
DIGEST

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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))