

2026 Regular Session

HOUSE BILL NO. 1005

BY REPRESENTATIVE MUSCARELLO

INDIGENT DEFENSE: Provides relative to the office of the state public defender

1 AN ACT

2 To amend and reenact R.S. 9:2800.16, R.S. 11:1902(introductory paragraph) and (12)(c) and

3 1903(A)(2), R.S. 13:996.43(C), 1381.5(B)(2)(d), 2081.3, and 5951(E)(1)(b), R.S.

4 15:146, 148(B)(introductory paragraph) and (1)(c), 161(Section heading) and

5 (E)(introductory paragraph) and (12), 162(D), 165(B)(1)(b) and (2) and (E), 169(B),

6 174(C), 176(C)(1), 185.2(introductory paragraph), (5), and (8), 185.3(A)(2) and

7 (B)(introductory paragraph), (11), (14)(b)(introductory paragraph) and (iii), and

8 (19)(introductory paragraph) and (g), 185.4(A) and (B)(introductory paragraph),

9 (2)(b), (8), and (10), 186.3(A)(2), (B)(introductory paragraph), (10),

10 (13)(introductory paragraph) and (c), and (18)(introductory paragraph) and (c),

11 186.4(A), 186.6, 571.11(L)(introductory paragraph), (1)(a)(iv), (b)(iv), and (c)(iv),

12 and (3)(d) and (M)(3), 1199.4(E)(8), 1202(A)(14), and 1442(C)(introductory

13 paragraph) and (7), R.S. 22:822(B)(1)(d) and (2)(introductory paragraph) and (d),

14 R.S. 36:4(B)(introductory paragraph) and (21), R.S. 42:1121(I), R.S. 46:2168(B)(1)

15 and 2605.4(C)(1)(h), Code of Criminal Procedure Articles 895.1(B)(introductory

16 paragraph) and (1) and 953, Children's Code Articles 574, 575(A) and (B),

17 581(A)(introductory paragraph) and (7), and 608(B), to enact R.S. 15:145 and

18 161(J), and to repeal R.S. 15:161(H), relative to the office of the state public

19 defender; to provide consistent terminology; to provide for the correction of cross-

20 references; to provide relative to district public defenders; and to provide for related

21 matters.

1 Be it enacted by the Legislature of Louisiana:

2 Section 1. R.S. 9:2800.16 is hereby amended and reenacted to read as follows:

3 §2800.16. Limitation of liability; Louisiana Public Defender Oversight Board
4 members

5 No individual member of the Louisiana Public Defender Oversight Board
6 ~~member shall be~~ is personally liable for any act or omission resulting in damage,
7 injury, or loss arising out of the exercise of his official functions and duties.
8 ~~However, this~~ This limitation of liability ~~shall not be applicable~~ does not apply if the
9 gross negligence or willful or wanton misconduct of a member is the cause of the
10 damage, injury, or loss ~~was caused by the gross negligence or willful or wanton~~
11 ~~misconduct of a member.~~

12 Section 2. R.S. 11:1902(introductory paragraph) and (12)(c) and 1903(A)(2) are
13 hereby amended and reenacted to read as follows:

14 §1902. Definitions

15 As used in this Chapter, the following words and phrases ~~shall~~ have the
16 following meanings, unless a different meaning is plainly required by context:

17 * * *

18 (12)

19 * * *

20 (c) "Employee" ~~shall~~ also ~~mean~~ means a person employed by a district
21 ~~indigent public~~ public defender program in this state, without regard to the source of funds
22 for such districts or programs, provided the employee works at least twenty-eight
23 hours a week and the program is an employer as defined in this Section. No person
24 employed by an ~~indigent~~ office of a district public defender ~~program shall be~~ is
25 entitled to receive credit for service rendered prior to becoming eligible for
26 membership in the system.

27 * * *

1 §1903. Admission of certain entities as employers

2 A. The following entities may submit, for approval by the board of trustees,
3 a plan for extending the benefits of this Chapter to employees of the entity:

4 * * *

5 (2) A district ~~indigent~~ public defender program office in this state.

6 * * *

7 Section 3. R.S. 13:996.43(C), 1381.5(B)(2)(d), 2081.3, and 5951(E)(1)(b) are hereby
8 amended and reenacted to read as follows:

9 §996.43. Judicial expense fund for Fifth Judicial District

10 * * *

11 C. The judges, en banc, may appoint such law clerks and secretarial, clerical,
12 research, administrative, and other personnel as they deem necessary to expedite the
13 business and function of the court and fix and pay all or any part of the salaries of
14 such personnel out of the monies in the judicial expense fund. In ~~like~~ a similar
15 manner, the judges, en banc, may utilize the monies in the judicial expense fund to
16 pay all or any part of the cost of establishing or maintaining a law library for the
17 court, to support the ~~Indigent Defender Board~~ office of the district public defender,
18 or for buying or maintaining any type of equipment, supplies, or other items
19 consistent with or germane to the efficient operation of the court. In general, the
20 judicial expense fund is established and may be used for any purpose or purposes
21 connected with, incidental to, or related to the proper administration or function of
22 the court, or the offices of the individual judges, and is in addition to any and all
23 other funds, salaries, expenses, or other monies that are provided, authorized, or
24 established by law for any of these purposes.

25 * * *

26 §1381.5. The Orleans Parish administration of criminal justice fund

27 * * *

28 B.

29 * * *

1 (2) Each quarterly distribution shall be calculated and allocated as follows:

2 * * *

3 (d) Twenty percent of all funds received to the Orleans Parish ~~indigent~~
4 ~~defender's program~~ office of the district public defender.

5 * * *

6 §2081.3. Monroe; transfer of funds

7 The City Court of Monroe may transfer unused or surplus funds from the
8 money collected and deposited into the account for the pretrial diversion program
9 into the general operational account of the court to be used for the operational
10 expenses of the court. The expenditure of these funds shall be at the sole discretion
11 of the judges of the court except that a portion of that amount, not to exceed twenty
12 percent, shall be used to fund the ~~indigent defender program~~ office of the district
13 public defender. Any funds so transferred shall be included in the court's annual
14 audit.

15 * * *

16 §5951. Orleans Parish Juvenile Services Financing District

17 * * *

18 E. Appropriation of funds. (1) The district may fund any of the following:

19 * * *

20 (b) Supplemental funding for the Orleans Parish ~~indigent defender program's~~
21 juvenile division within the office of the district public defender in Orleans Parish
22 to provide for up to six full-time public defenders, assigned on the basis of one per
23 section of court, and six full-time paralegals, assigned on the basis of one paired with
24 each public defender.

25 * * *

26 Section 4. R.S. 15:146, 148(B)(introductory paragraph) and (1)(c), 161(Section
27 heading) and (E)(introductory paragraph) and (12), 162(D), 165(B)(1)(b) and (2) and (E),
28 169(B), 174(C), 176(C)(1), 185.2(introductory paragraph), (5), and (8), 185.3(A)(2) and
29 (B)(introductory paragraph), (11), (14)(b)(introductory paragraph) and (iii), and

1 (19)(introductory paragraph) and (g), 185.4(A) and (B)(introductory paragraph), (2)(b), (8),
2 and (10), 186.3(A)(2), (B)(introductory paragraph), (10), (13)(introductory paragraph) and
3 (c), and (18)(introductory paragraph) and (c), 186.4(A), 186.6, 571.11(L)(introductory
4 paragraph), (1)(a)(iv), (b)(iv), and (c)(iv), and (3)(d) and (M)(3), 1199.4(E)(8), 1202(A)(14),
5 and 1442(C)(introductory paragraph) and (7) are hereby amended and reenacted and R.S.
6 15:145 and 161(J) are hereby enacted to read as follows:

7 §145. Office of the state public defender

8 A. The office of the state public defender is created as a state agency within
9 the office of the governor to provide for the supervision, administration, and delivery
10 of a statewide public defender system, which shall deliver uniform public defender
11 services in all courts in this state.

12 B. The governor shall appoint the state public defender, subject to Senate
13 confirmation, for a term of two years.

14 ~~§146. Office of the state public defender~~ Louisiana Public Defender Oversight
15 Board

16 ~~A.(1) There is hereby created and established as a state agency within the~~
17 ~~office of the governor the office of the state public defender to provide for the~~
18 ~~supervision, administration, and delivery of a statewide public defender system,~~
19 ~~which shall deliver uniform public defender services in all courts in this state.~~

20 ~~(2) The state public defender shall be appointed by the governor, subject to~~
21 ~~approval of a majority of the board and Senate confirmation, for a term of two years.~~

22 B.A.(1) The Louisiana Public Defender Oversight Board is hereby created
23 and established to provide supervision and oversight to the office of the state public
24 defender and to approve contracts in an amount of two hundred fifty thousand dollars
25 or more. The board shall consist of nine members.

26 (2) Persons appointed to the board shall have been admitted to the practice
27 of law in this state for at least eight years or have been a judge in this state.

28 (3) The members shall be selected as follows:

1 (a) The governor shall appoint four members and shall designate the
2 chairman.

3 (b) The governor shall appoint one member from a list of three nominees
4 submitted to the governor by a joint resolution of the Public Defenders Association
5 of Louisiana and the Louisiana Association of Criminal Defense Lawyers.

6 (c) The ~~Supreme Court of Louisiana~~ Supreme Court shall by majority vote
7 appoint two members. One member shall be a juvenile justice advocate, and one
8 member shall be a retired judge.

9 (d) The president of the Senate and the speaker of the House of
10 Representatives shall each appoint one member.

11 (4) All appointments to the board shall be subject to confirmation by the
12 Senate.

13 (5) A vacancy on the board shall be filled in the same manner as the original
14 appointment.

15 (6) Members of the board shall serve terms concurrent with that of the
16 governor.

17 ~~C.B.~~ The board shall notify the appropriate appointing authority of any board
18 vacancy ~~which~~ that occurs for any reason.

19 * * *

20 §148. Rulemaking; considerations in developing rules

21 * * *

22 B. The rules shall include but not be limited to the following:

23 (1) Creating mandatory statewide public defender standards and guidelines
24 that require public defender services to be provided in a manner that is uniformly fair
25 and consistent throughout the state. Those standards and guidelines shall take into
26 consideration all of the following:

27 * * *

1 (c) Documentation of communication. The office shall adopt standards and
2 guidelines to ensure that defense attorneys providing public defender services
3 provide documentation of communications with clients regarding the frequency of
4 attorney-client communications as required by rules adopted by the ~~board~~ office.

5 * * *

6 §161. District public defender; powers; duties; accounting; audit reporting; ~~existing~~
7 ~~district public defenders continued~~; establishment of office of the district
8 public defender

9 * * *

10 E. Each district public defender shall do all of the following:

11 * * *

12 (12) Make recommendations regarding the method of delivery of public
13 defender services for the district for submission to the ~~board~~ office for ~~board~~ office
14 approval. The ~~board~~ office shall consider any delivery model in existence prior to
15 August 15, 2007, as acceptable until that delivery model is proven to not meet the
16 uniform standards and guidelines for the delivery of public defender services in
17 accordance with applicable rules adopted by the ~~board~~ office and as required by
18 statute.

19 * * *

20 J. For the purposes of this Part, a district public defender who contracts with
21 the office of the state public defender for the delivery of legal services is an
22 independent contractor and is not an employee of the office.

23 * * *

24 §162. Vacancies in position of district public defender; formation of district public
25 defender selection committee; powers and duties of committee; process for
26 filling vacancy for district public defender; interim district public defender

27 * * *

1 D. Within thirty days of receiving the nominations for the position of district
2 public defender from the selection committee, the office shall contract with a district
3 public defender from the list of nominees submitted to the ~~board~~ state public
4 defender.

5 * * *

6 §165. Methods of delivery of public defender services; selection of methods;
7 emergency circumstances

8 * * *

9 B. The office shall approve the method of delivery of public defender
10 services for each district from the following service delivery methods or any
11 combination thereof:

12 (1)

13 * * *

14 (b) All appointments shall be on a successive, rotational basis by case-type
15 certification. ~~Deviations from the board's list shall be permitted only to comply with~~
16 ~~Code of Criminal Procedure Article 512 and in exceptional circumstances upon~~
17 ~~approval of the office upon recommendation of the district public defender.~~

18 (2) An independent public defender organization qualified with the United
19 States Internal Revenue Service for an exemption from federal income tax under
20 Section 501(c) of the Internal Revenue Code to provide counsel for indigent
21 defendants. The office shall fix the compensation of the district public defender and
22 all assistants and supporting personnel ~~shall be fixed by the board~~ in compliance with
23 compensation standards adopted pursuant to rule by the ~~board~~ office.

24 * * *

25 E. An independent public defender organization qualified with the United
26 States Internal Revenue Service for an exemption from federal income tax under
27 Section 501(c) of the Internal Revenue Code existing as of August 15, 2007, may;
28 do all of the following with the approval of ~~current local indigent defender boards~~
29 ~~of other judicial districts in its region, provide~~ the office of the state public defender:

1 counted as a separate case. ~~In the event that~~ If a charging instrument contains a
2 charge or set of charges arising out of multiple events, transactions, or occurrences,
3 ~~indigent defender boards~~ each office of the district public defender shall track,
4 record, and report the number of such instances per charging instrument.

5 * * *

6 §176. Partial reimbursement by indigents

7 * * *

8 C.(1) When an accused is initially determined to be indigent and appointed
9 counsel but subsequently hires private counsel, the court shall conduct a
10 contradictory hearing to determine the expenses ~~of representing the accused~~ incurred
11 by the office of the district public defender or the service region for representation
12 of the accused, where applicable. ~~Upon determining the expenses incurred, the~~
13 ~~accused shall, within the discretion of the court, be liable to reimburse the office of~~
14 ~~the district public defender or service region, where applicable, those expenses, upon~~
15 ~~a determination that the accused was in fact not initially indigent. The accused,~~
16 within the discretion of the court and where applicable, is liable to reimburse the
17 office of the district public defender or service region for the incurred expenses after
18 a determination from the court that expenses were incurred and the accused was not
19 initially indigent. A judgment for the amount owed may be recorded in the mortgage
20 records in favor of the ~~board~~ office of the district public defender for the payment of
21 money against the accused and may be enforced as provided by law.

22 * * *

23 §185.2. Definitions

24 As used in this Part, the following words ~~shall~~ have the following meanings:

25 * * *

26 (5) "Indigent Parents' Program" or "the program" means the Indigent Parents'
27 Representation Program required by the Louisiana Children's Code and administered
28 in accordance with the provisions of R.S. 15:185.1 through ~~185.9~~ 185.8.

29 * * *

1 (14)

2 * * *

3 (b) The plan of organization shall provide for the capacity to do all of the
4 following:

5 * * *

6 (iii) Provide for enforcement of ~~board~~ office rules as ~~is~~ necessary for the
7 efficient and thorough regulation and governance of representation of indigent or
8 absent parent services under its jurisdiction.

9 * * *

10 (19) Assign appropriate staff to do all of the following:

11 * * *

12 (g) Assist the district public defenders in the compliance with standards and
13 guidelines adopted by the ~~board~~ office pursuant to this Section. The office staff shall
14 assist the district public defenders with implementation of standards, ~~and~~ guidelines,
15 and supervision policy and procedures to verify compliance.

16 * * *

17 §185.4. Standards and guidelines for representation of indigent parents; rulemaking

18 A. The ~~board~~ office shall adopt all rules necessary to implement the
19 provisions of this Part.

20 B. The rules shall include but not be limited to the following:

21 * * *

22 (2) Ensuring the standards and guidelines shall take into consideration all of
23 the following:

24 * * *

25 (b) Continuity of representation. The ~~board~~ office shall adopt standards and
26 guidelines ~~which~~ that ensure ~~that~~ each district devises a plan to provide that to the
27 extent feasible and practicable the same attorney handles a case from appointment
28 contact through completion in all cases.

29 * * *

1 (8) Establishing a policy of selecting a proportionate number of minority and
2 women attorneys in accordance with the makeup of the general population of the
3 state, to the extent that minority and women attorneys are available and otherwise
4 eligible for selection within each district in accordance with law. Any citizen of
5 majority age shall have a cause of action to enjoin the activities of the ~~board~~ office
6 for failure to comply with this provision.

7 * * *

8 (10) Establishing policies and procedures for handling conflict of interest
9 cases and overflow cases when workload standards ~~which~~ that are established by
10 rules of the ~~board~~ office are breached.

11 * * *

12 §186.3. Safe Return Representation Program; duties of the office; subject to
13 appropriation

14 A.

15 * * *

16 (2) Except for the regulatory authority of the Louisiana Supreme Court
17 provided for in Article V, Section 5 of the Constitution of Louisiana, ~~the board and~~
18 the office ~~shall have~~ has all regulatory authority, control, supervision, and
19 jurisdiction, including auditing and enforcement, and all power necessary to
20 administer the program throughout the state.

21 B. In the administration of the Safe Return Program, the office shall do all
22 of the following:

23 * * *

24 (10) Train attorneys and other staff as may be necessary to carry out the
25 functions of the program. All attorneys representing indigent children through this
26 program shall be licensed to practice law in ~~Louisiana~~ this state and qualified in
27 accordance with the standards and guidelines adopted by rule of the ~~board~~ office.

28 * * *

1 (13) Establish and modify a plan of organization to conduct the business of
2 regulating and controlling the delivery of program services. The plan of organization
3 shall provide for all of the following:

4 * * *

5 (c) The enforcement of ~~board~~ office rules.

6 * * *

7 (18) Assign appropriate staff to do all of the following:

8 * * *

9 (c) Assist district public defenders in maintaining compliance with standards
10 and guidelines adopted by the ~~board~~ office pursuant to this Section. The ~~board~~ office
11 staff shall assist the district public defenders with implementation of standards,
12 guidelines, supervision, policy, and procedures to maintain compliance.

13 * * *

14 §186.4. Standards and guidelines for representation of indigent children in custody;
15 rulemaking

16 A. The ~~board~~ office shall adopt all rules necessary to implement the
17 provisions of this Part.

18 * * *

19 §186.6. Implementation of Safe Return Representation Fund

20 A. Subject to appropriation, or the availability of other monies to the
21 program, the ~~board~~ office shall develop a program to establish a flexible delivery
22 system that is responsive to jurisdictional variances and local community needs. ~~The~~
23 ~~board may implement the program incrementally, but full statewide implementation~~
24 ~~shall be completed not later than July 1, 2017.~~

25 B. The ~~board~~ office shall choose a method of implementation of the Safe
26 Return Representation Program that is efficient, feasible, practicable, and appropriate
27 to provide the best delivery of indigent parent representation.

28 * * *

1 §571.11. Dispositions of fines and forfeitures

2 * * *

3 L. All judgments of bond forfeiture rendered after August 1, 2016, ~~resulting~~
4 that result from the posting of a bond in a criminal proceeding in ~~the~~ this state of
5 Louisiana ~~upon collection by the prosecuting attorney for the jurisdiction in which~~
6 ~~the bond was posted~~ shall, upon collection by the prosecuting attorney for the
7 jurisdiction where the bond was posted, be paid to the prosecuting attorney, ~~who~~
8 ~~shall~~, The prosecuting attorney, as the attorney of record in the proceeding, shall
9 distribute the funds as follows:

10 (1) District courts. (a) In all judicial district courts of the state of Louisiana,
11 except in the parishes of Orleans, Iberia, and St. Martin, where the district attorney
12 collects on a judgment of bond forfeiture, the proceeds shall be distributed as
13 follows:

14 * * *

15 (iv) Twenty percent of all funds collected by the district attorney shall be
16 paid to the ~~Indigent Defenders Program~~ office of the district public defender for the
17 parish where the bond was posted.

18 (b) In the district court for the parish of St. Martin, where the district
19 attorney collects on a judgment of bond forfeiture, the proceeds shall be distributed
20 as follows:

21 * * *

22 (iv) Eighteen percent of all funds collected by the district attorney shall be
23 paid to the ~~Indigent Defenders Program~~ office of the district public defender for the
24 parish where the bond was posted.

25 * * *

26 (c) In the district court for the parish of Iberia, where the district attorney
27 collects on a judgment of bond forfeiture, the proceeds shall be distributed as
28 follows:

29 * * *

1 (iv) Eighteen percent of all funds collected by the district attorney shall be
2 paid to the ~~Indigent Defenders Program~~ office of the district public defender for the
3 parish where the bond was posted.

4 * * *

5 (3) City and municipal courts. In all city and municipal courts throughout
6 ~~the this~~ state of Louisiana, except in municipal and traffic courts in the city of New
7 Orleans, where the prosecuting attorney collects on a judgment of bond forfeiture,
8 the proceeds shall be distributed as follows:

9 * * *

10 (d) Twenty-five percent of all funds collected by the prosecuting attorney
11 shall be paid to the ~~Indigent Defenders Program~~ office of the district public defender
12 of the court where the judgment was rendered. ~~In the event the political subdivision~~
13 ~~does not have an Indigent Defenders Program, the funds shall be paid to the Indigent~~
14 ~~Defenders Program of the parish in which the bond was posted.~~

15 * * *

16 M. In all cases where the attorney general collects on judgments of bond
17 forfeiture, fifty percent of the funds collected shall be turned over to the attorney
18 general for deposit in his operating account, and the remaining fifty percent of the
19 funds collected shall be distributed as follows:

20 * * *

21 (3) Thirty percent of all funds collected by the attorney general shall be paid
22 to the ~~Indigent Defenders Program~~ office of the district public defender for the parish
23 where the bond was posted.

24 * * *

25 §1199.4. Reentry Advisory Council; creation; members; powers and duties

26 * * *

27 E. The governor shall appoint thirteen members in accordance with the
28 following provisions:

29 * * *

1 (8) One member shall be appointed from a list of three nominations from the
2 ~~Louisiana Public Defender Board~~ state public defender.

3 * * *

4 §1202. Composition of commission

5 A. The commission shall consist of fifty-nine members as follows:

6 * * *

7 (14) The state public defender ~~employed by the Louisiana Public Defender~~
8 ~~Board~~.

9 * * *

10 §1442. Louisiana Juvenile Jurisdiction Planning Implementation Committee;
11 composition; authority; responsibilities

12 * * *

13 C. The committee shall be composed of the following members:

14 * * *

15 (7) ~~An attorney~~ One representative appointed by the ~~Louisiana Public~~
16 ~~Defender Board~~ state public defender that is an expert in juvenile defense.

17 * * *

18 Section 5. R.S. 22:822(B)(1)(d) and (2)(introductory paragraph) and (d) are hereby
19 amended and reenacted to read as follows:

20 §822. Criminal bail bond annual license fee

21 * * *

22 B.(1) Except as otherwise provided in this Subsection, all premium fees
23 collected by the sheriff shall be remitted within sixty days after receipt as follows:

24 * * *

25 (d) Twenty-five percent to the ~~Indigent Defenders Program~~ office of the
26 district public defender.

1 (2) In the Twenty-Second Judicial District, the sheriff shall remit all
2 collected premium fees ~~collected by the sheriff shall be remitted~~ within sixty days
3 ~~after~~ of receipt as follows:

4 * * *

5 (d) Twenty-two percent to the ~~Indigent Defenders Program~~ office of the
6 district public defender.

7 * * *

8 Section 6. R.S. 36:4(B)(introductory paragraph) and (21) are hereby amended and
9 reenacted to read as follows:

10 §4. Structure of executive branch of state government

11 * * *

12 B. The office of the governor ~~shall be~~ is in the executive branch of state
13 government. The governor may allocate within his office the powers, duties, funds,
14 functions, appropriations, responsibilities, and personnel of the agencies within his
15 office and provide for the administration thereof and for the organization of his
16 office. The following agencies and their powers, duties, functions, and
17 responsibilities are ~~hereby~~ transferred to the office of the governor:

18 * * *

19 (21) The ~~Louisiana Public Defender Oversight Board~~ office of the state
20 public defender (R.S. 15:141 et seq.) ~~shall be~~ is placed within the office of the
21 governor as an independent agency and shall exercise its powers, duties, functions,
22 and responsibilities in accordance with the provisions of R.S. 36:801.1.

23 * * *

24 Section 7. R.S. 42:1121(I) is hereby amended and reenacted to read as follows:

25 §1121. Assistance to certain persons after termination of public service

26 * * *

27 I. The provisions of this Section ~~shall~~ do not prohibit a former chief indigent
28 defender ~~as provided in R.S. 15:161(H)~~, or a legal entity in which the former chief
29 indigent defender owns an interest, from donating office space, leasing office space

1 at a fair market value, or selling office space at fair market value following an
2 appraisal to the office of the district public defender ~~defender's office~~ if the
3 transaction is deemed necessary for the continuity of the provision of public defender
4 services within a judicial district at the same location and the transaction is approved
5 by the ~~Louisiana Public Defender Board~~ office of the state public defender or its
6 successor.

7 * * *

8 Section 8. R.S. 46:2168(B)(1) and 2605.4(C)(1)(h) are hereby amended and
9 reenacted to read as follows:

10 §2168. Human Trafficking Prevention Commission Advisory Board

11 * * *

12 B. The advisory board shall be composed of the following members
13 appointed by the governor:

14 (1) A public defender nominated by the ~~Louisiana Public Defender Board~~
15 state public defender or its his designee.

16 * * *

17 §2605.4. Council on the Children of Incarcerated Parents

18 * * *

19 C.(1) The CIP Council shall be composed of the following members:

20 * * *

21 (h) One representative ~~of the Louisiana Public Defender Board~~ appointed by
22 the state public defender or the representative's designee.

23 * * *

24 Section 9. Code of Criminal Procedure Articles 895.1(B)(introductory paragraph)
25 and (1) and 953 are hereby amended and reenacted to read as follows:

26 Art. 895.1. Probation; restitution; judgment for restitution; fees

27 * * *

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 1005 Original

2026 Regular Session

Muscarello

Abstract: Provides relative to the office of the state public defender and to offices of the district public defender in respective parishes.

Present law provides for the office of the state public defender.

Proposed law amends provisions in the Code of Criminal Procedure, Children's Code, and Titles 9, 11, 13, 15, 22, 36, 42, and 46 of the La. Revised Statutes of 1950 regarding probation, procedure, programs, commissions, children in need of care, limitation of liability, retirement, judicial funds, courts, rulemaking and responsibilities pertaining to the office of state public defender, indigent representation, disposition of fines and forfeitures, bail bonds, the executive branch of state government, and ethical standards for public servants to reflect the proposed law change in reference from the "La. Public Defender Board" to the "office of the state public defender" and from the "indigent defender program" to the "office of the district public defender".

Present law (R.S. 15:146) requires the state public defender to be appointed by the governor, subject to approval of a majority of the La. Public Defender Oversight Board and Senate confirmation, for a term of two years.

Proposed law amends present law to remove the condition that the appointment of the state public defender be subject to approval of a majority of the La. Public Defender Oversight Board.

Present law (R.S. 15:161(H)) provides for the continuation of public defender services in each judicial district.

Present law further provides for the setting of compensation for each district public defender and for the continuation of the salaries and benefits in place on Jan. 1, 2007, for each chief indigent defender as well as a prohibition regarding a decrease in salary.

Proposed law repeals present law.

Proposed law provides that a district public defender who contracts with the office of the state public defender for the delivery of legal services is an independent contractor and is not an employee of the office.

Present law (R.S. 15:165) provides for methods of delivery of public defender services.

Proposed law retains present law.

Present law (R.S. 15:165(B)(1)(b)) requires all appointments by a district public defender to deliver public defender services in each district to be on a successive, rotational basis by case-type certification.

Proposed law retains present law.

Present law further requires deviations from the board's list be permitted only to comply with present law (C.Cr.P. Art. 512) and in exceptional circumstances upon approval of the office upon recommendation of the district public defender.

Proposed law deletes present law.

Present law (R.S. 15:186.6) provides for the implementation of the Safe Return Representation Fund.

Proposed law retains present law.

Present law (R.S. 15:186.6(A)) provides that the La. Public Defender Board may implement the Safe Return Representation Program incrementally, but requires full statewide implementation no later than July 1, 2017.

Proposed law deletes present law and removes the obsolete date.

Present law (R.S. 15:571.11) provides for the dispositions of fines and forfeitures.

Proposed law retains present law.

Present law (R.S. 15:571.11(L)(3)(d)) requires the prosecuting attorney to pay 25% of the funds collected to the Indigent Defenders Program of the court where the judgment was rendered.

Proposed law retains present law but changes the reference from the Indigent Defenders Program to the office of the district public defender.

Present law requires that payment be made to the Indigent Defenders Program of the parish where the bond was posted if the political subdivision where the judgment was rendered does not have an Indigent Defenders Program.

Proposed law deletes present law.

(Amends R.S. 9:2800.16, R.S. 11:1902(intro. para.) and (12)(c) and 1903(A)(2), R.S. 13:996.43(C), 1381.5(B)(2)(d), 2081.3, and 5951(E)(1)(b), R.S. 15:146, 148(B)(intro. para.) and (1)(c), 161(Section heading) and (E)(intro. para.) and (12), 162(D), 165(B)(1)(b) and (2) and (E), 169(B), 174(C), 176(C)(1), 185.2(intro. para.), (5), and (8), 185.3(A)(2) and (B)(intro. para.), (11), (14)(b)(intro. para.) and (iii), and (19)(intro. para.) and (g), 185.4(A) and (B)(intro. para.), (2)(b), (8), and (10), 186.3(A)(2), (B)(intro. para.), (10), (13)(intro. para.) and (c), and (18)(intro. para.) and (c), 186.4(A), 186.6, 571.11(L)(intro. para.), (1)(a)(iv), (b)(iv), and (c)(iv), and (3)(d) and (M)(3), 1199.4(E)(8), 1202(A)(14), and 1442(C)(intro. para.) and (7), R.S. 22:822(B)(1)(d) and (2)(intro. para.) and (d), R.S. 36:4(B)(intro. para.) and (21), R.S. 42:1121(I), R.S. 46:2168(B)(1) and 2605.4(C)(1)(h), C.Cr.P. Arts. 895.1(B)(intro. para.) and (1) and 953, Ch.C. Arts. 574, 575(A) and (B), 581(A)(intro. para.) and (7), and 608(B); Adds R.S. 15:145 and 161(J); Repeals R.S. 15:161(H))