

RÉSUMÉ DIGEST

ACT 22 (SB 8)

2024 Second Extraordinary Session

Reese

Existing 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.

New law retains existing law.

Prior law established the La. Public Defender Bd. (prior board) to provide for the delivery of public defender services that meet the requirements established by the U.S. Supreme Court and the La. Supreme Court.

New law transfers the authority to deliver public defender services provided for in prior law from the La. Public Defender Bd. to the office of the state public defender.

New law eliminates the 11 member La. Public Defender Bd. (prior board) and creates the nine-member La. Public Defender Oversight Bd. (new board) to provide supervision and oversight to the office of the state public defender.

New law establishes the composition of the La. Public Defender Oversight Bd. (new 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.

New 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.

New law provides for responsibilities of the La. Public Defender Oversight Bd. (new board) to include:

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

Prior law provided for the La. Public Defender Bd. (prior board) to appoint a state public defender to administer the statewide public defender system for the delivery of public defender services.

New 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 La. Public Defender Oversight Bd. and Senate confirmation.

Prior law provided relative to implementation of the Indigent Parents Representation Program.

New law repeals prior law.

New law requires the office to honor all contracts in which the La. Public Defender Bd. (prior board) is a party through June 30, 2024.

New 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.

New law requires that employees of the La. Public Defender Bd. (prior board) remain in their current retirement system with no gap or disruption in service.

Prior law provided that a person employed as the chief indigent defender of a judicial district as of January 1, 2007, continue to be employed by, or enter into a contract with, the board and serve as the district public defender of that district.

New law provides that a person employed as the chief indigent defender of a judicial district shall continue to be employed by, or enter into a contract with, the office and serve as the district public defender of that district.

Effective March 20, 2024.

(Amends R.S. 15:142(C) and (F), 143, 146, 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), and (C), 185.4(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), (16), and (17) and (C), 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. 15:148(B)(14) and (15), 151, 153, 154, 155, 156, 157, 158, 159, 160, 161(J), 162.1, 168(F), 185.3(D), and 185.9)