

2017 Regular Session

HOUSE BILL NO. 413

BY REPRESENTATIVE LEGER

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

INDIGENT DEFENSE: Provides relative to the funding of public defenders

1 AN ACT

2 To amend and reenact R.S. 15:167(B), relative to the Louisiana Public Defender Fund; to
3 provide relative to the funding of public defenders; to require the state treasurer to
4 deposit funds for the annual funding for district public defenders and public
5 defenders; to require the board to allocate the funds; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:167(B) is hereby amended and reenacted to read as follows:

9 §167. Louisiana Public Defender Fund

10 * * *

11 B.(1) The fund shall be comprised of all monies appropriated, donated, or
12 otherwise made available to provide funding for the provisions of the Louisiana
13 Public Defender Act. All of such monies required to be deposited in the state
14 treasury in accordance with Article VII, Section 9(A) of the Constitution of
15 Louisiana shall be deposited in the fund after first meeting the requirements of
16 Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond
17 Security and Redemption Fund.

18 (2) For Fiscal Year 2017-2018 and each fiscal year thereafter, the state
19 treasurer shall deposit sufficient funds into the Louisiana Public Defender Fund to
20 provide annual funding of forty-nine thousand dollars for each district public

1 defender and forty-four thousand dollars for each public defender which shall be
 2 equal to the same number of positions provided by R.S. 16:51. The board shall
 3 allocate the funds deposited into the fund pursuant to this Paragraph to the district
 4 defender offices and their indigent defender funds as defined in R.S. 15:168(A) in
 5 the various judicial districts throughout the state. The district public defender may
 6 reallocate, as he deems appropriate, by combining or dividing the total amount fixed
 7 in this Paragraph to pay the salaries of the public defenders in his district or any
 8 other operating costs consistent with the provisions of this Part.

9 (3) The total amount of money deposited into the fund pursuant to Paragraph
 10 (2) of this Subsection shall not exceed sixty-five percent of the total amount of
 11 money deposited into the fund each fiscal year.

12 * * *

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)]

HB 413 Original 2017 Regular Session Leger

Abstract: Requires the state treasurer to deposit sufficient funds into the La. Public Defender Fund for Fiscal Year 2017-2018 and each fiscal year thereafter to provide annual funding for each district public defender and public defenders.

Present law provides for the creation of the La. Public Defender Fund in the state treasury and the composition of the fund, administration of the fund, and use of monies from the fund.

Proposed law requires the state treasurer to deposit sufficient funds into the La. Public Defender Fund for Fiscal Year 2017-2018 and each fiscal year thereafter to provide annual funding of \$49,000 for each district public defender and \$44,000 for each public defender equal to the same number of positions provided by R.S. 16:51 (which provides for the number of asst. district attorneys). Proposed law further requires the board to allocate the funds to the district defender offices and their indigent defender funds in the various judicial districts throughout the state. Authorizes the district defender to reallocate the funds by combining or dividing the total amount to pay for the salaries of the public defenders in his district or any other operating costs.

Proposed law provides that the total amount of money deposited into the fund shall not exceed 65% of the total amount of money deposited each fiscal year.

(Amends R.S. 15:167(B))