AN ACT

To amend and reenact R.S. 15:146 and to enact R.S. 15:162(I), 166, and 167(E), relative to indigent defender services; to amend provisions of the Louisiana Public Defender Act; to provide for membership of the Louisiana Public Defender Board; to reduce the number of members on the board; to provide with respect to the powers and duties of the board; to provide relative to member qualifications; to provide with respect to the dispersal of funds; to provide with respect to the delivery of indigent defender services; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:146 is hereby amended and reenacted and R.S. 15:162(I), 166, and 167(E) are hereby enacted to read as follows:

§146. Louisiana Public Defender Board

A.(1) There is hereby created and established as a state agency within the office of the governor the Louisiana Public Defender Board to provide for the supervision, administration, and delivery of a statewide public defender system, which must shall deliver uniform public defender services in all courts in this state. The board shall be a body corporate with the power to sue and be sued.

(2) The board and its agents and employees shall be subject to the Code of Governmental Ethics, the law relative to public records and open meetings, the law relative to public bid and procurement, and all other provisions of law applicable to state agencies.

(3) Members of the Indigent Defense Assistance Board serving on August 15, 2007, shall continue to serve as members of the Louisiana Public Defender Board.
without limitation of their term. The two members of the Louisiana Public Defender
Board appointed by the president of the Louisiana State Bar Association, the member
appointed by the chairman of the Louisiana State Law Institute's Children's Code
Committee, the member appointed by the President of the Louisiana Chapter of the
Louis A. Martinet Society, the member appointed by the Louisiana Interchurch
Conference, the two members appointed by the governor and the four members
appointed by the governor and nominated by the four law schools, as formerly
provided in this Section, shall terminate their service on August 1, 2016.

(4) To the extent practicable, the board shall be comprised of members who
reflect the racial and gender makeup of the general population of the state, and who
are geographically representative of all portions of the state.

(5) When a vacancy occurs, whether by expiration of a term, resignation, or
other event, the board staff shall submit to the appointing entity a list identifying the
residency of the current board members by congressional district, and request that,
to the extent possible, the entity make the appointment from the residents of under-
represented districts.

B.(1) The board shall consist of fifteen eleven members.

(2) Persons appointed to the board shall have significant experience in the
defense of criminal proceedings or shall have demonstrated a strong commitment to
quality representation in indigent defense matters. No person shall be appointed to
the board that who has received compensation to be an elected judge, elected official,
judicial officer, prosecutor, law enforcement official, indigent defense provider, or
employees of all such persons, within a two-year period prior to appointment. No
active part-time, full-time, contract or court-appointed indigent defense provider, or
active employees of such persons, may be appointed to serve on the board as a voting
member. No person having an official responsibility to the board, administratively
or financially, or their employee shall be appointed to the board until two years have
expired from the time the person held such position and the date of appointment to
the board during their term of office. The majority of board members shall be
current members of the Louisiana State Bar Association. Representatives of the
client community shall not be prohibited from serving as voting members of the board. With the exception of mandatory affiliation of the Louisiana State Bar Association, no state or local association of lawyers shall have more than one active board member or officer as a voting member of the Louisiana Public Defender Board.

(3) The members shall be selected as follows:

(a) The governor shall appoint five members, one from each appellate court district, and shall designate the chairman.

(b) The five members shall be appointed from a list of three nominees submitted to the governor by a majority of the district public defenders providing public defender services in each appellate district.

(b)(c) The chief justice of the Supreme Court of Louisiana shall appoint four members, one member shall be a juvenile justice advocate; the other one member shall be a retired judge with criminal law experience; and two members shall be at large.

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

(d) The governor shall appoint one member representing the Louisiana State University Paul M. Hebert Law Center who is an active employee, retired employee or has an academic association with the Paul M. Hebert Law Center.

(e) The governor shall appoint one member representing the Loyola University School of Law who is an active employee, retired employee or has an academic association with the Loyola University School of Law.

(f) The governor shall appoint one member representing the Southern University Law Center who is an active employee, retired employee or has an academic association with the Southern University Law Center.

(g) The governor shall appoint one member representing the Tulane University School of Law who is an active employee, retired employee or has an academic association with the Tulane University School of Law.
(h) The president of the Louisiana State Bar Association shall appoint two members.

(i) The president of the Louisiana Chapter of the Louis A. Martinet Society shall appoint one member.

(j) The chairman of the Louisiana State Law Institute's Children Code Committee shall appoint one member.

(k) The executive director of the Louisiana Interchurch Conference shall appoint one member.

(l) All appointments to the board shall be subject to confirmation by the Senate.

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

(5) Members of the board shall serve staggered terms of four years, after initial terms as follows:

(a) Two members shall be immediately appointed to a four-year term by the chief justice of the Louisiana Supreme Court.

(b) One member shall be immediately appointed to a two-year term by the governor representing the Louisiana State University Paul M. Hebert Law Center.

(c) One member shall be immediately appointed to a three-year term by the governor representing the Loyola University School of Law.

(d) One member shall be immediately appointed to a three-year term by the governor representing the Southern University Law Center.

(e) One member shall be immediately appointed to a four-year term by the governor representing the Tulane University School of Law.

(f) Upon the first expiration of the term or resignation by a current appointee of the governor, one member shall be appointed to a four-year term by the executive director of the Louisiana Interchurch Conference.

(g) Upon the first expiration of the term or resignation by a current appointee of the president of the Senate, one member shall be appointed to a two-year term by the president of the Louisiana State Bar Association.
(h) Upon the second expiration of the term or resignation by a current appointee of the president of the Senate, one member shall be appointed to a four-year term by the president of the Louisiana State Bar Association.

(i) Upon the third expiration of the term or resignation by a current appointee of the president of the Senate, one member shall be appointed to a three-year term by the president of the Senate.

(j) Upon the first expiration of the term or resignation by a current appointee of the speaker of the House of Representatives, one member shall be appointed to a two-year term by the president of the Louisiana Chapter of the Louis A. Martinet Society.

(k) Upon the second expiration of the term or resignation by a current appointee of the speaker of the House of Representatives, one member shall be appointed to a four-year term by the chairman of the Louisiana State Law Institute's Children Code Committee.

(l) Upon the third expiration of the term or resignation by a current appointee of the speaker of the House of Representatives, one member shall be appointed to a three-year term by the speaker of the House of Representatives.

(m) In addition there shall be two ex officio, nonvoting members of the board who shall not be counted or be permitted to be counted for purposes of the number of members necessary to take board action or the number of members necessary to establish a quorum. In all other respects they have all the duties, authority, requirements, and benefits, except per diem, of any other board member. Each of the following organizations shall appoint one such member:

(a) The Louisiana Association of Criminal Defense Lawyers;

(b) The Louisiana Public Defender's Association;

C. Nothing in this Section shall limit the length of the term for any board members serving on the Indigent Defense Assistance Board on August 15, 2007, except that they may be removed for just cause, or as provided in Subsection D of this Section. However, members who have not previously been confirmed by the Senate, shall be subject to Senate confirmation.
(1) A member may be removed for excessive absences from meetings. For the purposes of this Subsection, "excessive absences" means failure to attend three consecutive meetings or more than fifty percent of the meetings of the board conducted during a year missing four duly noticed meetings within a period of eighteen months or three duly noticed meetings within a period of ten months.

(2) Upon review of board member attendance, if a board member has been excessively absent from board meetings, the chairman shall inform the board of the absences and shall send written notice on behalf of the board to the member requesting that the member resign his position on the board. If the member refuses to resign, the board shall remove the member for excessive absences in accordance with the provisions of this Subsection.

(3) If a member is removed as provided by this Subsection, the board shall send written notice to the member informing him of his removal and notify the appropriate appointing authority of the vacancy on the board.

E-D. The board shall notify the appropriate appointing authority of any board vacancy which occurs for any reason.

*          *          *

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

*          *          *

I(1) Board staff shall not require of the district public defenders or their staff any response with a due date less than six working days from the first full day since the request is received, other than during a natural emergency. The time period provided for in this Paragraph shall not include responses requested by the governor, the House Committee on Administration of Criminal Justice, or the Senate Committee on Judiciary C.
(2) The board shall make every effort to end the use of paper reports and shall make every effort to rely on searchable digital data in order to reduce costs of operation.

* * *

§166. Disbursement of funds

A. The board shall not disburse funds to a non-governmental entity unless it establishes a benefit to the function of the board pursuant to law, and unless services are actually delivered. Under no circumstances shall the board disburse state funds for the purpose of savings, reserves, or other purposes related primarily to the economic health of the non-governmental entity or its owners and employees.

B. Any service which the board seeks, other than the Louisiana Appellate Project or the Capital Appeals Project, which are statewide programs, shall be subject to an application process by which the board provides objective deliverables and allows the district defenders to make application upon the same terms as a non-governmental entity to provide services in that district or a regional area for services as provided by law.

C. No provision of Louisiana law authorizing the return or rollback of funds from governmental programs to the division of administration shall apply to the board account during an emergency shortfall in funding as certified by the board with the approval of the chief justice of the Louisiana Supreme Court.

§167. Louisiana Public Defender Fund

* * *

E. The board shall dedicate and disburse at least sixty-five percent of the entirety of its annual budget and its funds in the Louisiana Public Defender Fund as defined in Subsection A of this Section each fiscal year to the district defender offices and their indigent defender funds as defined in R.S. 15:168(A) in the various judicial districts throughout the state. Any funds disbursed to any district defender office shall be paid in addition to the minimum mandatory sixty-five percent of dedicated and disbursed funds required in this Subsection. The provisions of this

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
Subsection shall not apply to statutorily dedicated funds or funds received through the awarding of grants.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ________________

CODING: Words in struck through type are deletions from existing law; words underscored are additions.