

REQUEST FOR TRANSFER OF FUNDS

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, 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, \$49,259.89 of the funds transferred from the Public Defender Investigator Fund to the Victim of Crime Fund were unused by the Prosecutor and will carry over to fiscal year 2019.

WHEREAS, in order to fulfill its constitutional and legal responsibilities, the Public Defender Office requires the services of an investigator.

WHEREAS, the \$49,259.89 currently in the Victim of Crime Fund are funds originally designated and restricted for the purpose of indigent defense.

WHEREAS, the Faulkner County Quorum Court should transfer the \$49,259.89 from the Victim of Crime Fund to the Public Defender Investigator Fund so that those funds may be used for their intended purpose.

THEREFORE, the Public Defender Office requests that the Faulkner County Quorum Court transfer \$49,259.89 from the Victim of Crime Fund back to the Public Defender Investigator Fund.

Respectfully submitted,

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20th Judicial District