



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **SB 374** SLS 16RS 716
Bill Text Version: **ORIGINAL**
Opp. Chamb. Action:

Proposed Amd.:
Sub. Bill For.:

Date: April 16, 2016 7:02 AM	Author: LAMBERT
Dept./Agy.: LA Public Defender Board	
Subject: LA Public Defender Fund Appropriation, Distribution	Analyst: Zachary Rau

INDIGENT DEFENSE OR SEE FISC NOTE SD EX Page 1 of 1
Provides relative to the Louisiana Public Defender Fund. (8/1/16)

Present law creates the LA Public Defender Fund and provides that it is to be comprised of all monies made available to provide funding for the provisions of Act 307 of 2007 (LA Public Defender Act). Proposed law retains present law and provides that the legislature shall appropriate sufficient funds to fund the LA Public Defender Board’s operations. Proposed law provides that funds appropriated are to be distributed annually by the Board among each judicial district proportionally based upon the number of arrests in each district annually. Proposed law provides that not more than 15% of funds appropriated by the legislature may be used to defray any fees and expenses associated with administration of the fund.

EXPENDITURES	2016-17	2017-18	2018-19	2019-20	2020-21	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Annual Total						

REVENUES	2016-17	2017-18	2018-19	2019-20	2020-21	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Annual Total						

EXPENDITURE EXPLANATION

Proposed law reallocates resources in the statutorily dedicated LA Public Defender Fund between the state board and district defender offices statewide. The proposed legislation provides that the LA Public Defender Board (LPDB) must transfer 85% of all monies appropriated to the LA Public Defender Fund to the district defender offices statewide with the board retaining 15% of the fund for administrative and statewide program use.

Based upon proposed restorations by the administration to the LPDB’s Executive Budget recommendation for FY 17, the board will receive an appropriation of \$32.2 M from the LA Public Defender Fund. The proposed legislation would compel the board to disburse approximately \$27.37 M to district offices, leaving the board approximately \$4.83 M for administrative and state level program use. The LPDB’s anticipated administrative expenditures for FY 17 total \$2.6 M, allowing the board a remaining balance of \$2.23 M to fund state level programs. For reference, the district assistance funding recommendation in the FY 17 Executive Budget is \$15.64 M. The proposed law would direct an additional \$11.73 M to district defender offices based on the number of arrests in each judicial district. All litigation associated with capital cases, as well as non-capital appellate representation and juvenile delinquency representation in Orleans Parish, currently occurs at the state level. As a result, the LPDB anticipates the proposed legislation would severely hinder its ability to carry out capital representation and non-capital appellate representation. The capital representation funding recommendation in the FY 17 Executive Budget totals \$13.1 M.

In addition, the LPDB anticipates the redirection of funds to the district defender offices will not be adequate to fund capital representation at the district level in the event a capital case arises.

REVENUE EXPLANATION

Proposed law alters the LA Public Defender Board’s District Assistance Fund distribution formula, which may result in some districts receiving less revenues and others receiving more revenues. Presently the LPDB allocates district funding using a formula that includes the number of cases handled, case complexity, access to local fund balances, history of local funding, and expected overhead costs. The proposed legislation provides the LPDB must allocate funding based upon the number of arrests in each district, which the board reports will result in some districts accruing funds where the board perceives they are not needed and others not having necessary funding.

Senate

Dual Referral Rules

House

☐ 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}

☐ 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}

☐ 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}

☐ 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

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