

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021

A Bill

HOUSE BILL 1330

4
5 By: Representative Bryant

For An Act To Be Entitled

8 AN ACT CONCERNING THE APPOINTMENT OF THE PUBLIC
9 DEFENDER TO REPRESENT A PERSON WHO IS SUFFERING FROM
10 A MENTAL ILLNESS; AND FOR OTHER PURPOSES.

Subtitle

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14 CONCERNING THE APPOINTMENT OF THE PUBLIC
15 DEFENDER TO REPRESENT A PERSON WHO IS
16 SUFFERING FROM A MENTAL ILLNESS.

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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 Title 16, Chapter 87, Subchapter 2, is
22 amended to add an additional section to read as follows:

23 16-87-219. Appointment for person with mental illness.

24 (a) A court may appoint the public defender to represent a person in a
25 case where the person may not otherwise qualify or may not be able to
26 properly complete the required certificate of indigency under § 16-87-213 due
27 to a mental illness or other condition that would render the person unable to
28 consider what is in his or her best interests.

29 (b)(1) If a person is unable to complete the certificate of indigency
30 under § 16-87-213 due to a mental illness or other condition that would
31 render the person unable to consider what is in his or her best interests,
32 the public defender shall assist the court in attempting to determine the
33 person's financial status by contacting any family or friends, if known, who
34 may have knowledge as to the person's financial status.

35 (2) However, failure for the public defender to ascertain the
36 person's financial status shall not bar the public defender from representing



1 the person.

2 (3) Any required fee assessed to the person in regard to his or
3 her representation by the public defender under this section may be waived by
4 the court.

5 (c) If the court appoints the public defender to represent a person
6 under this section, the public defender shall represent the person to the
7 extent and in the same manner as any other appointed client and the
8 appointing court shall ensure that the public defender receives any help the
9 public defender may need in communicating with or helping the person in
10 contributing to his or her own defense so as to ensure the person's best
11 possible legal representation.

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