

2018 Regular Session

SENATE BILL NO. 317

BY SENATOR CLAITOR

PUBLIC DEFENDER. Provides procedure for expulsion of members of the Louisiana Public Defender Board for unexcused absences at board meetings. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 15:146(B)(1), (B)(3)(e) and (C) and to enact R.S.  
3 15:146(B)(3)(f) and (g), relative to the Louisiana Public Defender Board; to provide  
4 relative to the membership of the board; to provide for the expulsion of board  
5 members; to provide relative to notice requirements; and to provide for related  
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:146(B)(1), (B)(3)(e) and (C) are hereby amended and reenacted  
9 and R.S. 15:146(B)(3)(f) and (g) are hereby enacted to read as follows:

10 §146. Louisiana Public Defender Board

11 \* \* \*

12 B.(1) The board shall consist of ~~eleven~~ **thirteen** members.

13 \* \* \*

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

15 \* \* \*

16 (e) The chairman of the Senate Committee on Judiciary C shall appoint  
17 one member.

(f) The chairman of the House Committee on Administration of CriminalJustice shall appoint one member.

(g) All appointments to the board shall be subject to confirmation by the Senate.

\* \* \*

~~C.(1) A member may be removed for excessive absences from meetings. For the purposes of this Subsection, "excessive absences" means missing four duly noticed meetings within a period of eighteen months or three duly noticed meetings within a period of ten months.~~ The board, by a vote of two-thirds of the members, may expel a member who has accumulated three unexcused absences from board meetings during a twelve-month period.

~~(2) Upon review of board member attendance, if a board member has been excessively absent from board meetings, the chairman shall inform the board of the absences and shall send written notice on behalf of the board to the member requesting that the member resign his position on the board. If the member refuses to resign, the board shall remove the member for excessive absences in accordance with the provisions of this Subsection.~~

~~(3) If a member is removed~~ expelled as provided by this Subsection, the board shall send written notice to the member informing him of his ~~removal~~ expulsion and notify the appropriate appointing authority of the vacancy on the board.

\* \* \*

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

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The original instrument was prepared by James Benton. The following digest, which does not constitute a part of the legislative instrument, was prepared by Alden A. Clement, Jr.

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## DIGEST

SB 317 Reengrossed

2018 Regular Session

Claitor

Present law provides that the La. Public Defender Board consists of 11 members.

Proposed law changes the board membership from 11 to 13 members.

Present law provides that the board is composed as follows:

- (1) The governor appoints five members, one from each appellate court district, and designates the chairman.
- (2) The chief justice of the La. Supreme Court appoints four members, one member being a juvenile justice advocate, one member being a retired judge with criminal law experience, and two at-large members.
- (3) The president of the Senate and the speaker of the House of Representatives each appoint one member.

Proposed law retains present law and adds the following:

- (1) The chairman of the Senate Committee on Judiciary C appoints one member.
- (2) The chairman of the House Committee on Administration of Criminal Justice Committee appoints one member.

Present law provides that a member may be removed for excessive absences from meetings of the board. Present law "excessive absences" as a member missing four duly noticed meetings within a period of 18 months or three duly noticed meetings within a period of 10 months.

Proposed law changes present law to provide that the board, by a vote of 2/3 of the members, may expel a member who has accumulated three unexcused absences from board meetings during a 12 month period.

Present law provides that upon review of board member attendance, if a board member has been excessively absent from board meetings, the chairman is to inform the board of the absences and send written notice on behalf of the board to the member requesting that the member resign his position on the board. Present law further provides that if the member refuses to resign, the board is to remove the member for excessive absences in accordance with the provisions of present law.

Proposed law deletes present law.

Present law provides that if a member is removed as provided by present law, the board is to send written notice to the member informing him of his removal and notify the appropriate appointing authority of the vacancy on the board.

Proposed law makes present law applicable to the proposed law removal process and changes the present law reference from a "removed" member to an "expelled" member.

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

(Amends R.S. 15:146(B)(1), (B)(3)(e) and (C); adds R.S. 15:146(B)(3)(f) and (g))

Summary of Amendments Adopted by Senate

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

1. Changes two additional proposed law board members from the chairmen of the Senate Committee on Judiciary C and the House Committee on Administration of Criminal Justice to members appointed by those two chairmen.

Senate Floor Amendments to engrossed bill

1. Makes legislative bureau technical change.