

Regular Session, 2003

HOUSE BILL NO. 1732

BY REPRESENTATIVE DEVILLIER AND SENATOR DARDENNE

INDIGENT DEFENSE: Requires a one-time fee of forty dollars from any criminal defendant seeking representation by an indigent defender board

1 AN ACT

2 To enact R.S. 15:147(A)(1)(d), (e), (f), and (g), relative to right to counsel in  
3 criminal cases; to provide with respect to the defense of indigents; to  
4 provide for the collection of a one-time forty dollar fee from criminal  
5 defendants seeking representation by the indigent defender board; to  
6 provide for collection and distribution of fees; and to provide for  
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 15:147(A)(1)(d), (e), (f), and (g) are hereby enacted to  
10 read as follows:

11 §147. Proceedings to determine indigency

12 A.(1)

13 \* \* \*

14 (d) An accused person, or if applicable a parent or legal  
15 guardian of an accused minor or an accused adult person who is  
16 claimed as a dependent on the federal income tax submission of his

1        parent or legal guardian, who makes application to the judicial district  
2        indigent defender board, certifying that he is financially unable to  
3        employ counsel and requesting representation by indigent defense  
4        counsel or conflict counsel, shall pay a nonrefundable application fee  
5        of forty dollars to the clerk of court, which fee shall be in addition to all  
6        other fees or costs lawfully imposed. If the clerk or other appropriate  
7        official determines that the person does not have the financial resources  
8        to pay the application fee based upon the financial information  
9        submitted, the fee may be waived or reduced. An accused who is found  
10       to be indigent may not be refused counsel for failure to pay the  
11       application fee.

12            (e)(i) The clerk of court shall collect the application fee  
13        imposed by this Section. The clerk of court shall remit the proceeds to  
14        the judicial district indigent defender fund in the judicial district in  
15        which the application was made monthly by the tenth day of the  
16        succeeding month. The clerk may retain two percent of the funds  
17        collected in order to defray the costs associated with collecting the  
18        application fee.

19            (ii) The Indigent Defense Assistance Board shall develop and  
20        promulgate rules pursuant to the Administrative Procedure Act to  
21        provide uniform guidelines to be used by the clerks of court of each  
22        parish in making a determination as to the indigency of a defendant.

23            (f) The funds collected pursuant to this Section and all interest  
24        or other income earned from the investment of such funds shall be used  
25        and administered by each judicial district indigent defender board.



Proposed law authorizes the waiver or reduction of the fee if the person lacks the financial resources to pay at the time of application. An accused may not be refused counsel for failure to pay the application fee.

Proposed law gives the local judicial district indigent defender boards authority to use and administer all interest and other income earned from the investment of such funds.

Proposed law requires the district boards or other appropriate official to maintain a record of all persons applying for representation and the disposition of each application, such information to be provided to the Indigent Defense Assistance Board on a monthly basis, as well as reporting the amount of funds collected or waived.

(Adds R.S. 15:147(A)(1)(d), (e), (f) and (g))