

1 WHEREAS, the LPDB spends approximately \$11 million of state funding on capital
2 cases, which makes up less than one half of one percent of its total cases; and

3 WHEREAS, the LPDB and local public defenders determine how attorneys are
4 appointed to indigent defendants, regulate how attorneys are paid to represent indigents, and
5 authorize the manner in which attorney services are delivered in indigent cases; and

6 WHEREAS, the LPDB has adopted a regulatory scheme under which local public
7 defenders in multiple districts may "enter a restriction of services" and LPDB projects that
8 no less than 24 of the state's 42 districts will become insolvent and enter restriction of
9 services by the end of 2016; and

10 WHEREAS, local public defenders are authorized by R.S. 15:175 to collect a forty-
11 dollar fee from applicants to support their local office, but are doing so in a small fraction
12 of cases; and

13 WHEREAS, one of the primary goals of the Louisiana Public Defender Act of 2007
14 was to ensure that adequate public funding of the right to counsel is provided and managed
15 in a cost-effective and fiscally responsible manner; and

16 WHEREAS, additional input from other criminal justice stakeholders may facilitate
17 a more fair, efficient, impartial, and constitutional operation of the public defender system;
18 and

19 WHEREAS, the state of Louisiana has limited fiscal resources.

20 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
21 authorize and direct the creation of an Indigent Defense Review Committee, within the
22 Louisiana Commission on Law Enforcement and Criminal Justice, to study, evaluate,
23 analyze, and undertake a comprehensive review as follows:

24 (1) To study the caseload standards and guidelines adopted by the LPDB in relation
25 to the constitutionally required standards of indigent criminal defense matters in light of the
26 limited fiscal resources and the Louisiana Rules of Professional Conduct.

27 (2) To study the fiscal priorities of the LPDB.

28 (3) To study the composition and structure of the LPDB.

29 BE IT FURTHER RESOLVED that the Indigent Defense Review Committee is
30 hereby created. The membership of the committee shall be as follows:

- 1 (1) Two retired district judges with experience in capital cases.
- 2 (2) A member of the LPDB or his designee.
- 3 (3) A former local public defender with experience in capital cases.
- 4 (4) A retired district attorney with experience in capital cases.
- 5 (5) A retired assistant district attorney with experience in capital cases.
- 6 (6) The legislative auditor or his designee.
- 7 (7) The secretary of the Department of Children and Family Services or his
- 8 designee.

9 BE IT FURTHER RESOLVED that all membership appointments and the chairman
10 of the committee shall be designated by the chairman of the Louisiana Commission on Law
11 Enforcement and Criminal Justice from a list of candidates mutually agreed upon and
12 submitted by the state public defender of the Louisiana Public Defender Board and the
13 president of the Louisiana District Attorney's Association.

14 BE IT FURTHER RESOLVED that the committee is directed to hold its first
15 meeting no later than July 15, 2015, and shall meet no less than five times, at the call of the
16 chairman of the Louisiana Commission on Law Enforcement and Criminal Justice.

17 BE IT FURTHER RESOLVED that the committee shall prepare and submit a final
18 written report that contains a detailed statement of the findings and recommendations to the
19 legislature and the Louisiana Supreme Court no later than thirty days prior to the convening
20 of the 2016 Regular Session.

21 BE IT FURTHER RESOLVED that the LPDB provide any and all assistance and
22 information requested by the committee within the law and the Louisiana Rules of
23 Professional Conduct.

24 BE IT FURTHER RESOLVED that a suitable copy of this Resolution shall be
25 transmitted to all justices of the Louisiana Supreme Court and the governor, and that the
26 committee be abolished upon submission of its written report.

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)]

HCR 196 Reengrossed

2015 Regular Session

Seabaugh

Directs the creation of an Indigent Defense Review Committee, within the La. Commission on Law Enforcement and Criminal Justice, to study the caseload standards and guidelines of the La. Public Defender Board in relation to the constitutionally required standards of indigent criminal defense matters in light of limited fiscal resources, the Rules of Professional Conduct, and the fiscal priorities and composition and structure of the board.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Change the provision which states that the legislature appropriates funding for the LPDB Board in excess of funds generated at the local level to funds appropriated in addition to funds generated at the local level.
2. Make changes relative to the stated policies, duties, and responsibilities of the LPDB.
3. Add a statement that the state of La. has limited fiscal resources.
4. Clarify the directive of the Indigent Defense Review Committee (committee) as it relates to the caseload standards and guidelines of the LPDB and its composition and structure in accordance with the La. Rules of Professional Conduct.
5. Remove all references to the consideration by the committee of the limited fiscal resources of the state when conducting its study.
6. Add a requirement that the membership appointments are made from a list of candidates mutually agreed upon and submitted by the chief public defender and the president of the La. District Attorney's Association.

The House Floor Amendments to the engrossed bill:

1. Add the secretary of DCFS to the Indigent Defense Review Committee.
2. Correct the reference for the state public defender.
3. Make technical changes.