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HOUSE FLOOR AMENDMENTS

2021 Regular Session

Amendments proposed by Representative Magee to Engrossed House Bill No. 586 by Representative Magee

1 AMENDMENT NO. 1

2 On page 1, line 3, after "R.S. 15:142(6)" and before the comma "," insert "and 152.1"

3 AMENDMENT NO. 2

4 On page 2, line 2, after "R.S. 15:142(6)" and before "hereby" change "is" to "and 152.1 are"

5 AMENDMENT NO. 3

6 On page 7, between lines 9 and 10, insert the following:

7 "(d) The chancellor of Southern University Law Center, or his
8 designee who is an active or retired employee of the Southern University
9 Law Center."

10 AMENDMENT NO. 4

11 On page 17, between lines 16 and 17, insert the following:

12 "(e) Have at least five years of combined experience as any of the
13 following:
14 (i) A district public defender or chief indigent defender as defined by
15 R.S. 15:143.
16 (ii) A public defender or indigent defender as defined by R.S. 15:143.
17 (iii) An attorney employed at a service program as defined by R.S.
18 15:143.
19 (iv) An attorney practicing in a state other than Louisiana with
20 responsibilities similar to those of an attorney described by Items (i), (ii), or
21 (iii) of this Subparagraph."

22 AMENDMENT NO. 5

23 On page 19, between lines 20 and 21, insert the following:

24 "§152.1. Louisiana Public Defender Advisory Board
25
26 A. There is hereby created the Louisiana Public Defender Advisory
27 Board within the Office of the State Public Defender and Justice Investment
28 to provide for the advisory supervision of a statewide public defender system.
29 B. The advisory board shall be subject to the Code of Governmental
30 Ethics, the law relative to public records and open meetings, the law relative
31 to public bid and procurement, and all other provisions of law applicable to
32 state agencies.
33 C. To the extent practicable, the advisory board shall be comprised
34 of members who reflect the racial and gender makeup of the general

1 population of the state, and who are geographically representative of all
 2 portions of the state.

3 D. When a vacancy occurs, whether by expiration of a term,
 4 resignation, or other event, the state public defender shall submit to the
 5 appointing entity a list identifying the residency of the current advisory board
 6 members by congressional district, and request that, to the extent possible,
 7 the entity make the appointment from the residents of under-represented
 8 districts.

9 E. (1) The advisory board shall consist of twelve members.

10 (2) Persons appointed to the advisory board shall have significant
 11 experience in the defense of criminal proceedings or shall have demonstrated
 12 a strong commitment to quality representation in indigent defense matters.
 13 No person shall be appointed to the advisory board who has received
 14 compensation as an elected judge, elected official, judicial officer,
 15 prosecutor, law enforcement official, indigent defense provider, or employee
 16 of and such person, within a two-year period prior to appointment. No active
 17 part-time, full-time, contract, or court-appointed indigent defense provider,
 18 or active employee of such person, may be appointed to serve on the advisory
 19 board as a voting member. No person having an official responsibility to the
 20 advisory board, administratively or financially, or their employee shall be
 21 appointed to the advisory board during their term of office. The majority of
 22 advisory board members shall be current members of the Louisiana State Bar
 23 Association. Representatives of the client community shall not be prohibited
 24 from serving as voting members of the advisory board.

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

26 (a)(i) The governor shall appoint five members, one from each
 27 appellate court district, and shall designate the chairman.

28 (ii) The five members shall be appointed from a list of three
 29 nominees submitted to the governor by a majority of the district public
 30 defenders providing public defender services in each appellate district.

31 (b) The chief justice of the Supreme Court of Louisiana shall appoint
 32 four members, one member shall be a juvenile justice advocate; one member
 33 shall be a retired judge with criminal law experience; and two members shall
 34 be at large.

35 (c) The president of the Senate and the speaker of the House of
 36 Representatives shall each appoint one member.

37 (d) The chancellor of Southern University Law Center shall appoint
 38 one member who is an active or retired employee of the Southern University
 39 Law Center.

40 (4) All appointments to the advisory board shall be subject to
 41 confirmation by the Senate.

42 (5) A vacancy on the advisory board shall be filled in the same
 43 manner as the original appointment.

44 (6) Members of the advisory board shall serve staggered terms of
 45 four years.

46 F. (1) The advisory board, by a vote of two-thirds of the members,
 47 may expel a member who has accumulated three unexcused absences from
 48 advisory board meetings during a twelve-month period.

49 (2) If a member is expelled as provided by this Subsection, the state
 50 public defender shall send written notice to the member informing him of his
 51 expulsion and notify the appropriate appointing authority of the vacancy on
 52 the advisory board.

53 G. The state public defender shall notify the appropriate appointing
 54 authority of any advisory board vacancy which occurs for any reason.

55 H. The Office of the State Public Defender and Justice Investment
 56 shall provide administrative and research staff support for the advisory board,
 57 including but not limited to the scheduling of meetings and providing public
 58 notice of scheduled meetings.

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I. The advisory board shall meet at least quarterly, with the meetings called and agenda set by the state public defender as needed."