

## RÉSUMÉ DIGEST

ACT 528 (SB 467)

2024 Regular Session

Reese

Existing law authorizes the office of the state public defender (office) to enter into contracts to provide counsel for indigent defendants.

Existing law requires that district public defender programs continue operating within the method of delivery of services in effect prior to April 30, 2007.

Prior law prohibited the office from using its power to contract to change the structure of a local program, delivery method, or to terminate personnel without cause.

Prior law required that the office's executive staff positions be permanent, full-time employees of the office and these employees shall not otherwise engage in the practice of law, where applicable, or engage in any other business or profession.

New law retains prior law and clarifies that the office's executive staff positions are state employees.

Prior law prohibited employees of the office from engaging in the practice of law or any other business or profession.

Prior law required the state public defender to develop and implement a strategic plan for delivery of public defender services with approval of the Louisiana Public Defender Oversight Board (board).

New law retains prior law and further requires the state public defender to develop and implement standards and guidelines with approval of the board.

Prior law required the state public defender to assist the board in establishing standards, guidelines, policies, and procedures for statewide delivery of indigent defender services.

New law requires the state public defender to establish policies and procedures for statewide delivery of indigent defender services.

New law requires that offices of the district public defender be a local body corporate with the power to sue and be sued, to enter into contracts on such terms and conditions as it deems advisable, and with all other general obligations and privileges of local political subdivisions.

New law requires the district public defender to be the policymaker for the office of the district public defender and to be responsible for ensuring that the office of the district public defender satisfies its legal obligations and privileges.

New law makes conforming changes consistent with Act No. 22 of the 2024 2nd Extraordinary Session.

New law provides that the mayors of the municipalities of DeQuincy, Iowa, Vinton, and Westlake may impose additional court costs not to exceed \$20 for each offense, as defined by ordinance, on any defendant convicted of a violation of a municipal ordinance or traffic violation, provided that 50% of any additional court cost collected pursuant to new law shall be remitted to the 14th Judicial District's Indigent Defender Fund.

New law provides that the additional costs levied pursuant to existing law (R.S. 40:2264 and 2266.1) in excess of \$10 per offense shall be optional in any mayor's court that actually levies the additional costs authorized pursuant to new law.

Effective June 10, 2024.

(Amends R.S. 15:150(C), 152(B)(2) and (13), 161(A), (E)(11), (H)(1), and (I), 162(D) and (F), 167(E), 168(A) and (E)(3), 175(A)(1)(d) and (f), 176(C), 185.2(4) and (8), 186.2(4) and (8), and 186.3(B)(10); adds R.S. 33:447.11.1; repeals R.S. 33:447.11)