

ACT No. 862

2026 Regular Session

HOUSE BILL NO. 1005

BY REPRESENTATIVE MUSCARELLO

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), (7), 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), 186.2(6), 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), 1202(A)(14), and 1442(C)(introductory paragraph) and (7),
13 R.S. 22:822(B)(1)(d) and (2)(introductory paragraph) and (d), R.S.
14 36:4(B)(introductory paragraph) and (21), R.S. 42:1121(I), R.S. 46:2168(B)(1) and
15 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~~ 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), (7), and (8), 185.3(A)(2) and
29 (B)(introductory paragraph), (11), (14)(b)(introductory paragraph) and (iii), and
30 (19)(introductory paragraph) and (g), 185.4(A) and (B)(introductory paragraph), (2)(b), (8),

1 and (10), 186.2(6), 186.3(A)(2), (B)(introductory paragraph), (10), (13)(introductory
2 paragraph) and (c), and (18)(introductory paragraph) and (c), 186.4(A), 186.6,
3 571.11(L)(introductory paragraph), (1)(a)(iv), (b)(iv), and (c)(iv), and (3)(d) and (M)(3),
4 1202(A)(14), and 1442(C)(introductory paragraph) and (7) are hereby amended and
5 reenacted and R.S. 15:145 and 161(J) are hereby enacted to read as follows:

6 §145. Office of the state public defender

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

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

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

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

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

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

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

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

28 (a) The governor shall appoint four members and shall designate the
29 chairman.

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

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

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

9 (4) All appointments to the board shall be subject to confirmation by the
10 Senate.

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

13 (6) Members of the board shall serve terms concurrent with that of the
14 governor.

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

17 * * *

18 §148. Rulemaking; considerations in developing rules

19 * * *

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

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

25 * * *

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

30 * * *

1 §161. District public defender; powers; duties; accounting; audit reporting; ~~existing~~
 2 ~~district public defenders continued~~; establishment of office of the district
 3 public defender

4 * * *

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

6 * * *

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

14 * * *

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

18 §162. Vacancies in position of district public defender; formation of district public
 19 defender selection committee; powers and duties of committee; process for
 20 filling vacancy for district public defender; interim district public defender

21 * * *

22 D. Within thirty days of receiving the nominations for the position of district
 23 public defender from the selection committee, the office shall contract with a district
 24 public defender from the list of nominees submitted to the ~~board~~ state public
 25 defender.

26 * * *

27 §165. Methods of delivery of public defender services; selection of methods;
 28 emergency circumstances

29 * * *

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

4 (1)

5 * * *

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

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

16 * * *

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

22 (1) Provide administration, management, and supervision of services and
23 budgets ~~for those districts~~ in each judicial district within its purview, with due
24 consideration for local variances from judicial district to judicial district within the
25 region, ~~and establish, where,~~

26 (2) Establish, where necessary, satellite offices or part-time satellite offices
27 to maintain easy access to clients in each judicial district within ~~their~~ its purview.

28 * * *

29 §169. Representation of capital defendants

30 * * *

1 B. Staff counsel, or other counsel, who represented convicted capital
 2 defendants in state court proceedings may, ~~if authorized by the office,~~ accept
 3 appointments from a federal court to represent those defendants, ~~but only if~~
 4 authorized by the office and if compensation is provided by funds as directed by the
 5 appointing federal court. ~~Such funds shall remain~~ Funds obtained pursuant to this
 6 Subsection are subject to the use of the ~~board~~ office and may be used for paying the
 7 costs of such representation. No state-appropriated funds shall be expended for the
 8 representation of capital defendants in federal court.

9 * * *

10 §174. Special reporting requirements; penalties

11 * * *

12 C. For purposes of this Section, a "case" is defined as a charge or set of
 13 charges contained in a charging instrument or petition against a single accused
 14 arising out of one or more events, transactions, or occurrences, which are joined, or
 15 which may be joined pursuant to Code of Criminal Procedure Articles 490 through
 16 495.1. Cases that involve multiple persons accused are counted as a separate case
 17 for each person accused. Cases that involve multiple charges or counts are recorded
 18 with the highest charge, based on the severity of sentence for the crime charged, as
 19 the case type. Multiple charges against a single person for the issuing of worthless
 20 checks shall be counted as a single case. Each appeal, after conviction, shall be
 21 counted as a separate case. ~~In the event that~~ If a charging instrument contains a
 22 charge or set of charges arising out of multiple events, transactions, or occurrences,
 23 ~~indigent defender boards~~ each office of the district public defender shall track,
 24 record, and report the number of such instances per charging instrument.

25 * * *

26 §176. Partial reimbursement by indigents

27 * * *

28 C.(1) When an accused is initially determined to be indigent and appointed
 29 counsel but subsequently hires private counsel, the court shall conduct a
 30 contradictory hearing to determine the expenses ~~of representing the accused~~ incurred

1 by the office of the district public defender or the service region for representation
 2 of the accused, where applicable. ~~Upon determining the expenses incurred, the~~
 3 ~~accused shall, within the discretion of the court, be liable to reimburse the office of~~
 4 ~~the district public defender or service region, where applicable, those expenses, upon~~
 5 ~~a determination that the accused was in fact not initially indigent. The accused,~~
 6 within the discretion of the court and where applicable, is liable to reimburse the
 7 office of the district public defender or service region for the incurred expenses after
 8 a determination from the court that expenses were incurred and the accused was not
 9 initially indigent. A judgment for the amount owed may be recorded in the mortgage
 10 records in favor of the ~~board~~ office of the district public defender for the payment of
 11 money against the accused and may be enforced as provided by law.

12 * * *

13 §185.2. Definitions

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

15 * * *

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

19 * * *

20 (7) "Office" means the office of the state public defender ~~as created by R.S.~~
 21 ~~15:146.~~

22 (8) "Public defender" or "indigent defender" means an attorney employed by
 23 or under contract with the office of the district public defender or a nonprofit
 24 organization contracting with the ~~board~~ office or the district public defender to
 25 provide representation, including curatorship appointments, to indigent or absent
 26 parents in child abuse and neglect cases as required by ~~the provisions of the~~
 27 Children's Code.

28 * * *

1 §185.3. Indigent Parents' Representation Program; duties of the office; subject to
2 appropriation

3 A.

4 * * *

5 (2) Except for the inherent regulatory authority of the Louisiana Supreme
6 Court provided for in Article V, Section 5 of the Constitution of Louisiana regarding
7 the regulation of the practice of law, ~~the board and the office shall have~~ has all
8 regulatory authority, control, supervision, and jurisdiction, including auditing and
9 enforcement, and all power incidental or necessary ~~thereto~~ to administer a program
10 to provide for the delivery of indigent or absent parent representation throughout the
11 courts of ~~the~~ this state of Louisiana.

12 B. In the administration of the Indigent Parents' Representation Program, the
13 office shall do all of the following:

14 * * *

15 (11) Provide for the employing or contracting with and training of attorneys
16 and other professional and nonprofessional staff that may be necessary to carry out
17 the functions of the program. All attorneys representing indigent or absent parents
18 through this program shall be licensed to practice law in ~~Louisiana~~ this state and
19 qualified in accordance with standards and guidelines adopted by rule of the ~~board~~
20 office.

21 * * *

22 (14)

23 * * *

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

26 * * *

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

30 * * *

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

2 * * *

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

7 * * *

8 §185.4. Standards and guidelines for representation of indigent parents; rulemaking

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

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

12 * * *

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

15 * * *

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

20 * * *

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

27 * * *

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

4 * * *

5 §186.2. Definitions

6 For the purposes of this Part, the following words shall have the following
7 meanings:

8 * * *

9 (6) "Office" means the office of the state public defender ~~as created by R.S.~~
10 ~~15:146.~~

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 §1202. Composition of commission

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

27 * * *

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

30 * * *

1 §1442. Louisiana Juvenile Jurisdiction Planning Implementation Committee;
2 composition; authority; responsibilities

3 * * *

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

5 * * *

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

8 * * *

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

11 §822. Criminal bail bond annual license fee

12 * * *

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

15 * * *

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

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

21 * * *

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

24 * * *

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

27 §4. Structure of executive branch of state government

28 * * *

29 B. The office of the governor ~~shall be~~ is in the executive branch of state
30 government. The governor may allocate within his office the powers, duties, funds,

1 functions, appropriations, responsibilities, and personnel of the agencies within his
2 office and provide for the administration thereof and for the organization of his
3 office. The following agencies and their powers, duties, functions, and
4 responsibilities are hereby transferred to the office of the governor:

5 * * *

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

10 * * *

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

12 §1121. Assistance to certain persons after termination of public service

13 * * *

14 I. The provisions of this Section ~~shall do not~~ do not prohibit a former chief indigent
15 defender ~~as provided in R.S. 15:161(H)~~, or a legal entity in which the former chief
16 indigent defender owns an interest, from donating office space, leasing office space
17 at a fair market value, or selling office space at fair market value following an
18 appraisal to the office of the district public defender ~~defender's office~~ if the
19 transaction is deemed necessary for the continuity of the provision of public defender
20 services within a judicial district at the same location and the transaction is approved
21 by the ~~Louisiana Public Defender Board~~ office of the state public defender or its
22 successor.

23 * * *

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

26 §2168. Human Trafficking Prevention Commission Advisory Board

27 * * *

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

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

3 * * *

4 §2605.4. Council on the Children of Incarcerated Parents

5 * * *

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

7 * * *

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

10 * * *

11 Section 9. Code of Criminal Procedure Articles 895.1(B)(introductory paragraph)

12 and (1) and 953 are hereby amended and reenacted to read as follows:

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

14 * * *

15 B. When a court suspends the imposition or the execution of a sentence and
16 places the defendant on probation, it may ~~in its discretion, order placed,~~ as a
17 condition of probation, order the defendant to pay an amount of money ~~to be paid by~~
18 ~~the defendant to~~ toward any or all of the following:

19 (1) To the ~~indigent defender program~~ office of the district public defender
20 for that court.

21 * * *

22 Art. 953. Authority of ~~indigent~~ office of the district public defender ~~board~~ in
23 emergency sessions of court

24 The district public defender, ~~or regional director, where applicable,~~ of the
25 affected court conducting emergency sessions of court outside of its parish or
26 territorial jurisdiction pursuant to Article 944 ~~shall retain~~ retains the authority for the
27 appointment of attorneys residing in either the parish or territorial jurisdiction of the
28 affected court or in the host jurisdiction to represent indigent defendants in the host
29 jurisdiction that would otherwise have been exercised in the affected court.

1 Section 10. Children's Code Articles 574, 575(A) and (B), 581(A)(introductory
2 paragraph) and (7), and 608(B) are hereby amended and reenacted to read as follows:

3 Art. 574. Indigent Parents' Representation Program; establishment

4 An Indigent Parents' Representation Program is ~~hereby~~ established by this
5 Section within the ~~Louisiana Public Defender Board~~, office of the state public
6 defender or its successor in accordance with the provisions of R.S. 15:185.1 through
7 ~~185.9~~ 185.8.

8 Art. 575. Duties of the program; qualifications of counsel

9 A. The program shall provide qualified legal counsel, ~~which shall include~~
10 including curator ad hoc appointments, to indigent or absent parents in child abuse
11 and neglect cases in accordance with ~~the provisions of~~ Articles 608 and 1016 and
12 R.S. 15:141 through 183 and 185.1 through ~~185.9~~ 185.8.

13 B. Legal representation, ~~which shall include~~ including curator ad hoc
14 appointments, of indigent or absent parents in child abuse and neglect cases shall
15 comply with standards promulgated by the ~~Louisiana Public Defender Board~~, office
16 of the state public defender or any successor to that board in accordance with R.S.
17 15:141 through 183 and 185.1 through ~~185.9~~ 185.8 to ensure competent and fair
18 representation.

19 * * *

20 Art. 581. Child Protection Representation Commission; establishment; purpose and
21 functions

22 A. The Child Protection Representation Commission, referred to ~~hereinafter~~
23 in this Section as the "commission", is ~~hereby~~ established for the purpose of
24 reviewing the system of representation of children and indigent parents in child
25 protection cases as provided in Chapters 5 and 6 of this Title. The commission shall
26 be composed of the following members:

27 * * *

28 (7) The state public defender or his designee ~~of the Louisiana Public~~
29 ~~Defender Board~~.

30 * * *

1 Art. 608. Parents' right to counsel; payment

2 * * *

3 B. If a parent of a child is financially unable to afford counsel or is presumed
4 indigent in accordance with Paragraph A of this Article, the office of the district
5 public defender ~~office~~ shall provide for representation, unless the ~~Louisiana Public~~
6 ~~Defender Board~~ office of the state public defender has contracted to provide for
7 representation in accordance with R.S. 15:185.3(B)(12) or any other provision of
8 law.

9 * * *

10 Section 11. R.S. 15:161(H) is hereby repealed in its entirety.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____