

16-87-213. Certificate of indigency.

Any person charged with an offense punishable by imprisonment who desires to be represented by an appointed attorney shall file with the court in which the person is charged a written certificate of indigency.

The certificate of indigency shall be in a form approved by the Arkansas Public Defender Commission and shall be provided by the court in which the person is charged.

The certificate of indigency shall be executed under oath by the person and shall state in bold print that a false statement is punishable as a Class D felony.

Upon execution, the certificate of indigency shall be made a permanent part of the indigent person's records.

If the court in which the person is charged determines that the person qualifies for the appointment of an attorney under standards set by the commission, the court, except as otherwise provided by this subchapter, shall appoint the trial public defender to represent the person before the court.

The court shall not appoint a counsel prior to review of the submitted affidavit.

At the time of appointment of counsel, the court shall assess a fee of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100) to be paid to the commission in order to defray the costs of the public defender system.

The fee may be waived if the court finds such an assessment to be too burdensome.

All the user fees shall be collected by the county or city official, agency, or department designated under 16-13-709 as primarily responsible for the collection of fines assessed in the circuit courts and district courts of this state who shall remit to the commission by tenth day of each month all of the fees collected on forms provided by the commission.

The commission shall deposit the money collected into a separate account within the State Central Services Fund entitled "Public Defender User Fees".

The appointing court may at any time review and redetermine whether a person is an indigent person who qualifies for the appointment of an attorney pursuant to this subchapter.

The State of Arkansas or a county, or both, may file a civil action for recovery of money expended in the representation of a person who is determined by a court not to have been indigent at the time expenditures were made.

Suit shall be brought within three (3) years after the date of filing of a certificate of indigency.

Nothing in this section shall be construed to bar a prosecution for perjury or other offenses based on misrepresentation of financial status.

History. Acts 1993, No. 1193, 13; 1999, No. 1564, 5; 2001, No. 1799, 7; 2001, No. 1809, 6; 2003, No. 1765, 23.

