

As Engrossed: 2/25/91 3/27/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A BILL ACT 1003 OF 1991
HOUSE BILL 1635

4 **By: Representatives Mahony and Gibson**

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §14-20-102 TO
9 ALLOW THE QUORUM COUNT OF ANY COUNTY TO APPROPRIATE FUNDS
10 FROM THE GENERAL FUND TO PAY THE REASONABLE COSTS INCURRED
11 IN THE DEFENSE OF INDIGENTS; AND FOR OTHER PURPOSES."

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13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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15 SECTION 1. Arkansas Code Annotated §14-20-102 is amended to read as
16 follows:

17 "14-20-102. Indigent defense funding.

18 (a) (1) The quorum court of any county included within the judicial
19 districts of the State of Arkansas, by appropriate county legislation, may
20 provide for the creation of a fund to be used for the purpose of paying
21 reasonable and necessary costs incurred in the defense of indigent persons
22 accused of criminal offenses and in the defense of indigent persons against
23 whom involuntary commitment procedures for insanity or alcoholism have been
24 brought, and for representation in civil and criminal matters of persons
25 deemed incompetent by the court due to minority or mental incapacity, which
26 have been brought in any circuit courts, chancery courts, juvenile courts,
27 probate courts, city or county division of municipal courts including, but not
28 limited to, investigative expenses, expert witness fees, and legal fees.

29 (2) Any municipal body in a county where the quorum court has not
30 created such a fund applicable to the city division of the municipal court may
31 provide for the creation of a fund to be used in the city division of the
32 municipal court.

33 (3) Where there are adequate unappropriated monies in this fund
34 the quorum court may also provide for the use of the funds for the purpose of
35 defraying the cost of the juvenile division of chancery court.

36 (4) Where there are adequate unappropriated monies in this fund,

1 the quorum court may also provide for the use of the funds for the purpose of
2 defraying the cost of medical and dental costs incurred by the county for
3 indigent defendants incarcerated in the county jail.

4 (b)(1) Any quorum court desiring to establish such a fund shall have
5 the authority to provide for the payment of a fee, not to exceed the sum of
6 five dollars (\$5.00), to be taxed as costs in each matter, civil or criminal,
7 filed in any circuit, chancery, probate, city or county division municipal
8 court within the county. However, no such fees shall be taxed as costs in any
9 action filed in any small claims court.

10 (2) The quorum court is authorized to supplement the fund by
11 additional appropriations from the county general fund, and expenditures from
12 such fund shall be made in the manner and amounts prescribed by the quorum
13 court desiring to enact such legislation.

14 (c) The provisions of 16-92-108 and other laws relating to the amount
15 of attorney fees and costs that may be paid in the defense of indigents
16 charged with criminal offenses and in the defense of persons against whom
17 involuntary commitment proceedings are sought for insanity or alcoholism shall
18 not be applicable in any county in which the quorum court establishes a fund
19 under this section and levies additional costs or fees to finance such fund.

20 (d) In any county where a Public Defender Commission has been
21 established under 16-87-101 through 111, the amount to be paid for attorney
22 fees, investigative costs, and other costs under (a)(1) shall be determined in
23 a manner prescribed by the quorum court acting with the advisory resolution of
24 the Public Defender Commission.

25 (e) *The provisions of this section and §16-92-108 relating to the*
26 *amount or payment of attorney fees and costs that may be paid in the defense*
27 *of persons against whom involuntary commitment proceedings are sought for*
28 *insanity or alcoholism shall not be applicable in any instance in which the*
29 *State of Arkansas, acting through its administrative agencies, departments or*
30 *divisions provides for payment of attorney fees or costs which would otherwise*
31 *be paid by the county."*

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33 SECTION 2. All provisions of this act of a general and permanent nature
34 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
35 Revision Commission shall incorporate the same in the Code.

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SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 5. It is hereby found and determined by the General Assembly that the quorum court of any county should be authorized to appropriate monies from its general fund to pay the reasonable cost incurred in the defense of indigents; that this Act so provides; and that this Act should go into effect immediately in order to provide a mechanism to protect the constitutional rights of indigent defendants. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

/s/Mahony and Gibson

APPROVED: 4/8/91