

2026 Regular Session

SENATE BILL NO. 448

BY SENATOR LUNEAU

PUBLIC DEFENDER. Provides relative to the office of the state public defender. (8/1/26)

1 AN ACT

2 To amend and reenact R.S. 15:142(F), 168(E), and 175(B)(1), and to enact R.S. 15:142(G)
3 and 175(E), relative to the Louisiana Public Defender Act; to provide for legislative
4 findings; to provide for the judicial district indigent defender fund; to provide for
5 proceedings to determine indigency; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 15:142(F), 168(E), and 175(B)(1) are hereby amended and reenacted
8 and R.S. 15:142(G) and 175(E) are hereby enacted to read as follows:

9 §142. Legislative findings

10 * * *

11 F. It is the express intention of the legislature that all funds received
12 through any state appropriation, any judicial district indigent defender fund as
13 provided for in R.S. 15:168, and any funds received from local governments
14 shall not be used for any purposes other than to provide for the administration
15 of services and representation of public defender clients.

16 G. It is the express intention of the legislature that the office respect local
17 differences in practice and custom regarding the delivery of public defender services.

1 The provisions of this Part are to be construed to preserve the operation of district
2 public defender programs which provide effective assistance of counsel and meet
3 performance standards in whatever form of delivery that local district has adopted,
4 provided that method of delivery is consistent with standards and guidelines adopted
5 by the office pursuant to rules and as required by statute.

6 * * *

7 §168. Judicial district indigent defender fund

8 * * *

9 E. ~~(1) Notwithstanding any provision of law to the contrary, each judicial~~
10 ~~district is allowed to accumulate funds for the purposes of retaining expert witnesses.~~
11 ~~The district public defender, in his discretion, shall determine how payments shall~~
12 ~~be administered and which experts shall be paid.~~

13 ~~(2) Any person who has retained private counsel but is found to be indigent~~
14 ~~may apply for funds for expert witnesses in the same manner as public defender~~
15 ~~clients. Each person shall apply for the funds by making application to the district~~
16 ~~defender of the district having jurisdiction and shall be subject to the same~~
17 ~~requirements as indigent clients.~~

18 ~~(3) No court shall have jurisdiction to order the payment of any funds~~
19 ~~administered by the office or district public defender for expert witnesses, or for any~~
20 ~~other reason.~~

21 * * *

22 §175. Proceedings to determine indigency

23 * * *

24 B.(1) In ~~determining~~ **making a preliminary determination as to** whether
25 or not a person is indigent and entitled to the appointment of counsel, the court shall
26 consider whether the person is a needy person and the extent of his ability to pay.
27 The court may consider such factors as income or funds from employment or any
28 other source, including public assistance, to which the accused is entitled, property
29 owned by the accused or in which he has an economic interest, outstanding

1 obligations, the number and ages of dependents, employment and job training
 2 history, and level of education.

3 * * *

4 **E. Notwithstanding any provision of law to the contrary, no clerk of**
 5 **court shall charge or collect any fees, including convenience fees, for the filing**
 6 **of a writ application or an appeal when a determination has been made that the**
 7 **applicant or appellant is indigent.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

DIGEST

SB 448 Engrossed

2026 Regular Session

Luneau

Proposed law prohibits all funds received through any state appropriation, any judicial district indigent defender fund as provided for in present law, and any funds received from local governments being used for any purposes other than to provide for the administration of services and representation of public defender clients.

Present law requires that the office of the state public defender (office) respect local differences in practice and custom regarding the delivery of public defender services and that present law be construed to preserve the operation of district public defender programs which provide effective assistance of counsel and meet performance standards in whatever form of delivery that local district has adopted, provided that method of delivery is consistent with standards and guidelines adopted by the office pursuant to rules and as required by statute.

Proposed law retains present law.

Present law authorizes each judicial district to accumulate funds for the purposes of retaining expert witnesses. Present law requires the district public defender, in his discretion, to determine how payments are administered and which experts are to be paid.

Proposed law repeals present law.

Present law authorizes any person who has retained private counsel but is found to be indigent to apply for funds for expert witnesses in the same manner as public defender clients. Present law requires each person to apply for the funds by making application to the public defender of the district having jurisdiction and subject to the same requirements as indigent clients.

Proposed law repeals present law.

Present law prohibits any court from having jurisdiction to order the payment of any funds administered by the office or district public defender for expert witnesses, or for any other reason.

Proposed law prohibits any court from ordering the payment of any funds administered by the office or district public defender for expert witnesses, or for any other reason.

Present law requires the court, in determining whether or not a person is indigent and entitled to the appointment of counsel, to consider whether the person is a needy person and the extent of his ability to pay.

Proposed law retains present law as it relates to a preliminary determination.

Effective August 1, 2026.

(Amends R.S. 15:142(F), 168(E), and 175(B)(1); adds R.S. 15:142(G) and 175(E))