

2025 Regular Session

HOUSE BILL NO. 447

BY REPRESENTATIVE FARNUM

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

INDIGENT DEFENSE: Provides relative to the office of the state public defender

1 AN ACT

2 To amend and reenact R.S. 15:170(C) through (E), to enact R.S. 15:146(B)(7), 161(J), and
3 175(E), and to repeal R.S. 15:170(F) through (J), relative to the office of the state
4 public defender; to provide relative to meetings of the Louisiana Public Defender
5 Oversight Board; to provide relative to district public defenders; to provide for the
6 discipline of district public defenders; to provide for the authority of the state public
7 defender; to provide relative to the authority of the Louisiana Public Defender
8 Oversight Board in disciplinary proceedings; to provide relative to indigency
9 proceedings; to provide for an effective date; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:170(C) through (E) are hereby amended and reenacted and R.S.
15:146(B)(7), 161(J), and 175(E) are hereby enacted to read as follows:

13 §146. Office of the state public defender

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15 B.

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(7) The board may conduct and its members may attend and participate in
meetings via electronic means in accordance with R.S. 42:17.2. The board shall

1 limit the number of its regularly scheduled meetings via electronic means to no more
2 than two in a calendar year.

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4 §161. District public defender; powers; duties; accounting; audit reporting; existing
5 district public defenders continued; establishment of office of the district
6 public defender; independent contractor

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8 J. A district public defender who contracts with the office of the state public
9 defender for the delivery of legal services is considered an independent contractor
10 and is not considered an agent of the office of the state public defender or the state
11 of Louisiana.

12 * * *

13 §170. Disciplinary action; sanctions of district public defenders; just cause; hearing

14 * * *

C. ~~A district public defender who feels that he has been demoted or terminated without just cause as defined in this Section may, within fifteen days after the action, demand in writing a hearing and investigation by the board to determine the reasonableness of the action.~~ The right to a hearing and an investigation under this Section is limited to instances in which the district public defender is subject to discipline or has had his contract terminated early. A district public defender has no right to a hearing or an investigation if his annual contract is not renewed.

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

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

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

1 ~~(4) The hearing committee shall conduct a hearing on the matter within thirty~~
2 ~~days after receipt of the written request.~~

3 ~~(5) The hearing shall be conducted by the hearing committee and shall, at a~~
4 ~~minimum, provide for:~~

5 ~~(a) The receipt of sworn testimony, including by deposition.~~

6 ~~(b) An opportunity for any interested party to be heard.~~

7 ~~(c) An orderly, predictable, and timely docketing system.~~

8 ~~(d) Submission of the report required by this Section within thirty days after~~
9 ~~receipt of the record of the hearing conducted as provided for in this Section.~~

10 ~~(6) The hearing shall be public and the testimony shall be recorded.~~

11 ~~(7) All parties shall be afforded an opportunity to appear before the hearing~~
12 ~~committee, either in person or with counsel, and present evidence to show that the~~
13 ~~action was or was not taken in good faith for cause as set forth in the provisions of~~
14 ~~this Section.~~

15 ~~(8) The burden of proof for any job action short of termination of~~
16 ~~employment shall be by a preponderance of the evidence. The burden of proof for~~
17 ~~termination of employment shall be by clear and convincing evidence. The state~~
18 ~~public defender has the sole authority regarding whether or not to contract for the~~
19 ~~delivery of legal services, subject to the limitations of R.S. 15:46(B)(1).~~

20 ~~E. The hearing committee may:~~

21 ~~(1) Issue subpoenas and compel the attendance of witnesses or the~~
22 ~~production of documents.~~

23 ~~(2) Administer oaths.~~

24 ~~(3) Require testimony under oath before the hearing committee in the course~~
25 ~~of a hearing being held for any reason.~~

26 ~~(4) Issue written interrogatories. The chairman of the Louisiana Public~~
27 ~~Defender Oversight Board shall appoint a hearing committee comprised of members~~
28 ~~of the board to enforce the provisions of Subsection A of this Section for the sole~~
29 ~~purpose of determining whether the early termination of a district public defender~~

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contract for just cause is appropriate. No hearing or investigation shall be conducted

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for any contract that the state public defender decides not to renew.

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§175. Proceedings to determine indigency

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E. Notwithstanding any provision of law to the contrary, no clerk of court

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shall charge or collect any fees for the filing of a writ application or an appeal when

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a determination has been made that the applicant or appellant is indigent.

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Section 2. R.S. 15:170(F) through (J) are hereby repealed in their entirety.

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Section 3. This Act shall become effective upon signature by the governor or, if not

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signed by the governor, upon expiration of the time for bills to become law without signature

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by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

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vetoed by the governor and subsequently approved by the legislature, this Act shall become

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effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 447 Original

2025 Regular Session

Farnum

Abstract: Provides relative to the office of the state public defender.

Present law (R.S. 15:146) provides for the office of the state public defender.

Proposed law retains present law.

Present law (R.S. 15:146(B)) provides for the creation of the La. Public Defender Oversight Board.

Proposed law retains present law and authorizes the board to conduct and its members may attend and participate in meetings via electronic means in accordance with present law (R.S. 42:17.2). Further provides that the board shall limit the number of its regularly scheduled meetings via electronic means to no more than two in a calendar year.

Present law (R.S. 15:161) provides for the powers and duties of district public defenders.

Proposed law retains present law generally and provides that a district public defender who contracts with the office of the state public defender for the delivery of legal services is considered an independent contractor and is not considered an agent of the office of the state public defender or the state of La.

Present law (R.S. 15:170(A) and (B)) provides for the authority of the office of the state public defender to take disciplinary actions against district public defenders and provides for which actions constitute just cause.

Proposed law retains present law.

Present law (R.S. 15:170(C)) provides that a district public defender who feels that he has been demoted or terminated without just cause may, within 15 days after the action, demand in writing a hearing and investigation by the board to determine the reasonableness of the action.

Present law (R.S. 15:170(D) through (J)) further provides for the duties and responsibilities of the La. Public Defender Oversight Board relative to its administration of these hearings and investigations.

Proposed law removes these provisions of present law.

Proposed law provides that the right to a hearing and an investigation under present law is limited to instances in which the district public defender is subject to discipline or has had his contract terminated early. Further provides that a district public defender has no right to a hearing or an investigation if his annual contract is not renewed.

Proposed law provides that the state public defender has the sole authority regarding whether or not to contract for the delivery of legal services, subject to the limitations of present law (R.S. 15:146(B)(1)).

Proposed law provides that the chairman of the La. Public Defender Oversight Board shall appoint a hearing committee comprised of members of the board to enforce the provisions of present law for the sole purpose of determining whether the early termination of a district public defender contract for just cause is appropriate. Further provides that no hearing or investigation shall be conducted for any contract that the state public defender decides not to renew.

Present law (R.S. 15:175) provides for proceedings to determine indigency.

Proposed law retains present law.

Proposed law provides that no clerk of court shall charge or collect any fees for the filing of a writ application or an appeal when a determination has been made that the applicant or appellant is indigent.

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

(Amends R.S. 15:170(C)-(E); Adds R.S. 15:146(B)(7), 161(J), and 175(E); Repeals R.S. 15:170(F)-(J))