

Regular Session, 2012

HOUSE BILL NO. 724

BY REPRESENTATIVE HUNTER

INDIGENT DEFENSE: Provides relative to public defenders fees when a private attorney is subsequently enrolled

1 AN ACT

2 To amend and reenact R.S. 15:176(C)(1), relative to partial reimbursement for indigent  
3 defender services; to provide for reimbursement to an indigent defender district for  
4 services provided in certain cases; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 15:176(C)(1) is hereby amended and reenacted to read as follows:

7 §176. Partial reimbursement by indigents

8 \* \* \*

9 C.(1) When an accused is initially determined to be indigent and appointed  
10 counsel but subsequently hires private counsel, the court shall conduct a  
11 contradictory hearing to determine the expenses of representing the accused incurred  
12 by the district office or the service region, where applicable. Upon determining the  
13 expenses incurred, the accused shall, within the discretion of the court, be liable to  
14 reimburse the district office or service region, where applicable, those expenses,  
15 upon a determination that the accused was in fact not initially indigent. The court  
16 shall not allow the private attorney to enroll as the attorney of record until those  
17 expenses are reimbursed. A judgment for the amount owed may be recorded in the  
18 mortgage records in favor of the board for the payment of money against the accused  
19 and may be enforced as provided by law.

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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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Hunter

HB No. 724

**Abstract:** Provides that a private attorney cannot be enrolled as the attorney of record for a defendant receiving indigent defender services until the indigent defender district is reimbursed for those services.

Present law provides that when an accused is initially determined to be indigent and is appointed counsel but subsequently hires private counsel, the court shall conduct a contradictory hearing to determine the expenses of representing the accused incurred by the district office or the service region, where applicable.

Present law provides that upon determining the expenses incurred, the accused shall, within the discretion of the court, be liable to reimburse the district office or service region, where applicable, those expenses, upon a determination that the accused was in fact not initially indigent. A judgment for the amount owed may be recorded in the mortgage records in favor of the board for the payment of money against the accused and may be enforced as provided by law.

Proposed law retains these provisions of present law and provides that the private attorney may not be enrolled as the attorney of record until present law expenses are reimbursed.

(Amends R.S. 15:176(C)(1))