

ARKANSAS PUBLIC DEFENDER COMMISSION (0324)

2011-2013 Biennium

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 also has the responsibility for the Trial Public Defender System and the Ombudsman Division which insures that children placed within the custody of the Division of Youth Services are receiving the necessary services. The Commission is also responsible for handling Dependency-Neglect appeals.

Total Biennial Budget

The Executive Recommendation for the total budget for fiscal year 2012 is \$21,915,524 and for fiscal year 2013 is \$21,911,124.

Funding Source

- **Ombudsman Program**-Funded directly from funds transferred by the Department of Human Services per Special Language.
- **Public Defender-Operations**-State Central Services Funding.
- **Public Defender-Trial Office**-Funded by Administration of Justice Funds, State Central Services Funds, User/Attorney Fees and Bail Bond Fees.

II) SIGNIFICANT CHANGES

Public Defender Operations

- Provides for \$2.5 million each fiscal year which is \$549,601 over base level.
- One new position-Program Coordinator with increases in salaries and matching for position.
- Increase of \$500,000 in Professional Fees line item for expected expenses from Muhammad court opinion.

Public Defender Trial Office

- Provides for \$19.3 million each fiscal year which is approximately \$60,000 over base level.
- One new position-Mitigation Specialist with increase in salaries and matching for position
- Increases in Operating Expenses line item for purchase of computer and software and expenses related to additional position.

III) ADDITIONAL POSITIONS

Total Positions for 2011-2013 Biennium-239

Total Positions for 2009-2011 Biennium-237

(+1) Program Coordinator-C120

(+1) Mitigation Specialist-C119

IV) SPECIAL LANGUAGE

Fees-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.

Fees-Bail Bond. 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 Attorneys. 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.

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