
DIGEST

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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))