

**LEGISLATIVE FISCAL OFFICE  
Fiscal Note**



Fiscal Note On: **HB 605** HLS 15RS 646  
 Bill Text Version: **ORIGINAL**  
 Opp. Chamb. Action:  
 Proposed Amd.: **w/ PROP HSE COMM AMD**  
 Sub. Bill For.:

<b>Date:</b> May 27, 2015 5:56 PM	<b>Author:</b> SEABAUGH
<b>Dept./Agy.:</b> LA Public Defender Board/LA Supreme Court	<b>Analyst:</b> Zachary Rau
<b>Subject:</b> LA Capital Defense Services Act	

INDIGENT DEFENSE OR INCREASE GF EX See Note Page 1 of 1  
 Provides relative to indigent defender services in capital cases

Proposed law creates the five member Committee for the Provision of Indigent Defender Services in Capital Cases within the Criminal Code Committee of the LA State Law Institute and gives the committee authority to meet as necessary and conduct a study and develop a master plan for indigent capital defense statewide that is subject to approval of the legislature. The new committee will consist of three retired or active judges appointed by the LA District Judges Association, one criminal defense attorney with capital defense representation experience appointed by the LA Association of Criminal Defense Lawyers, and one retired prosecutor with capital prosecution experience by the LA District Attorneys' Association. Proposed law allows the committee to hire clerical personnel and enter into utility and office space contracts. Proposed law transfers all duties related to indigent capital defense from the LA Public Defender Board to the committee upon the plan being enacted by the legislature and funds being appropriated to implement the plan. Proposed law amends the LA Public Defender Act to explicitly state the LA Public Defender Board's authority is limited to noncapital cases.

<b>EXPENDITURES</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b>\$0</b>
<b>Annual Total</b>						

<b>REVENUES</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b>\$0</b>
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**EXPENDITURE EXPLANATION**

The proposed legislation will increase state general fund expenditures by an indeterminable amount. This bill creates the five-member Committee for the Provision of Indigent Defender Services in Capital Cases within the Criminal Code Committee of the LA State Law Institute. This bill gives the committee within the LA State Law Institute the authority to hire personnel as necessary to conduct its business and enter into contracts for office space, office products, and utilities as necessary. By its charter, all LA State Law Institute office space and equipment is provided by Louisiana State University.

Members of the committee will also be eligible for legislative per diem of \$150 plus the mileage reimbursement, which is currently \$0.58/mile. However, such costs could be reduced if committee meetings are held via teleconference. The LA State Law Institute operates all of its committees with volunteer members.

In the event that the committee submits a statewide indigent capital defense plan and it is enacted by the legislature, funds would need to be appropriated to implement the plan before indigent capital defense authority is transferred to the committee from the LA Public Defender Board. The source and amount of this funding is subject to legislative appropriation in subsequent fiscal years and is indeterminable at this time.

For context, the LA Public Defender Board currently estimates its current funding level of indigent capital defense services to total approximately \$10 M.

**REVENUE EXPLANATION**

There is no anticipated direct material effect on governmental revenues as a result of this measure.

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|---|----------------------------|--------------|--|
| <u>Senate</u>   | <u>Dual Referral Rules</u> | <u>House</u> | <input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}                    |
| <input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}       |                            |              | <input type="checkbox"/> 6.8(F)(2) >= \$500,000 Rev. Red. to State {H & S}                 |
| <input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H} |                            |              | <input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S} |

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