

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)]

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 from 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 the 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 to be 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 unless the person makes an application in accordance with present law (R.S. 15:175(A)).

Proposed law permits the fixing of a contradictory hearing, closed to the public and without the presence of the prosecuting authority, if the district public defender or state public defender declines the application for expert witness funding. Further requires that all recordings and transcripts of the contradictory hearing be sealed.

Proposed law requires the court to make specific findings and for an applicant to demonstrate, by a preponderance of the evidence, certain criteria to require the payment of an expert witness fee.

Proposed law provides that the findings and ruling of the court are subject to immediate interlocutory review by the appellate court of competent jurisdiction.

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 and provides relative 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))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the engrossed bill:

1. Clarify that the proposed law prohibition relative to payment of funds for expert witnesses applies unless the person makes an application in accordance with present law (R.S. 15:175(A)).
2. Authorize the fixing of a closed, ex parte contradictory hearing if the district public defender or state public defender declines the application for expert witness funding and require that all recordings and transcripts of the contradictory hearing be sealed.
3. Require the court to make specific findings and for an applicant to demonstrate, by a preponderance of the evidence, certain criteria relative to mandating the payment of an expert witness fee.
4. Provide that the findings and ruling of the court are subject to immediate interlocutory review by the appellate court of competent jurisdiction.
5. Make technical changes.