

2018 Regular Session

HOUSE BILL NO. 167

BY REPRESENTATIVE MACK

INDIGENT DEFENSE: Provides relative to the La. Public Defender Fund

1 AN ACT

2 To amend and reenact R.S. 15:167(E), relative to the Louisiana Public Defender Board; to  
3 provide relative to the Louisiana Public Defender Fund; to provide relative to the  
4 disbursement of certain monies by the Louisiana Public Defender Board to district  
5 defender offices; to reserve a certain portion of the Louisiana Public Defender Fund  
6 for contingencies that may arise in the districts; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:167(E) is hereby amended and reenacted to read as follows:

9 §167. Louisiana Public Defender Fund

10 \* \* \*

11 E. The board shall ~~dedicate and~~ disburse ~~at least~~ sixty-five percent of the  
12 entirety of its annual budget and its funds in the Louisiana Public Defender Fund as  
13 defined in Subsection A of this Section each fiscal year to the district defender  
14 offices and their indigent defender funds as defined in R.S. 15:168(A) in the various  
15 judicial districts throughout the state. This amount shall be fully distributed in the  
16 first forty-five days of the fiscal year based on an objective plan published by the  
17 board no later than April thirtieth of each calendar year. An additional five percent  
18 of the entirety of its annual budget and its funds in the Louisiana Public Defender  
19 Fund shall be reserved by the board, designated as "Reserve District Assistance  
20 Fund", for contingencies that may arise in the districts. The board may reserve these

1        funds until a need arises, but it shall not be disbursed for purposes other than district  
2        assistance as part of the District Assistance Fund. Any funds disbursed to any  
3        district defender office shall be paid in addition to the minimum mandatory sixty-  
4        five percent of dedicated and disbursed funds required in this Subsection. The  
5        provisions of this Subsection shall not apply to statutorily dedicated funds or funds  
6        received through the awarding of grants.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 167 Engrossed

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**Abstract:** Requires funds to be distributed in the first 45 days of the fiscal year based upon a plan published by the La. Public Defender Board, and requires that an additional 5% of its annual budget and funds in the La. Public Defender Fund shall be reserved for district assistance.

Present law provides for the creation of the La. Public Defender Fund and requires the La. Public Defender Board to dedicate and disburse at least 65% of its annual budget and its funds in the La. Public Defender Fund each fiscal year to the district defender offices and their indigent defender funds in the various judicial districts throughout the state.

Proposed law retains present law and provides that this amount shall be fully distributed in the first 45 days of the fiscal year based on an objective plan published by the board no later than April 30th of each calendar year.

Proposed law further provides that an additional 5% of the entirety of the board's annual budget and its funds in the La. Public Defender Fund shall be reserved by the board, designated as "Reserve District Assistance Fund", for contingencies that may arise in the districts. The board may reserve these funds until a need arises, but it shall not be disbursed for purposes other than district assistance as part of the District Assistance Fund.

(Amends R.S. 15:167(E))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Remove the requirement that the funds be dedicated and disbursed by Aug. 15<sup>th</sup> each year and instead require the funds to be fully distributed in the first 45 days of the fiscal year based on an objective plan published by the board no later than April 30th of each calendar year.
2. Provide that an additional 5% of the entirety of the board's annual budget and its funds in the La. Public Defender Fund shall be reserved by the board for contingencies that may arise in the districts, to be used only for district assistance.