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DIGEST

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SB 467 Reengrossed

2024 Regular Session

Reese

Present law authorizes the office of the state public defender (office) to enter into contracts to provide counsel for indigent defendants.

Present law requires that district public defender programs continue operating within the method of delivery of services in effect prior to April 30, 2007, and prohibits the office from using its power to contract to change the structure of a local program, delivery method, or to terminate personnel without cause in violation of present law.

Proposed law eliminates present law prohibition of the office from using its power to contract to change the structure of a local program, delivery method, or to terminate personnel without cause in violation of present law.

Present law requires that the office's executive staff positions be permanent, full-time employees of the office and these employees shall not otherwise engage in the practice of law, where applicable, or engage in any other business or profession.

Proposed law clarifies that the office's executive staff positions are state employees.

Present law prohibits employees of the office from engaging in the practice of law or any other business or profession.

Proposed law removes the present law prohibition that the office's employees not otherwise engage in the practice of law, where applicable, or engage in any other business or profession.

Present law requires the state public defender to develop and implement a strategic plan for delivery of public defender services with approval of the Louisiana Public Defender Oversight Board (board).

Proposed law retains present law and further requires the state public defender to develop and implement standards and guidelines with approval of the board.

Present law requires the state public defender to assist the board in establishing standards, guidelines, policies, and procedures for statewide delivery of indigent defender services.

Proposed law requires the state public defender to establish policies and procedures for statewide delivery of indigent defender services.

Proposed law requires that offices of the district public defender be a local body corporate with the power to sue and be sued, to enter into contracts on such terms and conditions as it deems advisable, and with all other general obligations and privileges of local political subdivisions.

Proposed law requires the district public defender to be the policymaker for the office of the district public defender and to be responsible for ensuring that the office of the district public defender satisfies its obligations and privileges under present law.

Proposed law makes conforming changes consistent with Act No. 22 of the 2024 2nd Extraordinary Session.

Proposed law provides that the mayors of the municipalities of DeQuincy, Iowa, Vinton, and Westlake may impose additional court costs not to exceed \$20 for each offense, as defined by ordinance, on any defendant convicted of a violation of a municipal ordinance or traffic

violation, provided that 50% of any additional court cost collected pursuant to proposed law shall be remitted to the 14th Judicial District's Indigent Defender Fund.

Proposed law provides that the additional costs levied pursuant to present law (R.S. 40:2264 and 2266.1) in excess of \$10 per offense shall be optional in any mayor's court that actually levies the additional costs authorized pursuant to proposed law.

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

(Amends R.S. 15:150(C), 152(B)(2) and (13), 161(A), (E)(11), (H)(1), and (I), 162(D) and (F), 167(E), 168(A) and (E)(3), 175(A)(1)(d) and (f), 176(C), 185.2(4) and (8), 186.2(4) and (8), and 186.3(B)(10); Adds R.S. 33:447.11.1; Repeals R.S. 33:447.11)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Technical legislative bureau amendments.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the reengrossed bill:

1. Make technical changes.
2. Provide for additional court costs in certain mayor's courts with proceeds remitted to applicable indigent defender funds.