

2025 Regular Session

HOUSE BILL NO. 516

BY REPRESENTATIVE ADAMS

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. 9:2800.16, R.S. 11:1902(12)(c) and 1903(A)(2), R.S.

3 13:996.43(C), 1381.5(B)(2)(d), 2081.3, and 5951(E)(1)(b), R.S. 15:148(B)(1)(c),

4 161(E)(introductory paragraph) and (12), 162(D), 165(B)(1)(b) and (2) and (E),

5 169(B), 174(C), 176(C)(1), 185.2(5) and (8), 185.3(A)(2) and (B)(introductory

6 paragraph), (11), (14)(b)(iii), and (19)(g), 185.4(A) and (B)(introductory paragraph),

7 (2)(b), (8), and (10), 186.3(A)(2) and (B)(introductory paragraph), (10), (13)(c), and

8 (18)(c), 186.4(A), 186.6(A) and (B), 571.11(L)(1)(a)(iv), (b)(iv), and (c)(iv) and

9 (3)(d) and (M)(3), 1199.4(E)(8), 1202(A)(14), and 1442(C)(7), R.S. 22:822(B)(1)(d)

10 and (2)(d), R.S. 36:4(B)(21), R.S. 42:1121(I), R.S. 46:2168(B)(1) and

11 2605.4(C)(1)(h), Code of Criminal Procedure Articles 895.1(B)(1) and 953, and

12 Children's Code Articles 574, 575(A) and (B), 581(A)(7), and 608(B) and to repeal

13 R.S. 15:161(H), relative to the office of the state public defender; to provide

14 consistent terminology; to provide for the correction of cross-references; to provide

15 relative to district public defenders; to provide for an effective date; and to provide

16 for related matters.

17 Be it enacted by the Legislature of Louisiana:

18 Section 1. R.S. 9:2800.16 is hereby amended and reenacted to read as follows:

1 2800.16. Limitation of liability; Louisiana Public Defender Oversight Board
2 members

3 No individual member of the Louisiana Public Defender Oversight Board
4 ~~member~~ shall be personally liable for any act or omission resulting in damage,
5 injury, or loss arising out of the exercise of his official functions and duties.
6 However, this limitation of liability shall not be applicable if the damage, injury, or
7 loss was caused by the gross negligence or willful or wanton misconduct of a
8 member.

9 Section 2. R.S. 11:1902(12)(c) and 1903(A)(2) are hereby amended and reenacted
10 to read as follows:

11 §1902. Definitions

12 As used in this Chapter, the following words and phrases shall have the
13 following meanings, unless a different meaning is plainly required by context:

14 * * *

15 (12)

16 * * *

17 (c) "Employee" shall also mean a person employed by a district ~~indigent~~
18 public defender ~~program~~ office in this state, without regard to the source of funds for
19 such districts or programs, provided the employee works at least twenty-eight hours
20 a week and the program is an employer as defined in this Section. No person
21 employed by ~~an indigent~~ district public defender ~~program~~ office shall be entitled to
22 receive credit for service rendered prior to becoming eligible for membership in the
23 system.

24 * * *

25 §1903. Admission of certain entities as employers

26 A. The following entities may submit, for approval by the board of trustees,
27 a plan for extending the benefits of this Chapter to employees of the entity:

28 * * *

29 (2) A district ~~indigent~~ public defender ~~program~~ office in this state.

30 * * *

Section 3. R.S. 13:996.43(C), 1381.5(B)(2)(d), 2081.3, and 5951(E)(1)(b) are hereby amended and reenacted to read as follows:

§996.43. Judicial expense fund for Fifth Judicial District

* * *

C. The judges, en banc, may appoint such law clerks and secretarial, clerical, research, administrative, and other personnel as they deem necessary to expedite the business and function of the court and fix and pay all or any part of the salaries of such personnel out of the monies in the judicial expense fund. In like manner, the judges, en banc, may utilize the monies in the judicial expense fund to pay all or any part of the cost of establishing or maintaining a law library for the court, to support the ~~Indigent Defender Board~~ district public defender office, or for buying or maintaining any type of equipment, supplies, or other items consistent with or germane to the efficient operation of the court. In general, the judicial expense fund is established and may be used for any purpose or purposes connected with, incidental to, or related to the proper administration or function of the court, or the offices of the individual judges, and is in addition to any and all other funds, salaries, expenses, or other monies that are provided, authorized, or established by law for any of these purposes.

* * *

§1381.5. The Orleans Parish administration of criminal justice fund

* * *

B.

* * *

(2) Each quarterly distribution shall be calculated and allocated as follows:

* * *

(d) Twenty percent of all funds received to the Orleans Parish ~~indigent defender's program~~ district public defender office.

* * *

§2081.3. Monroe; transfer of funds

The City Court of Monroe may transfer unused or surplus funds from the money collected and deposited into the account for the pretrial diversion program into the general operational account of the court to be used for the operational expenses of the court. The expenditure of these funds shall be at the sole discretion of the judges of the court except that a portion of that amount, not to exceed twenty percent, shall be used to fund the ~~indigent defender program~~ office of the district public defender. Any funds so transferred shall be included in the court's annual audit.

* * *

§5951. Orleans Parish Juvenile Services Financing District

* * *

E. Appropriation of funds. (1) The district may fund any of the following:

* * *

(b) Supplemental funding for the Orleans Parish indigent defender program's juvenile division within the office of the district public defender in Orleans Parish to provide for up to six full-time public defenders, assigned on the basis of one per section of court, and six full-time paralegals, assigned on the basis of one paired with each public defender.

* * *

Section 4. R.S. 15:148(B)(1)(c), 161(E)(introductory paragraph) and (12), 162(D), 165(B)(1)(b) and (2) and (E), 169(B), 174(C), 176(C)(1), 185.2(5) and (8), 185.3(A)(2) and (B)(introductory paragraph), (11), (14)(b)(iii), and (19)(g), 185.4(A) and (B)(introductory paragraph), (2)(b), (8), and (10), 186.3(A)(2) and (B)(introductory paragraph), (10), (13)(c), and (18)(c), 186.4(A), 186.6(A) and (B), 571.11(L)(1)(a)(iv), (b)(iv), and (c)(iv) and (3)(d) and (M)(3), 1199.4(E)(8), 1202(A)(14), and 1442(C)(7) are hereby amended and reenacted to read as follows:

§148. Rulemaking; considerations in developing rules

* * *

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

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

6 * * *

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

11 * * *

12 §161. District public defender; powers; duties; accounting; audit reporting; existing
13 district public defenders continued; establishment of office of the district
14 public defender

15 * * *

16 E. Each district public defender shall do all of the following:

17 * * *

18 (12) Make recommendations regarding the method of delivery of public
19 defender services for the district for submission to the ~~board~~ office for ~~board~~ office
20 approval. The ~~board~~ office shall consider any delivery model in existence prior to
21 August 15, 2007, as acceptable until that delivery model is proven to not meet the
22 uniform standards and guidelines for the delivery of public defender services in
23 accordance with applicable rules adopted by the ~~board~~ office and as required by
24 statute.

25 * * *

26 §162. Vacancies in position of district public defender; formation of district public
27 defender selection committee; powers and duties of committee; process for
28 filling vacancy for district public defender; interim district public defender

29 * * *

1 D. Within thirty days of receiving the nominations for the position of district
2 public defender from the selection committee, the office shall contract with a district
3 public defender from the list of nominees submitted to the ~~board~~ state public
4 defender.

5 * * *

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

8 * * *

9 B. The office shall approve the method of delivery of public defender
10 services for each district from the following service delivery methods or any
11 combination thereof:

12 (1)

13 * * *

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

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

24 * * *

25 E. An independent public defender organization qualified with the United
26 States Internal Revenue Service for an exemption from federal income tax under
27 Section 501(c) of the Internal Revenue Code existing as of August 15, 2007, may,
28 with the approval of ~~current local indigent defender boards of other judicial districts~~
29 ~~in its region~~ the office of the state public defender, provide administration,
30 management, and supervision of services and budgets for those districts, with due

1 consideration for local variances from judicial district to judicial district within the
2 region, and establish, where necessary, satellite offices or part-time satellite offices
3 to maintain easy access to clients in each judicial district within their purview.

4 * * *

5 §169. Representation of capital defendants

6 * * *

7 B. Staff counsel, or other counsel, who represented convicted capital
8 defendants in state court proceedings may, if authorized by the office, accept
9 appointments from federal court to represent those defendants, but only if
10 compensation is provided by funds as directed by the appointing federal court. Such
11 funds shall remain subject to the use of the ~~board~~ office and may be used for paying
12 the costs of such representation. No state-appropriated funds shall be expended for
13 the representation of capital defendants in federal court.

14 * * *

15 §174. Special reporting requirements; penalties

16 * * *

17 C. For purposes of this Section, a "case" is defined as a charge or set of
18 charges contained in a charging instrument or petition against a single accused
19 arising out of one or more events, transactions, or occurrences, which are joined, or
20 which may be joined pursuant to Code of Criminal Procedure Articles 490 through
21 495.1. Cases that involve multiple persons accused are counted as a separate case
22 for each person accused. Cases that involve multiple charges or counts are recorded
23 with the highest charge, based on the severity of sentence for the crime charged, as
24 the case type. Multiple charges against a single person for the issuing of worthless
25 checks shall be counted as a single case. Each appeal, after conviction, shall be
26 counted as a separate case. In the event that a charging instrument contains a charge
27 or set of charges arising out of multiple events, transactions, or occurrences, ~~indigent~~
28 ~~defender boards~~ district public defender offices shall track, record, and report the
29 number of such instances per charging instrument.

30 * * *

1 §176. Partial reimbursement by indigents

2 * * *

3 C.(1) When an accused is initially determined to be indigent and appointed
4 counsel but subsequently hires private counsel, the court shall conduct a
5 contradictory hearing to determine the expenses of representing the accused incurred
6 by the office of the district public defender or the service region, where applicable.
7 Upon determining the expenses incurred, the accused shall, within the discretion of
8 the court, be liable to reimburse the office of the district public defender or service
9 region, where applicable, those expenses, upon a determination that the accused was
10 in fact not initially indigent. A judgment for the amount owed may be recorded in
11 the mortgage records in favor of the ~~board~~ office of the district public defender for
12 the payment of money against the accused and may be enforced as provided by law.

13 * * *

14 §185.2. Definitions

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

16 * * *

17 (5) "Indigent Parents' Program" or "the program" means the Indigent Parents'
18 Representation Program required by the Louisiana Children's Code and administered
19 in accordance with the provisions of R.S. 15:185.1 through ~~185.9~~ 185.8.

20 * * *

21 (8) "Public defender" or "indigent defender" means an attorney employed by
22 or under contract with the office of the district public defender or a nonprofit
23 organization contracting with the ~~board~~ office or the district public defender to
24 provide representation, including curatorship appointments, to indigent or absent
25 parents in child abuse and neglect cases as required by the provisions of the
26 Children's Code.

27 * * *

§185.3. Indigent Parents' Representation Program; duties of the office; subject to appropriation

A.

* * *

(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 board and~~ the office shall have all regulatory authority, control, supervision, and jurisdiction, including auditing and enforcement, and all power incidental or necessary thereto to administer a program to provide for the delivery of indigent or absent parent representation throughout the courts of the state of Louisiana.

* * *

B. In the administration of the Indigent Parents' Representation Program, the office shall do all of the following:

* * *

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

* * *

(14)

* * *

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

* * *

(iii) Provide for enforcement of ~~board~~ office rules as is necessary for the efficient and thorough regulation and governance of representation of indigent or absent parent services under its jurisdiction.

* * *

1 (19) Assign appropriate staff to:

2 * * *

3 (g) Assist the district public defenders in the compliance with standards and
4 guidelines adopted by the ~~board~~ office pursuant to this Section. The office staff shall
5 assist the district public defenders with implementation of standards and guidelines
6 and supervision policy and procedures to verify compliance.

7 * * *

8 §185.4. Standards and guidelines for representation of indigent parents; rulemaking

9 A. The ~~board~~ office shall adopt all rules necessary to implement the
10 provisions of this Part.

11 * * *

12 B. The rules shall include but not be limited to the following:

13 * * *

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

16 * * *

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

21 * * *

22 (8) Establishing a policy of selecting a proportionate number of minority and
23 women attorneys in accordance with the makeup of the general population of the
24 state, to the extent that minority and women attorneys are available and otherwise
25 eligible for selection within each district in accordance with law. Any citizen of
26 majority age shall have a cause of action to enjoin the activities of the ~~board~~ office
27 for failure to comply with this provision.

28 * * *

29 (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~~ office are breached.

3 * * *

4 §186.3. Safe Return Representation Program; duties of the office; subject to
5 appropriation

6 A.

7 * * *

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

13 * * *

14 B. In the administration of the Safe Return Program, the office shall do all
15 of the following:

16 * * *

17 (10) Train attorneys and other staff as may be necessary to carry out the
18 functions of the program. All attorneys representing indigent children through this
19 program shall be licensed to practice law in Louisiana and qualified in accordance
20 with the standards and guidelines adopted by rule of the ~~board~~ office.

21 * * *

22 (13) Establish and modify a plan of organization to conduct the business of
23 regulating and controlling the delivery of program services. The plan of organization
24 shall provide for:

25 * * *

26 (c) The enforcement of ~~board~~ office rules.

27 * * *

28 (18) Assign appropriate staff to:

29 * * *

30 (c) Assist district public defenders in maintaining compliance with standards

1 and guidelines adopted by the ~~board~~ office pursuant to this Section. The ~~board~~ office
2 staff shall assist the district public defenders with implementation of standards,
3 guidelines, supervision, policy, and procedures to maintain compliance.

4 * * *

5 §186.4. Standards and guidelines for representation of indigent children in custody;
6 rulemaking

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

9 * * *

10 §186.6. Implementation of Safe Return Representation Fund

11 A. Subject to appropriation, or the availability of other monies to the
12 program, the ~~board~~ office shall develop a program to establish a flexible delivery
13 system that is responsive to jurisdictional variances and local community needs. ~~The~~
14 ~~board may implement the program incrementally, but full statewide implementation~~
15 ~~shall be completed not later than July 1, 2017.~~

16 B. The ~~board~~ office shall choose a method of implementation of the Safe
17 Return Representation Program that is efficient, feasible, practicable, and appropriate
18 to provide the best delivery of indigent parent representation.

19 * * *

20 §571.11. Dispositions of fines and forfeitures

21 * * *

22 L. All judgments of bond forfeiture rendered after August 1, 2016, resulting
23 from the posting of a bond in a criminal proceeding in the state of Louisiana upon
24 collection by the prosecuting attorney for the jurisdiction in which the bond was
25 posted shall be paid to the prosecuting attorney who shall, as attorney of record in
26 the proceeding, distribute the funds as follows:

27 * * *

28 (1) District courts. (a) In all judicial district courts of the state of Louisiana,
29 except in the parishes of Orleans, Iberia, and St. Martin, where the district attorney

collects on a judgment of bond forfeiture, the proceeds shall be distributed as follows:

* * *

(iv) Twenty percent of all funds collected by the district attorney shall be paid to the ~~Indigent Defenders Program~~ district public defender office for the parish where the bond was posted.

* * *

(b) In the district court for the parish of St. Martin, where the district attorney collects on a judgment of bond forfeiture, the proceeds shall be distributed as follows:

* * *

(iv) Eighteen percent of all funds collected by the district attorney shall be paid to the ~~Indigent Defenders Program~~ district public defender office for the parish where the bond was posted.

* * *

(c) In the district court for the parish of Iberia, where the district attorney collects on a judgment of bond forfeiture, the proceeds shall be distributed as follows:

* * *

(iv) Eighteen percent of all funds collected by the district attorney shall be paid to the ~~Indigent Defenders Program~~ district public defender office for the parish where the bond was posted.

* * *

(3) City and municipal courts. In all city and municipal courts throughout the state of Louisiana, except in municipal and traffic courts in the city of New Orleans, where the prosecuting attorney collects on a judgment of bond forfeiture, the proceeds shall be distributed as follows:

* * *

(d) Twenty-five percent of all funds collected by the prosecuting attorney shall be paid to the ~~Indigent Defenders Program~~ district public defender office of the

1 court where the judgment was rendered. In the event the political subdivision does
2 not have an Indigent Defenders Program, the funds shall be paid to the ~~Indigent~~
3 ~~Defenders Program~~ district public defender office of the parish in which the bond
4 was posted.

5 * * *

6 M. In all cases where the attorney general collects on judgments of bond
7 forfeiture, fifty percent of the funds collected shall be turned over to the attorney
8 general for deposit in his operating account, and the remaining fifty percent of the
9 funds collected shall be distributed as follows:

10 * * *

11 (3) Thirty percent of all funds collected by the attorney general shall be paid
12 to the ~~Indigent Defenders Program~~ district public defender office for the parish
13 where the bond was posted.

14 * * *

15 §1199.4. Reentry Advisory Council; creation; members; powers and duties

16 * * *

17 E. The governor shall appoint thirteen members in accordance with the
18 following provisions:

19 * * *

20 (8) One member shall be appointed from a list of three nominations from the
21 ~~Louisiana Public Defender Board~~ state public defender.

22 * * *

23 §1202. Composition of commission

24 A. The commission shall consist of fifty-nine members as follows:

25 * * *

26 (14) The state public defender ~~employed by the Louisiana Public Defender~~
27 ~~Board~~.

28 * * *

§1442. Louisiana Juvenile Jurisdiction Planning Implementation Committee;
composition; authority; responsibilities

* * *

C. The committee shall be composed of the following members:

* * *

(7) An attorney appointed by the ~~Louisiana Public Defender Board~~ state public defender that is an expert in juvenile defense.

* * *

Section 5. R.S. 22:822(B)(1)(d) and (2)(d) are hereby amended and reenacted to read as follows:

§822. Criminal bail bond annual license fee

* * *

B.(1) Except as otherwise provided in this Subsection, all premium fees collected by the sheriff shall be remitted within sixty days after receipt as follows:

* * *

(d) Twenty-five percent to the ~~Indigent Defenders Program~~ office of the district public defender.

(2) In the Twenty-Second Judicial District, all premium fees collected by the sheriff shall be remitted within sixty days after receipt as follows:

* * *

(d) Twenty-two percent to the ~~Indigent Defenders Program~~ office of the district public defender.

* * *

Section 6. R.S. 36:4(B)(21) is hereby amended and reenacted to read as follows:

§4. Structure of executive branch of state government

* * *

B. The office of the governor shall be in the executive branch of state government. The governor may allocate within his office the powers, duties, funds, functions, appropriations, responsibilities, and personnel of the agencies within his office and provide for the administration thereof and for the organization of his

1 office. The following agencies and their powers, duties, functions, and
2 responsibilities are hereby transferred to the office of the governor:

3 * * *

4 (21) The ~~Louisiana Public Defender Oversight Board~~ office of the state
5 public defender (R.S. 15:141 et seq.) shall be placed within the office of the governor
6 as an independent agency and shall exercise its powers, duties, functions, and
7 responsibilities in accordance with the provisions of R.S. 36:801.1.

8 * * *

9 Section 7. R.S. 42:1121(I) is hereby amended and reenacted to read as follows:

10 §1121. Assistance to certain persons after termination of public service

11 * * *

12 I. The provisions of this Section shall not prohibit a former chief indigent
13 defender as provided in R.S. 15:161(H), or a legal entity in which the former chief
14 indigent defender owns an interest, from donating office space, leasing office space
15 at a fair market value, or selling office space at fair market value following an
16 appraisal to the district public defender's office if the transaction is deemed necessary
17 for the continuity of the provision of public defender services within a judicial
18 district at the same location and the transaction is approved by the ~~Louisiana Public~~
19 ~~Defender Board~~ office of the state public defender or its successor.

20 * * *

21 Section 8. R.S. 46:2168(B)(1) and 2605.4(C)(1)(h) are hereby amended and
22 reenacted to read as follows:

23 §2168. Human Trafficking Prevention Commission Advisory Board

24 * * *

25 B. The advisory board shall be composed of the following members
26 appointed by the governor:

27 (1) A public defender nominated by the ~~Louisiana Public Defender Board~~
28 state public defender or ~~its~~ his designee.

29 * * *

§2605.4. Council on the Children of Incarcerated Parents

* * *

C.(1) The CIP Council shall be composed of the following members:

* * *

(h) One representative of the ~~Louisiana Public Defender Board~~ appointed by the state public defender or the representative's designee.

* * *

Section 9. Code of Criminal Procedure Articles 895.1(B)(1) and 953 are hereby amended and reenacted to read as follows:

Art. 895.1. Probation; restitution; judgment for restitution; fees

* * *

B. When a court suspends the imposition or the execution of a sentence and places the defendant on probation, it may in its discretion, order placed, as a condition of probation, an amount of money to be paid by the defendant to any or all of the following:

(1) To the ~~indigent defender program~~ district public defender office for that court.

* * *

Art. 953. Authority of ~~indigent~~ district public defender board office in emergency sessions of court

The district public defender, ~~or regional director, where applicable,~~ of the affected court conducting emergency sessions of court outside of its parish or territorial jurisdiction pursuant to Article 944 shall retain the authority for the appointment of attorneys residing in either the parish or territorial jurisdiction of the affected court or in the host jurisdiction to represent indigent defendants in the host jurisdiction that would otherwise have been exercised in the affected court.

Section 10. Children's Code Articles 574, 575(A) and (B), 581(A)(7), and 608(B) are hereby amended and reenacted to read as follows:

Art. 574. Indigent Parents' Representation Program; establishment

An Indigent Parents' Representation Program is hereby established within the

~~Louisiana Public Defender Board~~ office of the state public defender, or its successor
in accordance with the provisions of R.S. 15:185.1 through ~~185.9~~ 185.8.

Art. 575. Duties of the program; qualifications of counsel

A. The program shall provide qualified legal counsel, which shall include
curator ad hoc appointments, to indigent or absent parents in child abuse and neglect
cases in accordance with the provisions of Articles 608 and 1016 and R.S. 15:141
through 183 and 185.1 through ~~185.9~~ 185.8.

B. Legal representation, which shall include curator ad hoc appointments,
of indigent or absent parents in child abuse and neglect cases shall comply with
standards promulgated by the ~~Louisiana Public Defender Board~~ office of the state
public defender, or any successor to that board in accordance with R.S. 15:141
through 183 and 185.1 through ~~185.9~~ 185.8 to ensure competent and fair
representation.

* * *

Art. 581. Child Protection Representation Commission; establishment; purpose and
functions

A. The Child Protection Representation Commission, referred to hereinafter
as the "commission", is hereby established for the purpose of reviewing the system
of representation of children and indigent parents in child protection cases as
provided in Chapters 5 and 6 of this Title. The commission shall be composed of the
following members:

* * *

(7) The state public defender or his designee ~~of the Louisiana Public~~
~~Defender Board~~.

* * *

Art. 608. Parents' right to counsel; payment

* * *

B. If a parent of a child is financially unable to afford counsel or is presumed
indigent in accordance with Paragraph A of this Article, the district public defender
office shall provide for representation, unless the ~~Louisiana Public Defender Board~~

1 office of state public defender has contracted to provide for representation in
2 accordance with R.S. 15:185.3(B)(12) or any other provision of law.

3 * * *

4 Section 11. R.S. 15:161(H) is hereby repealed in its entirety.

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 516 Original

2025 Regular Session

Adams

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

Present law provides for the office of the state public defender.

Proposed law amends provisions in the Code of Criminal Procedure, Children's Code, and Titles 9, 11, 13, 15, 22, 36, 42, and 46 of the La. Revised Statutes of 1950 regarding probation, procedure, programs, commissions, children in need of care, limitation of liability, retirement, judicial funds, courts, rulemaking and responsibilities pertaining to the office of state public defender, indigent representation, disposition of fines and forfeitures, bail bonds, the executive branch of state government, and ethical standards for public servants to reflect the proposed law change in reference of "La. Public Defender Board" to "the office of the state public defender" and of "indigent defender program" to "district public defender office".

Present law (R.S. 15:165) provides for methods of delivery of public defender services.

Proposed law retains present law.

Present law (R.S. 15:165(B)(1)(b)) provides that all appointments by a district public defender to deliver public defender services in each district shall be on a successive, rotational basis by case-type certification.

Proposed law retains present law.

Present law further provides that deviations from the board's list shall be permitted only to comply with present law (C.Cr.P. Art. 512) and in exceptional circumstances upon approval of the office upon recommendation of the district public defender.

Proposed law removes this provision of present law.

Present law (R.S. 15:186.6) provides for the implementation of the Safe Return Representation Fund.

Proposed law retains present law.

Present law (R.S. 15:186.6(A)) provides that the La. Public Defender Board may implement the program incrementally, but full statewide implementation shall be completed not later than July 1, 2017.

Proposed law removes this provision of present law.

(Amends R.S. 9:2800.16, R.S. 11:1902(12)(c) and 1903(A)(2), R.S. 13:996.43(C), 1381.5(B)(2)(d), 2081.3, and 5951(E)(1)(b), R.S. 15:148(B)(1)(c), 161(E)(intro. para.) and (12), 162(D), 165(B)(1)(b) and (2) and (E), 169(B), 174(C), 176(C)(1), 185.2(5) and (8), 185.3(A)(2) and (B)(intro. para.), (11), (14)(b)(iii), and (19)(g), 185.4(A) and (B)(intro. para.), (2)(b), (8), and (10), 186.3(A)(2) and (B)(intro. para.), (10), (13)(c), and (18)(c), 186.4(A), 186.6(A) and (B), 571.11(L)(1)(a)(iv), (b)(iv), and (c)(iv) and (3)(d) and (M)(3), 1199.4(E)(8), 1202(A)(14), and 1442(C)(7), R.S. 22:822(B)(1)(d) and (2)(d), R.S. 36:4(B)(21), R.S. 42:1121(I), R.S. 46:2168(B)(1) and 2605.4(C)(1)(h), C.Cr.P. Arts. 895.1(B)(1) and 953, and Ch.C. Arts. 574, 575(A) and (B), 581(A)(7), and 608(B); Repeals R.S. 15:161(H))