

ARKANSAS PUBLIC DEFENDER COMMISSION (0324)

FISCAL YEARS 2018 & 2019

PER EXECUTIVE RECOMMENDATION

I) AGENCY SUMMARY & REVENUE SOURCES

MISSION

The Public Defender Commission was created to address a variety of concerns relating to the representation of indigent criminal defendants in Arkansas. The Commission is responsible for the Trial Public Defender System, Dependency-Neglect appeals, and the Juvenile Ombudsman Program which insures that children placed within the custody of the Division of Youth Services are receiving necessary services.

TOTAL APPROPRIATION

The total appropriation is \$25,976,523 for FY2018 and \$25,929,819 for FY2019.

FUNDING SOURCES

Ombudsman Program-Funded directly from funds transferred by the Department of Human Services per Special Language.

Public Defender-Operations-Funded from the State Central Services Fund.

Public Defender-Trial Office-Funded by Administration of Justice Funds, State Central Services Funds, User/Attorney Fees and Bail Bond Fees.

II) CHANGE LEVEL REQUESTS

TRIAL PUBLIC DEFENDER OFFICE

Appropriation totals \$23,024,176 for FY2018 and \$22,976,489 for FY2019 which is \$1.3 million over base level for the following line item change levels:

Regular Salaries & Personal Services Matching - increase of \$1,016,988 each year for eighteen (18) new positions

Operating Expenses - increase of \$306,911 for FY2018 and \$248,411 for FY2019 for expenses relating to the new positions (furniture, supplies, fees and dues)

Conference & Travel - increase of \$9,900 each year to support required continuing education training

III) ADDITIONAL POSITIONS (Total FY2017 Authorized Positions:254)

Total Positions FY2019: 272

Total Positions FY2018: 272

Total Base Level Positions FY2017: 254

Increase/(Decrease) Over Base Level: 18

+3 Public Defender III

+5 Capital Conflicts Investigators

+5 Mitigation Specialists

+5 Legal Services Specialists

Extra Help Positions FY2018 & FY2019:6 (Total FY2017 Authorized Extra Help:6)

IV) SPECIAL LANGUAGE

FEE GENERATION & SUPPORT-COURTS. Attorney/User fees generated through the provisions of ACA 5-4-303(g) and 16-87-213 shall be deposited into or transferred to the State Central Services Fund.

FEE GENERATION & SUPPORT - BAIL BOND FEES. Three dollars collected by each licensed bail bond company shall be transferred to various Counties for the operating expenses of the local public defender's office. On a quarterly basis, the Commission shall remit to each County its portion of the three dollars based upon the formula used for state aid for counties.

TRANSFER PROVISION. If 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 approval from the Chief Fiscal Officer of the state.

DUTIES OF DEPENDENCY-NEGLECT APPEALS ATTORNEY. Dependency-Neglect Appeals Attorneys shall be used exclusively to write appeals in dependency-neglect cases.

PUBLIC DEFENDERS. No funds shall be used for retained counsel who have not been certified by the Commission. The Commission may approve exemptions.

PROVIDING PUBLIC DEFENDER SERVICES AGREEMENT. The Commission shall have the authority to enter into professional services agreements with public defenders or attorneys with a state agency who have been appointed to provide defense representation.

*Special Language for DHS-Youth Services regulates transfer of up to \$240,000 each year for the Juvenile Ombudsman Program.

October 2016