

2018 Regular Session

SENATE BILL NO. 317

BY SENATOR CLAITOR

PUBLIC DEFENDER. Provides procedure for expulsion of members of the Louisiana Public Defender Board for unexcused absences at board meetings. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 15:146(B)(1), (B)(3)(e) and (C) and the enact R.S.
3 15:146(B)(3)(f) and (g), relative to the Louisiana Public Defender Board; to provide
4 relative to the membership of the board; to provide for the expulsion of board
5 members; to provide relative to notice requirements; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:146(B)(1), (B)(3)(e) and (C) are hereby amended and reenacted
9 and R.S. 15:146(B)(3)(f) and (g) are hereby enacted to read as follows:

10 §146. Louisiana Public Defender Board

11 * * *

12 B.(1) The board shall consist of ~~eleven~~ **thirteen** members.

13 * * *

14 (3) The members shall be selected as follows:

15 * * *

16 (e) **The chairman of the Judiciary C Committee of the Louisiana Senate.**

17 (f) **The chairman of the Administration of Criminal Justice Committee**

1 of the Louisiana House of Representatives.

2 (g) All appointments to the board shall be subject to confirmation by the
3 Senate.

4 * * *

5 C.(1) ~~A member may be removed for excessive absences from meetings. For~~
6 ~~the purposes of this Subsection, "excessive absences" means missing four duly~~
7 ~~noticed meetings within a period of eighteen months or three duly noticed meetings~~
8 ~~within a period of ten months. The board, by a vote of two-thirds of the members,~~
9 ~~may expel a member who has accumulated three unexcused absences from~~
10 ~~board meetings during a twelve-month period.~~

11 (2) ~~Upon review of board member attendance, if a board member has been~~
12 ~~excessively absent from board meetings, the chairman shall inform the board of the~~
13 ~~absences and shall send written notice on behalf of the board to the member~~
14 ~~requesting that the member resign his position on the board. If the member refuses~~
15 ~~to resign, the board shall remove the member for excessive absences in accordance~~
16 ~~with the provisions of this Subsection.~~

17 (3) If a member is ~~removed~~ **expelled** as provided by this Subsection, the
18 board shall send written notice to the member informing him of his ~~removal~~
19 **expulsion** and notify the appropriate appointing authority of the vacancy on the
20 board.

21 * * *

22 Section 2. This Act shall become effective upon signature by the governor or, if not
23 signed by the governor, upon expiration of the time for bills to become law without signature
24 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
25 vetoed by the governor and subsequently approved by the legislature, this Act shall become
26 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by James Benton.

DIGEST

SB 317 Original 2018 Regular Session Claitor

Present law The board shall consist of 11 members.

Proposed law changes the board membership from 11 to 13 members.

Present law provides that the board will be composed of the following members:

- (1) The governor shall appoint five members, one from each appellate court district, and shall designate the chairman.
- (2) The chief justice of the Supreme Court of Louisiana shall appoint four members, one member shall be a juvenile justice advocate; one member shall be a retired judge with criminal law experience; and two members shall be at large.
- (3) The president of the Senate and the speaker of the House of Representatives shall each appoint one member.

Proposed law retains present law but adds the following members:

- (1) The chairman of the Judiciary C Committee of the Louisiana Senate.
- (2) The chairman of the Administration of Criminal Justice Committee of the Louisiana House of Representatives.

Present law provides that a member may be removed for excessive absences from meetings. For the purposes of present law, "excessive absences" means missing four duly noticed meetings within a period of 18 months or three duly noticed meetings within a period of 10 months.

Proposed law changes present law to provide that the board, by a vote of 2/3 of the members, may expel a member who has accumulated three unexcused absences from board meetings during a 12 month period.

Present law provides that upon review of board member attendance, if a board member has been excessively absent from board meetings, the chairman shall inform the board of the absences and will send written notice on behalf of the board to the member requesting that the member resign his position on the board. If the member refuses to resign, the board will remove the member for excessive absences in accordance with the provisions of present law.

Proposed law deletes this provision in present law.

Present law provides that if a member is removed as provided by present law, the board will send written notice to the member informing him of his removal and notify the appropriate appointing authority of the vacancy on the board.

Proposed law deletes this provision in present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 15:146(B)(1), (B)(3)(e) and (C); adds R.S. 15:146(B)(3)(f) and (g))