

2019 Regular Session

HOUSE BILL NO. 70

BY REPRESENTATIVE BISHOP

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

COURTS/CITY: Provides relative to indigent defense services in certain city courts

1 AN ACT

2 To enact R.S. 13:2014, relative to city courts; to provide relative to the City Court of  
3 Lafayette; to provide relative to fees collected for purposes of indigent defense; to  
4 provide for the creation of the Lafayette City Court Indigent Defender Fund Board;  
5 to provide for membership and duties; to provide for the creation of the Lafayette  
6 City Court Indigent Defender Fund; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:2014 is hereby enacted to read as follows:

9 §2014. Lafayette

10 A. Notwithstanding any other law to the contrary, thirty percent of the funds  
11 collected by the City Court of Lafayette pursuant to the provisions of R.S. 15:168(B)  
12 may be deposited by the judges of the court into a special fund created for this  
13 purpose. The fund shall be referred to as the Lafayette City Court Indigent Defender  
14 Fund.

15 B. The Lafayette City Court Indigent Defender Fund Board shall manage and  
16 oversee funds remitted to the Lafayette City Court Indigent Defender Fund and shall  
17 consist of three members residing in the jurisdiction of the City Court of Lafayette  
18 and shall be composed of following:

19 (1) Prior to January 1, 2020, two members appointed by the Lafayette City-  
20 Parish Consolidated Council. After January 1, 2020, one member appointed by the

1 city council of Lafayette and one member appointed by the parish council of  
2 Lafayette;

3 (2) One member appointed by the board of directors of the Lafayette Bar  
4 Association.

5 C. The funds provided for in the Section, and any other self-generated  
6 revenue and all interest or other income earned from the investment of such funds  
7 and self-generated revenue shall be used solely for the delivery of indigent defender  
8 services to the City Court of Lafayette, including but not limited to salaries,  
9 equipment, and materials necessary for the performance of such services.

10 D. The Lafayette City Court Indigent Defender Fund Board shall deliver  
11 legal services to persons entitled to, and financially eligible for, appointed counsel  
12 in traffic and criminal proceedings in the court, consistent with the standards of  
13 national justice and those established by the Louisiana Supreme Court.

14 E. The board shall enter into a contract or contracts, on such terms and  
15 conditions as it deems advisable including salaries, with one or more attorneys  
16 licensed to practice law in this state to provide counsel for indigent defendants in  
17 traffic and criminal proceedings.

18 F. The judges of the court may make non-binding recommendations,  
19 findings, and suggestions to the Lafayette City Court Indigent Defender Fund Board,  
20 regarding the delivery of indigent defender services to the court.

21 G. The determination of indigency of any accused shall be made in  
22 accordance with the guidelines set forth in R.S. 15:175 and 176 as applicable.

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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 70 Original

2019 Regular Session

Bishop

**Abstract:** Requires 30% of certain court costs collected by the City Court of Lafayette to be deposited in the newly created Lafayette City Court Indigent Defender Fund to fund indigent representation for eligible defendants in traffic or criminal matters.

Present law provides for a \$45 court cost to be collected in courts of original criminal jurisdiction to fund indigent defense services.

Proposed law provides for the creation of the Lafayette City Court Indigent Defender Fund. Requires 30% of the funds collected pursuant to present law by the City Court of Lafayette to be deposited into the local indigent fund.

Proposed law provides for the creation of the Lafayette City Court Indigent Defender Fund Board to manage and oversee the use of monies deposited in the fund. The board shall consist of three members.

Proposed law requires the board to deliver services only to persons entitled to it pursuant to present law.

Proposed law allows the board to enter into contracts with attorneys licensed in Louisiana to provide counsel to indigent defendants in traffic or criminal proceedings.

(Adds R.S. 13:2014)