
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.