

ARKANSAS PUBLIC DEFENDER COMMISSION (0324)
FISCAL YEARS 2014 & 2015 - 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 Budget

The total budget is \$22,723,804 for fiscal year 2014 and \$22,700,599 for fiscal year 2015.

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 \$2,582,451 for fiscal year 2014 which is \$60,710 over base level and \$2,551,073 for fiscal year 2015 which is \$29,210 over base level.
- Increase of \$60,710 in operating expenses for fiscal year 2014 and \$29,210 in fiscal year 2015 for renovations and relocation of lease space.

Public Defender Trial Office

- Provides for \$20,053,164 for fiscal year 2014 and \$20,061,213 for fiscal year 2015 which is \$159,579 over base level.
- Increases in salaries and match for restoration of two positions received from Central Growth Pool during 2011-2013 biennium.

III) ADDITIONAL POSITIONS

Total Positions for FY 2015: 241

Total Positions for FY 2014: 241

Total Budgeted Positions FY2013: 241

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.