ORDINANCE NO. 89-5

AN ORDINANCE TO ESTABLISH AN INDIGENT DEFENSE FUND; TO COLLECT COURT COST TO BE USED FOR INDIGENT DEFENSE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Act 406, SECTION 1, of the 77th General Session of 1989 of the State of Arkansas General Assembly does amend ACA 14-20-102 (a) to allow municipalities to create a fund to be used for the sole purpose of paying reasonable and necessary costs incurred in the defense of indigent persons accused of criminal and civil offenses; and

WHEREAS, Act 406, SECTION 2 of the 77th General Session of 1989 of the State of Arkansas General Assembly does amend ACA 14-20-102(b)(1) to permit "Any court desiring to establish such a fund shall have the authority to provide for the payment of a fee not to exceed the sum of five dollars ($5.00), to be taxed as costs in each matter, civil or criminal, filed in any circuit, chancery, probate, municipal, city, police, or mayor's court within the county. However, no such fee shall be taxed as costs in any action filed in any small claims court," and,

WHEREAS, the City Court of Mulberry, Arkansas has had to bear the expenses in the past for the defense of indigents;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MULBERRY, ARKANSAS;

SECTION 1. That a fund be established to be used for the sole purpose of paying reasonable and necessary costs incurred in the defense of indigent persons accused of criminal offenses, and in the defense of indigent persons against whom involuntary committment procedures for insanity or alcoholism have been brought, and for representation in civil and criminal matters of persons deemed incompetent by the court due to minority or mental incapicity, which have been brought in the City Court of Mulberry, Arkansas including, but not limited to, investigative expenses, expert witness fees, and legal fees.

SECTION 2. That a fee of five dollars ($5.00) be taxed and collected as costs in each matter, civil or criminal, filed in the City Court of Mulberry, Arkansas. However, no such fees shall be taxed as costs in any action filed in any small claims court.

SECTION 3. The number of indigent cases in the Mulberry City Court which require the Court to pay the defense costs is proving costly to the City, and relief measures must be provided. An emergency is therefore declared and this ordinance being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage.

PASSED AND APPROVED THIS 6th DAY OF JUNE, 1989.

ATTEST: Joe Benham
Joe Benham, Recorder-Treas.

APPROVED: Arnold D. Feller
Arnold D. Feller, Mayor