

ARKANSAS PUBLIC DEFENDER COMMISSION

State Contracts Over \$50,000 Awarded To Minority Owned Businesses Fiscal Year 2022

None

Employment Summary

	Male	Female	Total	%
White Employees	150	136	286	87 %
Black Employees	12	23	35	11 %
Other Racial Minorities	4	5	9	2 %
Total Minorities			44	13 %
Total Employees			330	100 %

Publications

A.C.A. 25-1-201 et seq.

Name	Statutory Authorization	Required for		# of Copies	Reason(s) for Continued Publication and Distribution	Unbound Black & White Copies Produced During the Last Two Years	Cost of Unbound Copies Produced During the Last Two Years
		Governor	General Assembly				
Annual Reports	ACA §16-87-203	Y	Y	40	Required by Law	0	0.00

Department Appropriation Summary

Appropriation	Historical Data						Agency Request and Executive Recommendation							
	2021-2022		2022-2023		2022-2023		2023-2024				2024-2025			
	Actual	Pos	Budget	Pos	Authorized	Pos	Agency	Pos	Executive	Pos	Agency	Pos	Executive	Pos
1VA Ombudsman Program	65,681	1	76,061	1	75,252	1	76,691	1	76,691	1	77,351	1	77,351	1
337 Public Defender-Operations	3,159,738	20	3,408,143	20	3,135,034	20	3,585,245	22	3,583,861	22	3,603,334	22	3,601,580	22
530 Public Defender -Trial Office	25,543,825	259	29,437,445	259	26,650,664	258	29,175,975	259	29,079,449	259	29,357,083	259	29,260,234	259
AT7 AR Public Defender Cash - NEH0000	269,730	0	687,238	0	4,500,000	0	4,500,000	0	4,500,000	0	4,500,000	0	4,500,000	0
AT8 AR Public Defender ARP-AM Rescue Plan	0	0	0	0	4,500,000	0	4,500,000	0	4,500,000	0	4,500,000	0	4,500,000	0
X66 Commission for Parent Counsel	4,116,567	7	4,753,647	7	4,683,650	7	4,747,741	7	4,747,741	7	4,752,852	7	4,752,852	7
Total	33,155,541	287	38,362,534	287	43,544,600	286	46,585,652	289	46,487,742	289	46,790,620	289	46,692,017	289

Funding Sources		%		%		%		%		%		%	
Fund Balance	4000005	4,560,405	11.8	5,521,561	13.2	3,569,236	8.0	3,569,236	8.0	2,662,413	6.0	2,760,323	6.2
Special Revenue	4000030	7,763	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
State Central Services	4000035	27,400,000	70.8	30,800,265	73.5	31,711,465	70.8	31,711,465	70.8	31,901,403	72.4	31,901,403	72.2
Cash Fund	4000045	2,499	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Bail Bond Fees	4000115	914,260	2.4	890,200	2.1	930,000	2.1	930,000	2.1	930,000	2.1	930,000	2.1
Inter-agency Fund Transfer	4000316	51,218	0.1	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Miscellaneous Adjustments	4000345	(42,754)	(0.1)	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Other	4000370	223	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Rebates	4000412	1,362	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Transfer from DHS	4000510	1,031,973	2.7	1,111,275	2.7	1,500,000	3.3	1,500,000	3.3	1,500,000	3.4	1,500,000	3.4
Transfer from DHS-DYS	4000515	78,861	0.2	76,061	0.2	76,691	0.2	76,691	0.2	77,351	0.2	77,351	0.2
Transfer State Admn of Justice	4000570	2,072,408	5.4	2,072,408	4.9	1,036,204	2.3	1,036,204	2.3	1,036,204	2.4	1,036,204	2.3
Unfunded Appropriation	4000715	0	0.0	0	0.0	4,500,000	10.0	4,500,000	10.0	4,500,000	10.2	4,500,000	10.2
User / Attorney Fees	4000725	1,598,884	4.1	1,460,000	3.5	1,470,000	3.3	1,470,000	3.3	1,460,000	3.3	1,460,000	3.3
Restricted Reserve Fund	4000755	1,000,000	2.6	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Total Funds		38,677,102	100.0	41,931,770	100.0	44,793,596	100.0	44,793,596	100.0	44,067,371	100.0	44,165,281	100.0
Excess Appropriation/(Funding)		(5,521,561)		(3,569,236)		1,792,056		1,694,146		2,723,249		2,526,736	
Grand Total		33,155,541		38,362,534		46,585,652		46,487,742		46,790,620		46,692,017	

FY23 Budget Amount in FC(s) 1VA (Ombudsman Program), 337 (Public Defender Operations), 530 (Public Defender - Trial Office), and X66 (Commission for Parent Counsel) exceeds authorized amount due to salary and matching rate adjustments during the 2021-2023 Biennium.

Budget Number of Positions exceeds the authorized number due to transfers from the Agency Growth Pool during the 2021-2023 Biennium.

Variance in Fund Balance is due to unfunded appropriation.

Analysis of Budget Request

Appropriation: 1VA - Ombudsman Program

Funding Sources: HSC - State Central Services

The Ombudsman Division of the Arkansas Public Defender Commission was created during the 82nd General Assembly for the purpose of ensuring that children placed within the custody of the Department of Human Services (DHS) - Division of Youth Services are receiving necessary services designed to keep them safe both mentally and physically. One position in the Ombudsman Division of the Arkansas Public Defender Commission is funded by funds transferred from DHS. This transfer is for the benefit of the Juvenile Ombudsman Program of the Public Defender Commission.

With the exception of Personal Services Matching, continuing level of appropriation is the FY2023 Authorized.

The Agency is requesting appropriation in the amount of \$76,691 in FY24 and \$77,351 in FY25.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 1VA - Ombudsman Program

Funding Sources: HSC - State Central Services

Historical Data

Agency Request and Executive Recommendation

Commitment Item		Historical Data			Agency Request and Executive Recommendation			
		2021-2022 Actual	2022-2023 Budget	2022-2023 Authorized	2023-2024		2024-2025	
					Agency	Executive	Agency	Executive
Regular Salaries	5010000	48,542	56,685	56,685	56,685	56,685	56,685	56,685
#Positions		1	1	1	1	1	1	1
Personal Services Matching	5010003	17,139	19,376	18,567	20,006	20,006	20,666	20,666
Total		65,681	76,061	75,252	76,691	76,691	77,351	77,351
Funding Sources								
Fund Balance	4000005	95,109	108,289		108,289	108,289	108,289	108,289
Transfer from DHS-DYS	4000515	78,861	76,061		76,691	76,691	77,351	77,351
Total Funding		173,970	184,350		184,980	184,980	185,640	185,640
Excess Appropriation/(Funding)		(108,289)	(108,289)		(108,289)	(108,289)	(108,289)	(108,289)
Grand Total		65,681	76,061		76,691	76,691	77,351	77,351

FY23 Budget amount in Personal Services Matching exceeds the authorized amount due to matching rate adjustments during the 2021-2023 Biennium.

Analysis of Budget Request

Appropriation: 337 - Public Defender-Operations

Funding Sources: HSC - State Central Services

The Arkansas Public Defender Commission was established in 1993 to address a variety of problems and concerns related to the representation of indigent criminal defendants in Capital Conflicts and Appeals to the Supreme Court in the State of Arkansas. The State Operations appropriation is funded from the State Central Services Fund.

With the exception of Regular Salaries and Personal Services Matching, continuing level of appropriation is the FY2023 Authorized.

The Agency is requesting appropriation in the amount of \$3,585,245 in FY24 and \$3,603,334 in FY25.

The Agency Request includes the following changes:

- Restoration of two (2) growth pool positions that were originally approved by the Arkansas Legislative Council in June 2022, with increases in Regular Salaries of \$164,149 in both years of the biennium and Personal Services Matching appropriation of \$51,728 in FY24 and \$53,048 in FY25.
- Increase in Regular Salaries and Personal Services Matching appropriation associated with various personnel changes which include reclassifications, upgrades, and/or downgrades.

The Executive Recommendation provides for the Agency Request with the exception of various personnel changes. These changes have been placed on hold for the new administration to review and provide recommendations.

Appropriation Summary

Appropriation: 337 - Public Defender-Operations

Funding Sources: HSC - State Central Services

Historical Data

Agency Request and Executive Recommendation

Commitment Item		2021-2022	2022-2023	2022-2023	2023-2024		2024-2025		
		Actual	Budget	Authorized	Agency	Executive	Agency	Executive	
Regular Salaries	5010000	1,561,450	1,687,556	1,484,012	1,808,836	1,808,836	1,811,436	1,811,436	
#Positions		20	20	20	22	22	22	22	
Extra Help	5010001	0	12,000	12,000	12,000	12,000	12,000	12,000	
#Extra Help		0	3	3	3	3	3	3	
Personal Services Matching	5010003	476,083	516,249	446,684	572,071	570,687	587,560	585,806	
Operating Expenses	5020002	245,629	247,648	247,648	247,648	247,648	247,648	247,648	
Conference & Travel Expenses	5050009	17,509	19,690	19,690	19,690	19,690	19,690	19,690	
Professional Fees	5060010	859,067	925,000	925,000	925,000	925,000	925,000	925,000	
Data Processing	5090012	0	0	0	0	0	0	0	
Capital Outlay	5120011	0	0	0	0	0	0	0	
Total		3,159,738	3,408,143	3,135,034	3,585,245	3,583,861	3,603,334	3,601,580	
Funding Sources									
Fund Balance	4000005	85,794	33,274		33,274	33,274	31,920	33,304	
State Central Services	4000035	3,100,000	3,408,143		3,583,891	3,583,891	3,601,580	3,601,580	
Inter-agency Fund Transfer	4000316	7,218	0		0	0	0	0	
Total Funding		3,193,012	3,441,417		3,617,165	3,617,165	3,633,500	3,634,884	
Excess Appropriation/(Funding)		(33,274)	(33,274)		(31,920)	(33,304)	(30,166)	(33,304)	
Grand Total		3,159,738	3,408,143		3,585,245	3,583,861	3,603,334	3,601,580	

FY23 Budget amount in Regular Salaries and Personal Services Matching exceeds the authorized amount due to salary and matching rate adjustments during the 2021-2023 Biennium.

Analysis of Budget Request

Appropriation: 530 - Public Defender -Trial Office

Funding Sources: HSC - State Central Services

The Trial Public Defender Office of the Arkansas Public Defender Commission was created by Act 1341 of 1997 and provides for the establishment of a statewide public defender system in Arkansas. The Trial Public Defender Office operates under the supervision of the Executive Director of the Arkansas Public Defender Commission. Duties of all public defenders are to provide for competent, effective, and uniform representation of indigent criminal defendants throughout the State. The Commission utilizes over sixty-one (61) job share positions.

The Trial Public Defender Office is funded from a share of those funds remitted by the cities and counties from court costs and filing fees for deposit into the State Administration of Justice Fund. A portion of those funds is then allocated for deposit into the State Central Services Fund for the benefit of the Public Defender Commission per Ark. Code Ann. § 16-10-310. Ark. Code Ann. § 17-19-301(e) allows for a fee to be charged and collected by all bail bond companies on each bond. The additional revenue helps defray the cost of the public defender system, both statewide and in each individual county.

With the exception of Regular Salaries and Personal Services Matching, continuing level of appropriation is the FY2023 Authorized.

The Agency is requesting appropriation in the amount of \$29,175,975 in FY24 and \$29,357,083 in FY25.

The Agency Request includes the following changes:

- Restoration of one (1) growth pool position that was originally approved by the Arkansas Legislative Council in December 2020, with increases in Regular Salaries of \$77,862 in both years of the biennium and Personal Services Matching appropriation of \$24,892 in FY24 and \$25,552 in FY25.
- Increase in Regular Salaries and Personal Services Matching appropriation associated with various personnel changes which include reclassifications, upgrades, and/or downgrades.

The Executive Recommendation provides for the Agency Request with the exception of various personnel changes. These changes have been placed on hold for the new administration to review and provide recommendations.

Appropriation Summary

Appropriation: 530 - Public Defender -Trial Office

Funding Sources: HSC - State Central Services

Historical Data

Agency Request and Executive Recommendation

Commitment Item	2021-2022	2022-2023	2022-2023	2023-2024		2024-2025	
	Actual	Budget	Authorized	Agency	Executive	Agency	Executive
Regular Salaries 5010000	18,171,167	20,573,111	18,472,279	20,223,724	20,149,639	20,231,724	20,157,639
#Positions	259	259	258	259	259	259	259
Extra Help 5010001	3,169	15,000	15,000	15,000	15,000	15,000	15,000
#Extra Help	1	3	3	3	3	3	3
Personal Services Matching 5010003	5,707,978	6,379,078	5,693,129	6,466,995	6,444,554	6,640,103	6,617,339
Operating Expenses 5020002	363,629	641,256	641,256	641,256	641,256	641,256	641,256
Conference & Travel Expenses 5050009	31,359	34,000	34,000	34,000	34,000	34,000	34,000
Professional Fees 5060010	654,484	725,000	725,000	725,000	725,000	725,000	725,000
Data Processing 5090012	0	0	0	0	0	0	0
Capital Outlay 5120011	0	0	0	0	0	0	0
Public Defender Comm. Prgms. 5900046	474,900	770,000	770,000	770,000	770,000	770,000	770,000
Bail Bond Co. Public Def. Prgm. 5900047	137,139	300,000	300,000	300,000	300,000	300,000	300,000
Total	25,543,825	29,437,445	26,650,664	29,175,975	29,079,449	29,357,083	29,260,234

Funding Sources							
Fund Balance 4000005	3,787,166	4,039,087		3,162,725	3,162,725	2,298,105	2,394,631
Special Revenue 4000030	7,763	0		0	0	0	0
State Central Services 4000035	21,200,000	24,138,475		24,875,151	24,875,151	25,042,289	25,042,289
Bail Bond Fees 4000115	914,260	890,200		930,000	930,000	930,000	930,000
Inter-agency Fund Transfer 4000316	43,600	0		0	0	0	0
Miscellaneous Adjustments 4000345	(42,754)	0		0	0	0	0
Other 4000370	223	0		0	0	0	0
Rebates 4000412	1,362	0		0	0	0	0
Transfer State Admn of Justice 4000570	2,072,408	2,072,408		1,036,204	1,036,204	1,036,204	1,036,204
User / Attorney Fees 4000725	1,598,884	1,460,000		1,470,000	1,470,000	1,460,000	1,460,000
Total Funding	29,582,912	32,600,170		31,474,080	31,474,080	30,766,598	30,863,124
Excess Appropriation/(Funding)	(4,039,087)	(3,162,725)		(2,298,105)	(2,394,631)	(1,409,515)	(1,602,890)
Grand Total	25,543,825	29,437,445		29,175,975	29,079,449	29,357,083	29,260,234

FY23 Budget amount in Regular Salaries and Personal Services Matching exceeds the authorized amount due to salary and matching rate adjustments during the 2021-2023 Biennium.

Budget Number of Positions exceeds the authorized number due to transfers from the Agency Growth Pool during the 2021-2023 Biennium.

The transfer of State Administration of Justice funds reflects an allocation of 30% in FY23 and a projected allocation of 15% in the 2023-2025 Biennium. Expenditure of appropriation is contingent upon available funding.

Analysis of Budget Request

Appropriation: AT7 - AR Public Defender Cash - NEH0000

Funding Sources: NEH - Cash in Treasury

Act 222 of 2022 established the Arkansas Public Defender Commission - Extra Help appropriation to address felony case backlogs due to the COVID-19 pandemic.

Funding for this appropriation is provided by a one-time transfer of Restricted Reserve Funds approved by the Arkansas Legislative Council in March 2022. Expenditure of appropriation is contingent upon available funding.

The Extra Help and Match Costs - Cash line item contains forty-five (45) Authorized Extra Help positions.

Continuing level of appropriation is the FY2023 Authorized.

The Agency is requesting to continue appropriation in the amount of \$4,500,000 in each year of the biennium.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: AT7 - AR Public Defender Cash - NEH0000

Funding Sources: NEH - Cash in Treasury

Historical Data

Agency Request and Executive Recommendation

Commitment Item	2021-2022	2022-2023	2022-2023	2023-2024		2024-2025	
	Actual	Budget	Authorized	Agency	Executive	Agency	Executive
Extra Help & Matching Costs - Ca 5900046	269,730	687,238	4,500,000	4,500,000	4,500,000	4,500,000	4,500,000
Total	269,730	687,238	4,500,000	4,500,000	4,500,000	4,500,000	4,500,000
Funding Sources							
Fund Balance 4000005	0	732,769		45,531	45,531	0	0
Cash Fund 4000045	2,499	0		0	0	0	0
Restricted Reserve Fund 4000755	1,000,000	0		0	0	0	0
Total Funding	1,002,499	732,769		45,531	45,531	0	0
Excess Appropriation/(Funding)	(732,769)	(45,531)		4,454,469	4,454,469	4,500,000	4,500,000
Grand Total	269,730	687,238		4,500,000	4,500,000	4,500,000	4,500,000

Expenditure of appropriation is contingent upon available funding.

Analysis of Budget Request

Appropriation: AT8 - AR Public Defender ARP-AM Rescue Plan

Funding Sources: FRP - Federal

Act 222 of 2022 established the Arkansas Public Defender Commission - Extra Help appropriation to address felony case backlogs due to the COVID-19 pandemic.

Funding for this appropriation is provided by federal funds.

Continuing level of appropriation is the FY2023 Authorized.

The Agency is requesting to continue appropriation in the amount of \$4,500,000 in each year of the biennium.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: AT8 - AR Public Defender ARP-AM Rescue Plan

Funding Sources: FRP - Federal

Historical Data

Agency Request and Executive Recommendation

Commitment Item	2021-2022	2022-2023	2022-2023	2023-2024		2024-2025	
	Actual	Budget	Authorized	Agency	Executive	Agency	Executive
Extra Help & Matching Costs - Fe 5900046	0	0	4,500,000	4,500,000	4,500,000	4,500,000	4,500,000
Total	0	0	4,500,000	4,500,000	4,500,000	4,500,000	4,500,000
Funding Sources							
Unfunded Appropriation 4000715	0	0		4,500,000	4,500,000	4,500,000	4,500,000
Total Funding	0	0		4,500,000	4,500,000	4,500,000	4,500,000
Excess Appropriation/(Funding)	0	0		0	0	0	0
Grand Total	0	0		4,500,000	4,500,000	4,500,000	4,500,000

Analysis of Budget Request

Appropriation: X66 - Commission for Parent Counsel

Funding Sources: HSC - State Central Services

In the 2019 Regular Session, the Arkansas Commission for Parent Counsel (ACPC) was added to the Public Defender Commission's appropriation act by legislative amendment. Per Ark. Code Ann. § 9-7-203, the Public Defender Commission shall not have oversight responsibility over ACPC. However, the appropriation and positions for ACPC are authorized within the Public Defender Commission. This appropriation is funded by State Central Services.

With the exception of Regular Salaries and Personal Services Matching, continuing level of appropriation is the FY2023 Authorized.

The Agency is requesting appropriation in the amount of \$4,747,741 in FY24 and \$4,752,852 in FY25.

The Agency Request includes the following changes:

- Reallocation of (\$30,000) in Extra Help appropriation to the Refunds/Reimbursements appropriation for costs associated with contract reimbursement. This includes a decrease in Personal Services Matching appropriation of (\$2,325) in each year of the biennium.
- Various personnel changes which include upgrades, and/or downgrades with no change in appropriation.

The Executive Recommendation provides for the Agency Request with the exception of various personnel changes. These changes have been placed on hold for the new administration to review and provide recommendations.

Appropriation Summary

Appropriation: X66 - Commission for Parent Counsel

Funding Sources: HSC - State Central Services

Historical Data

Agency Request and Executive Recommendation

Commitment Item		Historical Data			Agency Request and Executive Recommendation		Agency Request and Executive Recommendation	
		2021-2022 Actual	2022-2023 Budget	2022-2023 Authorized	2023-2024		2024-2025	
					Agency	Executive	Agency	Executive
Regular Salaries	5010000	467,907	522,155	467,876	513,772	513,772	514,172	514,172
#Positions		7	7	7	7	7	7	7
Extra Help	5010001	246,632	280,000	310,000	280,000	280,000	280,000	280,000
#Extra Help		8	14	14	14	14	14	14
Personal Services Matching	5010003	202,762	186,261	170,543	188,738	188,738	193,449	193,449
Operating Expenses	5020002	29,635	50,000	50,000	50,000	50,000	50,000	50,000
Conference & Travel Expenses	5050009	0	10,000	10,000	10,000	10,000	10,000	10,000
Professional Fees	5060010	28,893	75,000	75,000	75,000	75,000	75,000	75,000
Data Processing	5090012	0	0	0	0	0	0	0
Refunds/Reimbursements	5110014	3,140,738	3,630,231	3,600,231	3,630,231	3,630,231	3,630,231	3,630,231
Capital Outlay	5120011	0	0	0	0	0	0	0
Total		4,116,567	4,753,647	4,683,650	4,747,741	4,747,741	4,752,852	4,752,852
Funding Sources								
Fund Balance	4000005	592,336	608,142		219,417	219,417	224,099	224,099
State Central Services	4000035	3,100,000	3,253,647		3,252,423	3,252,423	3,257,534	3,257,534
Inter-agency Fund Transfer	4000316	400	0		0	0	0	0
Transfer from DHS	4000510	1,031,973	1,111,275		1,500,000	1,500,000	1,500,000	1,500,000
Total Funding		4,724,709	4,973,064		4,971,840	4,971,840	4,981,633	4,981,633
Excess Appropriation/(Funding)		(608,142)	(219,417)		(224,099)	(224,099)	(228,781)	(228,781)
Grand Total		4,116,567	4,753,647		4,747,741	4,747,741	4,752,852	4,752,852

FY23 Budget amount in Regular Salaries and Personal Services Matching exceeds the authorized amount due to salary and matching rate adjustments during the 2021-2023 Biennium.
Budget exceeds Authorized Appropriation in Refunds/Reimbursements by authority of an Appropriation Transfer.