

HOUSE COMMITTEE AMENDMENTS

2025 Regular Session

Amendments proposed by House Committee on Administration of Criminal Justice to
Original House Bill No. 447 by Representative Farnum

AMENDMENT NO. 1

On page 1, line 2, after "reenact" delete the remainder of the line and at the beginning of line 3, delete "175(E)" and insert "R.S. 15:146, 147(B)(introductory paragraph), (17), and (18), 162(A), and 170(C) through (E), to enact R.S. 15:147(C)(6), 161(J), 175(E), and 187,"

AMENDMENT NO. 2

On page 1, delete lines 11 through 18 in their entirety and on page 2 delete lines 1 through 3 in their entirety and insert the following:

"Section 1. R.S. 15:146, 147(B)(introductory paragraph), (17), and (18), 162(A), and 170(C) through (E) are hereby amended and reenacted and R.S. 15:147(C)(6), 161(J), 175(E), and 187 are hereby enacted to read as follows:"

§146. Office of the state public defender

~~"A.(1) There is hereby created and established as a state agency within the office of the governor the office of the state public defender to provide for the supervision, administration, and delivery of a statewide public defender system, which shall deliver uniform public defender services in all courts in this state.~~

~~(2) The state public defender shall be appointed by the governor, subject to approval of a majority of the board and Senate confirmation, for a term of two years.~~

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

~~(2) Persons appointed to the board shall have been admitted to the practice of law in this state for at least eight years or have been a judge in this state.~~

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

~~(a) The governor shall appoint four members and shall designate the chairman.~~

~~(b) The governor shall appoint one member from a list of three nominees submitted to the governor by a joint resolution of the Public Defenders Association of Louisiana and the Louisiana Association of Criminal Defense Lawyers.~~

~~(c) The Supreme Court of Louisiana shall by majority vote appoint two members. One member shall be a juvenile justice advocate, and one member shall be a retired judge.~~

~~(d) The president of the Senate and the speaker of the House of Representatives shall each appoint one member.~~

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

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

~~(6) Members of the board shall serve terms concurrent with that of the governor.~~

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

"§147. Powers; duties; responsibilities

* * *

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

* * *

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

* * *

(18) Adopt reasonable procedures in compliance with the Louisiana Rules of Professional Conduct for the review and preservation of confidentiality of privileged materials during and after litigation, including impressions of counsel, strategy of litigation, ~~and results of expert work and opinion, and all database entries~~ or other data collection methods of the office. No court shall order disclosure of database entries from the office.

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C. The office may:

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(6) Create advisory boards as necessary to assist the office with the administration of its duties and implementation of its policies.

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AMENDMENT NO. 3

On page 2, between lines 11 and 12, insert the following:

"§162. Vacancies in position of district public defender; formation of district public defender selection committee; powers and duties of committee; process for filling vacancy for district public defender; interim district public defender
A. Within twenty days of receiving notice of a vacancy which occurs for the position of district public defender ~~by reason of demotion, termination, retirement, resignation, or death~~, the office shall form a district public defender selection committee as provided for in Subsection B of this Section."

AMENDMENT NO. 4

On page 4, between lines 8 and 9, insert the following:

"§187. Advisory boards
A.(1) The Louisiana Public Defender Oversight Board is hereby created and established as an advisory board to the office of the state public defender to approve contracts with the office in an amount of two hundred fifty thousand dollars or more. The authority of the board to approve contracts with the office does not apply to contracts entered into by a district public defender where the office is not a party to the contract. The board shall consist of nine members.
(2) Persons appointed to the board shall have been admitted to the practice of law in this state for at least eight years or have been a judge in this state.
(3) The members shall be selected as follows:
(a) The governor shall appoint four members and shall designate the chairman.
(b) The governor shall appoint one member from a list of three nominees submitted to the governor by a joint resolution of the Public Defenders Association of Louisiana and the Louisiana Association of Criminal Defense Lawyers.
(c) The Supreme Court of Louisiana shall by majority vote appoint two members. One member shall be a juvenile justice advocate, and one member shall be a retired judge.

1 (d) The president of the Senate and the speaker of the House of
2 Representatives shall each appoint one member.

3 (4) All appointments to the board shall be subject to confirmation by the
4 Senate.

5 (5) A vacancy on the board shall be filled in the same manner as the original
6 appointment.

7 (6) Members of the board shall serve terms concurrent with that of the
8 governor.

9 (7) The board may conduct and its members may attend and participate in
10 meetings via electronic means in accordance with R.S. 42:17.2. The board shall
11 limit the number of its regularly scheduled meetings via electronic means to not
12 more than two in a calendar year.

13 B. The board shall notify the appropriate appointing authority of any board
14 vacancy which occurs for any reason."