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2015 Regular Session

HOUSE BILL NO. 605

BY REPRESENTATIVE SEABAUGH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

INDIGENT DEFENSE: Provides relative to indigent defender services in capital cases

1 AN ACT

To amend and reenact R.S. 15:142(B)(introductory paragraph), (C), and (D), 146(A)(1), 147(A) and (C)(1), 148(B)(1)(introductory paragraph), (2)(introductory paragraph), (3), (4), (5), (7), (8), (9), (10), (11), (12), (13), and (15), 152(B)(1), (2), (5), (8), (13), and (15), 153(B)(1), (2), (3), (4), and (6), 155(B)(4) and (8), 157(B)(1) and (2) and (C), 159(D), 160(B)(1), (2), (5), and (7), 161(A) and (E)(1), (6), (7), (8), (9), and (13), 164(B), (C), and (F)(1), and 165(A), (B)(introductory paragraph) and (3), and (E), and to enact Part I-A of Code Title XIV of Chapter 1 of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:184, 184.1, 184.2, 184.3, 184.4, 184.5, and 184.6, and to repeal R.S. 15:169, 178, and 182, relative to indigent defender representation; to provide relative to the powers, duties, and responsibilities of the Louisiana Public Defender Board; to provide relative to the provision of public defender services in capital cases; to provide relative to the establishment of a statewide system providing indigent defender services in capital cases; to establish the Committee for the Provision of Indigent Defense Services in Capital Cases; to provide for definitions; to provide for the membership, powers, duties, responsibilities, obligations, and compensation of the committee; to require the committee to develop a recommended master plan for the establishment of a statewide system for providing capital public defender services; to provide for the submission of the master plan to the Louisiana Legislature; to provide relative to the

Page 1 of 19

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

1	removal of the responsibility of providing indigent defender services in capital cases
2	from the Louisiana Public Defender Board; to provide relative to the transfer of all
3	powers, duties, functions, and responsibilities of the Louisiana Public Defender
4	Board with regard to capital cases; to provide for effective dates; and to provide for
5	related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 15:184, 184.2, 184.3, 184.4, 184.5, and 184.6 are hereby enacted to
8	read as follows:
9	PART I-A. INDIGENT REPRESENTATION IN CAPITAL CASES
10	§184. Short title
11	This Part may be referred to and cited as the "Louisiana Capital Defense
12	Services Act".
13	* * *
14	§184.2. Definitions
15	As used in this Part, the following words have the following meanings:
16	(1) "Capital case" means a case in which the defendant has been indicted for
17	first degree murder and the prosecuting attorney has filed a notice of intent to seek
18	the death penalty or has otherwise notified the court before which the case is pending
19	that the state will seek the death penalty against the defendant.
20	(2) "Capital public defender" or "capital indigent defender" means an
21	attorney appointed pursuant to the provisions of this Part to provide legal counsel to
22	an indigent defendant in a capital case.
23	(3) "Capital public defender services" or "capital indigent defender services"
24	means the provision of legal services to indigent persons in capital cases in which
25	the right to counsel attaches under the United States and Louisiana constitutions.
26	(4) "Committee" means the Committee for the Provision of Indigent Defense
27	Services in Capital Cases established by the provisions of this Part.

1	(5) "Indigent defendant" or "indigent person" means a person that has been
2	determined under the provisions of R.S. 15:175 to be indigent and financially unable
3	to retain private counsel.
4	(6) "Revenue" or "self-generated revenue" means all revenue received as a
5	result of grants or donations or other forms of assistance.
6	§184.3. Committee for the Provision of Indigent Defender Services in Capital
7	Cases; membership; meetings; per diem
8	A. There is hereby created and established within the Criminal Code
9	Committee of the Louisiana State Law Institute, the Committee for the Provision of
10	Indigent Defender Services in Capital Cases. The committee shall study, develop,
11	and issue a report to the Louisiana Legislature with recommendations for a master
12	plan to establish a statewide system of providing indigent defender services in capital
13	cases in all courts in this state.
14	B.(1) The committee shall be comprised of the following members, each of
15	whom shall possess the qualifications required of a juror in a capital case provided
16	by Code of Criminal Procedure Article 797(4):
17	(a) Three retired or active judges with experience presiding over capital
18	cases appointed by the Louisiana District Judges Association.
19	(b) One criminal defense attorney with experience representing defendants
20	in capital cases appointed by the Louisiana Association of Criminal Defense
21	<u>Lawyers.</u>
22	(c) One retired prosecutor, appointed by the Louisiana District Attorneys
23	Association, who is a member of the District Attorneys' Retirement System and who
24	has experience prosecuting capital cases.
25	(2) If at any time it appears that a member of the committee lacks any
26	qualification required by this Section, the member may be removed from the
27	committee by a unanimous vote of the other members of the committee. Upon
28	removal of a member, the committee shall notify the entity that appointed the
29	member that the member was removed. The entity that appointed the removed

1	member shall, within thirty days after receiving notice of the removal, appoint
2	another person who meets the qualifications set forth in this Section to replace the
3	committee member who was removed.
4	C.(1) At the first meeting of the committee, the committee shall elect a
5	chairman and vice chairman and may elect other necessary officers from among its
6	membership as needed.
7	(2) The first meeting shall take place no later than August 1, 2015, and
8	thereafter, the committee shall meet at such additional times as it deems necessary
9	and appropriate. Meetings may be held at any place chosen by a majority of the
10	committee members, and members may attend meetings through means of audio or
11	audio-visual transmission.
12	(3) A meeting may be called by the chairman on his own initiative and shall
13	be called by the chairman upon written request of a majority of the committee
14	membership.
15	(4) Three members of the committee shall constitute a quorum for
16	transacting business. A vote of a majority of the membership of the committee shall
17	be required to take action.
18	D. Members of the committee shall receive a per diem at the same rate as
19	members of the legislature for each day that the committee meets. They shall also
20	receive reimbursement for travel and other expenses at the rate established for state
21	employees.
22	§184.4. Powers, duties, and responsibilities of the committee; presentation of master
23	<u>plan</u>
24	A. The committee shall study and develop a master plan for the
25	establishment of a statewide system for providing indigent defender services in
26	capital cases in all courts in this state. The master plan shall be provided to the
27	Louisiana Legislature and shall generally include a recommendation for the
28	establishment, implementation, administration, and oversight of the statewide system
29	for providing indigent defender services in capital cases in all courts of this state.

1	B. In addition to the requirements set forth in Subsection A of this Section,
2	the master plan shall include recommendations for all of the following:
3	(1) Mandatory statewide public defender standards and guidelines for capital
4	cases that require capital public defender services to be provided in a manner that is
5	uniform, fair, and consistent throughout the state.
6	(2) Mandatory qualifications for capital public defenders including the
7	specific training programs that must be completed and a specified minimum number
8	of years spent in the practice of law in good standing with the Louisiana State Bar
9	Association.
10	(3) Procedures for maintaining constitutionally appropriate workloads that
11	permit the rendering of competent representation.
12	(4) Performance supervision and evaluation protocols and methods for
13	monitoring and evaluating compliance with the mandatory standards and guidelines
14	for capital cases.
15	(5) Appropriate sanctions for the failure to adhere to the mandatory standards
16	and guidelines for capital cases.
17	(6) Polices and procedures for ensuring that cases are handled pursuant to
18	the Rules of Professional Conduct.
19	(7) Methods for ensuring that data, including workload data, is collected and
20	maintained in a uniform and timely manner throughout the state.
21	(8) Salary ranges for compensation of attorneys delivering capital public
22	defender services throughout the state which are based on objective factors,
23	including years of service, nature of the work and workload, variations of public
24	defense practices and procedures in rural, urban, and suburban districts, prosecutorial
25	and judicial processing practices, trial rates, sentencing practices, and experience.
26	(9) Minimum salary and compensation standards for attorneys, investigators,
27	paraprofessionals, and any and all other staff, employees, or contractors necessary
28	for the adequate provision of capital indigent defender services, which are
29	comparable to similar positions throughout the state.

1	(10) The method by which an attorney is appointed to represent and provide
2	legal counsel to the defendant in a capital case.
3	C. The committee may:
4	(1) Employ secretarial, clerical, and other such personnel as may be
5	necessary in the operation of the business of the committee and fix their
6	compensation.
7	(2) Enter into a contract or contracts providing for office space, telephone,
8	internet, office machines, or other necessary components for the completion of any
9	work required of the committee.
10	§184.5. Presentation of master plan; transfer of capital defense services
11	All powers, duties, functions, and responsibilities of the Louisiana Public
12	Defender Board relative to capital cases shall be transferred and shall be performed
13	pursuant to the provisions of this Act when both of the following occur: (1) The
14	Louisiana Legislature enacts legislation that establishes and implements the
15	statewide system for providing indigent defender services in capital cases as set forth
16	in the master plan pursuant to the provisions of this Act.
17	(2) The Louisiana Legislature appropriates money for the purpose of
18	administering the statewide system of providing capital public defender services to
19	all judicial districts in the state pursuant to the provisions of the Act that originated
20	as House Bill No. 605 of the 2015 Regular Session of the Louisiana Legislature.
21	§184.6. Right of action not created
22	A. It is not the intent of the legislature to create any new right, right of
23	action, or cause of action or to eliminate any right, right of action, or cause of action
24	existing under any provision of law. Nothing in the provisions of this Part shall
25	create, expressly or by implication, any right, claim, or cause of action in favor of
26	anyone in connection with the delivery of capital indigent defender services.
27	B. In addition to the provisions of Subsection A of this Section, nothing in
28	this Part, nor any standards, guidelines, or rules adopted pursuant to this Part, shall
29	be construed to provide any criminal defendant the basis of any claim that the

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1	attorney or attorneys appointed to represent him pursuant to this statute performed
2	in an ineffective manner. It shall be presumptive evidence that any attorney
3	performing capital public defender services pursuant to the auspices of this Part is
4	currently certified to have met the standards and guidelines set forth pursuant to the
5	provisions of this Part relative to providing criminal defense services in an effective
6	manner. Nothing in this Part shall be construed to overrule, expand, or extend,
7	whether directly or by analogy, the decision reached by the Supreme Court of the
8	United States in Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d
9	674 (1984) nor its progeny as adopted by the Louisiana Supreme Court.
10	Section 2. R.S. 15:142(B)(introductory paragraph), (C), and (D), 146(A)(1), 147(A)
11	and (C)(1), 148(B)(1)(introductory paragraph), (2)(introductory paragraph), (3), (4), (5), (7),
12	(8), (9), (10), (11), (12), (13), and (15), 152(B)(1), (2), (5), (8), (13), and (15), 153(B)(1), (2),
13	(3), (4), and (6), 155(B)(4) and (8), 157(B)(1) and (2) and (C), 159(D), 160(B)(1), (2), (5),
14	and (7), 161(A) and (E)(1), (6), (7), (8), (9), and (13), 164(B), (C), and (F)(1), and 165(A),
15	(B)(introductory paragraph) and (3), and (E) are hereby amended and reenacted and R.S.
16	15:184.1 is hereby enacted to read as follows:
17	§142. Legislative findings
18	* * *
19	B. In recognition of its mandates under both the United States and Louisiana
20	constitutions, the legislature enacts the Louisiana Public Defender Act of 2007 to
21	provide for all of the following in noncapital cases:
22	* * *
23	C. The legislature recognizes that the uniform application of statewide
24	standards and guidelines to be established by the Louisiana Public Defender Board
25	in noncapital cases is an important means of achieving a more consistent delivery of
26	quality representation throughout the state. To that end, it is the express intention
27	of the legislature that the Louisiana Public Defender Act of 2007 is designed, to the

extent practicable and feasible, to provide for the delivery of public defender services

which meet the requirements established by Strickland v. Washington, 466 U.S. 668,

1	104 S.Ct. 2052, 80 L.Ed.2d 674 (1984) and its progeny as adopted by the Louisiana
2	Supreme Court.
3	D. The legislature recognizes that the Louisiana Supreme Court in <i>State v</i> .
4	Citizen, 2004-KA-1841 (La. 2005), 898 So. 2nd So.2d 325 (La. 2005) authorized
5	trial judges to halt prosecutions in capital cases, upon motion of defense counsel,
6	until adequate funding is provided to ensure an adequate defense, and it is the
7	express intention of the legislature to ensure adequate resources, consistent with the
8	Citizen opinion, which allow prosecutions in such cases to continue to conclusion
9	resulting in verdicts that are fair, correct, swift, and final.
10	* * *
11	§146. Louisiana Public Defender Board
12	A.(1) There is hereby created and established as a state agency within the
13	office of the governor the Louisiana Public Defender Board to provide for the
14	supervision, administration, and delivery of a statewide public defender system for
15	noncapital cases, which must deliver uniform public defender services in noncapital
16	cases in all courts in this state. The board shall be a body corporate with the power
17	to sue and be sued.
18	* * *
19	§147. Powers, duties, responsibilities
20	A. Except for the inherent regulatory authority of the Louisiana Supreme
21	Court provided for in Article V, Section 5 of the Constitution of Louisiana regarding
22	the regulation of the practice of law, the Louisiana Public Defender Board shall have
23	all regulatory authority, control, supervision, and jurisdiction, including auditing and
24	enforcement, and all power incidental or necessary to such regulatory authority,

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C. The board may:

control, supervision, and jurisdiction over all aspects of the delivery of <u>noncapital</u>

public defender services throughout the courts of the state of Louisiana.

(1) Enter into a contract or contracts, on such terms and conditions as it
deems advisable, with one or more attorneys licensed to practice law in this state, a
consortia of lawyers, or an independent public defender organization qualified with
the United States Internal Revenue Service for an exemption from federal income tax
under Section 501(c) of the Internal Revenue Code to provide counsel for <u>noncapital</u>
indigent defendants. The provisions of this Paragraph are subject to the intent of the
Louisiana Public Defender Act that district public defender programs shall continue
operating within the method of delivery of services in effect prior to April 30, 2007,
and the board is prohibited from using its power to contract to change the structure
of a local program, delivery method, or to terminate personnel without cause in
violation of R.S. 15:165(C).
* * *
§148. Rulemaking; considerations in developing rules

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

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

* * *

(2) Creating mandatory qualification standards for public defenders <u>in</u> noncapital cases that ensure that the <u>noncapital</u> public defender services are provided by competent counsel. Those standards shall ensure that public defenders are qualified to handle specific case types which shall take into consideration the level of education and experience that is necessary to competently handle certain cases and case types such as juvenile delinquency, capital, appellate, and other case types in order to provide effective assistance of counsel. Qualification standards shall include all of the following:

* * *

1	(3) Establishing methods of monitoring and evaluating compliance with the
2	mandatory public defender standards and guidelines for noncapital cases and the
3	performance of counsel in noncapital cases in order to ensure competent
4	representation of defendants in all courts of the state.
5	(4) Establishing procedures to handle complaints about public defender
6	performance in noncapital cases and to ensure that public defenders, office
7	personnel, and clients are aware of avenues available for bringing a complaint and
8	that office procedures do not conflict with the supervisory jurisdiction of the
9	Louisiana Supreme Court and pursuant to the court's inherent authority provided for
10	in Article V, Section 5 of the Constitution of Louisiana.
11	(5) Establishing appropriate sanctions for failure to adhere to the mandatory
12	standards and guidelines for the delivery of public defender services in noncapital
13	<u>cases</u> .
14	* * *
15	(7) Establishing policies and procedures for ensuring that <u>noncapital</u> cases
16	are handled according to the Rules of Professional Conduct.
17	(8) Establishing policies and procedures for handling <u>noncapital</u> conflict of
18	interest cases and noncapital overflow cases when workload standards which are
19	established by rules of the board are breached.
20	(9) Establishing policies and procedures to ensure that detailed expenditure
21	and workload data in noncapital cases is collected, recorded, and reported to support
22	strategic planning efforts for the system.
23	(10) Creating separate performance standards and guidelines for attorney
24	performance in capital case representation, juvenile delinquency representation,
25	appellate representation, and any other subspecialties of criminal defense practice in
26	noncapital cases as well as children in need of care cases determined to be feasible,

practicable, and appropriate by the board.

1	(11) Ensuring data, including workload, is collected and maintained for all
2	noncapital cases in a uniform and timely manner throughout the state to allow the
3	board sound data to support resource needs.
4	(12) Providing for minimum salary and compensation standards for attorney,
5	investigator, paraprofessional, and any and all other staff necessary for the adequate
6	defense of <u>noncapital</u> indigent defendants in criminal courts and comparable to other
7	positions of similar stature throughout the state.
8	(13) Establishing processes and procedures to ensure that when a <u>noncapital</u>
9	case that is assigned presents a conflict of interest for a public defender, the conflict
10	is identified and handled appropriately and ethically.
11	* * *
12	(15) Establishing administrative salary ranges for compensation of attorneys
13	delivering public defender services in noncapital cases throughout the state so that
14	compensation is based on objective policymaking, including years of service, nature
15	of the work and workload, and in consideration of variations in public defense
16	practices and procedures in rural, urban, and suburban districts as well as
17	prosecutorial and judicial processing practices, trial rates, sentencing practices, and
18	attorney experience.
19	* * *
20	§152. State public defender; qualifications; powers and duties; salary
21	* * *
22	B. The state public defender shall:
23	(1) Recommend to the board how to establish and maintain, in a
24	cost-effective manner, the delivery of legal services in noncapital cases to persons
25	entitled to, and financially eligible for, appointed counsel in criminal proceedings at
26	state expense under Louisiana law, the Constitution of Louisiana, and the United
27	States Constitution and consistent with the standards of national justice and those
28	established by the Louisiana Supreme Court.

(2) Develop and present for the board's approval a strategic plan for the

2	delivery of public defender services <u>in noncapital cases</u> .
3	* * *
4	(5) Negotiate contracts, as appropriate, for providing legal services <u>in</u>
5	noncapital cases to persons financially eligible for appointed counsel at state
6	expense. No contract so negotiated is binding or enforceable until the contract has
7	been reviewed and approved by the board at a public hearing as provided for in R.S.
8	15:147(D). The provisions of this Paragraph are subject to the intent of the
9	Louisiana Public Defender Act that district public defender programs shall continue
10	operating within the method of delivery of services in effect prior to April 30, 2007,
1	and the board is prohibited from using its power to contract to change the structure
12	of a local program, delivery method, or to terminate personnel without cause in
13	violation of R.S. 15:165(C).
14	* * *
15	(8) Prepare and submit to the board an annual report of the indigent defender
16	services provided in noncapital cases by the service regions, where applicable, and
17	the districts.
18	* * *
19	(13) Assist the board in establishing the standards and guidelines, policies,
20	and procedures for the statewide delivery of indigent defender services in noncapital
21	cases in accordance with rules adopted by the board and as required by statute.
22	* * *
23	(15) Review, monitor, and assess the performance of all attorneys, consortia
24	of attorneys, or independent public defender organizations qualified with the United
25	States Internal Revenue Service for an exemption from federal income tax under
26	Section 501(c) of the Internal Revenue Code to provide counsel for indigent
27	defendants in noncapital cases.
28	* * *
29	§153. Deputy public defender-director of training; qualifications; duties

1	* * *
2	B. The director of training shall:
3	(1) Coordinate training of <u>noncapital</u> public defenders in current aspects of
4	criminal and civil law and procedure involving public defense, including the
5	representation of juveniles.
6	(2) Establish and supervise a training and performance evaluation program
7	for attorneys and non-attorney staff members and contractors in noncapital cases.
8	(3) Establish training and educational programs for all noncapital public
9	defender attorneys. Such programs shall not be "continuing legal education" as
10	mandated by the Louisiana State Bar Association. The training sponsored by the
11	state program shall be practical training based on models in other states, including
12	trial advocacy and criminal procedure in the nature of mock trials, working seminars,
13	and mentoring. Such educational programs shall also include annual educational
14	programs and introductory educational programs for attorneys prior to providing
15	public defender services.
16	(4) Assist in the development and dissemination of standards and guidelines,
17	procedures, and policies that will ensure that public defender services in noncapital
18	<u>cases</u> are provided consistently throughout the state.
19	* * *
20	(6) Provide assistance with research or briefs and provide other technical
21	assistance requested by a public defender or any other person providing public
22	defender legal services in a criminal case to an indigent defendant.
23	* * *
24	§155. Budget officer; qualifications; duties
25	* * *
26	B. The budget officer shall:
27	* * *
28	(4) Develop and make available to the board such fiscal information as will
29	assist the board in evaluating the delivery of public defender services in noncapital

1	cases throughout the state with the view of pointing out unnecessary programs,
2	projects, and functions, calling attention to inefficient and uneconomical practices,
3	monitoring, reviewing, and analyzing the performance of the districts and service
4	regions, where applicable, making recommendations for improvement, and carrying
5	out other similar functions.
6	* * *
7	(8) Evaluate legislative proposals for fiscal effect on the delivery of public
8	defender services in noncapital cases and report the findings of those evaluations to
9	the state public defender and the board.
10	* * *
11	§157. Trial-level compliance officer
12	* * *
13	B. The trial-level compliance officer shall in all noncapital cases:
14	(1) Develop evaluation protocols to assess trial-level district compliance
15	with board-adopted standards and guidelines for noncapital cases.
16	(2) Develop an effective evaluation implementation plan that allows for
17	regular assessments and ongoing monitoring of each district public defender system's
18	compliance of board-adopted standards and guidelines for noncapital cases.
19	* * *
20	C. All standards and guidelines for the delivery of public defender services
21	in noncapital cases shall be rules adopted by the board pursuant to R.S. 15:148 and
22	in accordance with the Administrative Procedure Act.
23	* * *
24	§159. Public defender service regions
25	* * *
26	D. The service region shall provide, as authorized by the board, such
27	additional services as the board finds necessary to providing competent counsel in
28	the judicial districts within the region, including but not limited to capital defense
29	services, expert witness resources, and conflict counsel. Such additional services as

1	the board deems necessary or advisable may be provided to clients through the
2	regional offices.
3	* * *
4	§160. Regional director for service regions; qualifications; duties; selection process
5	* * *
6	B. Each regional director shall:
7	(1) Supervise public defender services in noncapital cases provided within
8	his assigned service region.
9	(2) Work in conjunction with the compliance officers to ensure that
10	noncapital public defender assignments within the service region comply with the
11	standards and guidelines for noncapital cases adopted pursuant to rule by the board
12	and the Rules of Professional Conduct.
13	* * *
14	(5) Keep a record of all public defender services and expenses <u>in noncapital</u>
15	cases in the service region and submit the records to the state public defender as
16	requested.
17	* * *
18	(7) Develop a method or methods of delivery of public defender services <u>in</u>
19	noncapital cases for the service region, for submission to the board for board
20	approval, upon consultation with and recommendations of the district public
21	defenders in each judicial district within the service region. The regional director
22	shall consider any delivery model in existence prior to August 15, 2007, or prior to
23	establishment of the region, as acceptable until that delivery model fails to comply
24	with the uniform standards and guidelines for the delivery of public defender
25	services in accordance with rules adopted by the board and as required by statute,
26	unless the region is established for districts which have previously been determined
27	not to be in compliance with the uniform standards and guidelines.
28	* * *

1	§161. District public defender; powers; duties; accounting; audit reporting; existing
2	chief indigent defenders continued; establishment of district office
3	A. Except as otherwise provided for in this Section, the board shall employ
4	or contract with a district public defender to provide for the delivery and
5	management of public defender services <u>in noncapital cases</u> in each judicial district.
6	* * *
7	E. Each district public defender shall:
8	(1) Manage and supervise public defender services in noncapital cases
9	provided within his judicial district.
10	* * *
11	(6) Supervise the work of the <u>noncapital</u> district personnel.
12	(7) Employ <u>noncapital</u> district personnel, subject to review by the state
13	public defender or the regional director, where applicable, for compliance with
14	qualifications and standards and guidelines established by statute and by rules
15	adopted by the board.
16	(8) Contract for <u>noncapital</u> services in accordance with the standards and
17	guidelines adopted by rule by the board, and as authorized by the regional director,
18	where applicable.
19	(9) Keep a record of all public defender services and expenses in noncapital
20	cases in the district and submit the records to the regional director, where applicable,
21	or state public defender as requested.
22	* * *
23	(13) Employ or terminate <u>noncapital</u> district personnel, manage and
24	supervise all <u>noncapital</u> district level work, including establishment of <u>noncapital</u>
25	district personnel salaries, subject to review by the board for compliance with salary
26	guidelines established by the board through the adoption of rules.
27	* * *
28	§164. Regional defense service centers
29	* * *

1	B. As used in this Section, the term "regional defense service center" means:
2	(1) A regional appellate resource center.
3	(2) A regional death penalty center.
4	(3) A regional juvenile defense center.
5	C.(1) A regional defense service center may be granted authority to contract
6	with counsel for defense at trial in the district court for defendants charged with
7	capital offenses, for appeals in noncapital cases and in capital cases in which a
8	sentence of life imprisonment was imposed, and for representation of juveniles in
9	juvenile courts and in all other courts with juvenile jurisdiction. The center may also
10	contract for other specific functions other than appeals and post-conviction
11	representation in capital cases in which the death penalty was imposed, and for the
12	operation of an office, library, and other reasonably necessary services and authority
13	as the contracting boards deem appropriate.
14	(2) A regional death penalty center may retain a supervising attorney or chief
15	defender, whose job description and compensation shall be specifically set out in the
16	contract by the districts which establishes the regional defense service center. No
17	attorney with less than five years' criminal trial practice shall serve as lead counsel
18	in any death penalty case assigned to the regional death penalty center.
19	(3) A regional defense service center may apply for grants from any source
20	of funding for the center's operation. The funds from such grants shall belong to the
21	regional center.
22	* * *
23	F.(1) The purpose of regional defense service centers shall be to improve
24	services and reduce cost by creating a regional defense service center for appellate
25	work, death penalty defense, juvenile representation, and such other specific related
26	purposes as the districts involved shall define by the contract.
27	* * *
28	§165. Methods of delivery of public defender services; selection of methods;
29	emergency circumstances

1	A. The method of delivery of services in noncapital cases in each judicial
2	district shall be approved to the extent that it is meeting or able to meet the
3	performance standards and guidelines of the board. The board may change the
4	method of delivery in order to ensure compliance with best practices reflected in the
5	performance standards and guidelines.
6	B. The board shall approve the method of delivery of public defender
7	services in noncapital cases for each district upon consultation with and
8	recommendations of the state public defender, the director of juvenile defender
9	services, the regional director for the service region, where applicable, and the
10	district public defenders from the following service delivery methods or any
11	combination thereof:
12	* * *
13	(3) The board may authorize the district public defender or regional director
14	where applicable, to enter into a contract or contracts, on such terms and conditions
15	as it deems advisable, with one or more attorneys licensed to practice law in this
16	state to provide counsel for indigent defendants in <u>noncapital</u> criminal proceedings
17	* * *
18	E. An independent public defender organization qualified with the United
19	States Internal Revenue Service for an exemption from federal income tax under
20	Section 501(c) of the Internal Revenue Code existing as of August 15, 2007, may
21	with the approval of current local indigent defender boards of other judicial districts
22	in its region, provide administration, management, and supervision of noncapital
23	services and budgets for those districts, with due consideration for local variances
24	from judicial district to judicial district within the region, and establish, where
25	necessary, satellite offices or part-time satellite offices to maintain easy access to
26	clients in each judicial district within their purview.
27	* * *

§184.1. Provision of indigent defender services in capital cases

1	Notwithstanding any provision of law to the contrary, the statewide system
2	for providing capital public defender services throughout the state of Louisiana shall
3	be in accordance with the provisions of this Part.
4	* * *
5	Section 3. R.S. 15:169, 178, and 182 are hereby repealed in their entirety.
6	Section 4. All powers, duties, functions, and responsibilities of the Louisiana Public
7	Defender Board relative to capital cases are transferred and shall be performed pursuant to
8	the provisions of this Act. Upon the transfer of the powers, duties, functions, and
9	responsibilities provided by this Act, any pending or unfinished business of the Louisiana
10	Public Defender Board relative to capital cases shall be completed pursuant to the master
11	plan as provided in this Act. Any entity to which the powers, functions, and responsibilities
12	are transferred shall have the same power and authority as the entity from which the
13	functions were transferred.
14	Section 5.(A) This Section and Section 1 of this Act shall become effective upon
15	signature by the governor or, if not signed by the governor, upon expiration of the time for
16	bills to become law without signature by the governor, as provided by Article III, Section
17	18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved
18	by the legislature, this Act shall become effective on the day following such approval.
19	(B) Sections 2, 3, and 4 of this Act shall become effective when both of the
20	following occur:
21	(1) The Louisiana Legislature enacts legislation that establishes and implements the
22	statewide system for providing indigent defender services in capital cases as set forth in the
23	master plan recommended by the Committee for the Provision of Indigent Defense Services
24	in Capital Cases pursuant to the provisions of this Act.
25	(2) The Louisiana Legislature appropriates money for the purpose of administering
26	the statewide system of providing capital public defender services to all judicial districts in
27	the state pursuant to the provisions of this Act.