

2024 Second Extraordinary Session

SENATE BILL NO. 8

BY SENATOR REESE AND REPRESENTATIVES HORTON, MIKE JOHNSON AND 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), and (C), 147(A), the

3 introductory paragraph of (B), (B)(1), (3), (4), (5)(b)(iii), (6), (7), (15), (17), (19) and

4 (20), (C), (D) and (E), 148(A), the introductory paragraph of (B)(1)(a), (B)(1)(b), (c),

5 (d), (e) and (f), and (5) through (13) and (C), 149.1, 149.2, 150(A), (C) and (E), 152,

6 161(A), (E)(5) and (7) through (14), (F), (H), (I) and (J), 162, 163, 164(A), (C)(1),

7 the introductory paragraph of (D), (E)(4) and (F)(2), 165(A), (B), (C), (D), (F) and

8 (G), 166, 167(A), (D) and (E), 168(D) and (E), 169, 170(A)(1) and (3), (B)(2), (5),

9 (6), (8) and (9), (C), (D)(1), (2) and (3), (G), (H), (I) and (J), 173(B), 174(A) and

10 (B)(1), 175(A)(1)(f) and (i) and (2) and (C), 178, 180, 185.2(1), (4), (7), (8), and (9),

11 185.3(A), the introductory paragraph of (B), (B)(6), (7), (11), (17), (18), and (19)(g),

12 (C) and (D), 185.4(A), (B)(2), (10) and (12), 185.6(A), (B)(1) and the introductory

13 paragraph of (B)(2), and (D), 185.7(B), 186.2(1), (6), (7), and (8), 186.3(A), the

14 introductory paragraph of (B), (B)(5)(a), (6), (10), (13)(c), (16), (17) and (18)(c) and

15 (C), 186.4(A), 186.5(D) and (E), and R.S. 36:4(B)(21), to enact R.S. 15:164(B)(4),

16 185.2(10), and 186.2(9), 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, 168(F), and 185.9, 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 the creation of the  
 4 Louisiana Public Defender Oversight Board; to provide for duties and  
 5 responsibilities of the board; to provide for rulemaking; to provide for the domicile  
 6 of the office; to provide for offices and meetings; to provide for qualifications of  
 7 executive staff; to provide for qualifications, powers, duties, and salary of the state  
 8 public defender; to provide for district public defenders; to provide for methods of  
 9 delivery of services; to provide for the Louisiana Public Defender Fund; to provide  
 10 for the Judicial District Indigent Defender Fund; to provide for representation of  
 11 capital defendants; to provide for disciplinary actions; to prohibit certain rights of  
 12 action; to provide for special reporting requirements; to provide for certain  
 13 proceedings; to provide for appointment of counsel under certain circumstances; to  
 14 provide for reports; to provide for the Indigent Parents' Representation Program; to  
 15 provide for standards and guidelines; to provide for the Safe Return Representation  
 16 Program; to provide for the Safe Return Representation Program Fund; and to  
 17 provide for related matters.

18 Be it enacted by the Legislature of Louisiana:

19 Section 1. R.S. 15:142(C) and (F), 143, 146(A), (B), and (C), 147(A), the  
 20 introductory paragraph of (B), (B)(1), (3), (4), (5)(b)(iii), (6), (7), (15), (17), (19) and (20),  
 21 (C), (D) and (E), 148(A), the introductory paragraph of (B)(1)(a), (B)(1)(b), (c), (d), (e) and  
 22 (f), and (5) through (13) and (C), 149.1, 149.2, 150(A), (C) and (E), 152, 161(A), (E)(5) and  
 23 (7) through (14), (F), (H), (I) and (J), 162, 163, 164(A), (C)(1), the introductory paragraph  
 24 of (D), (E)(4) and (F)(2), 165(A), (B), (C), (D), (F) and (G), 166, 167(A), (D) and (E),  
 25 168(D) and (E), 169, 170(A)(1) and (3), (B)(2), (5), (6), (8) and (9), (C), (D)(1), (2) and (3),  
 26 (G), (H), (I) and (J), 173(B), 174(A) and (B)(1), 175(A)(1)(f) and (i) and (2) and (C), 178,  
 27 180, 185.2(1), (4), (7), (8), and (9), 185.3(A), the introductory paragraph of (B), (B)(6), (7),  
 28 (11), (17), (18), and (19)(g), (C) and (D), 185.4(A), (B)(2), (10) and (12), 185.6(A), (B)(1)  
 29 and the introductory paragraph of (B)(2), and (D), 185.7(B), 186.2(1), (6), (7), and (8),

1 186.3(A), the introductory paragraph of (B), (B)(5)(a), (6), (10), (13)(c), (16), (17) and  
 2 (18)(c) and (C), 186.4(A), 186.5(D) and (E), and R.S. 36:4(B)(21) are hereby amended and  
 3 reenacted, and R.S. 15:164(B)(4), 185.2(10), and 186.2(9) are hereby enacted to read as  
 4 follows:

5 §142. Legislative findings

6 \* \* \*

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

16 \* \* \*

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

25 §143. Definitions

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

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

29 (2) ~~"Board office" means the headquarters of the board located in East Baton~~

1 ~~Rouge Parish.~~

2 ~~(3)~~ "District indigent defender fund" means the judicial district indigent  
3 defender fund as provided for in R.S. 15:168.

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

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

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

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

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

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

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

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

29 ~~(9)~~**(8)** "Public defender services" or "indigent defender services" means the

1 providing of legal services to indigent persons in criminal proceedings in which the  
2 right to counsel attaches under the United States and Louisiana constitutions.

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

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

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

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

13 ~~(14)~~**(10)** "State Public Defender" means the person in the employment of the  
14 board chosen **appointed by the governor, subject to approval of a majority of the**  
15 **board and Senate confirmation,** to administer the statewide public defender system  
16 for the delivery of public defender services.

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

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

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

28 ~~(3) The two members of the Louisiana Public Defender Board appointed by~~  
29 ~~the president of the Louisiana State Bar Association, the member appointed by the~~

1 chairman of the Louisiana State Law Institute's Children's Code Committee, the  
2 member appointed by the President of the Louisiana Chapter of the Louis A.  
3 Martinet Society, the member appointed by the Louisiana Interchurch Conference,  
4 the two members appointed by the governor and the four members appointed by the  
5 governor and nominated by the four law schools, as formerly provided in this  
6 Section, shall terminate their service on August 1, 2016.

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

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

16 B.(1) **The Louisiana Public Defender Oversight Board is hereby created**  
17 **and established to provide supervision and oversight to the office of the state**  
18 **public defender.** The board shall consist of ~~eleven~~ **nine** members.

19 (2) Persons appointed to the board shall have significant experience in the  
20 defense of criminal proceedings or shall have demonstrated a strong commitment to  
21 quality representation in indigent defense matters. No person shall be appointed to  
22 the board who has received compensation to be an elected judge, elected official,  
23 judicial officer, prosecutor, law enforcement official, indigent defense provider, or  
24 employees of all such persons, within a two-year period prior to appointment. No  
25 active part-time, full-time, contract or court-appointed indigent defense provider, or  
26 active employees of such persons, may be appointed to serve on the board as a voting  
27 member. No person having an official responsibility to the board, administratively  
28 or financially, or their employee shall be appointed to the board during their term of  
29 office. The majority of board members shall be current members of the Louisiana

1 ~~State Bar Association. Representatives of the client community shall not be~~  
2 ~~prohibited from serving as voting members of the board~~ **been admitted to the**  
3 **practice of law in this state for at least eight years or have been a judge in this**  
4 **state.**

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

6 (a) The governor shall appoint ~~five~~ **four** members, ~~one from each appellate~~  
7 ~~court district, and shall designate the chairman.~~

8 (b) ~~The five members~~ **One member** shall be appointed from a list of three  
9 nominees submitted to the governor by a majority of the district public defenders  
10 providing public defender services in ~~each appellate district~~ **this state.**

11 (c) ~~The chief justice of the~~ Supreme Court of Louisiana shall **by majority**  
12 **vote** appoint ~~four~~ **two** members, one member shall be a juvenile justice advocate;  
13 **and** one member shall be a retired judge ~~with criminal law experience, and two~~  
14 ~~members shall be at large.~~

15 (d) The president of the Senate and the speaker of the House of  
16 Representatives shall each appoint one member.

17 (e) All appointments to the board shall be subject to confirmation by the  
18 Senate.

19 (4) A vacancy on the board shall be filled in the same manner as the original  
20 appointment.

21 (5) Members of the board shall serve ~~staggered~~ terms of four years  
22 **concurrent with that of the governor appointing him.**

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

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

29 ~~⊖~~ The board shall notify the appropriate appointing authority of any board

1 vacancy which occurs for any reason.

2 §147. Powers; duties; responsibilities

3 A. Except for the inherent regulatory authority of the Louisiana Supreme  
4 Court provided for in Article V, Section 5 of the Constitution of Louisiana regarding  
5 the regulation of the practice of law, the ~~Louisiana Public Defender Board~~ **office**  
6 shall have all regulatory authority, control, supervision, and jurisdiction, including  
7 auditing and enforcement, and all power incidental or necessary to such regulatory  
8 authority, control, supervision, and jurisdiction over all aspects of the delivery of  
9 public defender services throughout the courts of the state of Louisiana.

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

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

15 \* \* \*

16 (3) ~~Review and approve~~ **Develop and implement** the strategic plan and  
17 **approve** budget proposals ~~submitted by the state public defender, regional directors,~~  
18 ~~where applicable, and district public defenders on behalf of the districts. The board~~  
19 ~~shall consider variations in public defense practices, past practices and procedures,~~  
20 ~~and conditions unique to each district in evaluating the strategic plan and budget~~  
21 ~~proposals on the district level.~~ **necessary for the implementation of this Part for**  
22 **coordinating and providing services. The office shall review and approve budget**  
23 **proposals submitted by the district public defenders on behalf of their districts,**  
24 **considering variations in public defense practices, past practices and**  
25 **procedures, and conditions unique to each district in evaluating the strategic**  
26 **plan and budget proposals on the district level.**

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



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

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

6 (c) Comprehensive workload data.

7 (5)(a) \* \* \*

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

9 \* \* \*

10 (iii) Provide for enforcement of ~~board~~ office rules as is necessary to the  
11 efficient and thorough regulation and governance of public defender services under  
12 its jurisdiction.

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

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

19 \* \* \*

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

23 \* \* \*

24 (17) Supervise the activities of staff and apply reasonable controls for the  
25 supervision of spending, accounting, and discretionary grants. The ~~board~~ office shall  
26 seek the assistance of the legislative auditor or an internal auditor to ensure that staff  
27 discretion is subject to supervision consistent with the Louisiana Local Government  
28 Budget Act, R.S. 39:1301 et seq. The ~~board's~~ office's supervision shall include  
29 reviewing details regarding expert witness funds or other case-specific grants,

1 including the confidential work product of attorneys in litigation, compensation, and  
2 records supporting fees of experts and others, and analysis of the efficiency and  
3 effectiveness of programs. The attorney-client privilege and confidentiality that  
4 applies to counsel in cases shall apply to all ~~board members~~ and staff for the review  
5 of case details.

6 \* \* \*

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

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

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

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

27 (2) Establish advisory councils from among Louisiana residents to provide  
28 information and guidance regarding needs and concerns of particular localities. Such  
29 councils may be established at such times, for such duration, and under such

1 circumstances, as the ~~board~~ **office** deems appropriate.

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

5 (4) Employ secretarial, clerical, and other such personnel as may be  
6 necessary in the operation of the business of the ~~board~~ **office** and fix their  
7 compensation.

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

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

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

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

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



1 and guidelines to ensure that defense attorneys providing public defender services  
 2 provide documentation of communications with clients regarding the frequency of  
 3 attorney client communications as required by rules adopted by the board.

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

9 (e) Performance of public defenders in all assigned public defense cases. The  
 10 **board office** shall adopt general standards and guidelines that alert defense counsel  
 11 to courses of action that may be necessary, advisable, or appropriate to a competent  
 12 defense including performance standards in the nature of job descriptions.

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

17 \* \* \*

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

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

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

28 ~~(8)~~**(6)** Establishing policies and procedures for handling conflict of interest  
 29 cases and overflow cases when workload standards which are established by rules

1 of the **board office** are breached.

2 ~~(9)~~(7) Establishing policies and procedures to ensure that detailed  
3 expenditure and workload data is collected, recorded, and reported to support  
4 strategic planning efforts for the system.

5 ~~(10)~~(8) Creating separate performance standards and guidelines for attorney  
6 performance in capital case representation, juvenile delinquency, appellate, and any  
7 other subspecialties of criminal defense practice as well as children in need of care  
8 cases determined to be feasible, practicable, and appropriate by the **board office**.

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

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

16 ~~(13)~~(11) Establishing processes and procedures to ensure that when a case  
17 that is assigned presents a conflict of interest for a public defender, the conflict is  
18 identified and handled appropriately and ethically.

19 ~~(14)~~(12) Establishing processes and procedures to ensure that **board office**  
20 and contract personnel use information technology and workload management  
21 systems so that detailed ~~expenditure and workload~~ data is accurately collected,  
22 recorded, and reported.

23 ~~(15)~~(13) Establishing administrative ~~salary~~ ranges for compensation of  
24 attorneys delivering public defender services throughout the state so that  
25 compensation is based on objective policymaking, including years of service, nature  
26 of the work and workload, and in consideration of variations in public defense  
27 practices and procedures in rural, urban, and suburban districts as well as  
28 prosecutorial and judicial processing practices, trial rates, sentencing practices, and  
29 attorney experience.

1 C. All rules shall be adopted pursuant to the provisions of the Administrative  
 2 Procedure Act and shall be subject to legislative oversight by the House Committee  
 3 on the Administration of Criminal Justice and the Senate Committee on Judiciary €

4 **B.**

5 \* \* \*

6 §149.1. Domicile of **board office**; venue

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

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

11 §149.2. Offices; meetings

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

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

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

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

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

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





1 cost-effective manner, the delivery of legal services to persons entitled to, and  
2 financially eligible for, appointed counsel in criminal proceedings at state expense  
3 under Louisiana law, the Constitution of Louisiana, and the United States  
4 Constitution and consistent with the standards of national justice and those  
5 established by the Louisiana Supreme Court.

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

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

11 (4) Prepare ~~and submit to the board for its approval~~ the budget of the board  
12 **office**.

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

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

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

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

3 (9) Appear before the Joint Legislative Committee on the Budget and report  
4 on the activities of the **board office**.

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

8 (11) Assist the board in the adoption of rules as provided for in R.S. 15:148  
9 and in accordance with the Administrative Procedure Act.

10 (12) Provide services, facilities, and materials necessary for the performance  
11 of the duties, functions, and powers of the **board office**.

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

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

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

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

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

25 \* \* \*

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

28 A. Except as otherwise provided for in this Section, the **board office** shall  
29 employ or contract with a district public defender to provide for the delivery and

1 management of public defender services in each judicial district.

2 \* \* \*

3 E. Each district public defender shall:

4 \* \* \*

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

9 \* \* \*

10 (7) Employ district personnel, subject to review by the state public defender  
11 ~~or the regional director, where applicable,~~ for compliance with qualifications and  
12 standards and guidelines established by statute and by rules adopted by the board.

13 (8) Contract for services in accordance with the standards and guidelines  
14 adopted by rule by the board, ~~and as authorized by the regional director, where~~  
15 ~~applicable.~~

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

19 (10) Implement the standards and guidelines and procedures established by  
20 the board; **and** state public defender, ~~and regional director, where applicable,~~ for the  
21 district.

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

24 (12) ~~Consult with the regional director, where applicable, and make~~ **Make**  
25 recommendations regarding the method of delivery of public defender services for  
26 the district for submission to the board for board approval. The ~~regional director,~~  
27 ~~where applicable, or the~~ board shall consider any delivery model in existence prior  
28 to August 15, 2007, as acceptable until that delivery model is proven to not meet the  
29 uniform standards and guidelines for the delivery of public defender services in

1 accordance with **applicable** rules adopted by the board and as required by statute.

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

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

8 F. Each district public defender may make recommendations to the ~~regional~~  
9 ~~director, where applicable, the state public defender, and the board on any matter~~  
10 regarding his judicial district.

11 \* \* \*

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

17 (2) The ~~board~~ **office** shall ~~establish~~ **set** the salaries **compensation** for each  
18 district public defender **according to a compensation plan established by the**  
19 **board**; however, the salaries and benefits in place on January 1, 2007, for each chief  
20 indigent defender shall continue as the beginning salary for each district public  
21 defender **employed on January 1, 2023**, and shall not be decreased. The provisions  
22 of this Paragraph shall not be construed to limit the ~~board's~~ **office's** ability to ~~increase~~  
23 ~~the salary~~ **adjust the compensation** of a district public defender.

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

27 (1) **Employ Contract, for a period of up to five years, with** a district public  
28 defender who meets the criteria provided for in this Section, using the selection  
29 process provided for in R.S. 15:162; ~~or,~~

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

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

5 J. Notwithstanding any other provision of law to the contrary, any attorney  
6 employed by or under contract with the **board office**, the district public defender,  
7 ~~regional director, where applicable,~~ or nonprofit organization contracting with the  
8 **board office**, district public defender, ~~regional director, where applicable,~~ or the  
9 **board office** to provide legal counsel to an indigent person in a criminal proceeding  
10 shall be licensed to practice law in the state of Louisiana. The provisions of this  
11 Subsection shall not be construed to prohibit the use of an attorney licensed to  
12 practice law in another state to provide legal counsel to an indigent person in a  
13 criminal proceeding on a pro-bono basis or who is receiving compensation from a  
14 grant administered by the **board office** or from a grant administered by any nonprofit  
15 organization contracting with the **board office**, provided that the out-of-state attorney  
16 is authorized to perform those services by the Louisiana Supreme Court. The  
17 legislature hereby specifically states that the provisions of this Subsection are in no  
18 way intended to, nor shall they be, construed in any manner which will impair any  
19 contractual obligations heretofore existing on June 1, 2007, of any out-of-state  
20 attorney authorized by the Louisiana Supreme Court to practice law in this state to  
21 provide legal counsel to an indigent person in a criminal proceeding.

22 §162. Vacancies in position of district public defender; formation of district public  
23 defender selection committee; powers and duties of committee;  
24 process for filling vacancy for district public defender; interim  
25 district public defender

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

1 in Subsection B of this Section.

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

6 (2) ~~No person shall be appointed to the selection committee that has received~~  
7 ~~compensation to be an elected judge, elected official, judicial officer, prosecutor, law~~  
8 ~~enforcement official, or indigent defense provider, or employees of all such persons,~~  
9 ~~within a two-year period prior to appointment. No active part-time, full-time,~~  
10 ~~contract, or court-appointed indigent defense provider, or active employees of such~~  
11 ~~persons, may be appointed to serve on the selection committee.~~

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

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

15 (b) One member appointed by the ~~president of the Louisiana State Bar~~  
16 ~~Association~~ **chairman of the Louisiana Public Oversight Board.**

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

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

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

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



1 public defender services of a district as a subdivision of the **board office** through a  
 2 regional office. When the public defender services of a district are taken over by the  
 3 **board office** in this manner, the district public defender shall be an employee of the  
 4 region and the regional director shall be the manager and supervisor of the district  
 5 public defender office. A regionalization of the operation of a district public defender  
 6 program shall occur, ~~by a majority vote of the board,~~ upon a finding **by the office**  
 7 that one of the following conditions have occurred:

8 (1) The district, through its district public defender, petitions the **board office**  
 9 for the **board office** to regionalize the delivery of indigent defender services in the  
 10 district; ~~or,~~

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

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

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

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

29 D. Prior to regionalizing a district as provided for in this Section, the ~~board~~





1 provide for adequate supervision of the regional defense service center established,  
2 with periodic reports to each of the contracting ~~boards~~ **public defenders**, at least  
3 every six months, regarding the following:

4 \* \* \*

5 E.

6 \* \* \*

7 (4) The contract for a regional defense service center shall provide for  
8 contribution by the contracting districts for a period not more than five nor less than  
9 three calendar years, which commitment shall be binding on the contracting ~~boards~~  
10 **districts**. The basis of the contribution may be any rational basis, including  
11 population, caseload, or other criteria agreed to by the respective ~~boards~~ **public**  
12 **defenders**. The contracting ~~boards~~ **district public defenders** shall be required by the  
13 contract to contribute to the regional service center for a period of not less than three  
14 nor more than five years, and the contract shall be noncancellable.

15 F.

16 \* \* \*

17 (2) Nothing herein shall be interpreted as creating a duty on the part of such  
18 regional defense service centers to do any act, or provide any service, beyond that  
19 contemplated in the establishment of the center by the district ~~indigent defender~~  
20 ~~boards~~ **public defenders** and present jurisprudence.

21 §165. Methods of delivery of public defender services; selection of methods;  
22 emergency circumstances

23 A. The method of delivery in each judicial district shall be approved to the  
24 extent that it is meeting or able to meet the performance standards and guidelines of  
25 the ~~board~~ **office**. The ~~board~~ **office** may change the method of delivery in order to  
26 ensure compliance with best practices reflected in the performance standards and  
27 guidelines.

28 B. The ~~board~~ **office** shall approve the method of delivery of public defender  
29 services for each district ~~upon consultation with and recommendations of the state~~

1 ~~public defender, the director of juvenile defender services, the regional director for~~  
2 ~~the service region, where applicable, and the district public defenders from the~~  
3 following service delivery methods or any combination thereof:

4 (1)(a) Appointment by the district public defender from a list of competent  
5 attorneys licensed to practice law in this state and classified according to case-type  
6 certification level.

7 (b) All appointments shall be on a successive, rotational basis by case-type  
8 certification. Deviations from the board's list shall be permitted only to comply with  
9 Code of Criminal Procedure Article 512 and in exceptional circumstances upon  
10 approval of the **board office** upon recommendation of the district public defender ~~or~~  
11 ~~regional director, where applicable.~~

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

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

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

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

29 D.(1) If, after reasonable assistance, providing of resources, and consultation

1 with the ~~board the state public defender, or regional director, where applicable,~~  
 2 office, the preexisting delivery model is still deemed unacceptable, the board shall  
 3 determine ~~upon consultation with the state public defender, the director of juvenile~~  
 4 ~~defender services, and the regional director, where applicable,~~ the appropriate service  
 5 delivery system to provide counsel for indigent defendants in criminal proceedings.  
 6 Such a system shall be structured with due consideration for local variances from  
 7 judicial district to judicial district within the region and shall, where necessary,  
 8 establish satellite offices or part-time satellite offices to maintain easy access to  
 9 clients in each judicial district within their purview.

10 (2) The ~~board~~ office shall provide notice of a public hearing as provided in  
 11 Paragraph (3) of this Subsection, to the district public defender, district advisory  
 12 board, if applicable, and the chief judge of the judicial district prior to changing any  
 13 delivery model as provided for by this Section and provide the public an opportunity  
 14 to offer comment on the change in the delivery model.

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

18 \* \* \*

19 F. The district public defender shall create a staff organization plan for its  
 20 delivery method which shall be subject to approval by the ~~state public defender or~~  
 21 ~~regional director, where applicable, and the board~~ office. The staff organization plan  
 22 will provide for the method of delivery, positions, duties, and assignments in the  
 23 district court.

24 G. In the event of a catastrophic event, natural or otherwise, the ~~board~~ office  
 25 shall have the power to establish an appropriate delivery system to maintain the  
 26 competent delivery of services from among the delivery methods provided for by this  
 27 Section.

28 §166. Disbursement of funds

29 A. The ~~board~~ office shall not disburse funds to a non-governmental entity

1 unless it establishes a benefit to the function of the **board office** pursuant to law, and  
 2 unless services are actually delivered. Under no circumstances shall the **board office**  
 3 disburse state funds for the purpose of savings, reserves, or other purposes related  
 4 primarily to the economic health of the non-governmental entity or its owners and  
 5 employees.

6 B. Any service which the **board office** seeks, ~~other than the Louisiana 44~~  
 7 ~~Appellate Project or the Capital Appeals Project, which are statewide programs,~~ shall  
 8 be subject to an application process by which the **board office** provides objective  
 9 deliverables and allows the district defenders to make application upon the same  
 10 terms as a non-governmental entity to provide services in that district or a regional  
 11 area for services as provided by law.

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

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

24 \* \* \*

25 D. The LPD Fund shall be administered by the **board office** as authorized by  
 26 the provisions of the Louisiana Public Defender Act. The **board office** is hereby  
 27 authorized to establish such accounts or sub-accounts within the LPD Fund as  
 28 deemed necessary to comply with the provisions of the Louisiana Public Defender  
 29 Act and the program. ~~The board shall not commingle the monies in the LPD Fund~~

1 ~~established in this Section with any other monies or funds of the board for any~~  
 2 ~~reason.~~

3 E. The ~~board~~ **office** shall dedicate and disburse at least sixty-five percent of  
 4 the entirety of its annual budget and its funds in the Louisiana Public Defender Fund  
 5 as defined in Subsection A of this Section each fiscal year to the district defender  
 6 offices and their indigent defender funds as defined in R.S. 15:168(A) in the various  
 7 judicial districts throughout the state. ~~Any funds disbursed to any district defender~~  
 8 ~~office shall be paid in addition to the minimum mandatory sixty-five percent of~~  
 9 ~~dedicated and disbursed funds required in this Subsection.~~ The provisions of this  
 10 Subsection shall not apply to statutorily dedicated funds or funds received through  
 11 the awarding of grants.

12 §168. Judicial district indigent defender fund

13 \* \* \*

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

18 E. ~~Any surplus monies in the judicial district indigent defender fund on~~  
 19 ~~August 15, 2007, shall be retained in that judicial district and remain in the judicial~~  
 20 ~~district indigent defender fund.~~ Any unexpended and unencumbered monies in the  
 21 judicial district indigent defender fund at the close of each fiscal year shall remain  
 22 in the judicial district indigent defender fund. Monies in the fund shall be  
 23 administered and used solely and exclusively for purposes of delivering indigent  
 24 defender services in that judicial district.

25 ~~F.~~**E.**(1) Notwithstanding any provision of law to the contrary, each judicial  
 26 district is allowed to accumulate funds for the purposes of retaining expert witnesses.  
 27 The district public defender, in his discretion, shall determine how payments shall  
 28 be administered and which experts shall be paid.

29 (2) Any person who has retained private counsel, but is found to be indigent,

1 may apply for funds for expert witnesses in the same manner as public defender  
2 clients. Each person shall apply for the funds by making application to the district  
3 defender of the district having jurisdiction and shall be subject to the same  
4 requirements as indigent clients.

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

8 §169. Representation of capital defendants

9 A. In cases where a sentence of death has been imposed, the **board office**  
10 shall promptly cause counsel to be enrolled to represent the defendant. ~~The board~~  
11 ~~shall adopt rules~~ and retain only such staff counsel or other counsel, who will work  
12 under the supervision of the **board office**, as are necessary to provide counsel to  
13 represent capital defendants on direct appeal to the Supreme Court of Louisiana and  
14 to seek post-conviction relief if appropriate in state and federal court. The ~~board~~  
15 **office** shall also adopt rules regarding the provision of reasonably necessary services  
16 associated with the proceedings, including investigative, expert, and other services.  
17 The rules shall require that funds to pay for such reasonably necessary services shall  
18 be provided only upon a written showing specifically identifying the nature of the  
19 services, the cost of such services, and the need for such services with mandatory  
20 guidelines for compensation and litigation expense maximums. The ~~board~~ **office** may  
21 seek funding as is available under federal law or from other public and private  
22 sources to cover the costs of providing representation in connection with applications  
23 for post-conviction relief filed in state and federal court.

24 B. Staff counsel, or other counsel, who represented convicted capital  
25 defendants in state court proceedings may, if authorized by the **board office**, accept  
26 appointments from federal court to represent those defendants, but only if  
27 compensation is provided by funds as directed by the appointing federal court. Such  
28 funds shall remain subject to the use of the board and may be used for paying the  
29 costs of such representation. No state-appropriated funds shall be expended for the

1 representation of capital defendants in federal court.

2 §170. Disciplinary action; sanctions of ~~regional directors and~~ district public  
3 defenders; just cause; hearing

4 A.(1) The ~~board~~ **office** shall have the authority to take corrective or  
5 disciplinary action against any ~~regional director, or~~ district public defender, for  
6 failure to adhere to the standards and guidelines for rendering indigent defender  
7 services as provided by rules adopted pursuant to R.S. 15:148 and in accordance with  
8 the Administrative Procedure Act.

9 \* \* \*

10 (3) A ~~regional director or~~ district public defender may be demoted or  
11 terminated for just cause.

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

13 \* \* \*

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

16 \* \* \*

17 (5) The willful failure to document communications with clients as required  
18 by the ~~board~~ **office**.

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

21 \* \* \*

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

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

26 \* \* \*

27 C. A ~~regional director or~~ district public defender who feels that he has been  
28 demoted or terminated without just cause as defined in this Section may, within  
29 fifteen days after the action, demand in writing a hearing, and investigation by the



1 board to determine the reasonableness of the action.

2 D.(1) Upon receipt of a request for a hearing, the board shall appoint a five-  
3 member hearing committee made up of five ~~board~~ members.

4 (2) The board shall designate the chairman of the hearing committee, who  
5 shall function as the presiding officer of the hearing.

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

10 \* \* \*

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

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

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

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

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

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

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

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

6 §173. Right of action not created

7 \* \* \*

8 B. In addition to the provisions of Subsection A of this Section, nothing  
 9 herein, nor any standards, guidelines, or rules adopted as a result hereof, shall be  
 10 construed to provide any criminal defendant the basis of any claim that the attorney  
 11 or attorneys appointed to represent him pursuant to this statute performed in an  
 12 ineffective manner. It shall be presumptive evidence that any attorney performing  
 13 criminal defense services pursuant to the auspices of this statute is currently certified  
 14 to have met the standards and guidelines adopted by the board to provide criminal  
 15 defense services in an effective manner. Nothing contained herein shall be construed  
 16 to overrule, expand, or extend, whether directly or by analogy, the decision reached  
 17 by the United States Supreme Court in *Strickland v. Washington*, 466 U.S. 668, 104  
 18 S.Ct. 2052, 80 L.Ed.2d 674 (1984) nor its progeny as adopted by the Louisiana  
 19 Supreme Court.

20 §174. Special reporting requirements; penalties

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



1 representation through the ~~board~~ **office** at no charge.

2 \* \* \*

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

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

10 \* \* \*

11 §180. Special reporting requirements

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

21 \* \* \*

22 §185.2. Definitions

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

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

\* \* \*

(4) "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.

\* \* \*

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

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

~~(8)~~~~(9)~~ "Revenue" or "self-generated revenue" means all revenue received by a judicial district except revenue received as a result of grants, donations, or other forms of assistance when the terms and conditions thereof or of agreements pertaining thereto require otherwise.

~~(9)~~~~(10)~~ "Task Force on Legal Representation in Child Protection Cases" means the task force created by House Concurrent Resolution No. 44 of the 2003 Regular Session of the Legislature.

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

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

(2) Except for the inherent regulatory authority of the Louisiana Supreme Court provided for in Article V, Section 5 of the Constitution of Louisiana, regarding

1 the regulation of the practice of law, the ~~Louisiana Public Defender Board or any~~  
 2 ~~successor to that board~~, **board and the office** shall have all regulatory authority,  
 3 control, supervision, and jurisdiction, including auditing and enforcement, and all  
 4 power incidental or necessary thereto to administer a program to provide for the  
 5 delivery of indigent or absent parent representation throughout the courts of the state  
 6 of Louisiana.

7 B. In the administration of the Indigent Parents' Representation Program, the  
 8 **board office** shall:

9 \* \* \*

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

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

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

18 (c) Comprehensive workload data.

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

23 \* \* \*

24 (11) Provide for the employing or contracting with and training of attorneys  
 25 and other professional and nonprofessional staff that may be necessary to carry out  
 26 the functions of the program. All attorneys representing indigent or absent parents  
 27 through this program shall be licensed to practice law in Louisiana and qualified in  
 28 accordance with standards and guidelines adopted by rule of the board.

29 \* \* \*

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

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

8           (19) Assign appropriate staff to:

9   \*       \*       \*

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

14   \*       \*       \*

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

26           D. The powers and duties ~~of the board~~ provided for by this Section shall be  
 27           in addition to the powers and duties provided for in R.S. 15:147 or as otherwise  
 28           provided by law.

29           §185.4. Standards and guidelines for representation of indigent parents; rulemaking





1 absent parent representation or curatorship appointments, including performance  
2 standards in the nature of job descriptions.

3 \* \* \*

4 (10) Establishing policies and procedures for handling conflict of interest  
5 cases and overflow cases when workload standards which are established by rules  
6 of the board are breached.

7 \* \* \*

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

11 \* \* \*

12 §185.6. Special reporting requirements; indigent parent representation cases;  
13 penalties

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

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

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

26 \* \* \*

27 D. The **board office** shall draft, administer, and furnish reporting forms to the  
28 district public defender which request detailed information of the district's workload,  
29 resources, employees, and expenditures for the previous fiscal year based on the

1 uniform definition of a "case" as defined in Subsection C of this Section.

2 §185.7. Rights of action; interpretation of Part

3 \* \* \*

4 B. In addition to the provisions of Subsection A of this Section, nothing  
5 herein, nor any standards, guidelines, or rules adopted as a result hereof, shall be  
6 construed to provide any person the basis of any claim that the attorney or attorneys  
7 appointed to him pursuant to this statute performed in an ineffective manner. It shall  
8 be presumptive evidence that any attorney performing indigent or absent parent  
9 representation pursuant to the auspices of this statute is currently certified to have  
10 met the standards and guidelines adopted by the ~~board~~ **office** to provide indigent or  
11 absent parent representation in an effective manner.

12 \* \* \*

13 §186.2. Definitions

14 For the purposes of this Part, the following words shall have the following  
15 meanings:

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

22 \* \* \*

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

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

27 (8) "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 ~~(8)~~**(9)** "Safe Return Program" or "the program" means the Safe Return  
4 Representation Program administered pursuant to the Part.

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

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

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

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

19 \* \* \*

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

22 (a) Recommendations for changes in the law regarding the ~~board~~ **office** or  
23 any regulated activity.

24 \* \* \*

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

29 \* \* \*

1 (10) Employ and train attorneys and other staff as may be necessary to carry  
 2 out the functions of the program. All attorneys representing indigent children through  
 3 this program shall be licensed to practice law in Louisiana and qualified in  
 4 accordance with the standards and guidelines adopted by rule of the board.

\* \* \*

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

\* \* \*

10 (c) The enforcement of board rules.

\* \* \*

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

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

19 (18) Assign appropriate staff to:

\* \* \*

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

\* \* \*

26 C. The powers and duties ~~of the board~~ provided for by this Section shall be  
 27 in addition to the powers and duties provided for in R.S. 15:147 or as otherwise  
 28 provided by law.

29 §186.4. Standards and guidelines for representation of indigent children in custody;

1 rulemaking

2 A. The board shall adopt all rules necessary to implement the provisions of  
3 this Part.

4 \* \* \*

5 §186.5. Safe Return Representation Program Fund

6 \* \* \*

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

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

12 Section 2. R.S. 36:4(B)(21) is hereby amended and reenacted to read as follows:

13 §4. Structure of executive branch of state government

14 \* \* \*

15 B. The office of the governor shall be in the executive branch of state  
16 government. The governor may allocate within his office the powers, duties, funds,  
17 functions, appropriations, responsibilities, and personnel of the agencies within his  
18 office and provide for the administration thereof and for the organization of his  
19 office. The following agencies and their powers, duties, functions, and  
20 responsibilities are hereby transferred to the office of the governor:

21 \* \* \*

22 (21) The Louisiana Public Defender **Oversight** Board (R.S. 15:141 et seq.)  
23 shall be placed within the office of the governor as an independent agency and shall  
24 exercise its powers, duties, functions, and responsibilities in accordance with the  
25 provisions of R.S. 36:801.1.

26 \* \* \*

27 Section 3. R.S. 15:146(D), 148(B)(14) and (15), 151, 153, 154, 155, 156, 157, 158,  
28 159, 160, 162.1, 168(F), and 185.9 are hereby repealed.

29 Section 4. Nothing in this Act shall be construed to impede or nullify any existing

1 contract in which the Louisiana Public Defender Board is a party. The office of the state  
2 public defender shall honor all contracts in which the board is a party through June 30, 2024.

3 Section 5. Subject to a satisfactory performance and compliance evaluation, a public  
4 defender who has an existing contract with the Louisiana Public Defender Board for Fiscal  
5 Year 2023-2024, shall have the option to renew the contract with the office of the state  
6 public defender for Fiscal Year 2024-2025, subject to appropriation.

7 Section 6. This Act shall become effective upon signature by the governor or, if not  
8 signed by the governor, upon expiration of the time for bills to become law without signature  
9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
10 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
11 effective on the day following such approval.

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

---

#### DIGEST

SB 8 Reengrossed

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

Proposed law establishes the composition of the proposed board as follows:

- (1) Four members appointed by the governor.
- (2) One member selected by the governor from a list of three nominees submitted by a majority of the district public defenders.
- (3) Two members selected by a majority of the supreme court justices, with one member being a juvenile justice advocate and the other being a retired judge.
- (4) One member selected by the president of the Senate, and one member selected by the

speaker of the House.

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.

Proposed law provides for responsibilities of the proposed board to include:

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

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 two years, subject to approval by a majority of the proposed board and Senate confirmation.

Present law provides relative to implementation of the Indigent Parents Representation Program.

Proposed law repeals present law.

Proposed law requires the office to honor all contracts in which the board is a party through June 30, 2024.

Proposed law provides that a public defender who has an existing contract with the board for FY 23-24 will have the option to renew the contract for FY 24-25 provided the public defender has satisfactory performance evaluation.

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) and (C), 147(A), (B)(intro para), (B)(1), (3), (4), (5)(b)(iii), (6), (7), (15), (17), (19) and (20), (C), (D) and (E), 148(A), (B)(1)(a)(intro para), (b), (c), (d), (e) and (f) and (5)-(13) and (C), 149.1, 149.2, 150(A), (C) and (E), 152, 161(A), (E)(5) and (7)-(14), (F), (H), (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) and (E), 169, 170(A)(1) and (3), (B)(2), (5), (6), (8) and (9), (C), (D)(1), (2) and (3), (G), (H), (I) and (J), 173(B), 174(A) and (B)(1), 175(A)(1)(f) and (i) and (2) and (C), 178, 180, 185.2(1), (4), (7), (8), and (9), 185.3(A), (B)(intro para), (B)(6), (7), (11), (17), (18), and (19)(g), (C) and (D), 185.4(A), (B)(2), (10) and (12), 185.6(A), (B)(1) and (B)(2)(intro para), and (D), 185.7(B), 186.2(1), (6), (7), and (8), 186.3(A), (B)(intro para), (B)(5)(a), (6), (10), (13)(c), (16), (17) and (18)(c) and (C), 186.4(A), 186.5(D) and (E), and R.S. 36:4(B)(21); adds R.S. 15:164(B)(4), 185.2(10), and 186.2(9); repeals R.S. 15:146(D), 148(B)(14) and (15), 151, 153, 154, 155, 156, 157, 158, 159, 160, 162.1, 168(F), and 185.9)

Summary of Amendments Adopted by SenateCommittee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Makes technical changes.
2. Adds provisions for the state public defender to employ or contract with district public defenders.
3. Changes term of state public defender from six years to two years.
4. Adds requirement for the office to review and approve budget proposals submitted by the district public defenders on behalf of their districts.
5. Adds provision authorizing the office to enter into contracts with district public defenders for a period of up to five years.
6. Adds requirement that any monies in each judicial district indigent defender fund at the close of each fiscal year remain with the fund.
7. Repeals present law regarding 2012 implementation of the indigent parent representation program.
8. Adds provision requiring the office of the state public defender to honor all contracts in which the board is a party through June 30, 2024.
9. Adds provision requiring the office to renew existing contracts currently in effect, subject to a satisfactory performance and compliance evaluation.

Senate Floor Amendments to engrossed bill

1. Makes technical changes.
2. Eliminates the 11-member La. Public Defender Bd. (current board) and creates the nine-member La. Public Defender Oversight Bd. (proposed board) to provide supervision and oversight to the office of the state public defender (office).
3. Requires that members of the proposed board be admitted to the practice of law in La. for at least eight years or have been a judge in La.
4. Creates the 11-member Louisiana Public Defender Oversight Board and provides for duties and responsibilities of the board.
5. Adds requirement that the state public defender be appointed by the governor, subject to approval of a majority of the proposed board, and confirmation by the Senate.