

PERSONNEL REQUEST

WHEREAS, A.C.A. Section 16-87-302 sets out the responsibilities for funding of indigent defendants in the state courts of Arkansas. The mandatory funding responsibility of the various counties “necessary to the effective and efficient operation of the public defender’s office” includes “the compensation of additional personnel within the office of the Public defender, when approved in advance by the quorum court.”

Funding may be from:

- (i) a county administration of justice fund;
- (ii) a county’s general fund;
- (iii) a county’s public defender fund;
- (iv) a county’s indigent defense fund;
- (v) a county’s public defender investigator fund; or
- (vi) any other fund authorized by law for that purpose.

WHEREAS, Faulkner County created a Public Defender Investigator Fund by County Ordinance 92-6.

WHEREAS, A.C.A. Section 16-10-307 was enacted in 1995 and mandated the creation of the County Administration of Justice Fund. The Act also required that the County Administration of Justice Fund continue to fund a number of county criminal justice agencies and funds, including the Public Defender Investigator Fund.

WHEREAS, the Faulkner County Public Defender Investigator Fund and the Public Defender Fund have been funded exclusively by court costs, filing fees, and bail bond fees. That no County General funds or criminal justice sales tax funds have been used to support the Public Defender Office since the creation of the Public Defender Commission.

WHEREAS, the Public Defender Investigator Fund has received in excess of \$389,795.52 from court costs and filing fees since its creation.

WHEREAS, the Public Defender Investigator Fund is required to be used for the defense of indigents.

WHEREAS, since its creation, the Public Defender Investigator Fund has been depleted by having funds transferred for other uses inconsistent with its purpose.

WHEREAS, in 2001, Faulkner County Ordinance 01-05 Section 15 transferred \$133,496.76 to County General Fund and appropriated the funds to Department 10, County Judge expense code 95-construction and progress.

WHEREAS, since 2004, approximately \$220,400.00 has been transferred from the Public Defender Investigator Fund to the Victim of Crime Fund for the use of the Prosecutor's Office.

WHEREAS, in order to fulfill its constitutional and legal responsibilities, the Public Defender Office requires additional staff.

THEREFORE, the Public Defender Office requests that the Faulkner County Quorum Court create the following positions:

1. Public Defender Investigator with a salary of \$41,200.00 and an estimated total expenditure of approximately \$60,674.04;
2. Legal Support Specialist with a salary of 34,200.00 and an estimated total expenditure of approximately \$51,879.34.

Respectfully submitted,

LYNN FRANK PLEMMONS
Managing Public Defender
20th Judicial District