

2016 Regular Session

HOUSE BILL NO. 547

BY REPRESENTATIVE JACKSON

CRIMINAL/PROCEDURE: Provides methods for determining indigency of an accused person

1 AN ACT

2 To amend and reenact R.S. 15:175(A)(1)(a) and (d) and (B)(1) and to enact R.S. 15:175(D),  
3 relative to public defender services; to provide with respect to determinations of  
4 indigency; to provide for a revision in the process of determining if a defendant is  
5 indigent; to create an indigency review panel; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:175(A)(1)(a) and (d) and (B)(1) are hereby enacted and R.S.  
8 15:175(D) is hereby enacted to read as follows:

9 §175. Proceedings to determine indigency

10 A.(1)(a) A preliminary inquiry and determination of indigency of any  
11 accused person shall be made by the ~~court~~ indigency review panel not later than  
12 arraignment and such determination may be reviewed by the court at any other stage  
13 of the proceedings.

14 \* \* \*

15 (d) If the ~~court~~ indigency review panel makes the preliminary determination  
16 that the accused is or may be indigent, the court shall require the accused to make  
17 application to the district public defender office or an attorney appointed or under  
18 contract to provide indigent defender services, who shall inquire further into the  
19 accused's economic status and, upon determining that the accused is indigent, shall  
20 file a certification thereof, in such form as the ~~court~~ indigency review panel may

1 require and without paying costs in advance, in the record of the proceeding or enroll  
2 as counsel.

3 \* \* \*

4 B.(1) In determining whether or not a person is indigent and entitled to the  
5 appointment of counsel, the ~~court~~ indigency review panel shall consider whether the  
6 person is a needy person and the extent of his ability to pay. The court may consider  
7 such factors as income or funds from employment or any other source, including  
8 public assistance, to which the accused is entitled, property owned by the accused  
9 or in which he has an economic interest, outstanding obligations, the number and  
10 ages of dependents, employment and job training history, and level of education.

11 \* \* \*

12 D. There shall be an indigency review panel established in each judicial  
13 district which shall review and determine the indigency of an accused person.

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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)]

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HB 547 Original

2016 Regular Session

Jackson

**Abstract:** Provides for an alternative entity to determine indigent status other than the court.

Present law provides for representation of defendants who are indigent and requires the court to determine indigency.

Proposed law changes present law to provide that an indigency review panel shall determine indigency.

Proposed law provides for the establishment of an indigency review panel in each judicial district.

(Amends R.S. 15:175(A)(1)(a) and (d) and (B)(1); Adds R.S. 15:175(D))