2017 Regular Session

HOUSE BILL NO. 413

BY REPRESENTATIVE LEGER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana. INDIGENT DEFENSE: Provides relative to the funding of public defenders

1	AN ACT		
2	To amend and reenact R.S. 15:167(B), relative to the Louisiana Public Defender Fund; to		
3	provide relative to the funding of public defenders; to require the state treasurer to		
4	deposit funds for the annual funding for district public defenders and public		
5	defenders; to require the board to allocate the funds; and to provide for related		
6	matters.		
7	Be it enacted by the Legislature of Louisiana:		
8	Section 1. R.S. 15:167(B) is hereby amended and reenacted to read as follows:		
9	§167. Louisiana Public Defender Fund		
10	* * *		
11	B.(1) The fund shall be comprised of all monies appropriated, donated, or		
12	otherwise made available to provide funding for the provisions of the Louisiana		
13	Public Defender Act. All of such monies required to be deposited in the state		
14	treasury in accordance with Article VII, Section 9(A) of the Constitution of		
15	Louisiana shall be deposited in the fund after first meeting the requirements o		
16	Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond		
17	Security and Redemption Fund.		
18	(2) For Fiscal Year 2017-2018 and each fiscal year thereafter, the state		
19	treasurer shall deposit sufficient funds into the Louisiana Public Defender Fund to		
20	provide annual funding of forty-nine thousand dollars for each district public		

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1	defender and forty-four thousand dollars for each public defender which shall be		
2	equal to the same number of positions provided by R.S. 16:51. In no way shall this		
3	funding be construed to establish a level of funding for any particular district		
4	defender office. The Louisiana Public Defender Board shall allocate the funds		
5	deposited into the fund pursuant to this Paragraph to the district defender offices and		
6	their indigent defender funds as defined in R.S. 15:168(A) in the various judicial		
7	districts throughout the state. The Louisiana Public Defender Board may allocate,		
8	as it deems appropriate. The district public defender may reallocate, as he deems		
9	appropriate, by combining or dividing the total amount fixed in this Paragraph to pay		
10	the salaries of the public defenders in his district or any other operating costs		
11	consistent with the provisions of this Part and the rules and standards adopted by the		
12	Louisiana Public Defender Board pursuant to this Part.		
13	(3) The total amount of money deposited into the Louisiana Public Defender		
14	Fund pursuant to Paragraph (2) of this Subsection shall comprise sixty-five percent		
15	of the total amount of money deposited into the Louisiana Public Defender Fund		
16	each fiscal year.		
17	* * *		

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)]

HB 4	413	Engrossed
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2017 Regular Session

Leger

Abstract: Requires the state treasurer to deposit sufficient funds into the La. Public Defender Fund for Fiscal Year 2017-2018 and each fiscal year thereafter to provide annual funding for each district public defender and public defenders.

<u>Present law</u> provides for the creation of the La. Public Defender Fund in the state treasury and the composition of the fund, administration of the fund, and use of monies from the fund.

<u>Proposed law</u> requires the state treasurer to deposit sufficient funds into the La. Public Defender Fund for Fiscal Year 2017-2018 and each fiscal year thereafter to provide annual funding of \$49,000 for each district public defender and \$44,000 for each public defender equal to the same number of positions provided by R.S. 16:51 (which provides for the number of asst. district attorneys). <u>Proposed law</u> further requires the board to allocate the funds to the district defender offices and their indigent defender funds in the various judicial districts throughout the state. Authorizes the board to determine the allocation and specifies

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that <u>proposed law</u> does not guarantee a level of funding for any district defender office. Authorizes the district defender to reallocate the funds by combining or dividing the total amount to pay for the salaries of the public defenders in his district or any other operating costs.

<u>Proposed law</u> provides that the total amount of money deposited into the La. Public Defender Fund to satisfy the requirements of <u>proposed law</u> shall comprise 65% of the total amount of money deposited into the fund each fiscal year.

(Amends R.S. 15:167(B))

Summary of Amendments Adopted by House

- The Committee Amendments Proposed by <u>House Committee on Appropriations</u> to the <u>original</u> bill:
- 1. Specify that the allocations in <u>proposed law</u> shall be as the La. Public Defender Board deems appropriate and shall not be construed to establish a level of funding for any particular district defender office.
- 2. Add that expenditures shall be in accordance with rules and standards adopted by the La. Public Defender Board pursuant to the La. Public Defender Act.
- 3. Provide that the deposits into the La. Public Defender Fund under proposed law shall comprise 65% of the total deposits into the fund instead of not exceeding 65% of the total deposits into the fund.