

SENATE BILL NO. 8

BY SENATOR REESE AND REPRESENTATIVES HORTON, MIKE JOHNSON AND
VILLIO

1 AN ACT

2 To amend and reenact R.S. 15:142(C) and (F), 143, 146, 147(A), the introductory paragraph
3 of (B), (B)(1), (3), (4), (5)(b)(iii), (6), (7), (15), (17), (19) and (20), (C), (D) and (E),
4 148(A), the introductory paragraph of (B)(1)(a), (B)(1)(b), (c), (d), (e) and (f), and
5 (5) through (13) and (C), 149.1, 149.2, 150(A), (C) and (E), 152, 161(A), (E)(5) and
6 (7) through (14), (F), (H), and (I), 162, 163, 164(A), (C)(1), the introductory
7 paragraph of (D), (E)(4) and (F)(2), 165(A), (B), (C), (D), (F) and (G), 166, 167(A),
8 (D) and (E), 168(D) and (E), 169, 170(A)(1) and (3), (B)(2), (5), (6), (8) and (9), (C),
9 (D)(1), (2) and (3), (G), (H), (I) and (J), 173(B), 174(A) and (B)(1), 175(A)(1)(f) and
10 (i) and (2) and (C), 178, 180, 185.2(1), (4), (7), (8), and (9), 185.3(A), the
11 introductory paragraph of (B), (B)(6), (7), (11), (17), (18), and (19)(g), and (C),
12 185.4(A), (B)(2), (10) and (12), 185.6(A), (B)(1) and the introductory paragraph of
13 (B)(2), and (D), 185.7(B), 186.2(1), (6), (7), and (8), 186.3(A), the introductory
14 paragraph of (B), (B)(5)(a), (6), (10), (13)(c), (16), (17) and (18)(c) and (C),
15 186.4(A), 186.5(D) and (E), and R.S. 36:4(B)(21), to enact R.S. 15:164(B)(4),

1 185.2(10), and 186.2(9), and to repeal R.S. 15:148(B)(14) and (15), 151, 153, 154,
 2 155, 156, 157, 158, 159, 160, 161(J), 162.1, 168(F), 185.3(D), and 185.9, relative to
 3 indigent defender representation; to create the office of the state public defender; to
 4 transfer authority from the Louisiana Public Defender Board to the office; to provide
 5 for powers, duties, and responsibilities of the office; to provide for the creation of the
 6 Louisiana Public Defender Oversight Board; to provide for duties and
 7 responsibilities of the board; to provide for rulemaking; to provide for the domicile
 8 of the office; to provide for offices and meetings; to provide for qualifications of
 9 executive staff; to provide for qualifications, powers, duties, and salary of the state
 10 public defender; to provide for district public defenders; to provide for methods of
 11 delivery of services; to provide for the Louisiana Public Defender Fund; to provide
 12 for the Judicial District Indigent Defender Fund; to provide for representation of
 13 capital defendants; to provide for disciplinary actions; to prohibit certain rights of
 14 action; to provide for special reporting requirements; to provide for certain
 15 proceedings; to provide for appointment of counsel under certain circumstances; to
 16 provide for reports; to provide for the Indigent Parents' Representation Program; to
 17 provide for standards and guidelines; to provide for the Safe Return Representation
 18 Program; to provide for the Safe Return Representation Program Fund; and to
 19 provide for related matters.

20 Be it enacted by the Legislature of Louisiana:

21 Section 1. R.S. 15:142(C) and (F), 143, 146(A), (B), and (C), 147(A), the
 22 introductory paragraph of (B), (B)(1), (3), (4), (5)(b)(iii), (6), (7), (15), (17), (19) and (20),
 23 (C), (D) and (E), 148(A), the introductory paragraph of (B)(1)(a), (B)(1)(b), (c), (d), (e) and
 24 (f), and (5) through (13) and (C), 149.1, 149.2, 150(A), (C) and (E), 152, 161(A), (E)(5) and
 25 (7) through (14), (F), (H), and (I), 162, 163, 164(A), (C)(1), the introductory paragraph of
 26 (D), (E)(4) and (F)(2), 165(A), (B), (C), (D), (F) and (G), 166, 167(A), (D) and (E), 168(D)
 27 and (E), 169, 170(A)(1) and (3), (B)(2), (5), (6), (8) and (9), (C), (D)(1), (2) and (3), (G),
 28 (H), (I) and (J), 173(B), 174(A) and (B)(1), 175(A)(1)(f) and (i) and (2) and (C), 178, 180,
 29 185.2(1), (4), (7), (8), and (9), 185.3(A), the introductory paragraph of (B), (B)(6), (7), (11),
 30 (17), (18), and (19)(g), (C) and (D), 185.4(A), (B)(2), (10) and (12), 185.6(A), (B)(1) and

1 the introductory paragraph of (B)(2), and (D), 185.7(B), 186.2(1), (6), (7), and (8), 186.3(A),
2 the introductory paragraph of (B), (B)(5)(a), (6), (10), (13)(c), (16), (17) and (18)(c) and (C),
3 186.4(A), and 186.5(D) and (E) are hereby amended and reenacted, and R.S. 15:164(B)(4),
4 185.2(10), and 186.2(9) are hereby enacted to read as 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~~
30 ~~Rouge Parish.~~

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

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

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

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

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

15 **(6) "Office" means the office of the state public defender authorized to:**
16 **(a) Regulate and fund public defender services and provide financial**
17 **support to other service programs that provide services to persons adjudicated**
18 **in the criminal justice system.**

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

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

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

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

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

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

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

11 (14)(10) "State Public Defender" means the person in the employment of the
12 board chosen **appointed by the governor, subject to approval of a majority of the**
13 **board and Senate confirmation,** to administer the statewide public defender system
14 for the delivery of public defender services.

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

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

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

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

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

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

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

14 B.(1) The Louisiana Public Defender Oversight Board is hereby created
15 and established to provide supervision and oversight to the office of the state
16 public defender and to approve contracts in an amount of two hundred fifty
17 thousand dollars or more. The board shall consist of eleven nine members.

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

1 practice of law in this state for at least eight years or have been a judge in this
 2 state.

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

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

6 (b) ~~The five members shall be appointed~~ **The governor shall appoint one**
 7 **member** from a list of three nominees submitted to the governor by a ~~majority of the~~
 8 ~~district public defenders providing public defender services in each appellate district.~~
 9 **joint resolution of the Public Defenders Association of Louisiana and the**
 10 **Louisiana Association of Criminal Defense Lawyers.**

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)~~**(4)** All appointments to the board shall be subject to confirmation by the
 18 Senate.

19 ~~(4)~~**(5)** A vacancy on the board shall be filled in the same manner as the
 20 original appointment.

21 ~~(5)~~**(6)** Members of the board shall serve ~~staggered terms of four years~~
 22 **concurrent with that of the governor.**

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 ~~Ð:~~ The board shall notify the appropriate appointing authority of any board
 30 vacancy which occurs for any reason.

1 §147. Powers; duties; responsibilities

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

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

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

14 * * *

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

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

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

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

4 (c) Comprehensive workload data.

5 (5)(a) * * *

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

7 * * *

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

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

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

17 * * *

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

21 * * *

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

1 applies to counsel in cases shall apply to all ~~board members~~ and staff for the review
2 of case details.

3 * * *

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

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

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

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

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

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

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

4 (5) Enter into contracts in accordance with law for the purpose of maintaining
5 and operating an office, or offices, and performing the functions authorized by law.
6 The provisions of this Paragraph are subject to the intent of the Louisiana Public
7 Defender Act that district public defender programs shall continue operating within
8 the method of delivery of services in effect prior to April 30, 2007, ~~and the board is~~
9 ~~prohibited from using its power to contract to change the structure of a local~~
10 ~~program, delivery method, or to terminate personnel without cause in violation of~~
11 R.S. 15:165(C).

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

17 (2) The notice shall include the name of the individual attorneys, a
18 consortium 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 amount of compensation to be paid, and the nature of the contracted
22 services.

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

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

29 E. The executive staff, ~~regional directors,~~ and secretarial, clerical, and other
30 personnel directly employed in the operations of the **board office** shall be state

1 employees. All other personnel employed or who serve under contract in a district
2 office shall not be state employees. The Joint Legislative Committee on the Budget
3 may approve other employees hired pursuant to the Louisiana Public Defender Act
4 as state employees upon recommendation of the ~~board~~ **office**.

5 §148. Rulemaking; considerations in developing rules

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

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

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

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

19 * * *

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

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

28 (d) Performance supervision protocols. The ~~board~~ **office** shall adopt standards
29 and guidelines to ensure that all defense attorneys providing public defender services
30 undergo periodic review of their work against the performance standards and

1 guidelines in a fair and consistent manner throughout the state, including creating a
 2 uniform evaluation protocol.

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

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

11 * * *

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

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

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

22 ~~(8)~~**(6)** Establishing policies and procedures for handling conflict of interest
 23 cases and overflow cases when workload standards which are established by rules
 24 of the **board office** are breached.

25 ~~(9)~~**(7)** Establishing policies and procedures to ensure that detailed
 26 expenditure and workload data is collected, recorded, and reported to support
 27 strategic planning efforts for the system.

28 ~~(10)~~**(8)** Creating separate performance standards and guidelines for attorney
 29 performance in capital case representation, juvenile delinquency, appellate, and any
 30 other subspecialties of criminal defense practice as well as children in need of care

1 cases determined to be feasible, practicable, and appropriate by the **board office**.

2 (~~11~~)(**9**) Ensuring data, including workload, is collected and maintained in a
3 uniform and timely manner throughout the state to allow the **board office** sound data
4 to support resource needs.

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

9 (~~13~~)(**11**) Establishing processes and procedures to ensure that when a case
10 that is assigned presents a conflict of interest for a public defender, the conflict is
11 identified and handled appropriately and ethically.

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

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

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

26 **B.**

27 * * *

28 §149.1. Domicile of **board office**; venue

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

30 B. Notwithstanding any other provision of law to the contrary, the venue for

1 any civil proceeding by or against the board office or to which the board office is a
 2 party shall be East Baton Rouge Parish.

3 §149.2. Offices; meetings

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

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

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

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

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

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

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

24 §150. Executive staff for board office; general qualifications

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

1 as necessary to conduct the business of the office, subject to appropriation.

2 * * *

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

6 * * *

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

9 * * *

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

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

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

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

19 B. The state public defender shall:

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

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

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

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

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

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

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

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

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

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

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

29 (12) Provide services, facilities, and materials necessary for the performance
30 of the duties, functions, and powers of the ~~board~~ office.

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

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

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

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

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

14 * * *

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

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

21 * * *

22 E. Each district public defender shall:

23 * * *

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

28 * * *

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

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

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

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

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

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

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

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

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

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

29 * * *

30 H.(1) In an effort to maintain continuity of indigent defender services in each

1 judicial district, any person employed as the chief indigent defender of a judicial
 2 district ~~as of January 1, 2007, pursuant to the provisions of R.S. 15:145(B)(2)(a),~~
 3 shall continue to be employed by, or enter into a contract with, the **board office** and
 4 serve as the district public defender of that district.

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

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

15 (1) ~~Employ a district public defender who meets the criteria provided for in~~
 16 ~~this Section, using the selection process provided for in R.S. 15:162; or~~

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

19 (3) ~~Determine whether the board shall regionalize the operation of the~~
 20 ~~district, as provided for in R.S. 15:163.~~

21 J. Notwithstanding any other provision of law to the contrary, any attorney
 22 employed by or under contract with the **board office**, the district public defender,
 23 ~~regional director, where applicable,~~ or nonprofit organization contracting with the
 24 **board office**, district public defender, ~~regional director, where applicable,~~ or the
 25 **board office** to provide legal counsel to an indigent person in a criminal proceeding
 26 shall be licensed to practice law in the state of Louisiana. The provisions of this
 27 Subsection shall not be construed to prohibit the use of an attorney licensed to
 28 practice law in another state to provide legal counsel to an indigent person in a
 29 criminal proceeding on a pro-bono basis or who is receiving compensation from a
 30 grant administered by the **board office** or from a grant administered by any nonprofit

1 organization contracting with the ~~board office~~, provided that the out-of-state attorney
 2 is authorized to perform those services by the Louisiana Supreme Court. The
 3 legislature hereby specifically states that the provisions of this Subsection are in no
 4 way intended to, nor shall they be, construed in any manner which will impair any
 5 contractual obligations heretofore existing on June 1, 2007, of any out-of-state
 6 attorney authorized by the Louisiana Supreme Court to practice law in this state to
 7 provide legal counsel to an indigent person in a criminal proceeding.

8 §162. Vacancies in position of district public defender; formation of district public
 9 defender selection committee; powers and duties of committee;
 10 process for filling vacancy for district public defender; interim
 11 district public defender

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

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

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

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

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

30 (b) One member appointed by the ~~president of the Louisiana State Bar~~

1 ~~Association~~ **chairman of the Louisiana Public Defender Oversight Board.**

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

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

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

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

15 ~~E.~~**D.** Within thirty days of receiving the nominations for the position of
 16 district public defender from the selection committee, the **board office** shall employ
 17 **or contract with** a district public defender from the list of nominees submitted to the
 18 board.

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

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

23 ~~H.~~**F.** Whenever a vacancy occurs for the position of district public defender
 24 in any judicial district having a population of less than thirty thousand, or having less
 25 than four attorneys providing public defender services, the **board office** shall evaluate
 26 the district and make a determination regarding the appropriateness of employing **or**
 27 **contracting with** a district public defender or authorizing a district public defender
 28 from a contiguous judicial district to manage and supervise public defender services
 29 in that judicial district. If a decision is made by the **board office** to employ **or**
 30 **contract with** a district public defender, the **board office** shall use the selection

1 process provided for in this Section to fill that vacancy.

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

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

11 * * *

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

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

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

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

29 (3) Due to a natural disaster or catastrophic emergency, the district public
 30 defender cannot operate or function normally, provided that this shall apply for not

1 longer than a period of six months, renewable by the **board office** on an interim basis
 2 at six-month intervals.

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

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

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

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

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

23 §164. Regional defense service centers

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

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

29 * * *

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

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

10 * * *

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

15 * * *

16 E.

17 * * *

18 (4) The contract for a regional defense service center shall provide for
 19 contribution by the contracting districts for a period not more than five nor less than
 20 three calendar years, which commitment shall be binding on the contracting ~~boards~~
 21 **districts**. The basis of the contribution may be any rational basis, including
 22 population, caseload, or other criteria agreed to by the respective ~~boards~~ **public**
 23 **defenders**. The contracting ~~boards~~ **district public defenders** shall be required by the
 24 contract to contribute to the regional service center for a period of not less than three
 25 nor more than five years, and the contract shall be noncancellable.

26 F.

27 * * *

28 (2) Nothing herein shall be interpreted as creating a duty on the part of such
 29 regional defense service centers to do any act, or provide any service, beyond that
 30 contemplated in the establishment of the center by the district ~~indigent defender~~

boards **public defenders** and present jurisprudence.

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

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

B. The **board office** shall approve the method of delivery of public defender services for each district ~~upon consultation with and recommendations of the state public defender, the director of juvenile defender services, the regional director for the service region, where applicable, and the district public defenders~~ from the following service delivery methods or any combination thereof:

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

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

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

(3) ~~The board may authorize~~ **The authorization, by the office, of** the district public defender ~~or regional director, where applicable,~~ to **employ or** enter into a contract or contracts, on such terms and conditions as it deems advisable, with one

1 or more attorneys licensed to practice law in this state to provide counsel for indigent
2 defendants in criminal proceedings.

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

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

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

19 (2) The **board office** shall provide notice of a public hearing as provided in
20 Paragraph (3) of this Subsection, to the district public defender, district advisory
21 board, if applicable, and the chief judge of the judicial district prior to changing any
22 delivery model as provided for by this Section and provide the public an opportunity
23 to offer comment on the change in the delivery model.

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

27 * * *

28 F. The district public defender shall create a staff organization plan for its
29 delivery method which shall be subject to approval by the ~~state public defender or~~
30 ~~regional director, where applicable, and the board~~ **office**. The staff organization plan

1 will provide for the method of delivery, positions, duties, and assignments in the
2 district court.

3 G. In the event of a catastrophic event, natural or otherwise, the **board office**
4 shall have the power to establish an appropriate delivery system to maintain the
5 competent delivery of services from among the delivery methods provided for by this
6 Section.

7 §166. Disbursement of funds

8 A. The **board office** shall not disburse funds to a non-governmental entity
9 unless it establishes a benefit to the function of the **board office** pursuant to law, and
10 unless services are actually delivered. Under no circumstances shall the **board office**
11 disburse state funds for the purpose of savings, reserves, or other purposes related
12 primarily to the economic health of the non-governmental entity or its owners and
13 employees.

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

20 C. No provision of Louisiana law authorizing the return or rollback of funds
21 from governmental programs to the division of administration shall apply to the
22 **board office** account during an emergency shortfall in funding as certified by the
23 **board office** with the approval of the chief justice of the Louisiana Supreme Court.

24 §167. Louisiana Public Defender Fund

25 A. "The Louisiana Public Defender Fund", hereinafter referred to as the
26 "LPD Fund", is hereby created in the state treasury. Interest earned on the investment
27 of monies in the fund shall be deposited in and credited to the fund. Unexpended and
28 unencumbered monies in the fund at the close of each fiscal year shall remain in the
29 fund. Monies in the fund shall be appropriated, administered, and used solely and
30 exclusively for purposes of the Louisiana Public Defender Act ~~and program,~~ **other**

1 services and programs, and as further provided in this Section.

2 * * *

3 D. The LPD Fund shall be administered by the **board office** as authorized by
4 the provisions of the Louisiana Public Defender Act. The **board office** is hereby
5 authorized to establish such accounts or sub-accounts within the LPD Fund as
6 deemed necessary to comply with the provisions of the Louisiana Public Defender
7 Act and the program. ~~The board shall not commingle the monies in the LPD Fund~~
8 ~~established in this Section with any other monies or funds of the board for any~~
9 ~~reason.~~

10 E. The **board office** shall dedicate and disburse at least ~~sixty-five~~ **seventy-five**
11 percent of the entirety of its annual budget and its funds in the Louisiana Public
12 Defender Fund as defined in Subsection A of this Section each fiscal year to the
13 district defender offices and their indigent defender funds as defined in R.S.
14 15:168(A) in the various judicial districts throughout the state. ~~Any funds disbursed~~
15 ~~to any district defender office shall be paid in addition to the minimum mandatory~~
16 ~~sixty-five percent of dedicated and disbursed funds required in this Subsection.~~ The
17 provisions of this Subsection shall not apply to statutorily dedicated funds or funds
18 received through the awarding of grants.

19 §168. Judicial district indigent defender fund

20 * * *

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

25 ~~E. Any surplus monies in the judicial district indigent defender fund on~~
26 ~~August 15, 2007, shall be retained in that judicial district and remain in the judicial~~
27 ~~district indigent defender fund.~~ Any unexpended and unencumbered monies in the
28 judicial district indigent defender fund at the close of each fiscal year shall remain
29 in the judicial district indigent defender fund. Monies in the fund shall be
30 administered and used solely and exclusively for purposes of delivering indigent

1 defender services in that judicial district.

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

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

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

14 §169. Representation of capital defendants

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

30 B. Staff counsel, or other counsel, who represented convicted capital

1 defendants in state court proceedings may, if authorized by the **board office**, accept
2 appointments from federal court to represent those defendants, but only if
3 compensation is provided by funds as directed by the appointing federal court. Such
4 funds shall remain subject to the use of the board and may be used for paying the
5 costs of such representation. No state-appropriated funds shall be expended for the
6 representation of capital defendants in federal court.

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

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

14 * * *

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

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

18 * * *

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

21 * * *

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

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

26 * * *

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

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

1 * * *

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

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

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

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

14 * * *

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

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

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

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

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

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

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

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

9 §173. Right of action not created

10 * * *

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

23 §174. Special reporting requirements; penalties

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

1 Families in Need of Services (FINS) petitions, Child in Need of Care (CINC)
2 petitions, and child support petitions handled by each ~~service region~~ **district**.

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

7 * * *

8 §175. Proceedings to determine indigency

9 A.(1) * * *

10 (f) An accused person or, if applicable, a parent or legal guardian of an
11 accused minor or an accused adult person who is claimed as a dependent on the
12 federal income tax submission of his parent or legal guardian, who makes application
13 to the district office certifying that he is financially unable to employ counsel and
14 requesting representation by indigent defense counsel or conflict counsel, shall pay
15 a nonrefundable application fee of forty dollars to the district office or its designee,
16 which fee shall be in addition to all other fees or costs lawfully imposed. If the ~~board~~
17 **office** or other appropriate official determines that the person does not have the
18 financial resources to pay the application fee based upon the financial information
19 submitted, the fee may be waived or reduced. An accused who is found to be
20 indigent may not be refused counsel for failure to pay the application fee.

21 * * *

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

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

30 * * *

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

3 * * *

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

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

11 * * *

12 §180. Special reporting requirements

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

22 * * *

23 §185.2. Definitions

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

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

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(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 the regulation of the practice of law, the ~~Louisiana Public Defender Board or any~~

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

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

8 * * *

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

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

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

17 (c) Comprehensive workload data.

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

22 * * *

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

28 * * *

29 (17) Prepare as of June first of each year, an estimate of unexpended balances
30 in every account in the custody of the ~~board~~ **office** and submit a copy thereof to the

1 governor, the legislative auditor, and the legislative fiscal officer.

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

6 (19) Assign appropriate staff to:

7 * * *

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

12 * * *

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

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

27 §185.4. Standards and guidelines for representation of indigent parents; rulemaking

28 A. The board shall adopt all rules necessary to implement the provisions of
29 R.S. 15:185.1 through 185.9.

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

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

(a) Manageable indigent or absent parent representation workloads. The **board office** shall adopt manageable indigent or absent parent representation workloads that permit the rendering of competent representation through an empirically based case-weighting system that does not count all cases of similar case type equally but rather denotes the actual amount of attorney effort needed to bring a specific case to an appropriate disposition.

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

(c) Documentation of communication. The **board office** shall adopt standards and guidelines to ensure that defense attorneys providing indigent or absent parent representation provide documentation of communications with clients to meet standards and guidelines established by the **board office**.

(d) Performance supervision protocols. The **board office** shall adopt standards and guidelines to ensure that all defense attorneys providing indigent or absent parent representation undergo periodic review of their work against the performance standards and guidelines in a fair and consistent manner throughout the state, including creating a uniform evaluation protocol.

(e) Performance of attorneys in all assigned indigent or absent parent representation cases or curatorship appointments. The **board office** shall adopt general standards and guidelines that alert defense counsel to courses of action that may be necessary, advisable, or appropriate to providing competent indigent or absent parent representation or curatorship appointments, including performance standards in the nature of job descriptions.

* * *

(10) Establishing policies and procedures for handling conflict of interest

1 cases and overflow cases when workload standards which are established by rules
2 of the board are breached.

3 * * *

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

7 * * *

8 §185.6. Special reporting requirements; indigent parent representation cases;
9 penalties

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

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

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

22 * * *

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

27 §185.7. Rights of action; interpretation of Part

28 * * *

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

1 construed to provide any person the basis of any claim that the attorney or attorneys
2 appointed to him pursuant to this statute performed in an ineffective manner. It shall
3 be presumptive evidence that any attorney performing indigent or absent parent
4 representation pursuant to the auspices of this statute is currently certified to have
5 met the standards and guidelines adopted by the board **office** to provide indigent or
6 absent parent representation in an effective manner.

7 * * *

8 §186.2. Definitions

9 For the purposes of this Part, the following words shall have the following
10 meanings:

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

17 * * *

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

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

22 **(8)** "Public defender" or "indigent defender" means an attorney employed by
23 or under contract with the board **office**, the district public defender, or a nonprofit
24 organization contracting with the board **office** or the district public defender to
25 provide representation as required by the provisions of the Louisiana Children's
26 Code.

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

29 §186.3. Safe Return Representation Program; duties of the board **office**; subject to
30 appropriations

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

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

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

13 * * *

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

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

18 * * *

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

23 * * *

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

28 * * *

29 (13) Establish and modify a plan of organization to conduct the business of
30 regulating and controlling the delivery of program services. The plan of organization

1 shall provide for:

2 * * *

3 (c) The enforcement of board rules.

4 * * *

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

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

12 (18) Assign appropriate staff to:

13 * * *

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

18 * * *

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

22 §186.4. Standards and guidelines for representation of indigent children in custody;
23 rulemaking

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

26 * * *

27 §186.5. Safe Return Representation Program Fund

28 * * *

29 D. Monies in the fund which have been appropriated to the ~~Louisiana Public~~
30 ~~Defender Board~~ **office** shall be administered by the ~~Louisiana Public Defender~~

1 ~~Board, or any successor to that board~~ **office**.

2 E. The **board office** shall not commingle the monies appropriated from the
3 fund with any other monies of the **board office**.

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

5 §4. Structure of executive branch of state government

6 * * *

7 B. The office of the governor shall be in the executive branch of state
8 government. The governor may allocate within his office the powers, duties, funds,
9 functions, appropriations, responsibilities, and personnel of the agencies within his
10 office and provide for the administration thereof and for the organization of his
11 office. The following agencies and their powers, duties, functions, and
12 responsibilities are hereby transferred to the office of the governor:

13 * * *

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

18 * * *

19 Section 3. R.S. 15:148(B)(14) and (15), 151, 153, 154, 155, 156, 157, 158, 159, 160,
20 161(J), 162.1, 168(F), 185.3(D), and 185.9 are hereby repealed.

21 Section 4. Nothing in this Act shall be construed to impede or nullify any existing
22 contract in which the Louisiana Public Defender Board is a party. The office of the state
23 public defender shall honor all contracts in which the board is a party through June 30, 2024.

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

28 Section 6. All current employees of the Louisiana Public Defender Board shall
29 remain in their current retirement system with no gap or disruption in service in the event
30 the provisions of this act are enacted into law.

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____