

2024 Second Extraordinary Session

SENATE BILL NO. 8

BY SENATOR REESE AND REPRESENTATIVES HORTON, MIKE JOHNSON AND VILLIO

PUBLIC DEFENDER. To create the office of state public defender and transfer authority from the Louisiana Public Defender Board. (gov sig) (Item #7)

1 AN ACT

2 To amend and reenact R.S. 15:142(C) and (F), 143, 146(A), (B)(1) and (C), 147(A), the

3 introductory paragraph of (B), (B)(1), (3), (4), (5)(b)(iii), (6), (7), (15), (17), (19) and

4 (20), (C), (D) and (E), 148(A), the introductory paragraph of (B)(1)(a), (B)(1)(b), (c),

5 (d), (e) and (f), and (5) through (13) and (C), 149.1, 149.2, 150(A), (C) and (E), 152,

6 161(A), (E)(5) and (7) through (14), (F), (H), (I) and (J), 162, 163, 164(A), (C)(1),

7 the introductory paragraph of (D), (E)(4) and (F)(2), 165(A), (B), (C), (D), (F) and

8 (G), 166, 167(A), (D) and (E), 168(D) and (E), 169, 170(A)(1) and (3), (B)(2), (5),

9 (6), (8) and (9), (C), (D)(1), (2) and (3), (G), (H), (I) and (J), 173(B), 174(A) and

10 (B)(1), 175(A)(1)(f) and (i) and (2) and (C), 178, 180, 185.2(1) through (7), 185.3(A),

11 the introductory paragraph of (B), (B)(6), (7), (11), (17), (18), and (19)(g), (C) and

12 (D), 185.4(A), (B)(2), (10) and (12), 185.6(A), (B)(1) and the introductory paragraph

13 of (B)(2), and (D), 185.7(B), 186.2(1) through (7), 186.3(A), the introductory

14 paragraph of (B), (B)(5)(a), (6), (10), (13)(c), (16), (17) and (18)(c) and (C),

15 186.4(A) and 186.5(D) and (E), to enact R.S. 15:164(B)(4) and to repeal R.S.

16 15:146(D), 148(B)(14) and (15), 151, 153, 154, 155, 156, 157, 158, 159, 160, 162.1,

17 168(F), and 185.9, relative to indigent defender representation; to create the office

1 of the state public defender; to transfer authority from the Louisiana Public Defender
 2 Board to the office; to provide for powers, duties, and responsibilities of the office;
 3 to provide for rulemaking; to provide for the domicile of the office; to provide for
 4 offices and meetings; to provide for qualifications of executive staff; to provide for
 5 qualifications, powers, duties, and salary of the state public defender; to provide for
 6 district public defenders; to provide for methods of delivery of services; to provide
 7 for the Louisiana Public Defender Fund; to provide for the Judicial District Indigent
 8 Defender Fund; to provide for representation of capital defendants; to provide for
 9 disciplinary actions; to prohibit certain rights of action; to provide for special
 10 reporting requirements; to provide for certain proceedings; to provide for
 11 appointment of counsel under certain circumstances; to provide for reports; to
 12 provide for the Indigent Parents' Representation Program; to provide for standards
 13 and guidelines; to provide for the Safe Return Representation Program; to provide
 14 for the Safe Return Representation Program Fund; and to provide for related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. R.S. 15:142(C) and (F), 143, 146(A), (B)(1) and (C), 147(A), the
 17 introductory paragraph of (B), (B)(1), (3), (4), (5)(b)(iii), (6), (7), (15), (17), (19) and (20),
 18 (C), (D) and (E), 148(A), the introductory paragraph of (B)(1)(a), (b), (c), (d), (e) and (f),
 19 and (5) through (13) and (C), 149.1, 149.2, 150(A), (C) and (E), 152, 161(A), (E)(5) and (7)
 20 through (14), (F), (H), (I) and (J), 162, 163, 164(A), (C)(1), the introductory paragraph of
 21 (D), (E)(4) and (F)(2), 165(A), (B), (C), (D), (F) and (G), 166, 167(A), (D) and (E), 168(D)
 22 and (E), 169, 170(A)(1) and (3), (B)(2), (5), (6), (8) and (9), (C), (D)(1), (2) and (3), (G),
 23 (H), (I) and (J), 173(B), 174(A) and (B)(1), 175(A)(1)(f) and (i) and (2) and (C), 178, 180,
 24 185.2(1) through (7), 185.3(A), the introductory paragraph of (B), (B)(6), (7), (11), (17), (18),
 25 and (19)(g), (C) and (D), 185.4(A), (B)(2), (10) and (12), 185.6(A), (B)(1) and the
 26 introductory paragraph of (B)(2), and (D), 185.7(B), 186.2(1) through (7), 186.3(A), the
 27 introductory paragraph of (B), (B)(5)(a), (6), (10), (13)(c), (16), (17) and (18)(c) and (C),
 28 186.4(A) and 186.5(D) and (E) are hereby amended and reenacted, and R.S. 15:164(B)(4)
 29 is hereby enacted to read as follows:

1 §142. Legislative findings

2 * * *

3 C. The legislature recognizes that the uniform application of statewide
4 standards and guidelines to be established by the ~~Louisiana Public Defender Board~~
5 **office of the state public defender** is an important means of achieving a more
6 consistent delivery of quality representation throughout the state. To that end, it is
7 the express intention of the legislature that the Louisiana Public Defender Act of
8 2007 is designed, to the extent practicable and feasible, to provide for the delivery
9 of public defender services which meet the requirements established by *Strickland*
10 *v. Washington*, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984) and its progeny
11 as adopted by the Louisiana Supreme Court.

12 * * *

13 F. It is the express intention of the legislature that the ~~Louisiana Public~~
14 ~~Defender Board~~ **office** respect local differences in practice and custom regarding the
15 delivery of public defender services. The provisions of this Part are to be construed
16 to preserve the operation of district public defender programs which provide
17 effective assistance of counsel and meet performance standards in whatever form of
18 delivery that local district has adopted, provided that method of delivery is consistent
19 with standards and guidelines adopted by the ~~board~~ **office** pursuant to rules and as
20 required by statute.

21 §143. Definitions

22 As used in this Part, the following words have the following meanings:

23 (1) "~~Board~~" means ~~the Louisiana Public Defender Board authorized to~~
24 ~~regulate public defender services.~~

25 (2) "~~Board office~~" means ~~the headquarters of the board located in East Baton~~
26 ~~Rouge Parish.~~

27 (3) "District indigent defender fund" means the judicial district indigent
28 defender fund as provided for in R.S. 15:168.

29 (4)**(2)** "District office" means the office of a district public defender as

1 provided for in R.S. 15:161.

2 ~~(5)~~**(3)** "District public defender" or "chief indigent defender" means an
3 attorney employed by or under contract with the ~~board~~ **office** to supervise service
4 providers and enforce standards and guidelines within a judicial district or multiple
5 judicial districts.

6 ~~(6)~~**(4)** "Indigent defendant" means a person that has been determined under
7 the provisions of R.S. 15:175 to be indigent and financially unable to retain private
8 counsel.

9 ~~(7)~~**(5)** "Indigent defender services program" or "the program" means the
10 activities directed toward the accomplishment of providing indigent defender
11 services under the Louisiana Public Defender Act.

12 **(6) "Office" means the office of the state public defender authorized to:**

13 **(a) Regulate and fund public defender services and provide financial**
14 **support to other service programs that provide services to persons adjudicated**
15 **in the criminal justice system.**

16 **(b) Make recommendations to the legislature, governor, and the chief**
17 **justice of the Louisiana Supreme Court regarding potential changes to laws in**
18 **order to improve public defender services and the criminal justice system in**
19 **Louisiana.**

20 ~~(8)~~**(7)** "Public defender" or "indigent defender" means an attorney employed
21 by or under contract with the ~~board, the~~ **office as a** district public defender, ~~regional~~
22 ~~director, where applicable, or nonprofit organization contracting with the board,~~
23 ~~district public defender, regional director, where applicable, or the board to provide~~
24 legal counsel to an indigent person in a criminal proceeding.

25 ~~(9)~~**(8)** "Public defender services" or "indigent defender services" means the
26 providing of legal services to indigent persons in criminal proceedings in which the
27 right to counsel attaches under the United States and Louisiana constitutions.

28 ~~(10)~~ "Regional director" means ~~the person in the employment of the board~~
29 ~~chosen to oversee and enforce standards and guidelines within a service region~~

1 ~~created by the board.~~

2 ~~(11) "Regional office" means the office established for a service region as~~
3 ~~provided for in R.S. 15:159.~~

4 ~~(12)~~(9) "Revenue" or "self-generated revenue" means all revenue received
5 by a judicial district including revenue received as a result of grants or donations or
6 other forms of assistance.

7 ~~(13) "Service region" means one of the public defender service regions~~
8 ~~created by the board as authorized in R.S. 15:159.~~

9 ~~(14)~~(10) "State Public Defender" means the person ~~in the employment of the~~
10 ~~board chosen~~ **appointed by the governor** to administer the statewide public
11 defender system for the delivery of public defender services.

12 §146. ~~Louisiana Public Defender Board~~ **Office of the State Public Defender**

13 A.(1) There is hereby created and established as a state agency within the
14 office of the governor the ~~Louisiana Public Defender Board~~ **office of the state**
15 **public defender** to provide for the supervision, administration, and delivery of a
16 statewide public defender system, which shall deliver uniform public defender
17 services in all courts in this state. ~~The board shall be a body corporate with the power~~
18 ~~to sue and be sued.~~

19 ~~(2) The board and its agents and employees shall be subject to the Code of~~
20 ~~Governmental Ethics, the law relative to public records and open meetings, the law~~
21 ~~relative to public bid and procurement, and all other provisions of law applicable to~~
22 ~~state agencies.~~

23 ~~(3) The two members of the Louisiana Public Defender Board appointed by~~
24 ~~the president of the Louisiana State Bar Association, the member appointed by the~~
25 ~~chairman of the Louisiana State Law Institute's Children's Code Committee, the~~
26 ~~member appointed by the President of the Louisiana Chapter of the Louis A.~~
27 ~~Martinet Society, the member appointed by the Louisiana Interchurch Conference,~~
28 ~~the two members appointed by the governor and the four members appointed by the~~
29 ~~governor and nominated by the four law schools, as formerly provided in this~~

1 Section, shall terminate their service on August 1, 2016.

2 (4) To the extent practicable, the board shall be comprised of members who
3 reflect the racial and gender makeup of the general population of the state, and who
4 are geographically representative of all portions of the state.

5 (5) When a vacancy occurs, whether by expiration of a term, resignation, or
6 other event, the board shall submit to the appointing entity a list identifying the
7 residency of the current board members by congressional district, and request that,
8 to the extent possible, the entity make the appointment from the residents of under-
9 represented districts. **The state public defender shall be appointed by the**
10 **governor, subject to senate confirmation, for a term of two years.**

11 B.(1) **The Louisiana Public Defender Board is hereby created and**
12 **established to serve in an advisory capacity to the state public defender.** The
13 board shall consist of eleven members.

14 * * *

15 C.(1) The board, by a vote of two-thirds of the members, may expel a
16 member who has accumulated three unexcused absences from board meetings during
17 a twelve-month period.

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

21 D. The board shall notify the appropriate appointing authority of any board
22 vacancy which occurs for any reason.

23 §147. Powers; duties; responsibilities

24 A. Except for the inherent regulatory authority of the Louisiana Supreme
25 Court provided for in Article V, Section 5 of the Constitution of Louisiana regarding
26 the regulation of the practice of law, the Louisiana Public Defender Board **office**
27 shall have all regulatory authority, control, supervision, and jurisdiction, including
28 auditing and enforcement, and all power incidental or necessary to such regulatory
29 authority, control, supervision, and jurisdiction over all aspects of the delivery of

1 public defender services throughout the courts of the state of Louisiana.

2 B. In addition to the powers and duties provided for in Subsection A of this
3 Section, the ~~board~~ **office** shall:

4 (1) Employ an executive staff as ~~provided for in R.S. 15:150~~ **necessary to**
5 **carry out the duties of the office** and regularly evaluate the performance of the
6 executive staff.

7 * * *

8 (3) ~~Review and approve~~ **Develop and implement** the strategic plan and
9 **approve** budget proposals ~~submitted by the state public defender, regional directors,~~
10 ~~where applicable, and district public defenders on behalf of the districts. The board~~
11 ~~shall consider variations in public defense practices, past practices and procedures,~~
12 ~~and conditions unique to each district in evaluating the strategic plan and budget~~
13 ~~proposals on the district level.~~ **necessary for the implementation of this Part for**
14 **coordinating and providing services. The office shall review and approve budget**
15 **proposals submitted by the district public defenders on behalf of their districts,**
16 **considering variations in public defense practices, past practices and**
17 **procedures, and conditions unique to each district in evaluating the strategic**
18 **plan and budget proposals on the district level.**

19 (4) Make an annual report to the legislature regarding the state of the ~~board's~~
20 **office's** operations and the status of public defender services it regulates. Such report
21 shall include at a minimum:

22 (a) Recommendations for all needed changes in the law regarding the ~~board~~
23 **office** or any regulated activity.

24 (b) A complete report on the receipt and expenditure of all funds received by
25 the ~~board~~ **office** ~~and the regional offices, where applicable,~~ including district level
26 data.

27 (c) Comprehensive workload data.

28 (5)(a) * * *

29 (b) The plan of organization shall provide for the capacity to:

* * *

(iii) Provide for enforcement of **board office** rules as is necessary to the efficient and thorough regulation and governance of public defender services under its jurisdiction.

(6) Incur such expenses and obligations, within the fiscal limits available to the **board office**, as are necessary to the efficient and thorough regulation and governance of the delivery of public defender services under its jurisdiction and establish and maintain an accounting system which complies with law.

(7) Approve, prior to its presentation to the legislature and again after appropriation prior to allocation, the budget for the **board office**.

* * *

(15) ~~Arrange for locations, which have adequate space to accommodate the public, to conduct its meetings.~~ **Allocate funding to the public defenders, contract programs, and other entities as necessary for the implementation of this Part.**

* * *

(17) Supervise the activities of staff and apply reasonable controls for the supervision of spending, accounting, and discretionary grants. The **board office** shall seek the assistance of the legislative auditor or an internal auditor to ensure that staff discretion is subject to supervision consistent with the Louisiana Local Government Budget Act, R.S. 39:1301 et seq. The ~~board's~~ **office's** supervision shall include reviewing details regarding expert witness funds or other case-specific grants, including the confidential work product of attorneys in litigation, compensation, and records supporting fees of experts and others, and analysis of the efficiency and effectiveness of programs. The attorney-client privilege and confidentiality that applies to counsel in cases shall apply to all ~~board members~~ and staff for the review of case details.

* * *

(19) Adopt procedures necessary to protect strategic choices and confidential work product of the **board office** when the **board office** considers important matters

1 of spending. However, the amounts and general purposes shall remain public record
2 of the ~~board's~~ **office's** decisionmaking process.

3 (20) Enter into a contract or contracts with the University of Louisiana at
4 Monroe for the purpose of providing certain statewide training to attorneys,
5 investigators, social workers, and staff. ~~Any contract or contracts formed pursuant~~
6 ~~to this Paragraph shall use existing funds appropriated by the legislature.~~

7 C. The ~~board~~ **office** may:

8 (1) Enter into a contract or contracts, on such terms and conditions as it
9 deems advisable, with one or more attorneys licensed to practice law in this state, a
10 consortia of lawyers, or an independent public defender organization qualified with
11 the United States Internal Revenue Service for an exemption from federal income tax
12 under Section 501(c) of the Internal Revenue Code to provide counsel for indigent
13 defendants. The provisions of this Paragraph are subject to the intent of the Louisiana
14 Public Defender Act that district public defender programs shall continue operating
15 within the method of delivery of services in effect prior to April 30, 2007, and the
16 ~~board~~ **office** is prohibited from using its power to contract to change the structure of
17 a local program, delivery method, or to terminate personnel without cause in
18 violation of R.S. 15:165(C).

19 (2) Establish advisory councils from among Louisiana residents to provide
20 information and guidance regarding needs and concerns of particular localities. Such
21 councils may be established at such times, for such duration, and under such
22 circumstances, as the ~~board~~ **office** deems appropriate.

23 (3) Accept, receive, and use public or private grants, gifts, or donations,
24 provided that such gifts, grants, and donations are not otherwise prohibited by law
25 or rule.

26 (4) Employ secretarial, clerical, and other such personnel as may be
27 necessary in the operation of the business of the ~~board~~ **office** and fix their
28 compensation.

29 (5) Enter into contracts in accordance with law for the purpose of maintaining

1 and operating an office, or offices, and performing the functions authorized by law.

2 The provisions of this Paragraph are subject to the intent of the Louisiana Public
3 Defender Act that district public defender programs shall continue operating within
4 the method of delivery of services in effect prior to April 30, 2007; ~~and the board is~~
5 ~~prohibited from using its power to contract to change the structure of a local~~
6 ~~program, delivery method, or to terminate personnel without cause in violation of~~
7 R.S. 15:165(C).

8 D.(1) Prior to entering into any contract as authorized by Subsection C of this
9 Section, the ~~board~~ **office** shall provide public notice that a contract is under
10 consideration by the ~~board~~ **office** and shall provide an opportunity for the public to
11 offer comment, regarding the contract, at a public hearing conducted for that
12 purpose.

13 (2) The notice shall include the name of the individual attorneys, a
14 consortium of lawyers, or an independent public defender organization qualified with
15 the United States Internal Revenue Service for an exemption from federal income tax
16 under Section 501(c) of the Internal Revenue Code to provide counsel for indigent
17 defendants, the amount of compensation to be paid, and the nature of the contracted
18 services.

19 (3) The ~~board~~ **office** shall conduct a public hearing regarding any contract
20 authorized by Subsection C of this Section and provide the public an opportunity to
21 offer comment on the contract.

22 ~~(4) The public hearing provided for by this Subsection may be conducted at~~
23 ~~a regular meeting of the board provided proper notice is provided to the public as~~
24 ~~required by this Subsection.~~

25 E. The executive staff, ~~regional directors,~~ and secretarial, clerical, and other
26 personnel directly employed in the operations of the ~~board~~ **office** shall be state
27 employees. All other personnel employed or who serve under contract in a district
28 office shall not be state employees. The Joint Legislative Committee on the Budget
29 may approve other employees hired pursuant to the Louisiana Public Defender Act

1 as state employees upon recommendation of the **board office**.

2 §148. Rulemaking; considerations in developing rules

3 A. The **board office** shall adopt all rules necessary to implement the
4 provisions of this Part.

5 B. The rules shall include but not be limited to:

6 (1) Creating mandatory statewide public defender standards and guidelines
7 that require public defender services to be provided in a manner that is uniformly fair
8 and consistent throughout the state. Those standards and guidelines shall take into
9 consideration all of the following:

10 (a) Manageable public defender workloads that permit the rendering of
11 competent representation through an empirically based case weighting system that
12 does not count all cases of similar case type equally but rather denotes the actual
13 amount of attorney effort needed to bring a specific case to an appropriate
14 disposition. In determining an appropriate workload monitoring system, the **board**
15 **office** shall take into consideration all of the following:

16 * * *

17 (b) Continuity of representation. The **board office** shall adopt standards and
18 guidelines which ensure that each district devises a plan to provide that, to the extent
19 feasible and practicable, the same attorney handles a case from appointment contact
20 through completion at the district level in all cases.

21 (c) Documentation of communication. The **board office** shall adopt standards
22 and guidelines to ensure that defense attorneys providing public defender services
23 provide documentation of communications with clients regarding the frequency of
24 attorney client communications as required by rules adopted by the board.

25 (d) Performance supervision protocols. The **board office** shall adopt standards
26 and guidelines to ensure that all defense attorneys providing public defender services
27 undergo periodic review of their work against the performance standards and
28 guidelines in a fair and consistent manner throughout the state, including creating a
29 uniform evaluation protocol.

1 (e) Performance of public defenders in all assigned public defense cases. The
2 ~~board~~ office shall adopt general standards and guidelines that alert defense counsel
3 to courses of action that may be necessary, advisable, or appropriate to a competent
4 defense including performance standards in the nature of job descriptions.

5 (f) Consistency of standards. The performance standards and guidelines shall
6 be based upon the performance standards originally adopted by the Louisiana
7 Indigent Defense Assistance Board (LIDAB) in 2006 and any subsequent
8 amendments to those standards adopted by the ~~board~~ office.

9 * * *

10 ~~(5) Establishing appropriate sanctions for failure to adhere to the mandatory~~
11 ~~standards and guidelines for the delivery of public defender services.~~

12 ~~(6) Establishing a policy of selecting a proportionate number of minority and~~
13 ~~women lawyers in accordance with the makeup of the general population of the state,~~
14 ~~to the extent that minority and women lawyers are available and otherwise eligible~~
15 ~~for selection within each service region in accordance with law. Any citizen of~~
16 ~~majority age shall have a cause of action to enjoin the activities of the board for~~
17 ~~failure to comply with this provision.~~

18 (7) Establishing policies and procedures for ensuring that cases are handled
19 according to the Rules of Professional Conduct.

20 ~~(8)~~(6) Establishing policies and procedures for handling conflict of interest
21 cases and overflow cases when workload standards which are established by rules
22 of the ~~board~~ office are breached.

23 ~~(9)~~(7) Establishing policies and procedures to ensure that detailed
24 expenditure and workload data is collected, recorded, and reported to support
25 strategic planning efforts for the system.

26 ~~(10)~~(8) Creating separate performance standards and guidelines for attorney
27 performance in capital case representation, juvenile delinquency, appellate, and any
28 other subspecialties of criminal defense practice as well as children in need of care
29 cases determined to be feasible, practicable, and appropriate by the ~~board~~ office.

1 ~~(11)~~**(9)** Ensuring data, including workload, is collected and maintained in a
2 uniform and timely manner throughout the state to allow the **board office** sound data
3 to support resource needs.

4 ~~(12)~~**(10)** Providing for minimum salary and compensation standards for
5 attorney, investigator, paraprofessional, and any and all other staff necessary for the
6 adequate defense of indigent defendants in criminal courts and comparable to other
7 positions of similar stature throughout the state.

8 ~~(13)~~**(11)** Establishing processes and procedures to ensure that when a case
9 that is assigned presents a conflict of interest for a public defender, the conflict is
10 identified and handled appropriately and ethically.

11 ~~(14)~~**(12)** Establishing processes and procedures to ensure that **board office**
12 and contract personnel use information technology and workload management
13 systems so that detailed ~~expenditure and workload~~ data is accurately collected,
14 recorded, and reported.

15 ~~(15)~~**(13)** Establishing administrative ~~salary~~ ranges for compensation of
16 attorneys delivering public defender services throughout the state so that
17 compensation is based on objective policymaking, including years of service, nature
18 of the work and workload, and in consideration of variations in public defense
19 practices and procedures in rural, urban, and suburban districts as well as
20 prosecutorial and judicial processing practices, trial rates, sentencing practices, and
21 attorney experience.

22 C. All rules shall be adopted pursuant to the provisions of the Administrative
23 Procedure Act and shall be subject to legislative oversight by the House Committee
24 on the Administration of Criminal Justice and the Senate Committee on Judiciary €

25 **B.**

26 * * *

27 §149.1. Domicile of **board office**; venue

28 A. The **board office** shall be domiciled in East Baton Rouge Parish.

29 B. Notwithstanding any other provision of law to the contrary, the venue for

1 any civil proceeding by or against the **board office** or to which the **board office** is a
 2 party shall be East Baton Rouge Parish.

3 §149.2. Offices; meetings

4 ~~A.~~ The **board office** shall maintain an office in East Baton Rouge Parish but
 5 may maintain such branch offices as it deems necessary to provide for the efficient
 6 and thorough regulation and governance of public defender services under its
 7 jurisdiction.

8 ~~B.(1) Except as provided in Subsection C of this Section, in order to effect~~
 9 ~~the implementation of the provisions of this Act, the board shall meet four times per~~
 10 ~~year.~~

11 ~~(2) The board may meet such additional times as it deems appropriate.~~

12 ~~(3) Meetings may be called by the chairman on his own initiative and shall~~
 13 ~~be called by the chairman upon written request of a majority of board members.~~

14 ~~C.(1) Upon consultation with the state public defender, if the chairman~~
 15 ~~determines that there is not sufficient business to warrant the conducting of a~~
 16 ~~meeting of the board, the chairman may cancel a meeting that is required by~~
 17 ~~Subsection B of this Section.~~

18 ~~(2) The chairman shall provide written reasons for the cancellation of the~~
 19 ~~meeting and give at least seventy-two hours notice thereof by registered or certified~~
 20 ~~mail to the post office address of each member of the board and of persons who~~
 21 ~~previously have indicated that they have business before the board.~~

22 ~~D.~~ The board shall conduct a majority of its meetings per year in East Baton
 23 Rouge Parish.

24 §150. Executive staff for **board office**; general qualifications

25 A. The **board office** shall employ a ~~state public defender, a deputy public~~
 26 ~~defender-director of training, a deputy public defender-director of juvenile defender~~
 27 ~~services, a budget officer, a technology and management officer, a trial-level~~
 28 ~~compliance officer, and a juvenile justice compliance officer who shall function as~~
 29 ~~executive staff for the board~~ **an executive office staff as necessary to carry out the**

1 duties of the office, and the state public defender shall appoint any other officers
2 as necessary to conduct the business of the office, subject to appropriation.

3 * * *

4 C. The executive staff positions shall be permanent, full-time employees of
5 the ~~board~~ office and these employees shall not otherwise engage in the practice of
6 law, where applicable, or engage in any other business or profession.

7 * * *

8 E. The salaries of the executive staff, except for the state public defender,
9 shall be established by the ~~board~~ office.

10 * * *

11 §152. State public defender; qualifications; powers and duties; salary

12 A. ~~The board shall employ~~ There shall be a state public defender who shall
13 be appointed by the governor and meet the following qualifications:

14 (1) Meet the qualifications provided for in R.S. 15:150(B).

15 (2) Be an attorney licensed to practice law in the ~~United States~~ Louisiana
16 with at least ~~seven~~ twenty years of experience with at least seven years of
17 experience as a criminal defense attorney. ~~If licensed as an attorney in a state other~~
18 ~~than Louisiana, become licensed as an attorney in this state within one year of being~~
19 ~~employed by the board.~~

20 B. The state public defender shall:

21 (1) ~~Recommend to the board how to establish~~ Establish and maintain, in a
22 cost-effective manner, the delivery of legal services to persons entitled to, and
23 financially eligible for, appointed counsel in criminal proceedings at state expense
24 under Louisiana law, the Constitution of Louisiana, and the United States
25 Constitution and consistent with the standards of national justice and those
26 established by the Louisiana Supreme Court.

27 (2) Develop and ~~present for the board's approval~~ implement a strategic plan
28 for the delivery of public defender services.

29 (3) Implement and ensure compliance with contracts, policies, procedures,

1 standards, and guidelines adopted pursuant to rule ~~by the board~~ or required by
2 statute.

3 (4) Prepare ~~and submit to the board for its approval~~ the budget of the board
4 **office**.

5 (5) Negotiate contracts, as appropriate, for providing legal services to persons
6 financially eligible for appointed counsel at state expense. ~~No contract so negotiated~~
7 ~~is binding or enforceable until the contract has been reviewed and approved by the~~
8 ~~board at a public hearing as provided for in R.S. 15:147(D).~~ The provisions of this
9 Paragraph are subject to the intent of the Louisiana Public Defender Act that district
10 public defender programs shall continue operating within the method of delivery of
11 services in effect prior to April 30, 2007, ~~and the board is prohibited from using its~~
12 ~~power to contract to change the structure of a local program, delivery method, or to~~
13 ~~terminate personnel without cause in violation of R.S. 15:165(C).~~

14 (6) Employ personnel or contract for services as necessary to carry out the
15 responsibilities of ~~the board~~ **this Part**. The provisions of this Paragraph are subject
16 to the intent of the Louisiana Public Defender Act that district public defender
17 programs shall continue operating within the method of delivery of services in effect
18 prior to April 30, 2007, ~~and the board is prohibited from using its power to contract~~
19 ~~to change the structure of a local program, delivery method, or to terminate~~
20 ~~personnel without cause in violation of R.S. 15:165(C).~~

21 (7) Supervise the personnel, operation, and activities of the board **office**.

22 (8) Prepare ~~and submit to the board~~ an annual report of the indigent defender
23 services provided by ~~the service regions, where applicable, and the districts.~~

24 (9) Appear before the Joint Legislative Committee on the Budget and report
25 on the activities of the board **office**.

26 (10) Actively seek gifts, grants, and donations that may be available through
27 the federal government or other sources to help fund the system, provided that such
28 gifts, grants, and donations are not otherwise prohibited by law or rule.

29 (11) ~~Assist the board in the adoption of~~ **Adopt** rules as provided for in R.S.

1 15:148 and in accordance with the Administrative Procedure Act.

2 (12) Provide services, facilities, and materials necessary for the performance
3 of the duties, functions, and powers of the **board office**.

4 (13) ~~Assist the board in establishing the~~ **Establish** standards and guidelines,
5 policies, and procedures for the statewide delivery of indigent defender services in
6 accordance with rules adopted by the **board office** and as required by statute.

7 (14) Establish administrative management procedures for ~~regional offices~~ **the**
8 **office**, where applicable.

9 (15) Review, monitor, and assess the performance of all attorneys, consortia
10 of attorneys, or independent public defender organizations qualified with the United
11 States Internal Revenue Service for an exemption from federal income tax under
12 Section 501(c) of the Internal Revenue Code to provide counsel for indigent
13 defendants.

14 ~~(16) Perform all other duties assigned by the board.~~

15 C. The state public defender shall receive annual compensation equal in
16 amount to an associate justice of the supreme court of this state.

17 §161. District public defender; powers; duties; accounting; audit reporting; existing
18 chief indigent defenders continued; establishment of district office

19 A. Except as otherwise provided for in this Section, the **board office** shall
20 employ or contract with a district public defender to provide for the delivery and
21 management of public defender services in each judicial district.

22 * * *

23 E. Each district public defender shall:

24 * * *

25 (5) Work in conjunction with the compliance officers to ensure that public
26 defender assignments within the judicial district comply with the standards and
27 guidelines adopted pursuant to rule by the **board office** and the Rules of Professional
28 Conduct.

29 * * *

1 (7) Employ district personnel, subject to review by the state public defender
2 ~~or the regional director, where applicable,~~ for compliance with qualifications and
3 standards and guidelines established by statute and by rules adopted by the ~~board~~
4 **office**.

5 (8) Contract for services in accordance with the standards and guidelines
6 adopted by rule by the ~~board, and as authorized by the regional director, where~~
7 ~~applicable~~ **office**.

8 (9) Keep a record of all public defender services and expenses in the district
9 and submit the records to the ~~regional director, where applicable,~~ or state public
10 defender as requested.

11 (10) Implement the standards and guidelines and procedures established by
12 the ~~board, state public defender, and regional director, where applicable,~~ **office** for
13 the district.

14 (11) Maintain a client workload for the district office as determined by the
15 ~~regional director, where applicable,~~ the state public defender, ~~and the board~~.

16 (12) ~~Consult with the regional director, where applicable, and make~~ **Make**
17 recommendations regarding the method of delivery of public defender services for
18 the district for submission to the ~~board~~ **office** for ~~board~~ **office** approval. The ~~regional~~
19 ~~director, where applicable, or the board~~ **office** shall consider any delivery model in
20 existence prior to August 15, 2007, as acceptable until that delivery model is proven
21 to not meet the uniform standards and guidelines for the delivery of public defender
22 services in accordance with **applicable** rules ~~adopted by the board~~ and as required
23 by statute.

24 (13) Employ or terminate district personnel, manage and supervise all district
25 level work, including establishment of district personnel salaries, subject to review
26 by the ~~board~~ **office** for compliance with salary guidelines established by the ~~board~~
27 **office** through the adoption of rules.

28 (14) Perform all other duties assigned by the ~~regional director, where~~
29 ~~applicable,~~ state public defender, ~~or board~~.

1 F. Each district public defender may make recommendations to the ~~regional~~
2 ~~director, where applicable, the state public defender, and the board~~ on any matter
3 regarding his judicial district.

4 * * *

5 H.(1) In an effort to maintain continuity of indigent defender services in each
6 judicial district, any person employed as the chief indigent defender of a judicial
7 district as of January 1, 2007, pursuant to the provisions of R.S. 15:145(B)(2)(a),
8 shall continue to be employed by, or enter into a contract with, the **board office** and
9 serve as the district public defender of that district.

10 (2) The **board office** shall establish the ~~salaries~~ **compensation** for each
11 district public defender; however, the salaries and benefits in place on January 1,
12 2007, for each chief indigent defender shall continue as the beginning salary for each
13 district public defender **employed on January 1, 2023**, and shall not be decreased.
14 The provisions of this Paragraph shall not be construed to limit the ~~board's~~ **office's**
15 ability to ~~increase the salary~~ **adjust the compensation** of a district public defender.

16 I. The **board office** shall evaluate any district where, as of January 1, 2007,
17 there is no person employed as the chief indigent defender, pursuant to the provisions
18 of R.S. 15:145(B)(2)(a), and do one of the following:

19 (1) **Employ Contract, for a period of up to five years, with** a district public
20 defender who meets the criteria provided for in this Section, using the selection
21 process provided for in R.S. 15:162; or

22 (2) Assign another district public defender from a contiguous judicial district
23 to manage and supervise public defender services for both judicial districts; or

24 (3) Determine whether the **board office** shall regionalize the operation of the
25 district, as provided for in R.S. 15:163.

26 J. Notwithstanding any other provision of law to the contrary, any attorney
27 employed by or under contract with the **board office**, the district public defender,
28 ~~regional director, where applicable,~~ or nonprofit organization contracting with the
29 **board office**, district public defender, ~~regional director, where applicable,~~ or the

1 within a two-year period prior to appointment. No active part-time, full-time,
2 contract, or court-appointed indigent defense provider, or active employees of such
3 persons, may be appointed to serve on the selection committee.

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

5 (a) One member, who shall serve as chairman of the committee, appointed
6 by the state public defender.

7 (b) One member appointed by the ~~president of the Louisiana State Bar~~
8 ~~Association~~ **chairman of the Louisiana Public Defender Board.**

9 (c) One member appointed by the chief judge of the judicial district.

10 C. ~~In the event there are fewer than three attorneys eligible to serve as~~
11 ~~members of a selection committee as provided for in Subsection B of this Section,~~
12 ~~or there are fewer than three eligible attorneys who are willing to serve as members~~
13 ~~of a selection committee, the members shall be selected as provided for in Paragraph~~
14 ~~(B)(3) of this Section from among any registered voters residing in that judicial~~
15 ~~district.~~

16 ~~D.~~(1) The selection committee shall review eligible candidates for the
17 position of district public defender, giving preference to those individuals who are
18 domiciled in the district.

19 (2) Within sixty days of formation of the selection committee, the selection
20 committee shall submit a list of at least three nominees for the position of district
21 public defender **to the state public defender.**

22 ~~E.~~D. Within thirty days of receiving the nominations for the position of
23 district public defender from the selection committee, the ~~board~~ **office** shall employ
24 **or contract with** a district public defender from the list of nominees submitted to the
25 board.

26 ~~F.~~E. The ~~board~~ **office** shall appoint an interim district public defender to fill
27 the vacancy of the district public defender until the position is filled.

28 G. ~~The provisions of this Section shall not apply to a district which has been~~
29 ~~regionalized pursuant to the provisions of R.S. 15:163.~~

1 H.F. Whenever a vacancy occurs for the position of district public defender
 2 in any judicial district having a population of less than thirty thousand, or having less
 3 than four attorneys providing public defender services, the **board office** shall evaluate
 4 the district and make a determination regarding the appropriateness of employing or
 5 contracting with a district public defender or authorizing a district public defender
 6 from a contiguous judicial district to manage and supervise public defender services
 7 in that judicial district. If a decision is made by the **board office** to employ or
 8 contract with a district public defender, the **board office** shall use the selection
 9 process provided for in this Section to fill that vacancy.

10 ~~I.(1)~~G. Board Office staff shall not require of the district public defenders or
 11 their staff any response with a due date less than six working days from the first full
 12 day since the request is received, other than during a natural emergency. The time
 13 period provided for in this Paragraph shall not include responses requested by the
 14 governor, the House Committee on Administration of Criminal Justice, or the Senate
 15 Committee on Judiciary ~~€~~ B.

16 ~~(2) The board shall make every effort to end the use of paper reports and shall~~
 17 ~~make every effort to rely on searchable digital data in order to reduce costs of~~
 18 ~~operation.~~

19 * * *

20 §163. Regionalization of district public defender services by **board office**

21 A. In certain cases the ~~board shall~~ office may regionalize and operate the
 22 public defender services of a district as a subdivision of the **board office** through a
 23 regional office. When the public defender services of a district are taken over by the
 24 **board office** in this manner, the district public defender shall be an employee of the
 25 region and the regional director shall be the manager and supervisor of the district
 26 public defender office. A regionalization of the operation of a district public defender
 27 program shall occur, ~~by a majority vote of the board,~~ upon a finding by the office
 28 that one of the following conditions have occurred:

29 (1) The district, through its district public defender, petitions the **board office**

1 for the ~~board~~ **office** to regionalize the delivery of indigent defender services in the
2 district; or

3 (2) The ~~board~~ **office** upon its own motion, ~~or upon petition of a regional~~
4 ~~director, if applicable,~~ finds that the district public defender office has failed after
5 reasonable assistance, resourcing, and consultation with the ~~board~~ **office** to
6 reasonably meet performance standards mandated by the ~~board~~ **office** or to comply
7 with data reporting or any other rule adopted by the ~~board~~ **office**; or

8 (3) Due to a natural disaster or catastrophic emergency, the district public
9 defender cannot operate or function normally, provided that this shall apply for not
10 longer than a period of six months, renewable by the ~~board~~ **office** on an interim basis
11 at six-month intervals.

12 B. In any district where the ~~board~~ **office** takes over the operation of indigent
13 defender services as provided by this Section the district office shall be maintained
14 for client services in the judicial district. The district public defender in a district
15 regionalized pursuant to the provisions of this Section shall be a day-to-day manager
16 and shall work out of the district office.

17 C. When the operation of a district office is regionalized pursuant to the
18 provisions of this Section, the supervision of compliance with state standards and
19 guidelines ~~shall~~ **may** be carried out by ~~an officer~~ **a staff member** of the ~~board~~ **office** as part
20 of ~~its supervision of the regional office~~ **office**.

21 D. Prior to regionalizing a district as provided for in this Section, the ~~board~~
22 **office** shall send written notice of the public hearing as required in Subsection E of
23 this Section, to the chief judge, ~~the district advisory board, if applicable,~~ and the
24 district public defender of that judicial district of the ~~board's~~ **office's** intention to
25 regionalize the district.

26 E.(1) Prior to regionalizing a district as provided for in this Section, the ~~board~~
27 **office** shall conduct a public hearing regarding regionalization of a district, and
28 provide the public an opportunity to offer comment on the regionalization.

29 (2) The public hearing provided for by this Subsection may be conducted at

1 a regular meeting of the ~~board~~ **parish governing authority in the district** provided
2 proper notice is provided to the public as required by this Subsection.

3 §164. Regional defense service centers

4 A. Upon approval of the ~~board~~ **office**, any district public defender may
5 contract with one or more other district public defenders for the establishment of a
6 regional defense service center. A district public defender may enter into only one
7 contract for a regional center in a particular field of practice.

8 B. As used in this Section, the term "regional defense service center" means:

9 * * *

10 **(4) Any other defense center created by the office.**

11 * * *

12 C.(1) A regional defense service center may be granted authority to contract
13 with counsel for defense at trial in the district court for defendants charged with
14 capital offenses, for appeals in noncapital cases and in capital cases in which a
15 sentence of life imprisonment was imposed, and for representation of juveniles in
16 juvenile courts and in all other courts with juvenile jurisdiction. The center may also
17 contract for other specific functions other than appeals and post-conviction
18 representation in capital cases in which the death penalty was imposed, and for the
19 operation of an office, library, and other reasonably necessary services and authority
20 as the contracting ~~boards deem~~ **district public defender deems** appropriate.

21 * * *

22 D. A contract among district ~~indigent defender boards~~ **public defenders** shall
23 provide for adequate supervision of the regional defense service center established,
24 with periodic reports to each of the contracting ~~boards~~ **public defenders**, at least
25 every six months, regarding the following:

26 * * *

27 E.

28 * * *

29 (4) The contract for a regional defense service center shall provide for

1 contribution by the contracting districts for a period not more than five nor less than
 2 three calendar years, which commitment shall be binding on the contracting ~~boards~~
 3 **districts**. The basis of the contribution may be any rational basis, including
 4 population, caseload, or other criteria agreed to by the respective ~~boards~~ **public**
 5 **defenders**. The contracting ~~boards~~ **district public defenders** shall be required by the
 6 contract to contribute to the regional service center for a period of not less than three
 7 nor more than five years, and the contract shall be noncancellable.

8 F.

9 * * *

10 (2) Nothing herein shall be interpreted as creating a duty on the part of such
 11 regional defense service centers to do any act, or provide any service, beyond that
 12 contemplated in the establishment of the center by the district ~~indigent defender~~
 13 **boards public defenders** and present jurisprudence.

14 §165. Methods of delivery of public defender services; selection of methods;
 15 emergency circumstances

16 A. The method of delivery in each judicial district shall be approved to the
 17 extent that it is meeting or able to meet the performance standards and guidelines of
 18 the **board office**. The **board office** may change the method of delivery in order to
 19 ensure compliance with best practices reflected in the performance standards and
 20 guidelines.

21 B. The **board office** shall approve the method of delivery of public defender
 22 services for each district ~~upon consultation with and recommendations of the state~~
 23 ~~public defender, the director of juvenile defender services, the regional director for~~
 24 ~~the service region, where applicable, and the district public defenders from the~~
 25 following service delivery methods or any combination thereof:

26 (1)(a) Appointment by the district public defender from a list of competent
 27 attorneys licensed to practice law in this state and classified according to case-type
 28 certification level.

29 (b) All appointments shall be on a successive, rotational basis by case-type

1 certification. Deviations from the board's list shall be permitted only to comply with
2 Code of Criminal Procedure Article 512 and in exceptional circumstances upon
3 approval of the **board office** upon recommendation of the district public defender ~~or~~
4 ~~regional director, where applicable.~~

5 (2) An independent public defender organization qualified with the United
6 States Internal Revenue Service for an exemption from federal income tax under
7 Section 501(c) of the Internal Revenue Code to provide counsel for indigent
8 defendants. The ~~salaries~~ **compensation** of the district public defender and all
9 assistants and supporting personnel shall be fixed by the **board office** in compliance
10 with ~~salary and~~ compensation standards adopted pursuant to rule by the **board office**.

11 (3) The **board office** may authorize the district public defender ~~or regional~~
12 ~~director~~, where applicable, to **employ or** enter into a contract or contracts, on such
13 terms and conditions as it deems advisable, with one or more attorneys licensed to
14 practice law in this state to provide counsel for indigent defendants in criminal
15 proceedings.

16 (4) A full-time public defender office, staffed by full-time lawyers and
17 support staff, or primarily full time with supplemental positions on a contract basis.

18 C. Any delivery model in existence prior to April 30, 2007, shall be presumed
19 to be acceptable and meet standards guidelines pursuant to rules adopted by the
20 **board office**, and as provided by statute until the delivery model is proven not to
21 meet those standards and guidelines.

22 D.(1) If, after reasonable assistance, providing of resources, and consultation
23 with the ~~board the state public defender, or regional director, where applicable,~~
24 **office**, the preexisting delivery model is still deemed unacceptable, the **board office**
25 shall determine ~~upon consultation with the state public defender, the director of~~
26 ~~juvenile defender services, and the regional director, where applicable,~~ the
27 appropriate service delivery system to provide counsel for indigent defendants in
28 criminal proceedings. Such a system shall be structured with due consideration for
29 local variances from judicial district to judicial district within the region and shall,

1 where necessary, establish satellite offices or part-time satellite offices to maintain
2 easy access to clients in each judicial district within their purview.

3 (2) The ~~board~~ **office** shall provide notice of a public hearing as provided in
4 Paragraph (3) of this Subsection, to the district public defender, district advisory
5 board, if applicable, and the chief judge of the judicial district prior to changing any
6 delivery model as provided for by this Section and provide the public an opportunity
7 to offer comment on the change in the delivery model.

8 (3) The public hearing provided for by this Subsection may be conducted at
9 a ~~regular meeting of the board~~ **meeting called by the office** provided proper notice
10 is provided to the public as required by this Subsection.

11 * * *

12 F. The district public defender shall create a staff organization plan for its
13 delivery method which shall be subject to approval by the ~~state public defender or~~
14 ~~regional director, where applicable, and the board~~ **office**. The staff organization plan
15 will provide for the method of delivery, positions, duties, and assignments in the
16 district court.

17 G. In the event of a catastrophic event, natural or otherwise, the ~~board~~ **office**
18 shall have the power to establish an appropriate delivery system to maintain the
19 competent delivery of services from among the delivery methods provided for by this
20 Section.

21 §166. Disbursement of funds

22 A. The ~~board~~ **office** shall not disburse funds to a non-governmental entity
23 unless it establishes a benefit to the function of the ~~board~~ **office** pursuant to law, and
24 unless services are actually delivered. Under no circumstances shall the ~~board~~ **office**
25 disburse state funds for the purpose of savings, reserves, or other purposes related
26 primarily to the economic health of the non-governmental entity or its owners and
27 employees.

28 B. Any service which the ~~board~~ **office** seeks, ~~other than the Louisiana 44~~
29 ~~Appellate Project or the Capital Appeals Project, which are statewide programs,~~ shall

1 be subject to an application process by which the **board office** provides objective
 2 deliverables and allows the district defenders to make application upon the same
 3 terms as a non-governmental entity to provide services in that district or a regional
 4 area for services as provided by law.

5 C. No provision of Louisiana law authorizing the return or rollback of funds
 6 from governmental programs to the division of administration shall apply to the
 7 **board office** account during an emergency shortfall in funding as certified by the
 8 **board office** with the approval of the chief justice of the Louisiana Supreme Court.
 9 §167. Louisiana Public Defender Fund

10 A. "The Louisiana Public Defender Fund", hereinafter referred to as the
 11 "LPD Fund", is hereby created in the state treasury. Interest earned on the investment
 12 of monies in the fund shall be deposited in and credited to the fund. Unexpended and
 13 unencumbered monies in the fund at the close of each fiscal year shall remain in the
 14 fund. Monies in the fund shall be appropriated, administered, and used solely and
 15 exclusively for purposes of the Louisiana Public Defender Act ~~and program,~~ **other**
 16 **services and programs**, and as further provided in this Section.

17 * * *

18 D. The LPD Fund shall be administered by the **board office** as authorized by
 19 the provisions of the Louisiana Public Defender Act. The **board office** is hereby
 20 authorized to establish such accounts or sub-accounts within the LPD Fund as
 21 deemed necessary to comply with the provisions of the Louisiana Public Defender
 22 Act and the program. ~~The board shall not commingle the monies in the LPD Fund~~
 23 ~~established in this Section with any other monies or funds of the board for any~~
 24 ~~reason.~~

25 E. The **board office** shall dedicate and disburse at least sixty-five percent of
 26 the entirety of its annual budget and its funds in the Louisiana Public Defender Fund
 27 as defined in Subsection A of this Section each fiscal year to the district defender
 28 offices and their indigent defender funds as defined in R.S. 15:168(A) in the various
 29 judicial districts throughout the state. ~~Any funds disbursed to any district defender~~

1 office shall be paid in addition to the minimum mandatory sixty-five percent of
 2 dedicated and disbursed funds required in this Subsection. The provisions of this
 3 Subsection shall not apply to statutorily dedicated funds or funds received through
 4 the awarding of grants.

5 §168. Judicial district indigent defender fund

6 * * *

7 D. ~~No defendant who has retained private counsel of record shall be assessed~~
 8 ~~any costs to be credited to the indigent defender fund, other than the special costs~~
 9 ~~established by Subsection B of this Section, unless the board has provided~~
 10 ~~representation of record for that defendant at some point in that criminal proceeding.~~

11 E. ~~Any surplus monies in the judicial district indigent defender fund on~~
 12 ~~August 15, 2007, shall be retained in that judicial district and remain in the judicial~~
 13 ~~district indigent defender fund. Any unexpended and unencumbered monies in the~~
 14 ~~judicial district indigent defender fund at the close of each fiscal year shall remain~~
 15 ~~in the judicial district indigent defender fund. Monies in the fund shall be~~
 16 ~~administered and used solely and exclusively for purposes of delivering indigent~~
 17 ~~defender services in that judicial district.~~

18 ~~F.~~E.(1) Notwithstanding any provision of law to the contrary, each judicial
 19 district is allowed to accumulate funds for the purposes of retaining expert witnesses.
 20 The district public defender, in his discretion, shall determine how payments shall
 21 be administered and which experts shall be paid.

22 (2) Any person who has retained private counsel, but is found to be indigent,
 23 may apply for funds for expert witnesses in the same manner as public defender
 24 clients. Each person shall apply for the funds by making application to the district
 25 defender of the district having jurisdiction and shall be subject to the same
 26 requirements as indigent clients.

27 (3) No court shall have jurisdiction to order the payment of any funds
 28 administered by the Louisiana Public Defender Board or district public defender for
 29 expert witnesses, **or for any other reason.**

1 §169. Representation of capital defendants

2 A. In cases where a sentence of death has been imposed, the ~~board~~ **office**
3 shall promptly cause counsel to be enrolled to represent the defendant. The ~~board~~
4 **office** shall adopt rules and retain only such staff counsel or other counsel, who will
5 work under the supervision of the ~~board~~ **office**, as are necessary to provide counsel
6 to represent capital defendants on direct appeal to the Supreme Court of Louisiana
7 and to seek post-conviction relief if appropriate in state and federal court. The ~~board~~
8 **office** shall also adopt rules regarding the provision of reasonably necessary services
9 associated with the proceedings, including investigative, expert, and other services.
10 The rules shall require that funds to pay for such reasonably necessary services shall
11 be provided only upon a written showing specifically identifying the nature of the
12 services, the cost of such services, and the need for such services with mandatory
13 guidelines for compensation and litigation expense maximums. The ~~board~~ **office** may
14 seek funding as is available under federal law or from other public and private
15 sources to cover the costs of providing representation in connection with applications
16 for post-conviction relief filed in state and federal court.

17 B. Staff counsel, or other counsel, who represented convicted capital
18 defendants in state court proceedings may, if authorized by the ~~board~~ **office**, accept
19 appointments from federal court to represent those defendants, but only if
20 compensation is provided by funds as directed by the appointing federal court. Such
21 funds shall remain subject to the use of the board and may be used for paying the
22 costs of such representation. No state-appropriated funds shall be expended for the
23 representation of capital defendants in federal court.

24 §170. Disciplinary action; sanctions of ~~regional directors and~~ district public
25 defenders; just cause; hearing

26 A.(1) The ~~board~~ **office** shall have the authority to take corrective or
27 disciplinary action against any ~~regional director, or~~ district public defender, for
28 failure to adhere to the standards and guidelines for rendering indigent defender
29 services as provided by rules adopted pursuant to R.S. 15:148 and in accordance with

1 the Administrative Procedure Act.

2 * * *

3 (3) A ~~regional director~~ or district public defender may be demoted or
4 terminated for just cause.

5 B. The actions which constitute just cause are as follows:

6 * * *

7 (2) The willful refusal to comply with mandatory performance standards and
8 guidelines as required by rule adopted by the **board office**.

9 * * *

10 (5) The willful failure to document communications with clients as required
11 by the **board office**.

12 (6) The willful failure to cooperate with the ~~state public defender, a regional~~
13 ~~director, where applicable, or the~~ **board office** in any matter.

14 * * *

15 (8) The willful failure to submit requested documentation on any matter as
16 requested by the ~~regional director or the~~ **board office**.

17 (9) Knowingly making any false statement to the ~~regional director, state~~
18 ~~public defender, or~~ **board office**.

19 * * *

20 C. A ~~regional director~~ or district public defender who feels that he has been
21 demoted or terminated without just cause as defined in this Section may, within
22 fifteen days after the action, demand in writing a hearing, and investigation by the
23 **board office** to determine the reasonableness of the action.

24 D.(1) Upon receipt of a request for a hearing, the **board office** shall appoint
25 a five-member hearing committee ~~made up of five board~~ **consisting of Louisiana**
26 **Public Defender Board** members.

27 (2) The **board office** shall designate the chairman of the hearing committee,
28 who shall function as the presiding officer of the hearing.

29 (3) The chairman of the hearing committee shall designate an attorney to

1 present evidence in support of the proposed job action. The attorney may be the
2 supervisor requesting the job action or his designee or another attorney currently
3 providing indigent defender services appointed by the **board office** for that purpose.

4 * * *

5 G.(1) Within thirty days of receipt of the report from the hearing committee,
6 the **board office** shall take action in a public meeting conducted by the **board office**.

7 (2) At that time the **board office** may affirm the recommendation of the
8 hearing committee, modify or disapprove the recommendations of the hearing
9 committee, or direct that the matter be investigated further.

10 (3) If the **board office** affirms the demotion or termination action, then the
11 termination or demotion of the ~~regional director~~ or district public defender shall
12 remain in effect and shall be permanent.

13 (4) If the **board office** finds that the termination or demotion was not taken
14 in good faith for just cause under the provisions of this Section, the **board office** shall
15 order the immediate reinstatement or reemployment of such person in the office,
16 place, position, or employment from which he was terminated or demoted, which
17 reinstatement shall, if the **board office** so provides, be retroactive and entitle him to
18 his regular pay from the time of termination or demotion.

19 (5) The **board office** may modify the order of termination or demotion by
20 directing a suspension without pay for a given period.

21 H. The decision of the **board office**, together with its written findings of fact,
22 shall be certified in writing and shall be enforced by the **board office**.

23 I. All decisions of the **board office** are final and may not be appealed.

24 J. Prior to terminating or demoting a district public defender, the **board office**
25 shall send written notice of the public hearing as required by this Section, to the chief
26 judge, and the district advisory board, if applicable, of the judicial district of the
27 ~~board's office's~~ **board office's** intention to terminate or demote the district public defender of that
28 judicial district.

29 §173. Right of action not created

1 * * *

2 B. In addition to the provisions of Subsection A of this Section, nothing
 3 herein, nor any standards, guidelines, or rules adopted as a result hereof, shall be
 4 construed to provide any criminal defendant the basis of any claim that the attorney
 5 or attorneys appointed to represent him pursuant to this statute performed in an
 6 ineffective manner. It shall be presumptive evidence that any attorney performing
 7 criminal defense services pursuant to the auspices of this statute is currently certified
 8 to have met the standards and guidelines adopted by the **board office** to provide
 9 criminal defense services in an effective manner. Nothing contained herein shall be
 10 construed to overrule, expand, or extend, whether directly or by analogy, the decision
 11 reached by the United States Supreme Court in *Strickland v. Washington*, 466 U.S.
 12 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984) nor its progeny as adopted by the
 13 Louisiana Supreme Court.

14 §174. Special reporting requirements; penalties

15 A. In addition to the general oversight requirements provided by law, each
 16 district ~~or service region, where applicable~~, shall submit an annual report to the
 17 ~~Louisiana Public Defender Board~~ **office** no later than February first of each year,
 18 commencing in 2009. The report, using the uniform definition of a "case" as defined
 19 in Subsection C of this Section, shall include detailed information of the workload,
 20 resources, employees, and expenditures for each district ~~or service region, where~~
 21 ~~applicable~~, for the previous fiscal year. The report shall also include the number of
 22 Families in Need of Services (FINS) petitions, Child in Need of Care (CINC)
 23 petitions, and child support petitions handled by each ~~service region~~ **district**.

24 B.(1) The district public defender, ~~and director of each service region, where~~
 25 ~~applicable~~, shall be responsible for preparing, completing, and submitting the annual
 26 report to the ~~Louisiana Public Defender Board~~ **office** as provided for in Subsection
 27 A of this Section.

28 * * *

29 §175. Proceedings to determine indigency

1 ~~Board~~ **office**, which shall promptly cause to have enrolled counsel to represent the
 2 defendant on direct appeal and in any state post-conviction proceedings, if
 3 appropriate.

4 * * *

5 §180. Special reporting requirements

6 In addition to the general oversight requirements provided by law, the ~~board~~
 7 **office** shall submit an annual report to the legislature not later than February first of
 8 each year, commencing in 1999. The report shall include a comprehensive status
 9 report on the ~~board's~~ **office's** activities, ~~the number of meetings of the board and~~
 10 ~~attendance~~, expenditures, decisions, and actions for the previous fiscal year. The
 11 report shall be directed to the chairmen of the standing committees of the Senate
 12 **Committee on Judiciary B** and the House of Representatives ~~with subject matter~~
 13 ~~jurisdiction over criminal justice matters~~ **Committee on the Administration of**
 14 **Criminal Justice**.

15 * * *

16 §185.2. Definitions

17 As used in this Part, the following words shall have the following meanings:

18 (1) ~~"Board" means the Louisiana Public Defender Board, or any successor~~
 19 ~~to that board, which is authorized to regulate the providing of legal services to~~
 20 ~~indigent persons in criminal proceedings in which the right to counsel attaches under~~
 21 ~~the United States and Louisiana constitutions. The board is also authorized to~~
 22 ~~regulate the providing of representation to indigent parents as authorized by this Part.~~

23 (2) "Child abuse and neglect case" means a child protection proceeding
 24 conducted by a court exercising juvenile jurisdiction involving the abuse or neglect
 25 of children as provided specifically in Titles VI, X, and XI, of the Louisiana
 26 Children's Code.

27 ~~(3)~~**(2)** "District office" means the office of a district public defender.

28 ~~(4)~~**(3)** "District public defender", "chief indigent defender", or "chief public
 29 defender" means an attorney employed by or under contract with the ~~board~~ **office** to

1 supervise service providers and enforce standards and guidelines within a judicial
2 district or multiple judicial districts.

3 ~~(5)~~**(4)** "Indigent Parents' Program" or "the program" means the Indigent
4 Parents' Representation Program required by the Louisiana Children's Code and
5 administered in accordance with the provisions of R.S. 15:185.1 through 185.9.

6 ~~(6)~~**(5)** "Indigent parent representation" means the providing of legal services
7 to indigent or absent parents in child abuse and neglect cases as required by the
8 provisions of the Louisiana Children's Code.

9 **(6) "Office" means the office of the state public defender as created by**
10 **R.S. 15:146.**

11 (7) "Public defender" or "indigent defender" means an attorney employed by
12 or under contract with the ~~board~~ **office**, the district public defender, or a nonprofit
13 organization contracting with the ~~board~~ **office** or the district public defender to
14 provide representation, including curatorship appointments, to indigent or absent
15 parents in child abuse and neglect cases as required by the provisions of the
16 Louisiana Children's Code.

17 * * *

18 §185.3. Indigent Parents' Representation Program; duties of the ~~board~~ **office**; subject
19 to appropriation

20 A.(1) Subject to appropriation, or the availability of other monies made
21 available to the program, the ~~board~~ **office** shall administer a program to provide
22 representation, including curatorship appointments, of indigent or absent parents in
23 child abuse and neglect cases as required by the Louisiana Children's Code.

24 (2) Except for the inherent regulatory authority of the Louisiana Supreme
25 Court provided for in Article V, Section 5 of the Constitution of Louisiana, regarding
26 the regulation of the practice of law, the ~~Louisiana Public Defender Board or any~~
27 ~~successor to that board,~~ **office** shall have all regulatory authority, control,
28 supervision, and jurisdiction, including auditing and enforcement, and all power
29 incidental or necessary thereto to administer a program to provide for the delivery

1 of indigent or absent parent representation throughout the courts of the state of
2 Louisiana.

3 B. In the administration of the Indigent Parents' Representation Program, the
4 ~~board~~ **office** shall:

5 * * *

6 (6) Make an annual report to the legislature regarding the state of the ~~board's~~
7 **office's** operations and the status of representation of indigent or absent parent
8 services it regulates. Such report shall include at a minimum:

9 (a) Recommendations for all needed changes in the law regarding the ~~board~~
10 **office** or any regulated activity.

11 (b) A complete report on the receipt and expenditure of all funds received by
12 the ~~board and the regional offices, where applicable~~ **office**, including district level
13 data.

14 (c) Comprehensive workload data.

15 (7) Ensure that the policies, procedures, and public pronouncements of the
16 ~~board~~ **office** recognize the unique and critical role of parents' attorneys in
17 safeguarding fundamental rights and promoting the safety, permanency, and well-
18 being of children in the child welfare system.

19 * * *

20 (11) Provide for the employing or contracting with and training of attorneys
21 and other professional and nonprofessional staff that may be necessary to carry out
22 the functions of the program. All attorneys representing indigent or absent parents
23 through this program shall be licensed to practice law in Louisiana and qualified in
24 accordance with standards and guidelines adopted by rule of the ~~board~~ **office**.

25 * * *

26 (17) Prepare as of June first of each year, an estimate of unexpended balances
27 in every account in the custody of the ~~board~~ **office** and submit a copy thereof to the
28 governor, the legislative auditor, and the legislative fiscal officer.

29 (18) Develop and maintain a comprehensive information system on the

1 receipt of revenues by the **board office**, and the districts from local, state, and federal
2 sources, as well as the expenditure of these revenues, and submit a summary of this
3 information annually to the legislature.

4 (19) Assign appropriate staff to:

5 * * *

6 (g) Assist the district public defenders in the compliance with standards and
7 guidelines adopted by the **board office** pursuant to this Section. The **board office** staff
8 shall assist the district public defenders with implementation of standards and
9 guidelines and supervision policy and procedures to verify compliance.

10 * * *

11 C. During the incremental implementation period, the **board office** shall
12 continue working in conjunction with the Task Force on Legal Representation in
13 Child Protection Cases to transform the existing legal representation system for
14 children and indigent parents in child abuse and neglect cases to a more efficient and
15 effective statewide system and to facilitate securing of necessary funding for the
16 system. This transformation includes the **board office** developing standards and
17 oversight mechanisms for providing for quality representation of indigent parents
18 and determining how funding currently administered by the Department of Children
19 and Family Services, office of children and family services, for representation of
20 indigent parents and children shall be redistributed to the **board office** and the Child
21 Advocacy Program of the Mental Health Advocacy Service by July 1, 2012.

22 D. The powers and duties of the **board office** provided for by this Section
23 shall be in addition to the powers and duties provided for in R.S. 15:147 or as
24 otherwise provided by law.

25 §185.4. Standards and guidelines for representation of indigent parents; rulemaking

26 A. The **board office** shall adopt all rules necessary to implement the
27 provisions of R.S. 15:185.1 through 185.9.

28 B. The rules shall include but not be limited to:

29 * * *

1 (2) Ensuring the standards and guidelines shall take into consideration all of
2 the following:

3 (a) Manageable indigent or absent parent representation workloads. The
4 ~~board~~ office shall adopt manageable indigent or absent parent representation
5 workloads that permit the rendering of competent representation through an
6 empirically based case-weighting system that does not count all cases of similar case
7 type equally but rather denotes the actual amount of attorney effort needed to bring
8 a specific case to an appropriate disposition.

9 (b) Continuity of representation. The ~~board~~ office shall adopt standards and
10 guidelines which ensure that each district devises a plan to provide that to the extent
11 feasible and practicable the same attorney handles a case from appointment contact
12 through completion in all cases.

13 (c) Documentation of communication. The ~~board~~ office shall adopt standards
14 and guidelines to ensure that defense attorneys providing indigent or absent parent
15 representation provide documentation of communications with clients to meet
16 standards and guidelines established by the ~~board~~ office.

17 (d) Performance supervision protocols. The ~~board~~ office shall adopt standards
18 and guidelines to ensure that all defense attorneys providing indigent or absent parent
19 representation undergo periodic review of their work against the performance
20 standards and guidelines in a fair and consistent manner throughout the state,
21 including creating a uniform evaluation protocol.

22 (e) Performance of attorneys in all assigned indigent or absent parent
23 representation cases or curatorship appointments. The ~~board~~ office shall adopt
24 general standards and guidelines that alert defense counsel to courses of action that
25 may be necessary, advisable, or appropriate to providing competent indigent or
26 absent parent representation or curatorship appointments, including performance
27 standards in the nature of job descriptions.

28 * * *

29 (10) Establishing policies and procedures for handling conflict of interest

1 cases and overflow cases when workload standards which are established by rules
2 of the ~~board~~ **office** are breached.

3 * * *

4 (12) Ensuring data collected, including workload, is collected and maintained
5 in a uniform and timely manner throughout the state to allow the ~~board~~ **office** sound
6 data to support resource needs.

7 * * *

8 §185.6. Special reporting requirements; indigent parent representation cases;
9 penalties

10 A. In addition to the general oversight requirements provided by law, each
11 district public defender, ~~or regional director, where applicable,~~ shall submit an
12 annual report to the ~~board~~ **office** no later than February first of each year,
13 commencing in 2008. The report, using the uniform definition of a "case" as defined
14 in Subsection C of this Section, shall include detailed information of the district's
15 workload, resources, employees, and expenditures for the previous fiscal year.

16 B.(1) The district public defender shall be responsible for preparing,
17 completing, and submitting the annual report to the ~~board~~ **office** as provided for in
18 Subsection A of this Section.

19 (2) The district public defender shall be subject to the penalties provided for
20 in Paragraph (3) of this Subsection, payable out of the judicial district indigent
21 defender fund, to the ~~board~~ **office** if any of the following occur:

22 * * *

23 D. The ~~board~~ **office** shall draft, administer, and furnish reporting forms to the
24 district public defender which request detailed information of the district's workload,
25 resources, employees, and expenditures for the previous fiscal year based on the
26 uniform definition of a "case" as defined in Subsection C of this Section.

27 §185.7. Rights of action; interpretation of Part

28 * * *

29 B. In addition to the provisions of Subsection A of this Section, nothing

1 herein, nor any standards, guidelines, or rules adopted as a result hereof, shall be
 2 construed to provide any person the basis of any claim that the attorney or attorneys
 3 appointed to him pursuant to this statute performed in an ineffective manner. It shall
 4 be presumptive evidence that any attorney performing indigent or absent parent
 5 representation pursuant to the auspices of this statute is currently certified to have
 6 met the standards and guidelines adopted by the **board office** to provide indigent or
 7 absent parent representation in an effective manner.

8 * * *

9 §186.2. Definitions

10 For the purposes of this Part, the following words shall have the following
 11 meanings:

12 (1) ~~"Board" means the Louisiana Public Defender Board, or any successor~~
 13 ~~to that board, which is authorized to regulate the providing of legal services to~~
 14 ~~indigent persons in criminal proceedings in which the right to counsel attaches under~~
 15 ~~the United States and Louisiana Constitutions. The board is also authorized to~~
 16 ~~regulate the providing of representation to indigent parents as authorized by this Part.~~

17 (2) "Custody" means the legal custody of the office of juvenile justice, which
 18 follows on commitment by a Louisiana court exercising juvenile jurisdiction to the
 19 office of juvenile justice as provided in Titles VII and VIII of the Louisiana
 20 Children's Code.

21 (2) "District office" means the office of a district public defender.

22 (3) "District public defender", "chief indigent defender", or "chief public
 23 defender" means an attorney employed by or under contract with the **board office** to
 24 supervise service providers and enforce standards and guidelines within a judicial
 25 district or multiple judicial districts.

26 (4) "Indigent child representation" means the providing of legal services
 27 to indigent children committed to the custody of the office of juvenile justice
 28 pursuant to Title VII and Title VIII of the Louisiana Children's Code.

29 (5) "Office of juvenile justice" ~~and "the office"~~ means the Department of

1 Public Safety and Corrections, youth services, office of juvenile justice.

2 **(6) "Office" means the office of the state public defender as created by**
3 **R.S. 15:146.**

4 (7) "Public defender" or "indigent defender" means an attorney ~~employed by~~
5 ~~or~~ under contract with the ~~board~~ **office**, the district public defender, or a nonprofit
6 organization contracting with the ~~board~~ **office** or the district public defender to
7 provide representation as required by the provisions of the Louisiana Children's
8 Code.

9 * * *

10 §186.3. Safe Return Representation Program; duties of the ~~board~~ **office**; subject to
11 appropriations

12 A.(1) Subject to appropriation and the availability of other monies to the
13 program, the ~~board~~ **office** shall administer a program to provide qualified legal
14 representation to indigent children committed to the custody of the office of juvenile
15 justice pursuant to Title VII and Title VIII of the Louisiana Children's Code and
16 promote safe return and reentry for youth in custody.

17 (2) Except for the regulatory authority of the Louisiana Supreme Court
18 provided for in Article V, Section 5, of the Louisiana Constitution, the ~~Louisiana~~
19 ~~Public Defender Board or any successor to that~~ ~~board~~ **office**, shall have all regulatory
20 authority, control, supervision, and jurisdiction, including auditing and enforcement,
21 and all power necessary to administer the program throughout the state.

22 B. In the administration of the Safe Return Program, the ~~board~~ **office** shall:

23 * * *

24 (5) Submit an annual report to the legislature regarding the state of the
25 program. Such report shall include:

26 (a) Recommendations for changes in the law regarding the ~~board~~ **office** or
27 any regulated activity.

28 * * *

29 (6) Ensure all policies, procedures, and public pronouncements of the ~~board~~

1 **office** recognize the role of attorneys in safeguarding fundamental rights and
2 promoting the safety, reintegration, and well-being of children in the custody of the
3 office of juvenile justice.

4 * * *

5 (10) Employ and train attorneys and other staff as may be necessary to carry
6 out the functions of the program. All attorneys representing indigent children through
7 this program shall be licensed to practice law in Louisiana and qualified in
8 accordance with the standards and guidelines adopted by rule of the **board office**.

9 * * *

10 (13) Establish and modify a plan of organization to conduct the business of
11 regulating and controlling the delivery of program services. The plan of organization
12 shall provide for:

13 * * *

14 (c) The enforcement of **board office** rules.

15 * * *

16 (16) Prepare and submit to the governor, legislative auditor, and legislative
17 fiscal officer, not later than June first of each year an estimate of unexpended
18 balances in every account in the custody of the **board office**.

19 (17) Develop and maintain a comprehensive information system on the
20 revenues received by the **board office** and any district from local, state, and federal
21 sources, as well as the expenditure of any revenue, and submit a summary of the
22 information annually to the legislature.

23 (18) Assign appropriate staff to:

24 * * *

25 (c) Assist district public defenders in maintaining compliance with standards
26 and guidelines adopted by the **board office** pursuant to this Section. The **board office**
27 staff shall assist the district public defenders with implementation of standards,
28 guidelines, supervision, policy, and procedures to maintain compliance.

29 * * *

1 C. The powers and duties of the ~~board~~ **office** provided for by this Section
2 shall be in addition to the powers and duties provided for in R.S. 15:147.

3 §186.4. Standards and guidelines for representation of indigent children in custody;
4 rulemaking

5 A. The ~~board~~ **office** shall adopt all rules necessary to implement the
6 provisions of this Part.

7 * * *

8 §186.5. Safe Return Representation Program Fund

9 * * *

10 D. Monies in the fund which have been appropriated to the ~~Louisiana Public~~
11 ~~Defender Board~~ **office** shall be administered by the ~~Louisiana Public Defender~~
12 ~~Board, or any successor to that board~~ **office**.

13 E. The ~~board~~ **office** shall not commingle the monies appropriated from the
14 fund with any other monies of the ~~board~~ **office**.

15 Section 2. R.S. 15:146(D), 148(B)(14) and (15), 151, 153, 154, 155, 156, 157, 158,
16 159, 160, 162.1, 168(F), and 185.9 are hereby repealed.

17 Section 3. Nothing in this Act shall be construed to impede or nullify any existing
18 contract in which the Louisiana Public Defender Board is a party. The office of the state
19 public defender shall honor all contracts in which the board is a party through June 30, 2024.

20 Section 4. Subject to a satisfactory performance and compliance evaluation, a public
21 defender who has an existing contract with the Louisiana Public Defender Board for Fiscal
22 Year 2023-2024, shall have the option to renew the contract with the office of the state
23 public defender for Fiscal Year 2024-2025, subject to appropriation.

24 Section 5. This Act shall become effective upon signature by the governor or, if not
25 signed by the governor, upon expiration of the time for bills to become law without signature
26 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
27 vetoed by the governor and subsequently approved by the legislature, this Act shall become
28 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 Alan Miller.

DIGEST

SB 8 Engrossed

2024 Second Extraordinary Session

Reese

Present law provides that every person is entitled to assistance of counsel of his choice, or appointed by the court if he is indigent and charged with an offense punishable by imprisonment and that the legislature provide for a uniform system for securing and compensating qualified counsel for indigents.

Proposed law retains present law.

Present law established the La. Public Defender Bd. (board) to provide for the delivery of public defender services which meet the requirements established by the United States Supreme Court and the Louisiana Supreme Court.

Proposed law transfers the authority to deliver public defender services provided for in present law from the board to the office of the state public defender (office).

Proposed law authorizes the office to:

- (1) Regulate and fund public defender services and provide financial support to other service programs that provide services to persons adjudicated in the criminal justice system.
- (2) Make recommendations to the legislature, governor, and the chief justice of the Louisiana Supreme Court regarding potential changes to laws in order to improve public defender services and the criminal justice system in Louisiana.

Present law provides for the board to appoint a state public defender to administer the statewide public defender system for the delivery of public defender services.

Proposed law provides for the governor to appoint the state public defender for a term of two years, subject to Senate confirmation.

Proposed law retains the existence of the board to serve in an advisory capacity to the state public defender.

Present law provides relative to implementation of the Indigent Parents Representation Program.

Proposed law repeals present law.

Proposed law requires the office to honor all contracts in which the board is a party through June 30, 2024.

Proposed law provides that a public defender who has an existing contract with the board for FY 23-24 will have the option to renew the contract for FY 24-25 provided the public defender has satisfactory performance evaluation.

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

(Amends R.S. 15:142(C) and (F), 143, 146(A), (B)(1) and (C), 147(A), (B)(intro para), (B)(1), (3), (4), (5)(b)(iii), (6), (7), (15), (17), (19) and (20), (C), (D) and (E), 148(A), (B)(1)(a)(intro para), (b), (c), (d), (e) and (f) and (5)-(13) and (C), 149.1, 149.2, 150(A), (C) and (E), 152, 161(A), (E)(5) and (7)-(14), (F), (H), (I) and (J), 162, 163, 164(A), (C)(1),

(D)(intro para), (E)(4) and (F)(2), 165(A), (B), (C), (D), (F) and (G), 166, 167(A), (D) and (E), 168(D) and (E), 169, 170(A)(1) and (3), (B)(2), (5), (6), (8) and (9), (C), (D)(1), (2) and (3), (G), (H), (I) and (J), 173(B), 174(A) and (B)(1), 175(A)(1)(f) and (i) and (2) and (C), 178, 180, 185.2(1)-(7), 185.3(A), (B)(intro para), (B)(6), (7), (11), (17), (18), and (19)(g), (C) and (D), 185.4(A), (B)(2), (10) and (12), 185.6(A), (B)(1) and (B)(2)(intro para), and (D), 185.7(B), 186.2(1)-(7), 186.3(A), (B)(intro para), (B)(5)(a), (6), (10), (13)(c), (16), (17) and (18)(c) and (C), 186.4(A) and 186.5(D) and (E); adds R.S. 15:164(B)(4); repeals R.S. 15:146(D), 148(B)(14) and (15), 151, 153, 154, 155, 156, 157, 158, 159, 160, 162.1, 168(F), and 185.9)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Makes technical changes.
2. Adds provisions for the state public defender to employ or contract with district public defenders.
3. Changes term of state public defender from six years to two years.
4. Adds requirement for the office to review and approve budget proposals submitted by the district public defenders on behalf of their districts.
5. Adds provision authorizing the office to enter into contracts with district public defenders for a period of up to five years.
6. Adds requirement that any monies in each judicial district indigent defender fund at the close of each fiscal year remain with the fund.
7. Repeals present law regarding 2012 implementation of the indigent parent representation program.
8. Adds provision requiring the office of the state public defender to honor all contracts in which the board is a party through June 30, 2024.
9. Adds provision requiring the office to renew existing contracts currently in effect, subject to a satisfactory performance and compliance evaluation.