

State of Arkansas

77th General Assembly

Regular Session, 1989

A Bill

HOUSE BILL

1734

By: Representative Collier

For An Act To Be Entitled

"AN ACT TO ALLOW COUNTIES WITH A POPULATION OF NO LESS THAN TWENTY-ONE THOUSAND (21,000) INHABITANTS AND NO MORE THAN TWENTY-TWO THOUSAND (22,000) INHABITANTS ACCORDING TO THE 1980 FEDERAL DECENNIAL CENSUS TO INSTITUTE A PUBLIC DEFENDER PROGRAM FOR SUCH COUNTY; AUTHORIZING THE LEVY OF ADDITIONAL COURT COSTS TO FUND SUCH PROGRAM; AND FOR OTHER PURPOSES."

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

SECTION 1. The quorum court of any county having a population of no less than twenty-one thousand (21,000) inhabitants nor more than twenty-two thousand (22,000) inhabitants according to the 1980 Federal Decennial Census may establish a public defender program within such county. If the quorum court establishes such a public defender program, the quorum court is hereby authorized to levy an additional court cost upon each defendant in addition to other costs as now or hereafter may be authorized by law or ordinance.

SECTION 2. The additional cost authorized by Section 1 shall not exceed the sum of Fifteen Dollars (\$15.00) and may be set by the quorum court of said county.

SECTION 3. The levy authorized herein shall be assessed against and collected from each defendant upon each judgment of conviction, plea of guilty or nolo contendere or forfeiture for failure to appear in felony and misdemeanor cases excluding nonmoving traffic violations, in all courts within said counties including but not limited to the Municipal Courts, Circuit Court, Mayor's Courts, City Courts, and Police Courts within such counties.

SECTION 4. The funds derived from the additional cost authorized by this

act shall be deposited in the County Treasury in a special fund known as "Public Defender's Fund" and shall be used solely and exclusively for the operation of the public defender program.

SECTION 5. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 6. Should any of the provisions of this act be held constitutionally invalid, such invalidity shall not affect the other provisions of this act which can be given effect without the invalid provisions and to this end the provisions of this act are declared to be severable.

SECTION 7. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 8. EMERGENCY. It is hereby found and determined by the General Assembly that the quorum court of the counties affected by this act should have the discretion of establishing a public defender system for such counties, and if so established to fund the same by the levy of additional court costs; that the costs of the Public Defender System should be borne in part by those who necessitate the establishment and maintenance of the Criminal Justice System; that funds are not now available to be appropriated for such purposes and an immediate need exists for payment of the expenses of the Public Defender System; and that this act is immediately necessary to assure the effective and efficient administration of justice in the counties in which it is applicable. 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.