

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H1/25/17
A Bill

HOUSE BILL 1197

By: Representative Sturch

For An Act To Be Entitled

AN ACT TO ESTABLISH A METHOD FOR A PERSON WHO WAS FALSELY ACCUSED OF A CRIMINAL OFFENSE TO MAKE A CLAIM FOR REIMBURSEMENT FOR HIS OR HER EXPENSES PAID TO AN ATTORNEY IN DEFENSE OF THE FALSE ACCUSATION; AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH A METHOD FOR A PERSON WHO WAS FALSELY ACCUSED OF A CRIMINAL OFFENSE TO MAKE A CLAIM FOR REIMBURSEMENT FOR HIS OR HER EXPENSES PAID TO AN ATTORNEY IN DEFENSE OF THE FALSE ACCUSATION.

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

SECTION 1. Arkansas Code § 19-10-204(d), concerning the jurisdiction of the Arkansas State Claims Commission, is amended to read as follows:

(d)(1) The commission shall have jurisdiction over claims to recover reasonable attorney's fees and other litigation expenses reasonably incurred by:

(A) ~~plaintiffs~~ A plaintiff who substantially prevailed in actions under § 25-19-107 against the State of Arkansas or a department, agency, or institution of the state under the standard described in § 25-19-107(d)(1)~~;~~ or

(B) A person who:

(i) Was charged with a criminal offense;

(ii) Retained his or her own private attorney; and



(iii) Was found not guilty at trial.

(2) In order to prevail, a person who brings a claim under subdivision (d)(1)(B) of this section shall prove by a preponderance of the evidence that:

(A) He or she was falsely accused of the offense for which he or she was tried; and

(B) The state was reckless in taking his or her case to trial.

(3) The commission shall set off against any award given under a claim brought under subdivision (d)(1)(B) of this section any attorney's fees or damages already ordered by a court to be paid to the person as a result of his or her being tried for the same criminal offense for which he or she was falsely accused.

/s/Sturch