 OR HER EXPENSES PAID TO AN ATTORNEY IN  
19 DEFENSE OF THE FALSE ACCUSATION.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code § 19-10-204(d), concerning the jurisdiction  
26 of the Arkansas State Claims Commission, is amended to read as follows:

27 (d)(1) The commission shall have jurisdiction over claims to recover  
28 reasonable attorney's fees and other litigation expenses reasonably incurred  
29 by:

30 (A) plaintiffs ~~A plaintiff~~ who substantially prevailed in  
31 actions under § 25-19-107 against the State of Arkansas or a department,  
32 agency, or institution of the state under the standard described in § 25-19-  
33 107(d)(1)~~;~~ or

34 (B) A person who:

35 (i) Was charged with a criminal offense;

36 (ii) Retained his or her own private attorney; and



1                   (iii) Either was found not guilty at trial or had  
2 the charges against him or her dropped.

3                   (2) In order to prevail, a person who brings a claim under  
4 subdivision (d)(1)(B) of this section shall prove by a preponderance of the  
5 evidence that:

6                   (A) He or she was falsely accused of the offense for which  
7 he or she was either charged or tried; and

8                   (B) The state was reckless in charging him or her with the  
9 criminal offense.

10                  (3) The commission shall set off against any award given under a  
11 claim brought under subdivision (d)(1)(B) of this section any attorney's fees  
12 or damages already ordered by a court to be paid to the person as a result of  
13 his or her being charged with or tried for the same criminal offense for  
14 which he or she was falsely accused.

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