

RÉSUMÉ DIGEST

ACT 862 (HB 1005)

2026 Regular Session

Muscarello

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

New 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 the 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 new law change in reference from the "La. Public Defender Bd." to the "office of the state public defender" and from the "indigent defender program" to the "office of the district public defender".

Prior law (R.S. 15:146) provided for the state public defender to be appointed by the governor, subject to approval of a majority of the La. Public Defender Oversight Bd. and Senate confirmation, for a term of two years.

New law repeals prior law and provides for the state public defender to be appointed by the governor, subject to Senate confirmation, for a term of two years.

Prior law (R.S. 15:161(H)) provided for the continuation of public defender services in each judicial district.

Prior law further provided for the setting of compensation for each district public defender and for the continuation of the salaries and benefits in place on Jan. 1, 2007, for each chief indigent defender as well as a prohibition regarding a decrease in salary.

New law repeals prior law.

New law provides that a district public defender who contracts with the office of the state public defender for the delivery of legal services is an independent contractor and is not an employee of the office.

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

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

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

New law repeals prior law.

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

Prior law (R.S. 15:186.6(A)) authorized the La. Public Defender Bd. to implement the Safe Return Representation Program incrementally, but required full statewide implementation no later than July 1, 2017.

New law repeals prior law and removes the obsolete date to provide for the perpetual existence and funding of the program.

Existing law (R.S. 15:571.11) provides for the dispositions of fines and forfeitures.

Prior law (R.S. 15:571.11(L)(3)(d)) required the prosecuting attorney to pay 25% of collected funds to the Indigent Defenders Program of the court where the judgment was rendered.

New law repeals prior law and requires the prosecuting attorney to pay 25% of collected funds to the office of the district public defender.

Prior law required that payment be made to the Indigent Defenders Program of the parish where the bond was posted if the political subdivision where the judgment was rendered did not have an Indigent Defenders Program.

New law repeals prior law.

Effective August 1, 2026.

(Amends R.S. 9:2800.16, R.S. 11:1902(intro. para.) and (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. 15:146, 148(B)(intro. para.) and (1)(c), 161(Section heading) and (E)(intro. para.) and (12), 162(D), 165(B)(1)(b) and (2) and (E), 169(B), 174(C), 176(C)(1), 185.2(intro. para.), (5), (7), and (8), 185.3(A)(2) and (B)(intro. para.), (11), (14)(b)(intro. para.) and (iii), and (19)(intro. para.) and (g), 185.4(A) and (B)(intro. para.), (2)(b), (8), and (10), 186.2(6), 186.3(A)(2), (B)(intro. para.), (10), (13)(intro. para.) and (c), and (18)(intro. para.) and (c), 186.4(A), 186.6, 571.11(L)(intro. para.), (1)(a)(iv), (b)(iv), and (c)(iv), and (3)(d) and (M)(3), 1202(A)(14), and 1442(C)(intro. para.) and (7), R.S. 22:822(B)(1)(d) and (2)(intro. para.) and (d), R.S. 36:4(B)(intro. para.) and (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)(intro. para.) and (1) and 953, Ch.C. Arts. 574, 575(A) and (B), 581(A)(intro. para.) and (7), and 608(B); Adds R.S. 15:145 and 161(J); Repeals R.S. 15:161(H))