

## RÉSUMÉ DIGEST

ACT 769 (SB 448)

2026 Regular Session

Luneau

New law expresses intention of the legislature that all funds received through any state appropriation, any judicial district indigent defender fund 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.

New law repeals provisions that would authorize each judicial district to accumulate funds for the purposes of retaining expert witnesses and authorized the district public defender to determine how payments are administered and which experts are to be paid.

New law repeals provisions that would authorize 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. Repeals provisions that would require 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.

Existing 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.

New law retains provisions in existing law but only if the person makes application in accordance with existing law.

New 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.

New 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.

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

Existing 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.

New law retains existing law and provides for 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))