

**2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0324 Public Defender Commission, Arkansas**

**ACT#: 235**

**SECTION#: 9**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

FEE GENERATION AND SUPPORT - COURTS. Unless specified otherwise in Arkansas Code §5-4-303(g) and Arkansas Code 16-87-213 the monies collected by the courts under the authority of §5-4-303(g) and 16-87-213 shall be deposited into the State Treasury to the credit of the State Central Services Fund.

In the event that the law requires that the fees levied under §5-4-303(g) be deposited into the State Administration of Justice Fund, the State Treasurer shall transfer the amount of the fees collected each month under the authority of Arkansas Code §5-4-303(g) from the State Administration of Justice Fund to the State Central Services Fund.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

AGENCY REQUEST

**2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0324 Public Defender Commission, Arkansas**

**ACT#: 235**

**SECTION#: 10**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

FEE GENERATION AND SUPPORT - BAIL BOND FEES. Unless specified otherwise in Arkansas Code §17-19-301(e) the monies collected by each bail bond company under the authority of §17-19-301(e) shall be deposited into the State Treasury to the credit of the Public Defender User Fees Fund within the State Central Services Fund.

Of the fee collected by each licensed professional bail bond company, three dollars (\$3.00) shall be transferred to the various Counties for the sole purpose of defraying the operating expenses of the local public defenders' office. The remaining monies collected shall be used to defray operating expenses of the Commission.

On a quarterly basis, from the Bail Bond-County Public Defender line item, the Commission shall remit to each County its portion of the three dollars (\$3.00) per bail bond fee collected based upon the formula used for state aid for counties. This formula is as follows: 75% of the money is distributed equally to all 75 Counties and the remaining 25% is distributed per capita.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

AGENCY REQUEST

**2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0324 Public Defender Commission, Arkansas**

**ACT#: 235**

**SECTION#: 11**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

TRANSFER PROVISION. If the Public Defender Commission should determine that the appropriations made available for payments to the Counties are insufficient, appropriation may be transferred from the Public Defender Commission Program line item to the Bail Bond-County Public Defender line item, after receiving approval of the Chief Fiscal Officer of the State.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

AGENCY REQUEST

**2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0324 Public Defender Commission, Arkansas**

**ACT#: 235**

**SECTION#: 12**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

DUTIES OF DEPENDENCY-NEGLECT APPEALS ATTORNEY. The Public Defender Commission shall utilize Dependency-Neglect Appeals Attorneys exclusively to write appeals in dependency-neglect cases.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

AGENCY REQUEST

**2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0324 Public Defender Commission, Arkansas**

**ACT#: 235**

**SECTION#: 13**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

PUBLIC DEFENDERS. (a) No funds appropriated herein shall be used for expenses in cases where a defendant is represented by retained counsel where retained counsel have not gone through the Public Defender Commission's attorney certification procedure and designation process as established by state law and the Commission's regulations. All defendants and retained attorneys must strictly adhere to the procedure established by the Commission to equitably and responsibly monitor and distribute State funds for this purpose.

(b) The Public Defender Commission may approve exemptions to subsection (a) as needed. Reasons for granting exemption should be specified in writing.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

AGENCY REQUEST

**2017 - 2019 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT**

**0324 Public Defender Commission, Arkansas**

**ACT#: 235**

**SECTION#: 14**

**CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)**

**EXECUTIVE RECOMMENDATION**

PROVIDING PUBLIC DEFENDER SERVICES AGREEMENT. The Public Defender Commission shall have the authority to enter into a professional services agreement with a person who is serving as a public defender or employed as an attorney with a state agency when the employee has been appointed to provide defense representation services by a judge. The total of the professional services contract and the attorney's salary cannot exceed twenty-five percent (25%) above the maximum of the pay grade of the employee's position.

The provisions of this section shall be in effect only from July 1, ~~2016~~ 2017 through June 30, ~~2017~~ 2018.

AGENCY REQUEST