

2024 Second Extraordinary Session

SENATE BILL NO. 8

BY SENATOR REESE AND REPRESENTATIVE VILLIO

PUBLIC DEFENDER. To create the office of state public defender and transfer authority from the Louisiana Public Defender Board. (gov sig) (Item #7)

1 AN ACT

2 To amend and reenact R.S. 15:142(C) and (F), 143, 146(A), (B)(1) and (C), 147(A), (B)(1),

3 (3), (4), (5)(b)(iii), (6), (7), (15), (17), (19) and (20), (C), (D) and (E), 148(A), the

4 introductory paragraph of (B)(1)(a), (B)(1)(b), (c), (d), (e) and (f), and (5) through

5 (13) and (C), 149.1, 149.2, 150(A), (C) and (E), 152, 161(A), (E)(5) and (7) through

6 (14), (F), (H), (I) and (J), 162, 163, 164(A), (C)(1), the introductory paragraph of

7 (D), (E)(4) and (F)(2), 165(A), (B), (C), (D), (F) and (G), 166, 167(A), (D) and (E),

8 168(D), 169, 170(A)(1) and (3), (B)(2), (5), (6), (8) and (9), (C), (D)(1), (2) and (3),

9 (G), (H), (I) and (J), 173(B), 174(A) and (B)(1), 175(A)(1)(f) and (i) and (2) and (C),

10 178, 180, 185.2(1) through (7), 185.3(A), the introductory paragraph of (B), (B)(6),

11 (7), (11), (17), (18), and (19)(g), (C) and (D), 185.4(A), (B)(2), (10) and (12),

12 185.6(A), (B)(1) and the introductory paragraph of (B)(2), and (D), 187.7(B), the

13 introductory paragraph of 185.9(A), 185.9(B), the introductory paragraph of (C) and

14 (C)(3), 186.2(1) through (7), 186.3(A), the introductory paragraph of (B), (B)(5)(a),

15 (6), (10), (13)(c), (16), (17) and (18)(c) and (C), 186.4(A) and 186.5(D) and (E), to

16 enact R.S. 15:164(B)(4) and to repeal R.S. 15:146(D), 148(B)(14) and (15), 151,

17 153, 154, 155, 156, 157, 158, 159, 160, 162.1 and 168(E) and (F), relative to indigent

1 defender representation; to create the office of the state public defender; to transfer
 2 authority from the Louisiana Public Defender Board to the office; to provide for
 3 powers, duties, and responsibilities of the office; to provide for rulemaking; to
 4 provide for the domicile of the office; to provide for offices and meetings; to provide
 5 for qualifications of executive staff; to provide for qualifications, powers, duties, and
 6 salary of the state public defender; to provide for district public defenders; to provide
 7 for methods of delivery of services; to provide for the Louisiana Public Defender
 8 Fund; to provide for the Judicial District Indigent Defender Fund; to provide for
 9 representation of capital defendants; to provide for disciplinary actions; to prohibit
 10 certain rights of action; to provide for special reporting requirements; to provide for
 11 certain proceedings; to provide for appointment of counsel under certain
 12 circumstances; to provide for reports; to provide for the Indigent Parents'
 13 Representation Program; to provide for standards and guidelines; to provide for the
 14 Safe Return Representation Program; to provide for the Safe Return Representation
 15 Program Fund; and to provide for related matters.

16 Be it enacted by the Legislature of Louisiana:

17 Section 1. R.S. 15:142(C) and (F), 143, 146(A), (B)(1) and (C), 147(A), (B)(1), (3),
 18 (4), (5)(b)(iii), (6), (7), (15), (17), (19) and (20), (C), (D) and (E), 148(A), the introductory
 19 paragraph of (B)(1)(a), (b), (c), (d), (e) and (f), and (5) through (13) and (C), 149.1, 149.2,
 20 150(A), (C) and (E), 152, 161(A), (E)(5) and (7) through (14), (F), (H), (I) and (J), 162, 163,
 21 164(A), (C)(1), the introductory paragraph of (D), (E)(4) and (F)(2), 165(A), (B), (C), (D),
 22 (F) and (G), 166, 167(A), (D) and (E), 168(D), 169, 170(A)(1) and (3), (B)(2), (5), (6), (8)
 23 and (9), (C), (D)(1), (2) and (3), (G), (H), (I) and (J), 173(B), 174(A) and (B)(1),
 24 175(A)(1)(f) and (i) and (2) and (C), 178, 180, 185.2(1) through (7), 185.3(A), the
 25 introductory paragraph of (B), (B)(6), (7), (11), (17), (18), and (19)(g), (C) and (D),
 26 185.4(A), (B)(2), (10) and (12), 185.6(A), (B)(1) and the introductory paragraph of (B)(2),
 27 and (D), 187.7(B), the introductory paragraph of 185.9(A), 185.9(B), the introductory
 28 paragraph of (C) and (C)(3), 186.2(1) through (7), 186.3(A), the introductory paragraph of
 29 (B), (B)(5)(a), (6), (10), (13)(c), (16), (17) and (18)(c) and (C), 186.4(A) and 186.5(D) and

1 (E) are hereby amended and reenacted, and R.S. 15:164(B)(4) is hereby enacted to read as
2 follows:

3 §142. Legislative findings

4 * * *

5 C. The legislature recognizes that the uniform application of statewide
6 standards and guidelines to be established by the ~~Louisiana Public Defender Board~~
7 **office of the state public defender** is an important means of achieving a more
8 consistent delivery of quality representation throughout the state. To that end, it is
9 the express intention of the legislature that the Louisiana Public Defender Act of
10 2007 is designed, to the extent practicable and feasible, to provide for the delivery
11 of public defender services which meet the requirements established by *Strickland*
12 *v. Washington*, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984) and its progeny
13 as adopted by the Louisiana Supreme Court.

14 * * *

15 F. It is the express intention of the legislature that the ~~Louisiana Public~~
16 ~~Defender Board~~ **office** respect local differences in practice and custom regarding the
17 delivery of public defender services. The provisions of this Part are to be construed
18 to preserve the operation of district public defender programs which provide
19 effective assistance of counsel and meet performance standards in whatever form of
20 delivery that local district has adopted, provided that method of delivery is consistent
21 with standards and guidelines adopted by the ~~board~~ **office** pursuant to rules and as
22 required by statute.

23 §143. Definitions

24 As used in this Part, the following words have the following meanings:

25 (1) ~~"Board" means the Louisiana Public Defender Board authorized to~~
26 ~~regulate public defender services.~~

27 (2) ~~"Board office" means the headquarters of the board located in East Baton~~
28 ~~Rouge Parish.~~

29 (3) "District indigent defender fund" means the judicial district indigent

1 defender fund as provided for in R.S. 15:168.

2 ~~(4)~~(2) "District office" means the office of a district public defender as
3 provided for in R.S. 15:161.

4 ~~(5)~~(3) "District public defender" or "chief indigent defender" means an
5 attorney ~~employed by or~~ under contract with the ~~board~~ office to supervise service
6 providers and enforce standards and guidelines within a judicial district or multiple
7 judicial districts.

8 ~~(6)~~(4) "Indigent defendant" means a person that has been determined under
9 the provisions of R.S. 15:175 to be indigent and financially unable to retain private
10 counsel.

11 ~~(7)~~(5) "Indigent defender services program" or "the program" means the
12 activities directed toward the accomplishment of providing indigent defender
13 services under the Louisiana Public Defender Act.

14 **(6) "Office" means the office of the state public defender authorized to:**

15 **(a) Regulate and fund public defender services and provide financial**
16 **support to other service programs that provide services to persons adjudicated**
17 **in the criminal justice system.**

18 **(b) Make recommendations to the legislature, governor, and the chief**
19 **justice of the Louisiana Supreme Court regarding potential changes to laws in**
20 **order to improve public defender services and the criminal justice system in**
21 **Louisiana.**

22 ~~(8)~~(7) "Public defender" or "indigent defender" means an attorney ~~employed~~
23 ~~by or~~ under contract with the ~~board, the~~ office as a district public defender, ~~regional~~
24 ~~director, where applicable, or nonprofit organization contracting with the board,~~
25 ~~district public defender, regional director, where applicable, or the board to provide~~
26 legal counsel to an indigent person in a criminal proceeding.

27 ~~(9)~~(8) "Public defender services" or "indigent defender services" means the
28 providing of legal services to indigent persons in criminal proceedings in which the
29 right to counsel attaches under the United States and Louisiana constitutions.

1 ~~(10) "Regional director" means the person in the employment of the board~~
2 ~~chosen to oversee and enforce standards and guidelines within a service region~~
3 ~~created by the board.~~

4 ~~(11) "Regional office" means the office established for a service region as~~
5 ~~provided for in R.S. 15:159.~~

6 ~~(12)~~(9) "Revenue" or "self-generated revenue" means all revenue received
7 by a judicial district including revenue received as a result of grants or donations or
8 other forms of assistance.

9 ~~(13) "Service region" means one of the public defender service regions~~
10 ~~created by the board as authorized in R.S. 15:159.~~

11 ~~(14)~~(10) "State Public Defender" means the person ~~in the employment of the~~
12 ~~board chosen~~ **appointed by the governor** to administer the statewide public
13 defender system for the delivery of public defender services.

14 §146. Louisiana Public Defender Board **Office of the State Public Defender**

15 A.(1) There is hereby created and established as a state agency within the
16 office of the governor the ~~Louisiana Public Defender Board~~ **office of the state**
17 **public defender** to provide for the supervision, administration, and delivery of a
18 statewide public defender system, which shall deliver uniform public defender
19 services in all courts in this state. ~~The board shall be a body corporate with the power~~
20 ~~to sue and be sued.~~

21 ~~(2) The board and its agents and employees shall be subject to the Code of~~
22 ~~Governmental Ethics, the law relative to public records and open meetings, the law~~
23 ~~relative to public bid and procurement, and all other provisions of law applicable to~~
24 ~~state agencies.~~

25 ~~(3) The two members of the Louisiana Public Defender Board appointed by~~
26 ~~the president of the Louisiana State Bar Association, the member appointed by the~~
27 ~~chairman of the Louisiana State Law Institute's Children's Code Committee, the~~
28 ~~member appointed by the President of the Louisiana Chapter of the Louis A.~~
29 ~~Martinet Society, the member appointed by the Louisiana Interchurch Conference,~~

1 the two members appointed by the governor and the four members appointed by the
 2 governor and nominated by the four law schools, as formerly provided in this
 3 Section, shall terminate their service on August 1, 2016.

4 (4) To the extent practicable, the board shall be comprised of members who
 5 reflect the racial and gender makeup of the general population of the state, and who
 6 are geographically representative of all portions of the state:

7 (5) When a vacancy occurs, whether by expiration of a term, resignation, or
 8 other event, the board shall submit to the appointing entity a list identifying the
 9 residency of the current board members by congressional district, and request that,
 10 to the extent possible, the entity make the appointment from the residents of under-
 11 represented districts. **The state public defender shall be appointed by the**
 12 **governor, subject to senate confirmation, for a term of six years.**

13 B.(1) **The Louisiana Public Defender Board is hereby created and**
 14 **established to serve in an advisory capacity to the state public defender.** The
 15 board shall consist of eleven members.

16 * * *

17 C.(1) The board, by a vote of two-thirds of the members, may expel a
 18 member who has accumulated three unexcused absences from board meetings during
 19 a twelve-month period:

20 (2) If a member is expelled as provided by this Subsection, the board shall
 21 send written notice to the member informing him of his expulsion and notify the
 22 appropriate appointing authority of the vacancy on the board:

23 D: The board shall notify the appropriate appointing authority of any board
 24 vacancy which occurs for any reason.

25 §147. Powers; duties; responsibilities

26 A. Except for the inherent regulatory authority of the Louisiana Supreme
 27 Court provided for in Article V, Section 5 of the Constitution of Louisiana regarding
 28 the regulation of the practice of law, the Louisiana Public Defender Board **office**
 29 shall have all regulatory authority, control, supervision, and jurisdiction, including

1 auditing and enforcement, and all power incidental or necessary to such regulatory
2 authority, control, supervision, and jurisdiction over all aspects of the delivery of
3 public defender services throughout the courts of the state of Louisiana.

4 B. In addition to the powers and duties provided for in Subsection A of this
5 Section, the ~~board~~ office shall:

6 (1) Employ an executive staff as ~~provided for in R.S. 15:150~~ necessary to
7 carry out the duties of the office and regularly evaluate the performance of the
8 executive staff.

9 * * *

10 (3) ~~Review and approve~~ Develop and implement the strategic plan and
11 approve budget proposals ~~submitted by the state public defender, regional directors,~~
12 ~~where applicable, and district public defenders on behalf of the districts. The board~~
13 ~~shall consider variations in public defense practices, past practices and procedures,~~
14 ~~and conditions unique to each district in evaluating the strategic plan and budget~~
15 ~~proposals on the district level.~~ necessary for the implementation of this Part for
16 coordinating and providing services.

17 (4) Make an annual report to the legislature regarding the state of the ~~board's~~
18 office's operations and the status of public defender services it regulates. Such report
19 shall include at a minimum:

20 (a) Recommendations for all needed changes in the law regarding the ~~board~~
21 office or any regulated activity.

22 (b) A complete report on the receipt and expenditure of all funds received by
23 the ~~board office and the regional offices, where applicable,~~ including district level
24 data.

25 (c) Comprehensive workload data.

26 (5)(a) * * *

27 (b) The plan of organization shall provide for the capacity to:

28 * * *

29 (iii) Provide for enforcement of ~~board~~ office rules as is necessary to the

1 efficient and thorough regulation and governance of public defender services under
2 its jurisdiction.

3 (6) Incur such expenses and obligations, within the fiscal limits available to
4 the ~~board~~ **office**, as are necessary to the efficient and thorough regulation and
5 governance of the delivery of public defender services under its jurisdiction and
6 establish and maintain an accounting system which complies with law.

7 (7) Approve, prior to its presentation to the legislature and again after
8 appropriation prior to allocation, the budget for the ~~board~~ **office**.

9 * * *

10 (15) ~~Arrange for locations, which have adequate space to accommodate the~~
11 ~~public, to conduct its meetings.~~ **Allocate funding to the public defenders, contract**
12 **programs, and other entities as necessary for the implementation of this Part.**

13 * * *

14 (17) Supervise the activities of staff and apply reasonable controls for the
15 supervision of spending, accounting, and discretionary grants. The ~~board~~ **office** shall
16 seek the assistance of the legislative auditor or an internal auditor to ensure that staff
17 discretion is subject to supervision consistent with the Louisiana Local Government
18 Budget Act, R.S. 39:1301 et seq. The ~~board's~~ **office's** supervision shall include
19 reviewing details regarding expert witness funds or other case-specific grants,
20 including the confidential work product of attorneys in litigation, compensation, and
21 records supporting fees of experts and others, and analysis of the efficiency and
22 effectiveness of programs. The attorney-client privilege and confidentiality that
23 applies to counsel in cases shall apply to all ~~board members and~~ staff for the review
24 of case details.

25 * * *

26 (19) Adopt procedures necessary to protect strategic choices and confidential
27 work product of the ~~board~~ **office** when the ~~board~~ **office** considers important matters
28 of spending. However, the amounts and general purposes shall remain public record
29 of the ~~board's~~ **office's** decisionmaking process.

1 (20) Enter into a contract or contracts with the University of Louisiana at
2 Monroe for the purpose of providing certain statewide training to attorneys,
3 investigators, social workers, and staff. ~~Any contract or contracts formed pursuant~~
4 ~~to this Paragraph shall use existing funds appropriated by the legislature.~~

5 C. The **board office** may:

6 (1) Enter into a contract or contracts, on such terms and conditions as it
7 deems advisable, with one or more attorneys licensed to practice law in this state, a
8 consortia of lawyers, or an independent public defender organization qualified with
9 the United States Internal Revenue Service for an exemption from federal income tax
10 under Section 501(c) of the Internal Revenue Code to provide counsel for indigent
11 defendants. The provisions of this Paragraph are subject to the intent of the Louisiana
12 Public Defender Act that district public defender programs shall continue operating
13 within the method of delivery of services in effect prior to April 30, 2007, and the
14 **board office** is prohibited from using its power to contract to change the structure of
15 a local program, delivery method, or to terminate personnel without cause in
16 violation of R.S. 15:165(C).

17 (2) Establish advisory councils from among Louisiana residents to provide
18 information and guidance regarding needs and concerns of particular localities. Such
19 councils may be established at such times, for such duration, and under such
20 circumstances, as the **board office** deems appropriate.

21 (3) Accept, receive, and use public or private grants, gifts, or donations,
22 provided that such gifts, grants, and donations are not otherwise prohibited by law
23 or rule.

24 (4) Employ secretarial, clerical, and other such personnel as may be
25 necessary in the operation of the business of the **board office** and fix their
26 compensation.

27 (5) Enter into contracts in accordance with law for the purpose of maintaining
28 and operating an office, or offices, and performing the functions authorized by law.

29 The provisions of this Paragraph are subject to the intent of the Louisiana Public

1 Defender Act that district public defender programs shall continue operating within
2 the method of delivery of services in effect prior to April 30, 2007, ~~and the board is~~
3 ~~prohibited from using its power to contract to change the structure of a local~~
4 ~~program, delivery method, or to terminate personnel without cause in violation of~~
5 ~~R.S. 15:165(C).~~

6 D.(1) Prior to entering into any contract as authorized by Subsection C of this
7 Section, the ~~board~~ **office** shall provide public notice that a contract is under
8 consideration by the ~~board~~ **office** and shall provide an opportunity for the public to
9 offer comment, regarding the contract, at a public hearing conducted for that
10 purpose.

11 (2) The notice shall include the name of the individual attorneys, a
12 consortium of lawyers, or an independent public defender organization qualified with
13 the United States Internal Revenue Service for an exemption from federal income tax
14 under Section 501(c) of the Internal Revenue Code to provide counsel for indigent
15 defendants, the amount of compensation to be paid, and the nature of the contracted
16 services.

17 (3) The ~~board~~ **office** shall conduct a public hearing regarding any contract
18 authorized by Subsection C of this Section and provide the public an opportunity to
19 offer comment on the contract.

20 ~~(4) The public hearing provided for by this Subsection may be conducted at~~
21 ~~a regular meeting of the board provided proper notice is provided to the public as~~
22 ~~required by this Subsection.~~

23 E. The executive staff, ~~regional directors,~~ and secretarial, clerical, and other
24 personnel directly employed in the operations of the ~~board~~ **office** shall be state
25 employees. All other personnel employed or who serve under contract in a district
26 office shall not be state employees. The Joint Legislative Committee on the Budget
27 may approve other employees hired pursuant to the Louisiana Public Defender Act
28 as state employees upon recommendation of the ~~board~~ **office**.

29 §148. Rulemaking; considerations in developing rules

1 A. The ~~board~~ **office** shall adopt all rules necessary to implement the
2 provisions of this Part.

3 B. The rules shall include but not be limited to:

4 (1) Creating mandatory statewide public defender standards and guidelines
5 that require public defender services to be provided in a manner that is uniformly fair
6 and consistent throughout the state. Those standards and guidelines shall take into
7 consideration all of the following:

8 (a) Manageable public defender workloads that permit the rendering of
9 competent representation through an empirically based case weighting system that
10 does not count all cases of similar case type equally but rather denotes the actual
11 amount of attorney effort needed to bring a specific case to an appropriate
12 disposition. In determining an appropriate workload monitoring system, the ~~board~~
13 **office** shall take into consideration all of the following:

14 * * *

15 (b) Continuity of representation. The ~~board~~ **office** shall adopt standards and
16 guidelines which ensure that each district devises a plan to provide that, to the extent
17 feasible and practicable, the same attorney handles a case from appointment contact
18 through completion at the district level in all cases.

19 (c) Documentation of communication. The ~~board~~ **office** shall adopt standards
20 and guidelines to ensure that defense attorneys providing public defender services
21 provide documentation of communications with clients regarding the frequency of
22 attorney client communications as required by rules adopted by the board.

23 (d) Performance supervision protocols. The ~~board~~ **office** shall adopt standards
24 and guidelines to ensure that all defense attorneys providing public defender services
25 undergo periodic review of their work against the performance standards and
26 guidelines in a fair and consistent manner throughout the state, including creating a
27 uniform evaluation protocol.

28 (e) Performance of public defenders in all assigned public defense cases. The
29 ~~board~~ **office** shall adopt general standards and guidelines that alert defense counsel

1 to courses of action that may be necessary, advisable, or appropriate to a competent
2 defense including performance standards in the nature of job descriptions.

3 (f) Consistency of standards. The performance standards and guidelines shall
4 be based upon the performance standards originally adopted by the Louisiana
5 Indigent Defense Assistance Board (LIDAB) in 2006 and any subsequent
6 amendments to those standards adopted by the **board office**.

7 * * *

8 ~~(5) Establishing appropriate sanctions for failure to adhere to the mandatory~~
9 ~~standards and guidelines for the delivery of public defender services.~~

10 ~~(6) Establishing a policy of selecting a proportionate number of minority and~~
11 ~~women lawyers in accordance with the makeup of the general population of the state,~~
12 ~~to the extent that minority and women lawyers are available and otherwise eligible~~
13 ~~for selection within each service region in accordance with law. Any citizen of~~
14 ~~majority age shall have a cause of action to enjoin the activities of the board for~~
15 ~~failure to comply with this provision.~~

16 ~~(7)~~ Establishing policies and procedures for ensuring that cases are handled
17 according to the Rules of Professional Conduct.

18 ~~(8)~~**(6)** Establishing policies and procedures for handling conflict of interest
19 cases and overflow cases when workload standards which are established by rules
20 of the **board office** are breached.

21 ~~(9)~~**(7)** Establishing policies and procedures to ensure that detailed
22 expenditure and workload data is collected, recorded, and reported to support
23 strategic planning efforts for the system.

24 ~~(10)~~**(8)** Creating separate performance standards and guidelines for attorney
25 performance in capital case representation, juvenile delinquency, appellate, and any
26 other subspecialties of criminal defense practice as well as children in need of care
27 cases determined to be feasible, practicable, and appropriate by the **board office**.

28 ~~(11)~~**(9)** Ensuring data, including workload, is collected and maintained in a
29 uniform and timely manner throughout the state to allow the **board office** sound data

1 to support resource needs.

2 ~~(12)~~**(10)** Providing for minimum salary and compensation standards for
3 attorney, investigator, paraprofessional, and any and all other staff necessary for the
4 adequate defense of indigent defendants in criminal courts and comparable to other
5 positions of similar stature throughout the state.

6 ~~(13)~~**(11)** Establishing processes and procedures to ensure that when a case
7 that is assigned presents a conflict of interest for a public defender, the conflict is
8 identified and handled appropriately and ethically.

9 ~~(14)~~**(12)** Establishing processes and procedures to ensure that **board office**
10 and contract personnel use information technology and workload management
11 systems so that detailed ~~expenditure and workload~~ data is accurately collected,
12 recorded, and reported.

13 ~~(15)~~**(13)** Establishing administrative ~~salary~~ ranges for compensation of
14 attorneys delivering public defender services throughout the state so that
15 compensation is based on objective policymaking, including years of service, nature
16 of the work and workload, and in consideration of variations in public defense
17 practices and procedures in rural, urban, and suburban districts as well as
18 prosecutorial and judicial processing practices, trial rates, sentencing practices, and
19 attorney experience.

20 C. All rules shall be adopted pursuant to the provisions of the Administrative
21 Procedure Act and shall be subject to legislative oversight by the House Committee
22 on the Administration of Criminal Justice and the Senate Committee on Judiciary €
23 **(B)**.

24 * * *

25 §149.1. Domicile of **board office**; venue

26 A. The **board office** shall be domiciled in East Baton Rouge Parish.

27 B. Notwithstanding any other provision of law to the contrary, the venue for
28 any civil proceeding by or against the **board office** or to which the **board office** is a
29 party shall be East Baton Rouge Parish.

1 §149.2. Offices; meetings

2 A. The **board office** shall maintain an office in East Baton Rouge Parish but
3 may maintain such branch offices as it deems necessary to provide for the efficient
4 and thorough regulation and governance of public defender services under its
5 jurisdiction.

6 ~~B.(1) Except as provided in Subsection C of this Section, in order to effect~~
7 ~~the implementation of the provisions of this Act, the board shall meet four times per~~
8 ~~year.~~

9 ~~(2) The board may meet such additional times as it deems appropriate.~~

10 ~~(3) Meetings may be called by the chairman on his own initiative and shall~~
11 ~~be called by the chairman upon written request of a majority of board members.~~

12 ~~C.(1) Upon consultation with the state public defender, if the chairman~~
13 ~~determines that there is not sufficient business to warrant the conducting of a~~
14 ~~meeting of the board, the chairman may cancel a meeting that is required by~~
15 ~~Subsection B of this Section.~~

16 ~~(2) The chairman shall provide written reasons for the cancellation of the~~
17 ~~meeting and give at least seventy-two hours notice thereof by registered or certified~~
18 ~~mail to the post office address of each member of the board and of persons who~~
19 ~~previously have indicated that they have business before the board.~~

20 ~~D. The board shall conduct a majority of its meetings per year in East Baton~~
21 ~~Rouge Parish.~~

22 §150. Executive staff for **board office**; general qualifications

23 A. The **board office** shall employ a ~~state public defender, a deputy public~~
24 ~~defender-director of training, a deputy public defender-director of juvenile defender~~
25 ~~services, a budget officer, a technology and management officer, a trial-level~~
26 ~~compliance officer, and a juvenile justice compliance officer who shall function as~~
27 ~~executive staff for the board~~ **an executive office staff as necessary to carry out the**
28 **duties of the office, and the state public defender shall appoint any other officers**
29 **as necessary to conduct the business of the office, subject to appropriation.**

* * *

C. The executive staff positions shall be permanent, full-time employees of the **board office** and these employees shall not otherwise engage in the practice of law, where applicable, or engage in any other business or profession.

* * *

E. The salaries of the executive staff, except for the state public defender, shall be established by the **board office**.

* * *

§152. State public defender; qualifications; powers and duties; salary

A. ~~The board shall employ~~ **There shall be** a state public defender who shall **be appointed by the governor and** meet the following qualifications:

(1) Meet the qualifications provided for in R.S. 15:150(B).

(2) Be an attorney licensed to practice law in the ~~United States~~ **Louisiana** with at least ~~seven~~ **twenty** years of experience **with at least seven years of experience** as a criminal defense attorney. ~~If licensed as an attorney in a state other than Louisiana, become licensed as an attorney in this state within one year of being employed by the board.~~

B. The state public defender shall:

(1) ~~Recommend to the board how to establish~~ **Establish** and maintain, in a cost-effective manner, the delivery of legal services to persons entitled to, and financially eligible for, appointed counsel in criminal proceedings at state expense under Louisiana law, the Constitution of Louisiana, and the United States Constitution and consistent with the standards of national justice and those established by the Louisiana Supreme Court.

(2) Develop and ~~present for the board's approval~~ **implement** a strategic plan for the delivery of public defender services.

(3) Implement and ensure compliance with contracts, policies, procedures, standards, and guidelines adopted pursuant to rule ~~by the board~~ or required by statute.

1 (4) Prepare ~~and submit to the board for its approval~~ the budget of the board
2 office.

3 (5) Negotiate contracts, as appropriate, for providing legal services to persons
4 financially eligible for appointed counsel at state expense. ~~No contract so negotiated~~
5 ~~is binding or enforceable until the contract has been reviewed and approved by the~~
6 ~~board at a public hearing as provided for in R.S. 15:147(D).~~ The provisions of this
7 Paragraph are subject to the intent of the Louisiana Public Defender Act that district
8 public defender programs shall continue operating within the method of delivery of
9 services in effect prior to April 30, 2007, ~~and the board is prohibited from using its~~
10 ~~power to contract to change the structure of a local program, delivery method, or to~~
11 ~~terminate personnel without cause in violation of R.S. 15:165(C).~~

12 (6) Employ personnel or contract for services as necessary to carry out the
13 responsibilities of ~~the board~~ **this Part**. The provisions of this Paragraph are subject
14 to the intent of the Louisiana Public Defender Act that district public defender
15 programs shall continue operating within the method of delivery of services in effect
16 prior to April 30, 2007, ~~and the board is prohibited from using its power to contract~~
17 ~~to change the structure of a local program, delivery method, or to terminate~~
18 ~~personnel without cause in violation of R.S. 15:165(C).~~

19 (7) Supervise the personnel, operation, and activities of the ~~board~~ office.

20 (8) Prepare ~~and submit to the board~~ an annual report of the indigent defender
21 services provided by ~~the service regions, where applicable, and~~ the districts.

22 (9) Appear before the Joint Legislative Committee on the Budget and report
23 on the activities of the ~~board~~ office.

24 (10) Actively seek gifts, grants, and donations that may be available through
25 the federal government or other sources to help fund the system, provided that such
26 gifts, grants, and donations are not otherwise prohibited by law or rule.

27 (11) ~~Assist the board in the adoption of~~ **Adopt** rules as provided for in R.S.
28 15:148 and in accordance with the Administrative Procedure Act.

29 (12) Provide services, facilities, and materials necessary for the performance

1 of the duties, functions, and powers of the **board office**.

2 (13) ~~Assist the board in establishing the~~ **Establish** standards and guidelines,
3 policies, and procedures for the statewide delivery of indigent defender services in
4 accordance with rules adopted by the **board office** and as required by statute.

5 (14) Establish administrative management procedures for ~~regional offices~~ **the**
6 **office**, where applicable.

7 (15) Review, monitor, and assess the performance of all attorneys, consortia
8 of attorneys, or independent public defender organizations qualified with the United
9 States Internal Revenue Service for an exemption from federal income tax under
10 Section 501(c) of the Internal Revenue Code to provide counsel for indigent
11 defendants.

12 ~~(16) Perform all other duties assigned by the board.~~

13 C. The state public defender shall receive annual compensation equal in
14 amount to an associate justice of the supreme court of this state.

15 §161. District public defender; powers; duties; accounting; audit reporting; existing
16 chief indigent defenders continued; establishment of district office

17 A. Except as otherwise provided for in this Section, the **board office** shall
18 ~~employ or~~ contract with a district public defender to provide for the delivery and
19 management of public defender services in each judicial district.

20 * * *

21 E. Each district public defender shall:

22 * * *

23 (5) Work in conjunction with the compliance officers to ensure that public
24 defender assignments within the judicial district comply with the standards and
25 guidelines adopted pursuant to rule by the **board office** and the Rules of Professional
26 Conduct.

27 * * *

28 (7) Employ district personnel, subject to review by the state public defender
29 ~~or the regional director, where applicable,~~ for compliance with qualifications and

1 standards and guidelines established by statute and by rules adopted by the ~~board~~
2 office.

3 (8) Contract for services in accordance with the standards and guidelines
4 adopted by rule by the ~~board, and as authorized by the regional director, where~~
5 ~~applicable~~ office.

6 (9) Keep a record of all public defender services and expenses in the district
7 and submit the records to the ~~regional director, where applicable, or state public~~
8 ~~defender as requested.~~

9 (10) Implement the standards and guidelines and procedures established by
10 the ~~board, state public defender, and regional director, where applicable,~~ office for
11 the district.

12 (11) Maintain a client workload for the district office as determined by the
13 ~~regional director, where applicable, the state public defender, and the board.~~

14 (12) ~~Consult with the regional director, where applicable, and make~~ **Make**
15 recommendations regarding the method of delivery of public defender services for
16 the district for submission to the ~~board~~ office for ~~board~~ office approval. The ~~regional~~
17 ~~director, where applicable, or the board~~ office shall consider any delivery model in
18 existence prior to August 15, 2007, as acceptable until that delivery model is proven
19 to not meet the uniform standards and guidelines for the delivery of public defender
20 services in accordance with applicable rules ~~adopted by the board~~ and as required
21 by statute.

22 (13) Employ or terminate district personnel, manage and supervise all district
23 level work, including establishment of district personnel salaries, subject to review
24 by the ~~board~~ office for compliance with salary guidelines established by the ~~board~~
25 office through the adoption of rules.

26 (14) Perform all other duties assigned by the ~~regional director, where~~
27 ~~applicable, state public defender, or board.~~

28 F. Each district public defender may make recommendations to the ~~regional~~
29 ~~director, where applicable, the state public defender, and the board~~ on any matter

1 regarding his judicial district.

2 * * *

3 H.(1) In an effort to maintain continuity of indigent defender services in each
4 judicial district, any person employed as the chief indigent defender of a judicial
5 district as of January 1, 2007, pursuant to the provisions of R.S. 15:145(B)(2)(a),
6 shall continue to be employed by, or enter into a contract with, the **board office** and
7 serve as the district public defender of that district.

8 (2) The **board office** shall establish the ~~salaries~~ **compensation** for each
9 district public defender; however, the salaries and benefits in place on January 1,
10 2007, for each chief indigent defender shall continue as the beginning salary for each
11 district public defender **employed on January 1, 2023**, and shall not be decreased.
12 The provisions of this Paragraph shall not be construed to limit the ~~board's office's~~
13 ability to ~~increase the salary~~ **adjust the compensation** of a district public defender.

14 I. The **board office** shall evaluate any district where, as of January 1, 2007,
15 there is no person employed as the chief indigent defender, pursuant to the provisions
16 of R.S. 15:145(B)(2)(a), and do one of the following:

17 (1) **Employ Contract with** a district public defender who meets the criteria
18 provided for in this Section, using the selection process provided for in R.S.
19 15:162; or

20 (2) Assign another district public defender from a contiguous judicial district
21 to manage and supervise public defender services for both judicial districts; or

22 (3) Determine whether the **board office** shall regionalize the operation of the
23 district, as provided for in R.S. 15:163.

24 J. Notwithstanding any other provision of law to the contrary, any attorney
25 ~~employed by or under contract with the board office~~, the district public defender,
26 ~~regional director, where applicable~~, or nonprofit organization contracting with the
27 **board office**, district public defender, ~~regional director, where applicable~~, or the
28 **board office** to provide legal counsel to an indigent person in a criminal proceeding
29 shall be licensed to practice law in the state of Louisiana. The provisions of this

1 Subsection shall not be construed to prohibit the use of an attorney licensed to
 2 practice law in another state to provide legal counsel to an indigent person in a
 3 criminal proceeding on a pro-bono basis or who is receiving compensation from a
 4 grant administered by the **board office** or from a grant administered by any nonprofit
 5 organization contracting with the **board office**, provided that the out-of-state attorney
 6 is authorized to perform those services by the Louisiana Supreme Court. The
 7 legislature hereby specifically states that the provisions of this Subsection are in no
 8 way intended to, nor shall they be, construed in any manner which will impair any
 9 contractual obligations heretofore existing on June 1, 2007, of any out-of-state
 10 attorney authorized by the Louisiana Supreme Court to practice law in this state to
 11 provide legal counsel to an indigent person in a criminal proceeding.

12 §162. Vacancies in position of district public defender; formation of district public
 13 defender selection committee; powers and duties of committee;
 14 process for filling vacancy for district public defender; interim
 15 district public defender

16 A. Except as provided for in Subsection G of this Section, within twenty days
 17 of receiving notice of a vacancy which occurs for the position of district public
 18 defender by reason of demotion, termination, retirement, resignation, or death, the
 19 **board office** shall form a district public defender selection committee as provided for
 20 in Subsection B of this Section.

21 B.(1) The selection committee shall consist of ~~three attorneys who are~~ **one**
 22 **attorney** in good standing with the Louisiana State Bar Association, **and two other**
 23 **registered voters, all of whom** are domiciled in that judicial district, and are not
 24 otherwise disqualified by Paragraph (2) of this Subsection.

25 (2) No person shall be appointed to the selection committee that has received
 26 compensation to be an elected judge, elected official, judicial officer, prosecutor, law
 27 enforcement official, or indigent defense provider, or employees of all such persons,
 28 within a two-year period prior to appointment. No active part-time, full-time,
 29 contract, or court-appointed indigent defense provider, or active employees of such

1 persons, may be appointed to serve on the selection committee.

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

3 (a) One member, who shall serve as chairman of the committee, appointed
4 by the state public defender.

5 (b) One member appointed by the ~~president of the Louisiana State Bar~~
6 ~~Association~~ **chairman of the Louisiana Public Defender Board.**

7 (c) One member appointed by the chief judge of the judicial district.

8 C. ~~In the event there are fewer than three attorneys eligible to serve as~~
9 ~~members of a selection committee as provided for in Subsection B of this Section,~~
10 ~~or there are fewer than three eligible attorneys who are willing to serve as members~~
11 ~~of a selection committee, the members shall be selected as provided for in Paragraph~~
12 ~~(B)(3) of this Section from among any registered voters residing in that judicial~~
13 ~~district.~~

14 ~~D.~~(1) The selection committee shall review eligible candidates for the
15 position of district public defender, giving preference to those individuals who are
16 domiciled in the district.

17 (2) Within sixty days of formation of the selection committee, the selection
18 committee shall submit a list of at least three nominees for the position of district
19 public defender **to the state public defender.**

20 ~~E.~~**D.** Within thirty days of receiving the nominations for the position of
21 district public defender from the selection committee, the ~~board~~ **office** shall ~~employ~~
22 **contract with** a district public defender from the list of nominees submitted to the
23 board.

24 ~~F.~~**E.** The ~~board~~ **office** shall appoint an interim district public defender to fill
25 the vacancy of the district public defender until the position is filled.

26 G. ~~The provisions of this Section shall not apply to a district which has been~~
27 ~~regionalized pursuant to the provisions of R.S. 15:163.~~

28 ~~H.~~**F.** Whenever a vacancy occurs for the position of district public defender
29 in any judicial district having a population of less than thirty thousand, or having less

1 than four attorneys providing public defender services, the **board office** shall evaluate
 2 the district and make a determination regarding the appropriateness of ~~employing~~
 3 **contracting with** a district public defender or authorizing a district public defender
 4 from a contiguous judicial district to manage and supervise public defender services
 5 in that judicial district. If a decision is made by the **board office** to **employ contract**
 6 **with** a district public defender, the **board office** shall use the selection process
 7 provided for in this Section to fill that vacancy.

8 ~~I.(1)G.~~ **Board Office** staff shall not require of the district public defenders or
 9 their staff any response with a due date less than six working days from the first full
 10 day since the request is received, other than during a natural emergency. The time
 11 period provided for in this Paragraph shall not include responses requested by the
 12 governor, the House Committee on Administration of Criminal Justice, or the Senate
 13 Committee on Judiciary ~~€~~ **B.**

14 ~~(2) The board shall make every effort to end the use of paper reports and shall~~
 15 ~~make every effort to rely on searchable digital data in order to reduce costs of~~
 16 ~~operation.~~

17 * * *

18 §163. Regionalization of district public defender services by **board office**

19 A. In certain cases the ~~board shall~~ **office may** regionalize and operate the
 20 public defender services of a district as a subdivision of the **board office** through a
 21 regional office. When the public defender services of a district are taken over by the
 22 **board office** in this manner, the district public defender shall be an employee of the
 23 region and the regional director shall be the manager and supervisor of the district
 24 public defender office. A regionalization of the operation of a district public defender
 25 program shall occur, ~~by a majority vote of the board,~~ upon a finding **by the office**
 26 that one of the following conditions have occurred:

27 (1) The district, through its district public defender, petitions the **board office**
 28 for the **board office** to regionalize the delivery of indigent defender services in the
 29 district; or

1 (2) The **board office** upon its own motion, ~~or upon petition of a regional~~
2 ~~director, if applicable,~~ finds that the district public defender office has failed after
3 reasonable assistance, resourcing, and consultation with the **board office** to
4 reasonably meet performance standards mandated by the **board office** or to comply
5 with data reporting or any other rule adopted by the **board office**; or

6 (3) Due to a natural disaster or catastrophic emergency, the district public
7 defender cannot operate or function normally, provided that this shall apply for not
8 longer than a period of six months, renewable by the **board office** on an interim basis
9 at six-month intervals.

10 B. In any district where the **board office** takes over the operation of indigent
11 defender services as provided by this Section the district office shall be maintained
12 for client services in the judicial district. The district public defender in a district
13 regionalized pursuant to the provisions of this Section shall be a day-to-day manager
14 and shall work out of the district office.

15 C. When the operation of a district office is regionalized pursuant to the
16 provisions of this Section, the supervision of compliance with state standards and
17 guidelines ~~shall~~ **may** be carried out by ~~an officer~~ **a staff member** of the ~~board as part~~
18 ~~of its supervision of the regional office office.~~

19 D. Prior to regionalizing a district as provided for in this Section, the **board**
20 **office** shall send written notice of the public hearing as required in Subsection E of
21 this Section, to the chief judge, ~~the district advisory board, if applicable,~~ and the
22 district public defender of that judicial district of the **board's office's** intention to
23 regionalize the district.

24 E.(1) Prior to regionalizing a district as provided for in this Section, the **board**
25 **office** shall conduct a public hearing regarding regionalization of a district, and
26 provide the public an opportunity to offer comment on the regionalization.

27 (2) The public hearing provided for by this Subsection may be conducted at
28 a regular meeting of the **board parish governing authority in the district** provided
29 proper notice is provided to the public as required by this Subsection.

1 §164. Regional defense service centers

2 A. Upon approval of the ~~board~~ **office**, any district public defender may
3 contract with one or more other district public defenders for the establishment of a
4 regional defense service center. A district public defender may enter into only one
5 contract for a regional center in a particular field of practice.

6 B. As used in this Section, the term "regional defense service center" means:

7 * * *

8 **(4) Any other defense center created by the office.**

9 * * *

10 C.(1) A regional defense service center may be granted authority to contract
11 with counsel for defense at trial in the district court for defendants charged with
12 capital offenses, for appeals in noncapital cases and in capital cases in which a
13 sentence of life imprisonment was imposed, and for representation of juveniles in
14 juvenile courts and in all other courts with juvenile jurisdiction. The center may also
15 contract for other specific functions other than appeals and post-conviction
16 representation in capital cases in which the death penalty was imposed, and for the
17 operation of an office, library, and other reasonably necessary services and authority
18 as the contracting ~~boards deem~~ **district public defender deems** appropriate.

19 * * *

20 D. A contract among district ~~indigent defender boards~~ **public defenders** shall
21 provide for adequate supervision of the regional defense service center established,
22 with periodic reports to each of the contracting ~~boards~~ **public defenders**, at least
23 every six months, regarding the following:

24 * * *

25 E.

26 * * *

27 (4) The contract for a regional defense service center shall provide for
28 contribution by the contracting districts for a period not more than five nor less than
29 three calendar years, which commitment shall be binding on the contracting ~~boards~~

1 approval of the ~~board~~ **office** upon recommendation of the district public defender ~~or~~
2 ~~regional director, where applicable.~~

3 (2) An independent public defender organization qualified with the United
4 States Internal Revenue Service for an exemption from federal income tax under
5 Section 501(c) of the Internal Revenue Code to provide counsel for indigent
6 defendants. The ~~salaries~~ **compensation** of the district public defender and all
7 assistants and supporting personnel shall be fixed by the ~~board~~ **office** in compliance
8 with ~~salary and~~ compensation standards adopted pursuant to rule by the ~~board~~ **office**.

9 (3) The ~~board~~ **office** may authorize the district public defender ~~or regional~~
10 ~~director,~~ where applicable, to enter into a contract or contracts, on such terms and
11 conditions as it deems advisable, with one or more attorneys licensed to practice law
12 in this state to provide counsel for indigent defendants in criminal proceedings.

13 (4) A full-time public defender office, staffed by full-time lawyers and
14 support staff, or primarily full time with supplemental positions on a contract basis.

15 C. Any delivery model in existence prior to April 30, 2007, shall be presumed
16 to be acceptable and meet standards guidelines pursuant to rules adopted by the
17 ~~board~~ **office**, and as provided by statute until the delivery model is proven not to
18 meet those standards and guidelines.

19 D.(1) If, after reasonable assistance, providing of resources, and consultation
20 with the ~~board the state public defender, or regional director, where applicable,~~
21 **office**, the preexisting delivery model is still deemed unacceptable, the ~~board~~ **office**
22 shall determine ~~upon consultation with the state public defender, the director of~~
23 ~~juvenile defender services, and the regional director, where applicable,~~ the
24 appropriate service delivery system to provide counsel for indigent defendants in
25 criminal proceedings. Such a system shall be structured with due consideration for
26 local variances from judicial district to judicial district within the region and shall,
27 where necessary, establish satellite offices or part-time satellite offices to maintain
28 easy access to clients in each judicial district within their purview.

29 (2) The ~~board~~ **office** shall provide notice of a public hearing as provided in

1 Paragraph (3) of this Subsection, to the district public defender, district advisory
2 board, if applicable, and the chief judge of the judicial district prior to changing any
3 delivery model as provided for by this Section and provide the public an opportunity
4 to offer comment on the change in the delivery model.

5 (3) The public hearing provided for by this Subsection may be conducted at
6 a ~~regular meeting of the board~~ **meeting called by the office** provided proper notice
7 is provided to the public as required by this Subsection.

8 * * *

9 F. The district public defender shall create a staff organization plan for its
10 delivery method which shall be subject to approval by the ~~state public defender or~~
11 ~~regional director, where applicable, and the board~~ **office**. The staff organization plan
12 will provide for the method of delivery, positions, duties, and assignments in the
13 district court.

14 G. In the event of a catastrophic event, natural or otherwise, the ~~board~~ **office**
15 shall have the power to establish an appropriate delivery system to maintain the
16 competent delivery of services from among the delivery methods provided for by this
17 Section.

18 §166. Disbursement of funds

19 A. The ~~board~~ **office** shall not disburse funds to a non-governmental entity
20 unless it establishes a benefit to the function of the ~~board~~ **office** pursuant to law, and
21 unless services are actually delivered. Under no circumstances shall the ~~board~~ **office**
22 disburse state funds for the purpose of savings, reserves, or other purposes related
23 primarily to the economic health of the non-governmental entity or its owners and
24 employees.

25 B. Any service which the ~~board~~ **office** seeks, ~~other than the Louisiana~~
26 ~~Appellate Project or the Capital Appeals Project, which are statewide programs,~~ shall
27 be subject to an application process by which the ~~board~~ **office** provides objective
28 deliverables and allows the district defenders to make application upon the same
29 terms as a non-governmental entity to provide services in that district or a regional

1 area for services as provided by law.

2 C. No provision of Louisiana law authorizing the return or rollback of funds
3 from governmental programs to the division of administration shall apply to the
4 ~~board~~ **office** account during an emergency shortfall in funding as certified by the
5 ~~board~~ **office** with the approval of the chief justice of the Louisiana Supreme Court.
6 §167. Louisiana Public Defender Fund

7 A. "The Louisiana Public Defender Fund", hereinafter referred to as the
8 "LPD Fund", is hereby created in the state treasury. Interest earned on the investment
9 of monies in the fund shall be deposited in and credited to the fund. Unexpended and
10 unencumbered monies in the fund at the close of each fiscal year shall remain in the
11 fund. Monies in the fund shall be appropriated, administered, and used solely and
12 exclusively for purposes of the Louisiana Public Defender Act ~~and program,~~ **other**
13 **services and programs,** and as further provided in this Section.

14 * * *

15 D. The LPD Fund shall be administered by the ~~board~~ **office** as authorized by
16 the provisions of the Louisiana Public Defender Act. The ~~board~~ **office** is hereby
17 authorized to establish such accounts or sub-accounts within the LPD Fund as
18 deemed necessary to comply with the provisions of the Louisiana Public Defender
19 Act and the program. ~~The board shall not commingle the monies in the LPD Fund~~
20 ~~established in this Section with any other monies or funds of the board for any~~
21 ~~reason.~~

22 E. The ~~board~~ **office** shall dedicate and disburse at least sixty-five percent of
23 the entirety of its annual budget and its funds in the Louisiana Public Defender Fund
24 as defined in Subsection A of this Section each fiscal year to the district defender
25 offices and their indigent defender funds as defined in R.S. 15:168(A) in the various
26 judicial districts throughout the state. ~~Any funds disbursed to any district defender~~
27 ~~office shall be paid in addition to the minimum mandatory sixty-five percent of~~
28 ~~dedicated and disbursed funds required in this Subsection.~~ The provisions of this
29 Subsection shall not apply to statutorily dedicated funds or funds received through

1 the awarding of grants.

2 §168. Judicial district indigent defender fund

3 * * *

4 ~~D. No defendant who has retained private counsel of record shall be assessed~~
5 ~~any costs to be credited to the indigent defender fund, other than the special costs~~
6 ~~established by Subsection B of this Section, unless the board has provided~~
7 ~~representation of record for that defendant at some point in that criminal proceeding.~~

8 ~~E. Any surplus monies in the judicial district indigent defender fund on~~
9 ~~August 15, 2007, shall be retained in that judicial district and remain in the judicial~~
10 ~~district indigent defender fund. Any unexpended and unencumbered monies in the~~
11 ~~judicial district indigent defender fund at the close of each fiscal year shall remain~~
12 ~~in the judicial district indigent defender fund. Monies in the fund shall be~~
13 ~~administered and used solely and exclusively for purposes of delivering indigent~~
14 ~~defender services in that judicial district.~~

15 F.(1) Notwithstanding any provision of law to the contrary, each judicial
16 district is allowed to accumulate funds for the purposes of retaining expert witnesses.
17 The district public defender, in his discretion, shall determine how payments shall
18 be administered and which experts shall be paid.

19 (2) Any person who has retained private counsel, but is found to be indigent,
20 may apply for funds for expert witnesses in the same manner as public defender
21 clients. Each person shall apply for the funds by making application to the district
22 defender of the district having jurisdiction and shall be subject to the same
23 requirements as indigent clients.

24 (3) No court shall have jurisdiction to order the payment of any funds
25 administered by the Louisiana Public Defender Board or district public defender for
26 expert witnesses, **or for any other reason.**

27 §169. Representation of capital defendants

28 A. In cases where a sentence of death has been imposed, the **board office**
29 shall promptly cause counsel to be enrolled to represent the defendant. The **board**

1 terminated for just cause.

2 B. The actions which constitute just cause are as follows:

3 * * *

4 (2) The willful refusal to comply with mandatory performance standards and
5 guidelines as required by rule adopted by the **board office**.

6 * * *

7 (5) The willful failure to document communications with clients as required
8 by the **board office**.

9 (6) The willful failure to cooperate with the ~~state public defender, a regional~~
10 ~~director, where applicable, or the~~ **board office** in any matter.

11 * * *

12 (8) The willful failure to submit requested documentation on any matter as
13 requested by the ~~regional director or the~~ **board office**.

14 (9) Knowingly making any false statement to the ~~regional director, state~~
15 ~~public defender, or~~ **board office**.

16 * * *

17 C. A ~~regional director or~~ district public defender who feels that he has been
18 demoted or terminated without just cause as defined in this Section may, within
19 fifteen days after the action, demand in writing a hearing, and investigation by the
20 **board office** to determine the reasonableness of the action.

21 D.(1) Upon receipt of a request for a hearing, the **board office** shall appoint
22 a five-member hearing committee ~~made up of five board~~ **consisting of Louisiana**
23 **Public Defender Board** members.

24 (2) The **board office** shall designate the chairman of the hearing committee,
25 who shall function as the presiding officer of the hearing.

26 (3) The chairman of the hearing committee shall designate an attorney to
27 present evidence in support of the proposed job action. The attorney may be the
28 supervisor requesting the job action or his designee or another attorney currently
29 providing indigent defender services appointed by the **board office** for that purpose.

* * *

G.(1) Within thirty days of receipt of the report from the hearing committee, the **board office** shall take action in a public meeting conducted by the **board office**.

(2) At that time the **board office** may affirm the recommendation of the hearing committee, modify or disapprove the recommendations of the hearing committee, or direct that the matter be investigated further.

(3) If the **board office** affirms the demotion or termination action, then the termination or demotion of the ~~regional director or~~ district public defender shall remain in effect and shall be permanent.

(4) If the **board office** finds that the termination or demotion was not taken in good faith for just cause under the provisions of this Section, the **board office** shall order the immediate reinstatement or reemployment of such person in the office, place, position, or employment from which he was terminated or demoted, which reinstatement shall, if the **board office** so provides, be retroactive and entitle him to his regular pay from the time of termination or demotion.

(5) The **board office** may modify the order of termination or demotion by directing a suspension without pay for a given period.

H. The decision of the **board office**, together with its written findings of fact, shall be certified in writing and shall be enforced by the **board office**.

I. All decisions of the **board office** are final and may not be appealed.

J. Prior to terminating or demoting a district public defender, the **board office** shall send written notice of the public hearing as required by this Section, to the chief judge, and the district advisory board, if applicable, of the judicial district of the ~~board's~~ **office's** intention to terminate or demote the district public defender of that judicial district.

§173. Right of action not created

* * *

B. In addition to the provisions of Subsection A of this Section, nothing herein, nor any standards, guidelines, or rules adopted as a result hereof, shall be

1 construed to provide any criminal defendant the basis of any claim that the attorney
 2 or attorneys appointed to represent him pursuant to this statute performed in an
 3 ineffective manner. It shall be presumptive evidence that any attorney performing
 4 criminal defense services pursuant to the auspices of this statute is currently certified
 5 to have met the standards and guidelines adopted by the ~~board~~ **office** to provide
 6 criminal defense services in an effective manner. Nothing contained herein shall be
 7 construed to overrule, expand, or extend, whether directly or by analogy, the decision
 8 reached by the United States Supreme Court in *Strickland v. Washington*, 466 U.S.
 9 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984) nor its progeny as adopted by the
 10 Louisiana Supreme Court.

11 §174. Special reporting requirements; penalties

12 A. In addition to the general oversight requirements provided by law, each
 13 ~~district or service region, where applicable,~~ shall submit an annual report to the
 14 ~~Louisiana Public Defender Board~~ **office** no later than February first of each year,
 15 commencing in 2009. The report, using the uniform definition of a "case" as defined
 16 in Subsection C of this Section, shall include detailed information of the workload,
 17 resources, employees, and expenditures for each ~~district or service region, where~~
 18 ~~applicable,~~ for the previous fiscal year. The report shall also include the number of
 19 Families in Need of Services (FINS) petitions, Child in Need of Care (CINC)
 20 petitions, and child support petitions handled by each ~~service region~~ **district**.

21 B.(1) The district public defender, ~~and director of each service region, where~~
 22 ~~applicable,~~ shall be responsible for preparing, completing, and submitting the annual
 23 report to the ~~Louisiana Public Defender Board~~ **office** as provided for in Subsection
 24 A of this Section.

25 * * *

26 §175. Proceedings to determine indigency

27 A.(1) * * *

28 (f) An accused person or, if applicable, a parent or legal guardian of an
 29 accused minor or an accused adult person who is claimed as a dependent on the

1 federal income tax submission of his parent or legal guardian, who makes application
 2 to the district office certifying that he is financially unable to employ counsel and
 3 requesting representation by indigent defense counsel or conflict counsel, shall pay
 4 a nonrefundable application fee of forty dollars to the district office or its designee,
 5 which fee shall be in addition to all other fees or costs lawfully imposed. If the ~~board~~
 6 **office** or other appropriate official determines that the person does not have the
 7 financial resources to pay the application fee based upon the financial information
 8 submitted, the fee may be waived or reduced. An accused who is found to be
 9 indigent may not be refused counsel for failure to pay the application fee.

10 * * *

11 (i) The district public defender shall maintain a record of all persons applying
 12 for representation and the disposition of the application and shall provide this
 13 information to the ~~board~~ **office** on a monthly basis as well as reporting the amount
 14 of funds collected or waived.

15 (2) The district public defender or his assistants or an attorney providing
 16 indigent defender services pursuant to a contract with the ~~board~~ **office** shall be
 17 allowed to summon witnesses to testify before the court concerning the financial
 18 ability of any accused person to employ counsel for his defense.

19 * * *

20 C. Nothing in this Chapter shall prevent a criminal defendant from obtaining
 21 representation through the ~~board~~ **office** at no charge.

22 * * *

23 §178. Appointment of appellate and post-conviction counsel in death penalty case

24 In a capital case in which the trial counsel was provided to an indigent
 25 defendant and in which the jury imposed the death penalty, the court, after
 26 imposition of the sentence of death, shall appoint the ~~Louisiana Public Defender~~
 27 **Board office**, which shall promptly cause to have enrolled counsel to represent the
 28 defendant on direct appeal and in any state post-conviction proceedings, if
 29 appropriate.

* * *

§180. Special reporting requirements

In addition to the general oversight requirements provided by law, the ~~board~~ **office** shall submit an annual report to the legislature not later than February first of each year, commencing in 1999. The report shall include a comprehensive status report on the ~~board's~~ **office's** activities, ~~the number of meetings of the board and attendance~~, expenditures, decisions, and actions for the previous fiscal year. The report shall be directed to the chairmen of the standing committees of the Senate **Committee on Judiciary B** and the House of Representatives ~~with subject matter jurisdiction over criminal justice matters~~ **Committee on the Administration of Criminal Justice**.

* * *

§185.2. Definitions

As used in this Part, the following words shall have the following meanings:

(1) ~~"Board" means the Louisiana Public Defender Board, or any successor to that board, which is authorized to regulate the providing of legal services to indigent persons in criminal proceedings in which the right to counsel attaches under the United States and Louisiana constitutions. The board is also authorized to regulate the providing of representation to indigent parents as authorized by this Part.~~

(2) "Child abuse and neglect case" means a child protection proceeding conducted by a court exercising juvenile jurisdiction involving the abuse or neglect of children as provided specifically in Titles VI, X, and XI, of the Louisiana Children's Code.

(3)(2) "District office" means the office of a district public defender.

(4)(3) "District public defender", "chief indigent defender", or "chief public defender" means an attorney ~~employed by or~~ under contract with the ~~board~~ **office** to supervise service providers and enforce standards and guidelines within a judicial district or multiple judicial districts.

(5)(4) "Indigent Parents' Program" or "the program" means the Indigent

1 Parents' Representation Program required by the Louisiana Children's Code and
2 administered in accordance with the provisions of R.S. 15:185.1 through 185.9.

3 ~~(6)~~**(5)** "Indigent parent representation" means the providing of legal services
4 to indigent or absent parents in child abuse and neglect cases as required by the
5 provisions of the Louisiana Children's Code.

6 **(6) "Office" means the office of the state public defender as created by**
7 **R.S. 15:146.**

8 (7) "Public defender" or "indigent defender" means an attorney ~~employed by~~
9 ~~or~~ under contract with the ~~board~~ **office**, the district public defender, or a nonprofit
10 organization contracting with the ~~board~~ **office** or the district public defender to
11 provide representation, including curatorship appointments, to indigent or absent
12 parents in child abuse and neglect cases as required by the provisions of the
13 Louisiana Children's Code.

14 * * *

15 §185.3. Indigent Parents' Representation Program; duties of the ~~board~~ **office**; subject
16 to appropriation

17 A.(1) Subject to appropriation, or the availability of other monies made
18 available to the program, the ~~board~~ **office** shall administer a program to provide
19 representation, including curatorship appointments, of indigent or absent parents in
20 child abuse and neglect cases as required by the Louisiana Children's Code.

21 (2) Except for the inherent regulatory authority of the Louisiana Supreme
22 Court provided for in Article V, Section 5 of the Constitution of Louisiana, regarding
23 the regulation of the practice of law, the ~~Louisiana Public Defender Board or any~~
24 ~~successor to that board,~~ **office** shall have all regulatory authority, control,
25 supervision, and jurisdiction, including auditing and enforcement, and all power
26 incidental or necessary thereto to administer a program to provide for the delivery
27 of indigent or absent parent representation throughout the courts of the state of
28 Louisiana.

29 B. In the administration of the Indigent Parents' Representation Program, the

1 **board office** shall:

2 * * *

3 (6) Make an annual report to the legislature regarding the state of the ~~board's~~
4 **office's** operations and the status of representation of indigent or absent parent
5 services it regulates. Such report shall include at a minimum:

6 (a) Recommendations for all needed changes in the law regarding the ~~board~~
7 **office** or any regulated activity.

8 (b) A complete report on the receipt and expenditure of all funds received by
9 the ~~board and the regional offices, where applicable~~ **office**, including district level
10 data.

11 (c) Comprehensive workload data.

12 (7) Ensure that the policies, procedures, and public pronouncements of the
13 ~~board~~ **office** recognize the unique and critical role of parents' attorneys in
14 safeguarding fundamental rights and promoting the safety, permanency, and well-
15 being of children in the child welfare system.

16 * * *

17 (11) Provide for the ~~employing or~~ contracting with and training of attorneys
18 and other professional and nonprofessional staff that may be necessary to carry out
19 the functions of the program. All attorneys representing indigent or absent parents
20 through this program shall be licensed to practice law in Louisiana and qualified in
21 accordance with standards and guidelines adopted by rule of the ~~board~~ **office**.

22 * * *

23 (17) Prepare as of June first of each year, an estimate of unexpended balances
24 in every account in the custody of the ~~board~~ **office** and submit a copy thereof to the
25 governor, the legislative auditor, and the legislative fiscal officer.

26 (18) Develop and maintain a comprehensive information system on the
27 receipt of revenues by the ~~board~~ **office**, and the districts from local, state, and federal
28 sources, as well as the expenditure of these revenues, and submit a summary of this
29 information annually to the legislature.

1 (19) Assign appropriate staff to:

2 * * *

3 (g) Assist the district public defenders in the compliance with standards and
4 guidelines adopted by the **board office** pursuant to this Section. The **board office** staff
5 shall assist the district public defenders with implementation of standards and
6 guidelines and supervision policy and procedures to verify compliance.

7 * * *

8 C. During the incremental implementation period, the **board office** shall
9 continue working in conjunction with the Task Force on Legal Representation in
10 Child Protection Cases to transform the existing legal representation system for
11 children and indigent parents in child abuse and neglect cases to a more efficient and
12 effective statewide system and to facilitate securing of necessary funding for the
13 system. This transformation includes the **board office** developing standards and
14 oversight mechanisms for providing for quality representation of indigent parents
15 and determining how funding currently administered by the Department of Children
16 and Family Services, office of children and family services, for representation of
17 indigent parents and children shall be redistributed to the **board office** and the Child
18 Advocacy Program of the Mental Health Advocacy Service by July 1, 2012.

19 D. The powers and duties of the **board office** provided for by this Section
20 shall be in addition to the powers and duties provided for in R.S. 15:147 or as
21 otherwise provided by law.

22 §185.4. Standards and guidelines for representation of indigent parents; rulemaking

23 A. The **board office** shall adopt all rules necessary to implement the
24 provisions of R.S. 15:185.1 through 185.9.

25 B. The rules shall include but not be limited to:

26 * * *

27 (2) Ensuring the standards and guidelines shall take into consideration all of
28 the following:

29 (a) Manageable indigent or absent parent representation workloads. The

1 (12) Ensuring data collected, including workload, is collected and maintained
2 in a uniform and timely manner throughout the state to allow the ~~board~~ **office** sound
3 data to support resource needs.

4 * * *

5 §185.6. Special reporting requirements; indigent parent representation cases;
6 penalties

7 A. In addition to the general oversight requirements provided by law, each
8 district public defender, ~~or regional director, where applicable,~~ shall submit an
9 annual report to the ~~board~~ **office** no later than February first of each year,
10 commencing in 2008. The report, using the uniform definition of a "case" as defined
11 in Subsection C of this Section, shall include detailed information of the district's
12 workload, resources, employees, and expenditures for the previous fiscal year.

13 B.(1) The district public defender shall be responsible for preparing,
14 completing, and submitting the annual report to the ~~board~~ **office** as provided for in
15 Subsection A of this Section.

16 (2) The district public defender shall be subject to the penalties provided for
17 in Paragraph (3) of this Subsection, payable out of the judicial district indigent
18 defender fund, to the ~~board~~ **office** if any of the following occur:

19 * * *

20 D. The ~~board~~ **office** shall draft, administer, and furnish reporting forms to the
21 district public defender which request detailed information of the district's workload,
22 resources, employees, and expenditures for the previous fiscal year based on the
23 uniform definition of a "case" as defined in Subsection C of this Section.

24 §185.7. Rights of action; interpretation of Part

25 * * *

26 B. In addition to the provisions of Subsection A of this Section, nothing
27 herein, nor any standards, guidelines, or rules adopted as a result hereof, shall be
28 construed to provide any person the basis of any claim that the attorney or attorneys
29 appointed to him pursuant to this statute performed in an ineffective manner. It shall

1 be presumptive evidence that any attorney performing indigent or absent parent
2 representation pursuant to the auspices of this statute is currently certified to have
3 met the standards and guidelines adopted by the **board office** to provide indigent or
4 absent parent representation in an effective manner.

5 * * *

6 §185.9. Implementation of indigent parent representation program; timeline

7 A. In the development of the Indigent Parents' Representation Program, the
8 **board office** shall consider all of the following:

9 * * *

10 B.(1) Subject to appropriation, or the availability of other monies made
11 available to the program, the **board office** shall develop a program which considers
12 the interest of establishing a flexible delivery system that is responsive to and
13 respectful of jurisdictional variances and local community needs and interests and
14 incrementally implementing that program throughout the state with a full
15 implementation goal of July 1, 2012.

16 (2) The **board office** shall determine the best method of incremental
17 implementation of the Indigent Parents' Representation Program that is the most
18 efficient, feasible, practicable, and appropriate to provide for the delivery of indigent
19 or absent parent representation as required by the provisions of this Part and rules
20 adopted by the **board office**.

21 (3) The **board office** shall work in conjunction with the Task Force on Legal
22 Representation in Child Protection Cases in developing the implementation of the
23 parents' representation program.

24 C. In recognition of the provisions of this Section, the **board office** shall:

25 * * *

26 (3) ~~The board shall develop~~ **Develop** a plan of implementation in conjunction
27 with the Task Force on Legal Representation in Child Protection Cases and appear
28 before the House and Senate committees on health and welfare and provide a report
29 of the status of the implementation of the Indigent Parents' Representation Program

1 prior to the convening of the 2010 Regular Session of the Legislature.

2 * * *

3 §186.2. Definitions

4 For the purposes of this Part, the following words shall have the following
5 meanings:

6 (1) ~~"Board" means the Louisiana Public Defender Board, or any successor~~
7 ~~to that board, which is authorized to regulate the providing of legal services to~~
8 ~~indigent persons in criminal proceedings in which the right to counsel attaches under~~
9 ~~the United States and Louisiana Constitutions. The board is also authorized to~~
10 ~~regulate the providing of representation to indigent parents as authorized by this Part.~~

11 (2) "Custody" means the legal custody of the office of juvenile justice, which
12 follows on commitment by a Louisiana court exercising juvenile jurisdiction to the
13 office of juvenile justice as provided in Titles VII and VIII of the Louisiana
14 Children's Code.

15 (2) "District office" means the office of a district public defender.

16 (3) "District public defender", "chief indigent defender", or "chief public
17 defender" means an attorney employed by or under contract with the **board office** to
18 supervise service providers and enforce standards and guidelines within a judicial
19 district or multiple judicial districts.

20 (4) "Indigent child representation" means the providing of legal services
21 to indigent children committed to the custody of the office of juvenile justice
22 pursuant to Title VII and Title VIII of the Louisiana Children's Code.

23 (5) "Office of juvenile justice" and "the office" means the Department of
24 Public Safety and Corrections, youth services, office of juvenile justice.

25 (6) **"Office" means the office of the state public defender as created by**
26 **R.S. 15:146.**

27 (7) "Public defender" or "indigent defender" means an attorney ~~employed by~~
28 ~~or~~ under contract with the **board office**, the district public defender, or a nonprofit
29 organization contracting with the **board office** or the district public defender to

1 provide representation as required by the provisions of the Louisiana Children's
2 Code.

3 * * *

4 §186.3. Safe Return Representation Program; duties of the **board office**; subject to
5 appropriations

6 A.(1) Subject to appropriation and the availability of other monies to the
7 program, the **board office** shall administer a program to provide qualified legal
8 representation to indigent children committed to the custody of the office of juvenile
9 justice pursuant to Title VII and Title VIII of the Louisiana Children's Code and
10 promote safe return and reentry for youth in custody.

11 (2) Except for the regulatory authority of the Louisiana Supreme Court
12 provided for in Article V, Section 5, of the Louisiana Constitution, the ~~Louisiana~~
13 ~~Public Defender Board or any successor to that~~ **board office**, shall have all regulatory
14 authority, control, supervision, and jurisdiction, including auditing and enforcement,
15 and all power necessary to administer the program throughout the state.

16 B. In the administration of the Safe Return Program, the **board office** shall:

17 * * *

18 (5) Submit an annual report to the legislature regarding the state of the
19 program. Such report shall include:

20 (a) Recommendations for changes in the law regarding the **board office** or
21 any regulated activity.

22 * * *

23 (6) Ensure all policies, procedures, and public pronouncements of the ~~board~~
24 **office** recognize the role of attorneys in safeguarding fundamental rights and
25 promoting the safety, reintegration, and well-being of children in the custody of the
26 office of juvenile justice.

27 * * *

28 (10) Employ and train attorneys and other staff as may be necessary to carry
29 out the functions of the program. All attorneys representing indigent children through

1 this program shall be licensed to practice law in Louisiana and qualified in
2 accordance with the standards and guidelines adopted by rule of the **board office**.

3 * * *

4 (13) Establish and modify a plan of organization to conduct the business of
5 regulating and controlling the delivery of program services. The plan of organization
6 shall provide for:

7 * * *

8 (c) The enforcement of **board office** rules.

9 * * *

10 (16) Prepare and submit to the governor, legislative auditor, and legislative
11 fiscal officer, not later than June first of each year an estimate of unexpended
12 balances in every account in the custody of the **board office**.

13 (17) Develop and maintain a comprehensive information system on the
14 revenues received by the **board office** and any district from local, state, and federal
15 sources, as well as the expenditure of any revenue, and submit a summary of the
16 information annually to the legislature.

17 (18) Assign appropriate staff to:

18 * * *

19 (c) Assist district public defenders in maintaining compliance with standards
20 and guidelines adopted by the **board office** pursuant to this Section. The **board office**
21 staff shall assist the district public defenders with implementation of standards,
22 guidelines, supervision, policy, and procedures to maintain compliance.

23 * * *

24 C. The powers and duties of the **board office** provided for by this Section
25 shall be in addition to the powers and duties provided for in R.S. 15:147.

26 §186.4. Standards and guidelines for representation of indigent children in custody;
27 rulemaking

28 A. The **board office** shall adopt all rules necessary to implement the
29 provisions of this Part.

1 * * *

2 §186.5. Safe Return Representation Program Fund

3 * * *

4 D. Monies in the fund which have been appropriated to the ~~Louisiana Public~~
5 ~~Defender Board~~ **office** shall be administered by the ~~Louisiana Public Defender~~
6 ~~Board, or any successor to that board~~ **office**.

7 E. The ~~board~~ **office** shall not commingle the monies appropriated from the
8 fund with any other monies of the ~~board~~ **office**.

9 Section 2. R.S. 15:146(D), 148(B)(14) and (15), 151, 153, 154, 155, 156, 157, 158,
10 159, 160, 162.1, and 168(E) and (F) are hereby repealed.

11 Section 3. This Act shall become effective upon signature by the governor or, if not
12 signed by the governor, upon expiration of the time for bills to become law without signature
13 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
14 vetoed by the governor and subsequently approved by the legislature, this Act shall become
15 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Alan Miller.

DIGEST

SB 8 Original

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. (board) to provide for the delivery of public defender services which meet the requirements established by the United States Supreme Court and the Louisiana 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 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

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

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 six years, subject to Senate confirmation.

Proposed law retains the existence of the board to serve in an advisory capacity to the state public defender.

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

(Amends R.S. 15:142(C) and (F), 143, 146(A), (B)(1) and (C), 147(A), (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), (I) and (J), 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), 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) - (7), 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), 187.7(B), 185.9(A)(intro para), 185.9(B), (C)(intro para) and (C)(3), 186.2(1) - (7), 186.3(A), (B)(intro para), (B)(5)(a), (6), (10), (13)(c), (16), (17) and (18)(c) and (C), 186.4(A) and 186.5(D) and (E); adds R.S. 15:164(B)(4); repeals R.S. 15:146(D), 148(B)(14) and (15), 151, 153, 154, 155, 156, 157, 158, 159, 160, 162.1 and 168(E) and (F))