

Regular Session, 2013

SENATE BILL NO. 113

BY SENATOR GALLOT

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

COURTS. Provides relative to the LA Public Defender Board and certain employees.
(gov sig)

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AN ACT

To amend and reenact R.S. 15:147(E), 149.2(B)(1) and (D), 154(A)(2) and (B)(1), and 158(A)(3), relative to the Louisiana Public Defender Board; to provide for the status of persons who are employed by or serve under contract in a district public defender office; to provide for the number and location of board meetings; to provide for the qualifications and duties of certain employees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:147(E), 149.2(B)(1) and (D), 154(A)(2) and (B)(1), and 158(A)(3) are amended and reenacted to read as follows:

§147. Powers, duties, responsibilities

* * *

E. The executive staff, regional directors, and secretarial, clerical, and other personnel directly employed in the operations of the board shall be state employees. All other personnel employed or who serve under contract in a district office shall not be state employees ~~and shall be considered local employees of the district.~~ The Joint Legislative Committee on the Budget may approve other employees hired pursuant to the Louisiana Public Defender Act as state employees upon

1 recommendation of the board.

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3 §149.2. Offices; meetings

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5 B.(1) Except as provided in Subsection C of this Section, in order to effect
6 the implementation of the provisions of this Act, the board shall meet ~~at least ten~~
7 ~~times per year until 2010, and thereafter meet at least eight~~ **four** times per year.

8 * * *

9 D. The board shall conduct a majority of its meetings per year in East Baton
10 Rouge Parish. ~~The board shall conduct at least three meetings per year in parishes~~
11 ~~other than East Baton Rouge Parish.~~

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13 §154. Deputy public defender-director of juvenile defender services; qualifications;
14 duties

15 A. The board shall employ a deputy public defender who shall act as the
16 director of juvenile defender services and shall meet the following qualifications:

17 * * *

18 (2) Be an attorney licensed to practice law in the United States with at least
19 five years of ~~specific experience in the defense of juveniles in delinquency~~
20 ~~proceedings~~ **as a criminal defense attorney or in juvenile law** and if licensed as an
21 attorney in a state other than Louisiana, become licensed as an attorney in this state
22 within one year of being employed by the board.

23 B. The director of juvenile defender services shall:

24 (1) ~~Work with representatives of all three branches of state government and~~
25 ~~other~~ **Assist the state public defender in working with** criminal justice
26 stakeholders, including judges, district attorneys, sheriffs, probation officers, and law
27 enforcement officials to promote sound juvenile justice policies in relation to fair
28 adjudication processes, and placement and treatment of juveniles charged in
29 delinquency proceedings that focus on rehabilitation of the offender.

* * *

§158. Juvenile justice compliance officer

A. The board shall employ a juvenile justice compliance officer who shall meet the following qualifications:

* * *

(3) Be an attorney licensed to practice law in the United States with at least three years of experience **as a criminal defense attorney or in juvenile law**, or possess a master's degree in public administration from an accredited school or university and possess five years of progressively responsible experience conducting organizational assessments and, if licensed as an attorney in a state other than Louisiana, become licensed as an attorney in this state within one year of being employed by the board.

* * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Cathy Wells.

DIGEST

Present law requires executive staff, regional directors, secretarial, clerical, and other personnel directly employed in the operations of the LA Public Defender Board be state employees. All other personnel employed or who serve under contract in a district office are considered local employees of the public defender district.

Proposed law removes requirement that non-board employees be local employees of the district.

Present law requires the LA Public Defender Board to meet ten times per year until 2010, and thereafter meet eight times per year. Requires at least three board meetings in parishes outside of East Baton Rouge.

Proposed law reduces the required meetings from eight times per year to four times per year and removes the requirement that three board meetings be held in parishes outside East Baton Rouge.

Present law requires the director of juvenile defender services and the juvenile justice compliance officer to have at least five years of specific experience in the defense of juveniles in delinquency proceedings.

Proposed law removes such experience requirement and requires the director of juvenile defender services and the juvenile justice compliance officer to have experience as a criminal defense attorney or in juvenile law. Further requires the director of juvenile services to assist the state public defender.

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

(Amends R.S. 15:147(E), 149.2(B)(1) and (D), 154(A)(2) and (B)(1), and 158(A)(3))