



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **SB 8** SLS 242ES 20
 Bill Text Version: **REENGROSSED**
 Opp. Chamb. Action: **w/ HSE COMM AMD**
 Proposed Amd.:
 Sub. Bill For.:

Date: February 28, 2024 1:21 PM	Author: REESE
Dept./Agy.: Executive and Louisiana Public Defender Board	
Subject: Creation of the Office of the State Public Defender	Analyst: Daniel Druilhet

PUBLIC DEFENDER RE1 SEE FISC NOTE See Note Page 1 of 2

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

Current law establishes the existing rules governing the Louisiana Public Defender Board (LPDB). Proposed law amends current law to establish the Office of the State Public Defender as an agency within the Office of the Governor; mandates that the state Public Defender be appointed by the Governor, subject to approval of a majority of the board and Senate confirmation, for a period of 2 years; transfers the authority of the Louisiana Public Defender Oversight Board under the authority of the Office of the Governor; retains the existing Public Defender Board to provide supervision and oversight to the board and approve contracts of \$250,00 or more; delineates the board structure as 9 members - 4 appointed by the governor, 1 chosen from a list of 3 nominees submitted to the governor by a joint resolution of the Public Defenders Association and the LA Association of Criminal Defense Lawyers by a majority vote of PDs, 2 members from the LA Supreme Court by a majority vote (juvenile justice advocate and retired judge); 1 appointed by the Speaker of the House of Representatives and President of the Senate; removes all regional directors and regional district structure within the Office of the Public Defender; honors all contracts in which the LPDB is a party through 6/30/24; limits employment or contract of a district public defender to 5 years; allows for a contract renewal option for any existing contract that a public has with the LPDB, subject to appropriation and a satisfactory performance review; increases disbursements of annual budget of Office of the State Public Defender from 65% to 75%.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total						
REVENUES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

Proposed law will result in an indeterminable impact on state expenditures within the Office of the Governor. The proposed law reorganizes the public defender system as follows: (1) removes the LA Public Defenders Board from the Office of the Governor/Executive Department; (2) creates the Office of the State Public Defender (herein referred to as the Office) within the Office of the Governor/Executive Department to regulate the public defender system; (3) creates the State Public Defender position (appointed by the governor) to oversee the Office; (4) eliminates statutory positions; (5) provides for district defender compensation and benefits; and (6) makes the Public Defender Board into an oversight and supervisory board. Under the proposed law, the newly created Office and the newly created State Public Defender position will have the same authority as the existing LA Public Defender Board. The LFO assumes total funding levels for the Public Defender system will remain the same under the new structure. However, there will be a shift of an additional 10% (from 65% to 75%) in annual budget disbursements from the Office of the State Public Defender to local district defender offices. To the extent any changes are made to operations, policies, procedures, or staffing levels, indeterminable changes to the appropriation may become necessary.

Under the proposed law, the LA Public Defender Board, renamed the LA Public Defender Oversight Board, becomes an oversight and supervisory board to the State Public Defender. This is anticipated to result in a neutral expenditure change for the Office with regard to board expenses.

The proposed law eliminates the regional structure and all regional directors, as well as the statutory authorization for six enumerated positions: deputy public defender - director of training, deputy public defender - director of juvenile defender services, budget officer, technology and management officer, trial-level compliance officer, and juvenile justice compliance officer. The LFO assumes these positions will remain under the new office structure as the proposed law authorizes the State Public Defender to appoint any staff necessary, subject to appropriation. To the extent the staffing level increases or decreases compared to the baseline, a change in appropriation would become necessary.


EXPENDITURE EXPLANATION CONTINUED ON PAGE 2

REVENUE EXPLANATION

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

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}


Patrice Thomas
Deputy Fiscal Officer



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CONTINUED EXPLANATION from page one:

Page 2 of 2

EXPENDITURE EXPLANATION CONTINUED FROM PAGE ONE

The proposed law authorizes the Office of the State Public Defender to establish salaries and benefits for district defenders as well as health insurance and retirement benefits for district and line defenders. The existing LA Public Defender Board reports an indeterminable impact on district defender compensation as well as health and retirement benefits for district and line defenders. The LFO cannot corroborate this impact. For the purposes of this fiscal note, the LFO assumes salaries and benefits will remain the same under the new structure.

The proposed law allows for a contract renewal option for any existing contract that a public defender has with the Louisiana Public Defender Board, subject to appropriation and a satisfactory performance review and compliance evaluation. To the extent that any existing contracts are not renewed, the number of district defenders with contracts with the Louisiana Public Defender may decrease, subject to appropriation.

Note: The LFO is awaiting information from the Office of the Governor regarding estimates of costs associated with transferring the authority of the Louisiana Public Defender Board under the authority of the Office of the Governor under proposed law. Once the LFO receives feedback, the fiscal note will be updated accordingly.

Senate Dual Referral Rules


13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}

13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House

6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}

6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}


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