

2025 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 18

BY REPRESENTATIVE BAYHAM

INDIGENT DEFENSE: Creates a task force to study funding mechanisms for the office of the state public defender

## 1 A CONCURRENT RESOLUTION

2 To create a task force to study and evaluate stable and sufficient funding mechanisms for the  
3 office of the state public defender.

4       WHEREAS, the Sixth Amendment of the United States Constitution guarantees an  
5       accused person the right to have the assistance of counsel for his defense; and

6           WHEREAS, in 1963, the United States Supreme Court ruled in *Gideon v.*  
7   *Wainwright* that the Sixth Amendment right to counsel is a fundamental right applied to the  
8   states through the Fourteenth Amendment and requires that indigent criminal defendants be  
9   provided counsel at trial; and

10           WHEREAS, Article I, Section 13 of the Constitution of Louisiana provides that at  
11       "each stage of the proceedings, every person is entitled to assistance of counsel of his choice,  
12       or appointed by the court if he is indigent and charged with an offense punishable by  
13       imprisonment"; and

14 WHEREAS, in 2007, the Louisiana Legislature enacted the Public Defender Act  
15 (R.S. 15:141 et seq.) to create a uniform system for securing and compensating qualified  
16 counsel for indigents; and

17 WHEREAS, R.S. 15:167 provides for the Louisiana Public Defender Fund and  
18 further provides for how monies in the fund are to be appropriated and administered; and

19 WHEREAS, a sustainable source of funding for the office of the state public  
20 defender ensures that sufficient resources are provided and continuous legal services are  
21 rendered to persons who are indigent.

1           THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby  
2       create a task force to study and evaluate stable and sufficient funding mechanisms for the  
3       office of the state public defender.

4           BE IT FURTHER RESOLVED that the task force shall be composed of the  
5       following members:

- 6           (1) The chairwoman of the House Committee on Criminal Justice, or her designee.
- 7           (2) The chairman of the House Committee on Appropriations, or his designee.
- 8           (3) An elected member of the House of Representatives, appointed by the speaker.
- 9           (4) The chairman of the Senate Committee on Judiciary B, or his designee.
- 10          (5) The chairman of the Senate Committee on Judiciary C, or his designee.
- 11          (6) The chairman of the Senate Committee on Finance, or his designee.
- 12          (7) An elected member of the Senate, appointed by the president.
- 13          (8) The state public defender, or his designee.
- 14          (9) A justice of the Louisiana Supreme Court.
- 15          (10) The executive director of the Louisiana District Attorneys Association, or his  
16       designee.
- 17          (11) A member appointed by the governor.

18           BE IT FURTHER RESOLVED that the initial meeting of the task force shall take  
19       place no later than August 11, 2025.

20           BE IT FURTHER RESOLVED that the office of the state public defender shall  
21       provide staff support to the task force.

22           BE IT FURTHER RESOLVED that the task force shall issue a report of its findings  
23       and recommendations no later than December 31, 2025.

24           BE IT FURTHER RESOLVED that the task force shall submit one print copy and  
25       one electronic copy of any report produced pursuant to this Resolution to the David R.  
26       Poynter Legislative Research Library as required by R.S. 24:772.

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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)]

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