
DIGEST

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SB 8 Reengrossed

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. (current board) to provide for the delivery of public defender services which meet the requirements established by the U.S. Supreme Court and the La. 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 eliminates the 11 member La. Public Defender Bd. (current board) and creates the nine-member La. Public Defender Oversight Bd. (proposed board) to provide supervision and oversight to the office of the state public defender (office).

Proposed law establishes the composition of the proposed board as follows:

- (1) Four members appointed by the governor.
- (2) One member selected by the governor from a list of three nominees submitted by a joint resolution of the Public Defenders Association of La. and the La. Association of Criminal Defense Lawyers.
- (3) Two members selected by a majority of the supreme court justices, with one member being a juvenile justice advocate and the other being a retired judge.
- (4) One member selected by the president of the Senate, and one member selected by the speaker of the House.

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 La. Supreme Court regarding potential changes to laws in order to improve public defender services and the criminal justice system in La.

Proposed law provides for responsibilities of the proposed board to include:

- (1) Establishing a compensation plan for the public defenders.
- (2) Adopting rules.
- (3) Approving a strategic plan.

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 approval by a majority of the proposed board and Senate confirmation.

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 governor or lapse of time for gubernatorial action.

(Amends R.S. 15:142(C) and (F), 143, 146(A), (B) 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), and (I), 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), (4), (7), (8), and (9), 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), (6), (7), and (8), 186.3(A), (B)(intro. para.), (B)(5)(a), (6), (10), (13)(c), (16), (17) and (18)(c) and (C), 186.4(A), 186.5(D) and (E), and R.S. 36:4(B)(21); Adds R.S. 15:164(B)(4), 185.2(10), and 186.2(9); Repeals R.S. 15:146(D), 148(B)(14) and (15), 151, 153, 154, 155, 156, 157, 158, 159, 160, 161(J), 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.

Senate Floor Amendments to engrossed bill

1. Makes technical changes.
2. Eliminates the 11-member La. Public Defender Bd. (current board) and creates the nine-member La. Public Defender Oversight Bd. (proposed board) to provide supervision and oversight to the office of the state public defender (office).
3. Requires that members of the proposed board be admitted to the practice of law in La. for at least eight years or have been a judge in La.
4. Creates the 11-member Louisiana Public Defender Oversight Board and provides for duties and responsibilities of the board.
5. Adds requirement that the state public defender be appointed by the governor, subject to approval of a majority of the proposed board, and confirmation by the Senate.

Summary of Amendments Adopted by House

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

1. Make technical changes.
2. Clarify the meaning of the terms "public defender" or "indigent defender".
3. Provide that in addition to an appointment from the governor and senate confirmation, the state public defender shall be subject to the approval of a majority of the La. Public Defender Oversight Board.
4. Provide that one of the members of the La. Public Defender Oversight Board shall be appointed from a list of three nominees submitted to the governor by a joint resolution of the Public Defenders Assoc. of La. and the La. Assoc. of Criminal Defense Lawyers, rather than the majority of the district public defenders providing public defender services in this state.
5. Provide that the office shall employ or contract, for a period of up to five years, with a district public defender to provide for public defender services in each judicial district.
6. Relative to the adjustment of compensation, provide that the salaries and benefits in place on Jan. 1, 2007, for each chief indigent defender shall continue as the beginning salary for each district public defender and shall not be decreased.
7. Delete provisions relative to the office's evaluation and duties pertaining to districts where there is no chief indigent defender employed.
8. Relative to the hearing of a public defender who has been demoted or terminated, clarify that the board shall appoint a five-member hearing committee made up five board members.
9. Provide that the La. Public Defender Oversight Board has the ability to approve contracts in an amount of \$250,000 or more.
10. Provide that the office of the state public defender shall dedicate and disburse 75%, rather than 65% of the entirety of its annual budget to the La. Public Defender Fund.