

1 State of Arkansas
2 93rd General Assembly
3 Fiscal Session, 2022

A Bill

SENATE BILL 110

4
5 By: Senator C. Tucker
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR CONTRACTING WITH
9 ATTORNEYS FOR THE ARKANSAS PUBLIC DEFENDER COMMISSION
10 FOR THE FISCAL YEAR ENDING JUNE 30, 2022; AND FOR
11 OTHER PURPOSES.
12
13

Subtitle

14 AN ACT FOR THE ARKANSAS PUBLIC DEFENDER
15 COMMISSION - CONTRACTING WITH ATTORNEYS
16 APPROPRIATION FOR THE 2021-2022 FISCAL
17 YEAR.
18
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. APPROPRIATION - CONTRACTING WITH ATTORNEYS. There is hereby
24 appropriated, to the Arkansas Public Defender Commission, to be payable from
25 the State Central Services Fund, for contracting with attorneys of the
26 Arkansas Public Defender Commission for the fiscal year ending June 30, 2022,
27 the following:
28

29 ITEM	FISCAL YEAR
30 <u>NO.</u>	<u>2021-2022</u>
31 (01) CONTRACTING WITH ATTORNEYS	<u>\$1,000,000</u>

32
33 SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

35 LEGISLATIVE INTENT. (a) The General Assembly recognizes that the normal
36 functioning of the criminal justice system has been severely hampered by the



1 ongoing coronavirus 2019 (COVID-19) pandemic, with court dockets slowed, jury
2 trials suspended, and the basic functions of visiting with witnesses and
3 clients virtually grinding to a halt due to social distancing and masking
4 rules put in place at the beginning of the pandemic.

5 (b) Now, with criminal trials resuming for the time being, the backlog
6 of criminal cases remains, putting undue stress on the state’s public
7 defenders who are still attempting to resolve the thousands of backlogged
8 cases while contending with the normal influx of new criminal cases.

9 (c)(1) The General Assembly intends for the appropriation provided for
10 under this section to be used for the hiring of additional public defenders
11 for a certain and limited period of time in order to help reduce the backlog
12 in criminal cases that currently exists throughout the state.

13 (2) Specifically, it is the intent of the General Assembly that
14 the appropriation provided for under this section be given to the Arkansas
15 Public Defender Commission for the commission to hire, in its discretion, up
16 to forty-five (45) additional attorneys in either a full-time or part-time
17 capacity, subject to lawful terms negotiated by the commission, to address
18 the backlog in criminal cases.

19 (3) This section does not create new, permanent positions in the
20 commission but rather provides funding for extra help for a limited term to
21 be negotiated by the commission in its discretion.

22
23 SECTION 3. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
24 authorized by this act shall be limited to the appropriation for such agency
25 and funds made available by law for the support of such appropriations; and
26 the restrictions of the State Procurement Law, the General Accounting and
27 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
28 Procedures and Restrictions Act, or their successors, and other fiscal
29 control laws of this State, where applicable, and regulations promulgated by
30 the Department of Finance and Administration, as authorized by law, shall be
31 strictly complied with in disbursement of said funds.

32
33 SECTION 4. LEGISLATIVE INTENT. It is the intent of the General
34 Assembly that any funds disbursed under the authority of the appropriations
35 contained in this act shall be in compliance with the stated reasons for
36 which this act was adopted, as evidenced by the Agency Requests, Executive

1 Recommendations and Legislative Recommendations contained in the budget
2 manuals prepared by the Department of Finance and Administration, letters, or
3 summarized oral testimony in the official minutes of the Arkansas Legislative
4 Council or Joint Budget Committee which relate to its passage and adoption.
5

6 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General
7 Assembly of the State of Arkansas that coronavirus 2019 (COVID-19) created a
8 backlog in the criminal justice system and has put undue stress on the
9 state’s public defenders. There is a need to hire public defenders in a
10 extra help capacity in order to help reduce the backlog in criminal cases
11 that currently exists throughout the state. Therefore, an emergency is
12 declared to exist, and this act being immediately necessary for the
13 preservation of the public peace, health, and safety shall become effective
14 on:

15 (1) The date of its approval by the Governor;

16 (2) If the bill is neither approved nor vetoed by the Governor,
17 the expiration of the period of time during which the Governor may veto the
18 bill; or

19 (3) If the bill is vetoed by the Governor and the veto is
20 overridden, the date the last house overrides the veto.

21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36