ACT No. 307

BY REPRESENTATIVES MARTINY, ALARIO, ANDERS, ANSARDI, ARNOLD, BADON, BALDONE, BARROW, BAUDOIN, BAYLOR, BOWLER, BRUCE, BURNS, BURRELL, K. CARTER, CAZAYOUX, CROWE, CURTIS, DAMICO, DANIEL, DOERGE, DORSEY, DOVE, DOWNS, FARRAR, FAUCHEUX, FRITH, GALLOW, GEYMANN, GRAY, GREENE, ELBERT GUILLOT, ELIE GUILLOT, HARRIS, HEATON, HONEY, HUNTER, HUTTER, JACKSON, JEFFERSON, JOHNS, KENNARD, KENNEY, KLECKLEY, LAFLEUR, LAFONTA, LANCASTER, LORUSSO, MARCHAND, MONTGOMERY, MORRELL, MORRIS, MORSIH, PIERRE, PITRE, T. POWELL, QUEZAIRES, RICHMOND, ROMERO, JACK SMITH, JANE SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TRICHES, TUCKER, WADDELL, WHITE, WILLIAMS, WINSTON, AND WOOTON AND SENATORS ADLEY, BROOME, CAIN, CHAISSON, CHEK, CRAVINS, DUPLESSIS, DUPRE, FIELDS, B. GAUTREAUX, JACKSON, JONES, MARIONNEAUX, MICHOT, MOUNT, MURRAY, SCHEDLER, THEUNISSEN, AND ULLO

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

AN ACT

To amend and reenact R.S. 9:2800.16, R.S. 15:85.1(A)(2)(b), 146 through 149.1, 150, 151, 1202(A)(13), and 1424(B)(3), R.S. 24:513(A)(3), 515.1(A), (B)(introductory paragraph), and (D), and 517.1(F)(1) and (2), R.S. 33:1342(1), R.S. 36:4(D) and 801.1(A), R.S. 39:1302(1)(f), R.S. 46:236.5(B)(2), Children's Code Articles 321(C) and (D), 607(A), 608(B), 740(B), and 809(C) and (E), and Code of Criminal Procedure Articles 944(A), 948(A), and 953, to enact R.S. 15:141 through 143, 149.2, and 152 through 184, to repeal R.S. 15:144, 145, 145.1, and 151.2, and to direct the Louisiana State Law Institute to redesignate certain statutory provisions, all relative to indigent defender services; to enact the Louisiana Public Defender Act; to create the Louisiana Public Defender Board; to provide for the powers and duties of the board; to provide for definitions; to provide for legislative findings; to provide for the authority of the board; to provide for rulemaking; to provide for the hiring of executive staff positions for the board; to provide for job descriptions and qualifications for executive staff; to provide for the establishment of public defender
service regions; to provide for the powers and duties of regional directors; to provide for the powers and duties of district public defenders; to provide for the filling of vacancies in the office of district public defenders; to provide for the selection process for employing regional directors; to create the Louisiana Public Defender Fund; to provide for the composition of the fund, administration of the fund, and use of monies from the fund; to provide for the adoption of mandatory standards and guidelines of practice in the delivery of indigent defender services; to provide for qualification standards and mandatory training for attorneys delivering public defender services; to provide for disciplinary actions taken by the board for the failure to comply with mandatory standards and guidelines; to provide for a due process hearing for disciplinary action taken against a regional director or district public defender; to provide for the transfer of the powers, duties, authority, and obligations of the Indigent Defense Assistance Board to the Louisiana Public Defender Board; to provide for the transfer of the duties and functions relating to the delivery of indigent defender services from judicial district indigent defender boards to the judicial district indigent defender fund under the management of the district public defenders; to provide that no right or cause of action is created by the provisions hereof; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:146 through 149.1, 150, and 151 are hereby amended and reenacted and R.S. 15:141 through 143, 149.2, and 152 through 184 are hereby enacted to read as follows:

§141. Short title

R.S. 15:141 through 184 may be referred to and cited as the "Louisiana Public Defender Act".

§142. Legislative findings

A. Article I, Section 13 of the Constitution of Louisiana, in accordance with the state's obligation under the Sixth and Fourteenth Amendments of the United States Constitution, provides that at "each stage of the proceedings, every person is entitled to assistance of counsel of his choice, or appointed by the court if he is
indigent and charged with an offense punishable by imprisonment". Section 13 further mandates that the legislature shall provide for "a uniform system for securing and compensating qualified counsel for indigents". Accordingly, it is the obligation of the legislature to provide for the general framework and the resources necessary to provide for the delivery of public defender services in this state.

B. In recognition of its mandates under both the United States and Louisiana constitutions, the legislature enacts the Louisiana Public Defender Act of 2007 to provide for all of the following:

1. Ensuring that adequate public funding of the right to counsel is provided and managed in a cost-effective and fiscally responsible manner.
2. Ensuring that the public defender system is free from undue political and judicial interference and free of conflicts of interests.
3. Establishing a flexible delivery system that is responsive to and respectful of jurisdictional variances and local community needs and interests.
4. Providing that the right to counsel is delivered by qualified and competent counsel in a manner that is fair and consistent throughout the state.
5. Providing for statewide oversight with the objective that all indigent criminal defendants who are eligible to have appointed counsel at public expense receive effective assistance of counsel at each critical stage of the proceeding.
6. Providing for the ability to collect and verify objective statistical data on public defense workload and other critical data needed to assist state policymakers in making informed decisions on the appropriate funding levels to ensure an adequate service delivery system.
7. Providing for the development of uniform binding standards and guidelines for the delivery of public defender services and for an effective management system to monitor and enforce compliance with such standards and guidelines.

C. The legislature recognizes that the uniform application of statewide standards and guidelines to be established by the Louisiana Public Defender Board is an important means of achieving a more consistent delivery of quality
representation throughout the state. To that end, it is the express intention 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, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984) and its progeny as adopted by the Louisiana Supreme Court.

D. The legislature recognizes that the Louisiana Supreme Court in *State v. Citizen*, 898 So. 2nd 325 (La. 2005) authorized trial judges to halt prosecutions in capital cases, upon motion of defense counsel, until adequate funding is provided to ensure an adequate defense, and it is the express intention of the legislature to ensure adequate resources, consistent with the *Citizen* opinion, which allow prosecutions in such cases to continue to conclusion resulting in verdicts that are fair, correct, swift, and final.

E. It is the express intention of the legislature that the Louisiana Public Defender Act of 2007 is designed to provide effective legal representation to criminal defendants who are unable to afford an attorney, consistent with the right to counsel in our criminal courts, mindful of the need for law and order and an appreciation of victims' rights.

F. It is the express intention of the legislature that the Louisiana Public Defender Board respect local differences in practice and custom regarding the delivery of public defender services. The provisions of this Act are to be construed to preserve the operation of district public defender programs which provide effective assistance of counsel and meet performance standards in whatever form of delivery that local district has adopted, provided that method of delivery is consistent with standards and guidelines adopted by the board pursuant to rules and as required by statute.
§143. Definitions

As used in R.S. 15:141 through 184, the following words have the following meanings:

(1) "Board" means the Louisiana Public Defender Board authorized to regulate public defender services.

(2) "Board office" means the headquarters of the board located in East Baton Rouge Parish.

(3) "District indigent defender fund" means the judicial district indigent defender fund as provided for in R.S. 15:168.

(4) "District office" means the office of a district public defender as provided for in R.S. 15:161.

(5) "District public defender" or "chief indigent defender" means an attorney employed by or under contract with the board to supervise service providers and enforce standards and guidelines within a judicial district or multiple judicial districts.

(6) "Indigent defendant" means a person that has been determined under the provisions of R.S. 15:175 to be indigent and financially unable to retain private counsel.

(7) "Indigent defender services program" or "the program" means the activities directed toward the accomplishment of providing indigent defender services under the Louisiana Public Defender Act.

(8) "Public defender" or "indigent defender" means an attorney employed by or under contract with the board, the district public defender, regional director, where applicable, or nonprofit organization contracting with the board, district public defender, regional director, where applicable, or the board to provide legal counsel to an indigent person in a criminal proceeding.

(9) "Public defender services" or "indigent defender services" means the providing of legal services to indigent persons in criminal proceedings in which the right to counsel attaches under the United States and Louisiana constitutions.
(10) "Regional director" means the person in the employment of the board chosen to oversee and enforce standards and guidelines within a service region created by the board.

(11) "Regional office" means the office established for a service region as provided for in R.S. 15:159.

(12) "Revenue" or "self-generated revenue" means all revenue received by a judicial district including revenue received as a result of grants or donations or other forms of assistance.

(13) "Service region" means one of the public defender service regions created by the board as authorized in R.S. 15:159.

(14) "State Public Defender" means the person in the employment of the board chosen to administer the statewide public defender system for the delivery of public defender services.

§151. Indigent Defense Assistance Board §146. Louisiana Public Defender Board

A.(1) There is hereby created and established as a state agency within the office of the governor the Indigent Defense Assistance Louisiana Public Defender Board to provide for the supervision, administration, and delivery of a statewide public defender system, which must deliver uniform public defender services in all courts in this state. The board shall be a body corporate with the power to sue and be sued.

(2) The board and its agents and employees shall be subject to the Code of Governmental Ethics, the law relative to public records and open meetings, the law relative to public bid and procurement, and all other provisions of law applicable to state agencies.

(3) Members of the Indigent Defense Assistance Board serving on August 15, 2007, shall continue to serve as members of the Louisiana Public Defender Board without limitation of their term.

(4) To the extent practicable, the board shall be comprised of members who reflect the racial and gender makeup of the general population of the state, and who are geographically representative of all portions of the state.
B.(1) The board shall consist of fifteen members.

(2) Persons appointed to the board shall have significant experience in the defense of criminal proceedings or shall have demonstrated a strong commitment to quality representation in indigent defense matters. No person shall be appointed to the board that has received compensation to be an elected judge, elected official, judicial officer, prosecutor, law enforcement official, indigent defense provider, or employees of all such persons, within a two-year period prior to appointment. No active part-time, full-time, contract or court-appointed indigent defense provider, or active employees of such persons, may be appointed to serve on the board as a voting member. No person having an official responsibility to the board, administratively or financially, or their employee shall be appointed to the board until two years have expired from the time the person held such position and the date of appointment to the board. The majority of board members shall be a current member members of the Louisiana State Bar Association. Representatives of the client community shall not be prohibited from serving as voting members of the board. With the exception of mandatory affiliation of the Louisiana State Bar Association, no state or local association of lawyers shall have more than one active board member or officer as a voting member of the Indigent Defense Assistance Louisiana Public Defender Board.

(3) The members shall be selected as follows:

(a) The governor shall appoint two members and shall designate the chairman.

(b) The chief justice of the Supreme Court of Louisiana shall appoint two members; one member shall be a juvenile justice advocate; the other shall be a retired judge with criminal law experience.

(c) The president of the Senate and the speaker of the House of Representatives shall each appoint one member.

(d) The governor shall appoint one member representing the Louisiana State University Paul M. Hebert Law Center who is an active employee, retired employee or has an academic association with the Paul M. Hebert Law Center.
(e) The governor shall appoint one member representing the Loyola University School of Law who is an active employee, retired employee or has an academic association with the Loyola University School of Law.

(f) The governor shall appoint one member representing the Southern University Law Center who is an active employee, retired employee or has an academic association with the Southern University Law Center.

(g) The governor shall appoint one member representing the Tulane University School of Law who is an active employee, retired employee or has an academic association with the Tulane University School of Law.

(h) The president of the Louisiana State Bar Association shall appoint two members, subject to confirmation by the Senate.

(i) The president of the Louisiana Chapter of the Louis A. Martinet Society shall appoint one member, subject to confirmation by the Senate.

(j) The chairman of the Louisiana State Law Institute's Children Code Committee shall appoint one member, subject to confirmation by the Senate.

(k) The executive director of the Louisiana Interchurch Conference shall appoint one member, subject to confirmation by the Senate.

(l) All appointments to the board shall be subject to confirmation by the Senate.

(4) A vacancy on the board shall be filled in the same manner as the original appointment.

(5) Members of the board shall serve staggered terms of four years, after initial terms as follows:

(a) Two members shall be immediately appointed to a four-year term by the Chief Justice of the Louisiana Supreme Court.

(b) One member shall be immediately appointed to a two-year term by the governor representing the Louisiana State University Paul M. Hebert Law School Center.

(c) One member shall be immediately appointed to a three-year term by the governor representing the Loyola University School of Law.
(d) One member shall be immediately appointed to a three-year term by the governor representing the Southern University Law School Center.

(e) One member shall be immediately appointed to a four-year term by the governor representing the Tulane University School of Law.

(f) Upon the first expiration of the term or resignation by a current appointee of the governor, one member shall be appointed to a four-year term by the executive director of the Louisiana Interchurch Conference.

(g) Upon the first expiration of the term or resignation by a current appointee of the president of the Senate, one member shall be appointed to a two-year term by the president of the Louisiana State Bar Association.

(h) Upon the second expiration of the term or resignation by a current appointee of the president of the Senate, one member shall be appointed to a four-year term by the president of the Louisiana State Bar Association.

(i) Upon the third expiration of the term or resignation by a current appointee of the president of the Senate, one member shall be appointed to a three-year term by the president of the Senate.

(j) Upon the first expiration of the term or resignation by a current appointee of the speaker of the House of Representatives, one member shall be appointed to a two-year term by the president of the Louisiana Chapter of the Louis A. Martinet Society.

(k) Upon the second expiration of the term or resignation by a current appointee of the speaker of the House of Representatives, one member shall be appointed to a four-year term by the chairman of the Louisiana State Law Institute's Children Code Committee.

(l) Upon the third expiration of the term or resignation by a current appointee of the speaker of the House of Representatives, one member shall be appointed to a three-year term by the speaker of the House of Representatives.

(6) In addition there shall be two ex officio, nonvoting members of the board who shall not be counted or be permitted to be counted for purposes of the number of members necessary to take board action or the number of members necessary to
establish a quorum. In all other respects they have all the duties, authority, requirements, and benefits, except per diem, of any other board member. Each of the following organizations shall appoint one such member:

(a) The Louisiana Association of Criminal Defense Lawyers.

(b) The Louisiana Public Defender's Association.

C. Nothing in this Section shall limit the length of the term for any board members serving on the Indigent Defense Assistance Board on August 15, 2005, except that they may be removed for just cause, or as provided in Subsection D of this Section. However, members who have not previously been confirmed by the Senate, shall be subject to Senate confirmation.

D.(1) A member may be removed for excessive absences from meetings. For the purposes of this Subsection, "excessive absences" means failure to attend three consecutive meetings or more than fifty percent of the meetings of the board conducted during a year.

(2) Upon review of board member attendance, if a board member has been excessively absent from board meetings, the chairman shall inform the board of the absences and shall send written notice on behalf of the board to the member requesting that the member resign his position on the board. If the member refuses to resign, the board shall remove the member for excessive absences in accordance with the provisions of this Subsection.

(3) If a member is removed as provided by this Subsection, the board shall send written notice to the member informing him of his removal and notify the appropriate appointing authority of the vacancy on the board.

E. The board shall notify the appropriate appointing authority of any board vacancy which occurs for any reason.

§147. Powers, duties, responsibilities

A. Except for the inherent regulatory authority of the Louisiana Supreme Court provided for in Article V, Section 5 of the Constitution of Louisiana regarding the regulation of the practice of law, the Louisiana Public Defender Board shall have all regulatory authority, control, supervision, and jurisdiction, including auditing and
enforcement, and all power incidental or necessary to such regulatory authority, control, supervision, and jurisdiction over all aspects of the delivery of public defender services throughout the courts of the state of Louisiana.

B. In addition to the powers and duties provided for in Subsection A of this Section, the board shall:

(1) Employ an executive staff as provided for in R.S. 15:150 and regularly evaluate the performance of the executive staff.

(2) Adopt all rules necessary to implement the provisions of R.S. 15:141 through 184 as provided in R.S. 15:148 and in accordance with the Administrative Procedure Act.

(3) Review and approve the strategic plan and budget proposals submitted by the state public defender, regional directors, where applicable, and district public defenders on behalf of the districts. The board shall consider variations in public defense practices, past practices and procedures, and conditions unique to each district in evaluating the strategic plan and budget proposals on the district level.

(4) Make an annual report to the legislature regarding the state of the board's operations and the status of public defender services it regulates. Such report shall include at a minimum:

(a) Recommendations for all needed changes in the law regarding the board or any regulated activity,

(b) A complete report on the receipt and expenditure of all funds received by the board and the regional offices, where applicable, including district level data,

(c) Comprehensive workload data.

(5)(a) Establish, and modify as necessary, a plan of organization to conduct the business of regulating and controlling the delivery of public defender services under its jurisdiction efficiently and thoroughly.

(b) The plan of organization shall provide for the capacity to:

(i) Administer the granting of contracts,

(ii) Analyze and review investigative and audit reports and findings.
(iii) Provide for enforcement of board rules as is necessary to the efficient and thorough regulation and governance of public defender services under its jurisdiction.

(6) Incur such expenses and obligations, within the fiscal limits available to the board, as are necessary to the efficient and thorough regulation and governance of the delivery of public defender services under its jurisdiction and establish and maintain an accounting system which complies with law.

(7) Approve, prior to its presentation to the legislature and again after appropriation prior to allocation, the budget for the board.

(8) Issue a written response to any formal request from the governor and the legislature or any committee thereof.

(9) Appear before any committee of the legislature upon request of the president of the Senate, the speaker of the House, or the chairman of any legislative committee.

(10) Review any proposal to create permanent staff positions and approve if deemed appropriate.

(11) Prepare and submit to the Joint Legislative Committee on the Budget on or before March first of each year an annual financial report which outlines the expenditures of local, state, and federal funds for the previous calendar year for review by the Joint Legislative Committee on the Budget.

(12) Draft, administer, and furnish reporting forms to the district public defender, which request detailed information of the district's workload, resources, employees, and expenditures for the previous fiscal year based on the uniform definition of a "case" as defined in R.S. 15:174(C).

(13) Collect, prepare, and submit an annual report to the legislative auditor.

(14) Administer the DNA Testing Post-Conviction Relief for Indigents Fund as required under the provisions of Code of Criminal Procedure Article 926.1.

(15) Arrange for locations, which have adequate space to accommodate the public, to conduct its meetings.
(16) Adopt rules for the establishment of salary ranges for attorneys and support staff delivering public defender services, taking into consideration variations in public defense practices and procedures in rural, urban, and suburban districts as well as professional experience.

C. The board may:

(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 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).

(2) Establish advisory councils from among Louisiana residents to provide information and guidance regarding needs and concerns of particular localities. Such councils may be established at such times, for such duration, and under such circumstances, as the board deems appropriate.

(3) Accept, receive, and use public or private grants, gifts, or donations, provided that such gifts, grants, and donations are not otherwise prohibited by law or rule.

(4) Employ secretarial, clerical, and other such personnel as may be necessary in the operation of the business of the board and fix their compensation.

(5) Enter into contracts in accordance with law for the purpose of maintaining and operating an office, or offices, and performing the functions authorized by law. 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.

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
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).

D.(1) Prior to entering into any contract as authorized by Subsection C of this Section, the board shall provide public notice that a contract is under consideration by the board and shall provide an opportunity for the public to offer comment, regarding the contract, at a public hearing conducted for that purpose.

(2) The notice shall include the name of the individual attorneys, a consortium 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 indigent defendants, the amount of compensation to be paid, and the nature of the contracted services.

(3) The board shall conduct a public hearing regarding any contract authorized by Subsection C of this Section and provide the public an opportunity to offer comment on the contract.

(4) The public hearing provided for by this Subsection may be conducted at a regular meeting of the board provided proper notice is provided to the public as required by this Subsection.

§148. Rulemaking; considerations in developing rules

A. The board shall adopt all rules necessary to implement the provisions of R.S. 15:141 through 184.

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

(1) Creating mandatory statewide public defender standards and guidelines that require 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:

(a) Manageable public defender workloads that permit the rendering of competent representation through an empirically based case weighting system that does not count all cases of similar case type equally but rather denotes the actual
amount of attorney effort needed to bring a specific case to an appropriate
disposition. In determining an appropriate workload monitoring system, the board
shall take into consideration all of the following:

(i) The variations in public defense practices and procedures in rural, urban,
and suburban jurisdictions.

(ii) Factors such as prosecutorial and judicial processing practices, trial rates,
sentencing practices, attorney experience, extent and quality of supervision, and
availability of investigative, social worker, and support staff.

(iii) Client enhancers specific to each client such as the presence of mental
illness.

(b) Continuity of representation. The board shall adopt standards and
guidelines which ensure that each district devises a plan to provide that, to the extent
feasible and practicable, the same attorney handles a case from appointment contact
through completion at the district level in all cases.

(c) Documentation of communication. The board shall adopt standards and
guidelines to ensure that defense attorneys providing public defender services
provide documentation of communications with clients regarding the frequency of
attorney client communications as required by rules adopted by the board.

(d) Performance supervision protocols. The board shall adopt standards and
guidelines to ensure that all defense attorneys providing public defender services
undergo periodic review of their work against the performance standards and
guidelines in a fair and consistent manner throughout the state, including creating a
uniform evaluation protocol.

(e) Performance of public defenders in all assigned public defense cases.
The board shall adopt general standards and guidelines that alert defense counsel to
courses of action that may be necessary, advisable, or appropriate to a competent
defense including performance standards in the nature of job descriptions.

(f) Consistency of standards. The performance standards and guidelines
shall be based upon the performance standards originally adopted by the Louisiana
Indigent Defense Assistance Board (LIDAB) in 2006 and any subsequent amendments to those standards adopted by the board.

(2) Creating mandatory qualification standards for public defenders that ensure that the 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:

(a) The specific training programs that must be completed to qualify for each type of case.

(b) The number of years the public defender has spent in the practice of law in good standing with the Louisiana State Bar Association.

(3) Establishing methods of monitoring and evaluating compliance with the mandatory public defender standards and guidelines and the performance of counsel in order to ensure competent representation of defendants in all courts of the state.

(4) Establishing procedures to handle complaints about public defender performance and to ensure that public defenders, office personnel, and clients are aware of avenues available for bringing a complaint and that office procedures do not conflict with the supervisory jurisdiction of the Louisiana Supreme Court and pursuant to the court's inherent authority provided for in Article V, Section 5 of the Constitution of Louisiana.

(5) Establishing appropriate sanctions for failure to adhere to the mandatory standards and guidelines for the delivery of public defender services.

(6) Establishing a policy of selecting a proportionate number of minority and women lawyers in accordance with the makeup of the general population of the state, to the extent that minority and women lawyers are available and otherwise eligible for selection within each service region in accordance with law. Any citizen of majority age shall have a cause of action to enjoin the activities of the board for failure to comply with this provision.
(7) Establishing policies and procedures for ensuring that cases are handled according to the Rules of Professional Conduct.

(8) Establishing policies and procedures for handling conflict of interest cases and overflow cases when workload standards which are established by rules of the board are breached.

(9) Establishing policies and procedures to ensure that detailed expenditure and workload data is collected, recorded, and reported to support strategic planning efforts for the system.

(10) Creating separate performance standards and guidelines for attorney performance in capital case representation, juvenile delinquency, appellate, and any other subspecialties of criminal defense practice as well as children in need of care cases determined to be feasible, practicable, and appropriate by the board.

(11) Ensuring data, including workload, is collected and maintained in a uniform and timely manner throughout the state to allow the board sound data to support resource needs.

(12) Providing for minimum salary and compensation standards for attorney, investigator, paraprofessional, and any and all other staff necessary for the adequate defense of indigent defendants in criminal courts and comparable to other positions of similar stature throughout the state.

(13) Establishing processes and procedures to ensure that when a case that is assigned presents a conflict of interest for a public defender, the conflict is identified and handled appropriately and ethically.

(14) Establishing processes and procedures to ensure that board and contract personnel use information technology and workload management systems so that detailed expenditure and workload data is accurately collected, recorded, and reported.

(15) Establishing administrative salary ranges for compensation of attorneys delivering public defender services throughout the state so that compensation is based on objective policymaking, including years of service, nature of the work and workload, and in consideration of variations in public defense practices and
procedures in rural, urban, and suburban districts as well as prosecutorial and judicial
processing practices, trial rates, sentencing practices, and attorney experience.

C. All rules shall be adopted pursuant to the provisions of the Administrative
Procedure Act and shall be subject to legislative oversight by the House Committee
on the Administration of Criminal Justice and the Senate Committee on Judiciary C.

§149. Authority of supreme court not affected

Nothing in the provisions of R.S. 15:141 through 184 shall be construed to
limit or supersede the inherent regulatory authority of the Louisiana Supreme Court
provided for in Article V, Section 5 of the Constitution of Louisiana regarding the
regulation of the practice of law in the state of Louisiana.

§149.1. Domicile of board; venue

A. The board shall be domiciled in East Baton Rouge Parish.

B. Notwithstanding any other provision of law to the contrary, the venue for
any civil proceeding by or against the board or to which the board is a party shall be
East Baton Rouge Parish.

§149.2. Offices; meetings

A. The board shall maintain an office in East Baton Rouge Parish but may
maintain such branch offices as it deems necessary to provide for the efficient and
thorough regulation and governance of public defender services under its
jurisdiction.

B.(1) Except as provided in Subsection C of this Section, in order to effect
the implementation of the provisions of this Act, the board shall meet at least ten
times per year until 2010, and thereafter meet at least eight times per year.

(2) The board may meet such additional times as it deems appropriate.

(3) Meetings may be called by the chairman on his own initiative and shall
be called by the chairman upon written request of a majority of board members.

C.(1) Upon consultation with the state public defender, if the chairman
determines that there is not sufficient business to warrant the conducting of a
meeting of the board, the chairman may cancel a meeting that is required by
Subsection B of this Section.
(2) The chairman shall provide written reasons for the cancellation of the meeting and give at least seventy-two hours notice thereof by registered or certified mail to the post office address of each member of the board and of persons who previously have indicated that they have business before the board.

D. The board shall conduct a majority of its meetings per year in East Baton Rouge Parish. The board shall conduct at least three meetings per year in parishes other than East Baton Rouge Parish.

§150. Executive staff for board; general qualifications

A. The board shall employ a state public defender, a deputy public defender-director of training, a deputy public defender-director of juvenile defender services, a budget officer, a technology and management officer, a trial-level compliance officer, and a juvenile justice compliance officer who shall function as executive staff for the board.

B. Any person eligible to be employed in an executive staff position shall meet each of the following qualifications:

(1) Be a person of good character, honesty, and integrity.

(2) Be a citizen of the United States.

(3) Following his employment, be a domiciliary of Louisiana who is registered to vote in Louisiana.

C. The executive staff positions shall be permanent, full-time employees of the board and these employees shall not otherwise engage in the practice of law, where applicable, or engage in any other business or profession.

D. In addition to the general qualifications provided for in Subsection B of this Section, the executive staff positions shall meet the specific qualifications for employment as otherwise provided by law.

E. The salaries of the executive staff, except for the state public defender, shall be established by the board.

§151. (reserved)
§152. State public defender; qualifications; powers and duties; salary

A. The board shall employ a state public defender who shall meet the following qualifications:

(1) Meet the qualifications provided for in R.S. 15:150(B).

(2) Be an attorney licensed to practice law in the United States with at least seven years of experience as a criminal defense attorney. If licensed as an attorney in a state other than Louisiana, become licensed as an attorney in this state within one year of being employed by the board.

B. The state public defender shall:

(1) Recommend to the board how to establish and maintain, in a cost-effective manner, the delivery of legal services to persons entitled to, and financially eligible for, appointed counsel in criminal proceedings at state expense under Louisiana law, the Constitution of Louisiana, and the United States Constitution and consistent with the standards of national justice and those established by the Louisiana Supreme Court.

(2) Develop and present for the board's approval a strategic plan for the delivery of public defender services.

(3) Implement and ensure compliance with contracts, policies, procedures, standards, and guidelines adopted pursuant to rule by the board or required by statute.

(4) Prepare and submit to the board for its approval the budget of the board.

(5) Negotiate contracts, as appropriate, for providing legal services to persons financially eligible for appointed counsel at state expense. No contract so negotiated is binding or enforceable until the contract has been reviewed and approved by the board at a public hearing as provided for in R.S. 15:147(D). 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).

(6) Employ personnel or contract for services as necessary to carry out the
responsibilities of the board. 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).

(7) Supervise the personnel, operation, and activities of the board.

(8) Prepare and submit to the board an annual report of the indigent defender
services provided by the service regions, where applicable, and the districts.

(9) Appear before the Joint Legislative Committee on the Budget and report
on the activities of the board.

(10) Actively seek gifts, grants, and donations that may be available through
the federal government or other sources to help fund the system, provided that such
gifts, grants, and donations are not otherwise prohibited by law or rule.

(11) Assist the board in the adoption of rules as provided for in R.S. 15:148
and in accordance with the Administrative Procedure Act.

(12) Provide services, facilities, and materials necessary for the performance
of the duties, functions, and powers of the board.

(13) Assist the board in establishing the standards and guidelines, policies,
and procedures for the statewide delivery of indigent defender services in accordance
with rules adopted by the board and as required by statute.

(14) Establish administrative management procedures for regional offices,
where applicable.

(15) Review, monitor, and assess the performance of all attorneys, consortia
of attorneys, or independent public defender organizations 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 indigent 
defendants.

(16) Perform all other duties assigned by the board.

C. The state public defender shall receive an annual salary equal in amount 
to a judge of the courts of appeal of this state, as provided in R.S. 13:311.

§153. Deputy public defender-director of training; qualifications; duties

A. The board shall employ a deputy public defender who shall act as the 
director of training who shall meet the following qualifications:

(1) Meet the qualifications provided for in R.S. 15:150(B).

(2) Be an attorney licensed to practice law in the United States with at least 
five years of experience as a criminal defense attorney and if licensed as an attorney 
in a state other than Louisiana, become licensed as an attorney in this state within 
one year of being employed by the board.

B. The director of training shall:

(1) Coordinate training of public defenders in current aspects of criminal and 
civil law and procedure involving public defense, including the representation of 
juveniles.

(2) Establish and supervise a training and performance evaluation program 
for attorneys and non-attorney staff members and contractors.

(3) Establish training and educational programs for all public defender 
attorneys. Such programs shall not be "continuing legal education" as mandated by 
the Louisiana State Bar Association. The training sponsored by the state program 
shall be practical training based on models in other states, including trial advocacy 
and criminal procedure in the nature of mock trials, working seminars, and 
mentoring. Such educational programs shall also include annual educational 
programs and introductory educational programs for attorneys prior to providing 
public defender services.

(4) Assist in the development and dissemination of standards and guidelines, 
procedures, and policies that will ensure that public defender services are provided 
consistently throughout the state.
(5) Consolidate information on important aspects of public defense and provide for a collection of official opinions, legal briefs, and other relevant information.

(6) Provide assistance with research or briefs and provide other technical assistance requested by a public defender providing public defender services.

(7) Apply for and assist in the disbursement of federal funds or other grant money to aid the statewide public defender program, provided that such gifts, grants, and donations are not otherwise prohibited by law or rule.

(8) Perform all other duties assigned by the state public defender or the board.

C. In developing training and educational programs, the director of training shall work in conjunction with the regional director, where applicable, or district public defender to develop a scheduling for training which will consider the daily responsibilities and obligations of attorneys providing public defender services, and minimize any disruption of the delivery of public defender services.

§154. Deputy public defender-director of juvenile defender services; qualifications; duties

A. The board shall employ a deputy public defender who shall act as the director of juvenile defender services and shall meet the following qualifications:

(1) Meet the qualifications provided for in R.S. 15:150(B).

(2) Be an attorney licensed to practice law in the United States with at least five years of specific experience in the defense of juveniles in delinquency proceedings and if licensed as an attorney in a state other than Louisiana, become licensed as an attorney in this state within one year of being employed by the board.

B. The director of juvenile defender services shall:

(1) Work with representatives of all three branches of state government and other criminal justice stakeholders, including judges, district attorneys, sheriffs, probation officers, and law enforcement officials to promote sound juvenile justice policies in relation to fair adjudication processes, and placement and treatment of
juveniles charged in delinquency proceedings that focus on rehabilitation of the
offender.

(2) Promote positive change in educational opportunities and mental health
services and other treatment services for juveniles in the court system.

(3) Ensure that board policies and public pronouncements properly recognize
that children and young adults do not possess the same cognitive, emotional,
decisionmaking, or behavioral capacities as adults and, as such, require that special
attention be given to the representation of juveniles to ensure uniformly competent
representation.

(4) Perform all other duties assigned by the state public defender or the
board.

§155. Budget officer; qualifications; duties

A. The board shall employ a budget officer who shall meet the following
qualifications:

(1) Meet the qualifications provided for in R.S. 15:150(B).

(2) Have expertise in matters of finance which shall, include at a minimum,
possess of either a master's degree in economics, accounting, business
administration, public administration, or finance from an accredited business school,
or a bachelor's degree in accounting, finance, or administration with five years of
progressively responsible experience in general accounting, general finance, or
auditing, and have a comprehensive knowledge of the principles and practices of
corporate finance.

B. The budget officer shall:

(1) Prepare and submit to the board for its approval the budget of the board.

(2) Pay the expenses of the board.

(3) Be responsible for accounting and budget control, procurement and
contract management, data processing, management and program analysis, personnel
management, and grants management for the board.

(4) Develop and make available to the board such fiscal information as will
assist the board in evaluating the delivery of public defender services throughout the
state with the view of pointing out unnecessary programs, projects, and functions,
calling attention to inefficient and uneconomical practices, monitoring, reviewing,
and analyzing the performance of the districts and service regions, where applicable,
making recommendations for improvement, and carrying out other similar functions.

(5) Continuously review existing and proposed programs and budgets of the
board and service regions, where applicable, and the districts.

(6) Conduct other studies and perform other duties which may be of
assistance in directing the financial affairs of the board.

(7) Make continuous short- and long-range studies of projected revenues and
expenditures of the board.

(8) Evaluate legislative proposals for fiscal effect on the delivery of public
defender services and report the findings of those evaluations to the state public
defender and the board.

(9) Report to the legislature annually with respect to the activities of the
board and at such other times as the Joint Legislative Committee on the Budget or
the legislative fiscal officer deems appropriate.

(10) Develop and maintain a comprehensive information system on the
receipt of revenues by the board, the service regions, where applicable, and the
districts from local, state, and federal sources, as well as the expenditure of these
revenues, and to submit a summary of this information annually to the legislature.

(11) Prepare as of June first of each year an estimate of unexpended balances
in every account in his custody and submit a copy thereof to the governor, the
legislative auditor, and the legislative fiscal officer.

(12) Provide administrative staff support to the board.

(13) Assist each district public defender and regional director, where
applicable, with the preparation of monthly and annual financial reporting
requirements, budget preparation, and development of a uniform method of
accounting for all expenditures of the district including but not limited to the salaries,
contracts, acquisition of equipment, and supplies.
(14) Perform all other duties assigned by the state public defender or the board.

§156. Information technology and management officer; qualifications; duties

A. The board shall employ an information technology and management officer who shall meet the following qualifications:

(1) Meet the qualifications provided for in R.S. 15:150(B).

(2) Have expertise in database management, information systems integration, analysis, and programming, which shall include, at a minimum, possession of a bachelor's degree in information technology, or a master's degree in public administration or a related field, from an accredited university or college, or have five years of progressively responsible experience with database management, systems integration, systems analysis, programming, and mid-range client server and Internet systems, or an equivalent combination of education and experience.

B. The information technology and management officer shall:

(1) Oversee the central and core enabling technologies of the board, including the planning, organizing, supervising and directing of activities and operations of equipment and software and services in the regions.

(2) Ensure that data, including public defender workload, dispositions, frequency of client contact, duration of time from arrest to disposition, and other data points required to be maintained under Louisiana statutes or requested by the board, is maintained and compiled in a consistent, uniform, and timely manner through the development, training, and enforcement of data collection standards, policies, and procedures.

(3) Be responsible for instruction and training of board employees and service delivery contractors in the use of new or revised software or equipment.

(4) Prepare information technology operating and capital budgets.

(5) Develop and evaluate proposals for computer hardware, software, and networking equipment needs from the regions, where applicable, and the districts.

(6) Oversee and coordinate the purchase of information technology supplies and equipment for the board and the service regions.
(7) Employ consultants and vendors to perform information system
specialized functions, as needed.

(8) Perform similar or related work as situations dictate or as required and
directed by the state public defender and the board.

§157. Trial-level compliance officer

A. The board shall employ a trial-level compliance officer who shall meet
the following qualifications:

(1) Meet the qualifications provided for in R.S. 15:150(B).

(2) Have expertise in matters of performance evaluation development and
implementation.

(3) Be an attorney licensed to practice law in the United States with at least
three years of experience as a criminal defense attorney, or possess a master's degree
in public administration from an accredited school or university and possess five
years of progressively responsible experience conducting organizational assessments
and, if licensed as an attorney in a state other than Louisiana, become licensed as an
attorney in this state within one year of being employed by the board.

B. The trial-level compliance officer shall:

(1) Develop evaluation protocols to assess trial-level district compliance
with board-adopted standards and guidelines.

(2) Develop an effective evaluation implementation plan that allows for
regular assessments and ongoing monitoring of each district public defender system's
compliance of board-adopted standards and guidelines.

(3) Provide direct oversight of necessary staff to conduct regular assessments
and ongoing monitoring.

(4) Make regular reports to the board on variances to board standards and
guidelines with respect to each district.

(5) Perform all other duties assigned by the state public defender or the
board.
C. All standards and guidelines for the delivery of public defender services shall be rules adopted by the board pursuant to R.S. 15:148 and in accordance with the Administrative Procedure Act.

D. Nothing in this Section shall supersede a district public defender's responsibility to supervise individual attorneys and staff in performance on specific cases, or to employ or terminate local attorneys and staff personnel.

§158. Juvenile justice compliance officer

A. The board shall employ a juvenile justice compliance officer who shall meet the following qualifications:

(1) Meet the qualifications provided for in R.S. 15:150(B).

(2) Have expertise in matters of performance evaluation development and implementation.

(3) Be an attorney licensed to practice law in the United States with at least three years of experience in the defense of juveniles in delinquency proceedings, or possess a master's degree in public administration from an accredited school or university and possess five years of progressively responsible experience conducting organizational assessments and, if licensed as an attorney in a state other than Louisiana, become licensed as an attorney in this state within one year of being employed by the board.

B. The juvenile justice compliance officer shall:

(1) Develop evaluation protocols to assess district compliance with board-adopted standards and guidelines related to juvenile delinquency representation.

(2) Develop an effective evaluation implementation plan that allows for regular assessments and ongoing monitoring of each district's compliance of board-adopted standards and guidelines related to juvenile delinquency representation.

(3) Provide direct oversight of necessary staff to conduct regular assessments and ongoing monitoring related to juvenile delinquency representation.

(4) Make regular reports to the board on variances to board standards and guidelines with respect to each district related to juvenile delinquency representation.
(5) Perform all other duties assigned by the state public defender or the board.

C. All standards and guidelines for the delivery of juvenile justice services shall be rules adopted by the board pursuant to R.S. 15:148 and in accordance with the Administrative Procedure Act.

D. Nothing in this Section shall supersede a district public defender's responsibility to supervise individual attorneys and staff in performance on specific cases, or to employ or terminate local attorneys and staff personnel.

§159. Public defender service regions

A. The board is authorized to establish a maximum of eleven public defender service regions or "service regions" in the state of Louisiana to provide service to the board in fulfilling the duties of the board, as provided by this Act. The regions shall be defined by grouping contiguous judicial districts in a manner that provides for the most efficient, feasible, practical, and effective supervision and assistance to the districts by the regional office.

B. A regional office shall be maintained in each service region established by the board.

C. The service region shall provide supervision over the district offices, within that region, including budgetary and operational matters as provided in this Act.

D. The service region shall provide, as authorized by the board, such additional services as the board finds necessary to providing competent counsel in the judicial districts within the region, including but not limited to capital defense services, expert witness resources, and conflict counsel. Such additional services as the board deems necessary or advisable may be provided to clients through the regional offices.

E. Notwithstanding any other provision of law to the contrary, no service region shall be established which has a population in excess of five hundred thousand, as determined by the latest federal decennial census, unless a single judicial district having a population in excess of five hundred thousand, as determined by the latest federal decennial census.
determined by the latest federal decennial census, is established as a service region consisting of that single judicial district.

§160. Regional director for service regions; qualifications; duties; selection process

A. The board shall employ a regional director for each of the service regions established by the board, to be selected as provided for in this Section. Each regional director shall meet the following qualifications:

(1) Meet the qualifications provided for in R.S. 15:150(B).

(2) Be an attorney licensed to practice law in the United States with at least five years of experience as a criminal defense attorney and, if licensed as an attorney in a state other than Louisiana, become licensed as an attorney in this state within one year of being employed by the board.

(3) Following his employment, be a domiciliary of the service region who is registered to vote in the service region.

B. Each regional director shall:

(1) Supervise public defender services provided within his assigned service region.

(2) Work in conjunction with the compliance officers to ensure that public defender assignments within the service region comply with the standards and guidelines adopted pursuant to rule by the board and the Rules of Professional Conduct.

(3) Employ and supervise the work of the service region personnel as authorized by the state public defender.

(4) Contract for services as authorized by the state public defender according to the standards and guidelines adopted pursuant to rule by the board and as required by statute.

(5) Keep a record of all public defender services and expenses in the service region and submit the records to the state public defender as requested.

(6) Implement the standards and guidelines adopted as rules by the board pursuant to R.S. 15:148 and in accordance with the Administrative Procedure Act.
(7) Develop a method or methods of delivery of public defender services for
the service region, for submission to the board for board approval, upon consultation
with and recommendations of the district public defenders in each judicial district
within the service region. The regional director shall consider any delivery model
in existence prior to August 15, 2007, or prior to establishment of the region, as
acceptable until that delivery model fails to comply with the uniform standards and
guidelines for the delivery of public defender services in accordance with rules
adopted by the board and as required by statute, unless the region is established for
districts which have previously been determined not to be in compliance with the
uniform standards and guidelines.

(8) Perform all other duties assigned by the state public defender or the
board.

C. Upon making the determination to establish a service region, the board
shall appoint a regional director selection committee as provided for in Subsection
D of this Section.

D.(1) Each judicial district within the service region shall have three
members appointed to the selection committee who are attorneys domiciled in that
judicial district, are in good standing with the Louisiana Bar Association, and are not
otherwise disqualified by Paragraph (2) of this Subsection.

(2) No person shall be appointed to the selection committee who has
received compensation to be an elected judge, elected official, judicial officer,
prosecutor, law enforcement official, indigent defense provider, or who is an
employee of any such person, within a two-year period prior to appointment. No
active part-time, full-time, contract, or court-appointed indigent defense provider, or
active employees of such persons, may be appointed to serve on the selection
committee.

(3) The members of the regional director selection committee shall be
appointed district by district in the following manner:

(a) One member appointed by the state public defender.
(b) One member appointed by the president of the Louisiana State Bar Association.

(c) One member appointed by the chief judge of the judicial district.

(4) The state public defender shall select the chairman of the committee from one of his appointments.

E. In the event there are fewer than three attorneys eligible to serve as members of the selection committee as provided for in Subsection D of this Section, or there are fewer than three eligible attorneys who are willing to serve as members of the selection committee, the members shall be selected as provided for in R.S. 15:160(D)(3) from among any registered voters residing in that judicial district.

F.(1) The selection committee shall review eligible candidates for the position of regional director, giving preference to those individuals who are domiciled in the service region.

(2) Within ninety days of formation of the selection committee, the selection committee shall submit a list of at least three nominees for the position of regional director.

G. Except as provided in Subsection H of this Section, within thirty days of receiving the nominations for the position of regional director from the selection committee, the board shall employ a regional director from the list of nominees submitted to the board.

H.(1) After review and analysis of the list of nominees submitted to the board by the selection committee, if the board determines that none of the submitted nominees are acceptable to the board, the board shall issue a written statement directing the selection committee to submit additional nominees for the position of regional director.

(2) If the board directs the selection committee to submit additional names for the position of regional director, the committee shall have ninety days to submit the additional names. Within thirty days of receiving the additional nominations for the position of regional director, the board shall employ a regional director from the list of nominees submitted to the board.
(3) The board shall direct the selection committee to submit additional nominees to the board only upon a determination that none of the submitted nominees are acceptable to be employed as regional director for the service region.

(4) The board may issue a written statement directing the selection committee to submit additional nominees for the position of regional director only one time during the selection process for that position.

§161. District public defender; powers; duties; accounting; audit reporting; existing chief indigent defenders continued; establishment of district office

A. Except as otherwise provided for in this Section, the board shall employ or contract with a district public defender to provide for the delivery and management of public defender services in each judicial district.

B. Each district public defender shall meet the following qualifications:

(1) Meet the qualifications provided for in R.S. 15:150(B).

(2) Be an attorney licensed to practice law in Louisiana with at least five years of experience as a criminal defense attorney.

(3) Following his employment, be a domiciliary of the judicial district or a contiguous judicial district who is registered to vote in that judicial district or contiguous district.

C. A district office, or appropriate office space, shall be maintained in each judicial district for meeting with clients and rendering public defender services.

D. Vacancies for the office of district public defender shall be filled as provided for in R.S. 15:162.

E. Each district public defender shall:

(1) Manage and supervise public defender services provided within his judicial district.

(2) Prepare an operating budget for the district and submit it to the budget officer annually.

(3) Work in conjunction with the budget officer in developing a uniform method of accounting for all expenditures of the district, including but not limited to the salaries, contracts, acquisition of equipment, and supplies.
(4) Submit to the budget officer a monthly report of all revenues received and expenditures, including but not limited to salaries, contracts, acquisition of equipment, and supplies for the district.

(5) Work in conjunction with the compliance officers to ensure that public defender assignments within the judicial district comply with the standards and guidelines adopted pursuant to rule by the board and the Rules of Professional Conduct.

(6) Supervise the work of the district personnel.

(7) Employ district personnel, subject to review by the state public defender or the regional director, where applicable, for compliance with qualifications and standards and guidelines established by statute and by rules adopted by the board.

(8) Contract for services in accordance with the standards and guidelines adopted by rule by the board, and as authorized by the regional director, where applicable.

(9) Keep a record of all public defender services and expenses in the district and submit the records to the regional director, where applicable, or state public defender as requested.

(10) Implement the standards and guidelines and procedures established by the board, state public defender, and regional director, where applicable, for the district.

(11) Maintain a client workload for the district office as determined by the regional director, where applicable, the state public defender, and the board.

(12) Consult with the regional director, where applicable, and make recommendations regarding the method of delivery of public defender services for the district for submission to the board for board approval. The regional director, where applicable, or the board shall consider any delivery model in existence prior to August 15, 2007, as acceptable until that delivery model is proven to not meet the uniform standards and guidelines for the delivery of public defender services in accordance with rules adopted by the board and as required by statute.
(13) Employ or terminate district personnel, manage and supervise all
district level work, including establishment of district personnel salaries, subject to
review by the board for compliance with salary guidelines established by the board
through the adoption of rules.

(14) Perform all other duties assigned by the regional director, where
applicable, state public defender, or board.

F. Each district public defender may make recommendations to the regional
director, where applicable, the state public defender, and the board on any matter
regarding his judicial district.

G. Each district public defender shall work in conjunction with the
legislative auditor in developing uniform audit reports as required by R.S. 24:515.1
which shall require the following to be included in that report:

(1) The amount of all state revenue provided by the legislature from general
or special appropriations, or revenue passed through by state agencies.

(2) The amount of all revenue provided by local government from general
or special appropriations, appropriations required by law, and revenue from the
criminal court fund.

(3) The amount of grant funding from federal pass-through or categorical
grants, grants from nonprofit organizations, and private and corporate foundations.

(4) The amount of funding received from any self-generated revenue.

H.(1) In an effort to maintain continuity of indigent defender services in each
judicial district, any person employed as the chief indigent defender of a judicial
district as of January 1, 2007, pursuant to the provisions of R.S. 15:145(B)(2)(a),
shall continue to be employed by, or enter into a contract with, the board and serve
as the district public defender of that district.

(2) The board shall establish the salaries for each district public defender;
however, the salaries and benefits in place on January 1, 2007, for each chief
indigent defender shall continue as the beginning salary for each district public
defender and shall not be decreased. The provisions of this Paragraph shall not be
construed to limit the board’s ability to increase the salary of a district public defender.

I. The board shall evaluate any district where, as of January 1, 2007, there is no person employed as the chief indigent defender, pursuant to the provisions of R.S. 15:145(B)(2)(a), and do one of the following:

(1) Employ a district public defender who meets the criteria provided for in this Section, using the selection process provided for in R.S. 15:162; or

(2) Assign another district public defender from a contiguous judicial district to manage and supervise public defender services for both judicial districts; or

(3) Determine whether the board shall regionalize the operation of the district, as provided for in R.S. 15:163.

J. Notwithstanding any other provision of law to the contrary, any attorney employed by or under contract with the board, the district public defender, regional director, where applicable, or nonprofit organization contracting with the board, district public defender, regional director, where applicable, or the board to provide legal counsel to an indigent person in a criminal proceeding shall be licensed to practice law in the state of Louisiana. The provisions of this Subsection shall not be construed to prohibit the use of attorneys licensed to practice law in another state to provide legal counsel to an indigent person in a criminal proceeding on a pro-bono basis or who is receiving compensation from a grant administered by the board or from a grant administered by any nonprofit contracting with the board, provided that the out of state attorney is authorized to perform those services by the Louisiana Supreme Court. The legislature hereby specifically states that the provisions of this Subsection are in no way intended to, nor shall they be, construed in any manner which will impair any contractual obligations, heretofore existing on June 1, 2007, of any out of state attorney authorized by the Louisiana Supreme Court to practice law in this state to provide legal counsel to an indigent person in a criminal proceeding.
§162. Vacancies in position of district public defender; formation of district public
defender selection committee; powers and duties of committee; process for
filling vacancy for district public defender; interim district public defender

A. Except as provided for in Subsection G of this Section, within twenty
days of receiving notice of a vacancy which occurs for the position of district public
defender by reason of demotion, termination, retirement, resignation, or death, the
board shall form a district public defender selection committee as provided for in
Subsection B of this Section.

B.(1) The selection committee shall consist of three attorneys who are in
good standing with the Louisiana State Bar Association, are domiciled in that
judicial district, and are not otherwise disqualified by Paragraph (2) of this
Subsection.

(2) No person shall be appointed to the selection committee that has received
compensation to be an elected judge, elected official, judicial officer, prosecutor, law
enforcement official, or indigent defense provider, or employees of all such persons,
within a two-year period prior to appointment. No active part-time, full-time,
contract, or court-appointed indigent defense provider, or active employees of such
persons, may be appointed to serve on the selection committee.

(3) The members shall be selected as follows:

(a) One member, who shall serve as chairman of the committee, appointed
by the state public defender.

(b) One member appointed by the president of the Louisiana State Bar
Association.

(c) One member appointed by the chief judge of the judicial district.

C. In the event there are fewer than three attorneys eligible to serve as
members of a selection committee as provided for in Subsection B of this Section,
or there are fewer than three eligible attorneys who are willing to serve as members
of a selection committee, the members shall be selected as provided for in R.S.
15:162(B)(3) from among any registered voters residing in that judicial district.
D.(1) The selection committee shall review eligible candidates for the position of district public defender, giving preference to those individuals who are domiciled in the district.

(2) Within sixty days of formation of the selection committee, the selection committee shall submit a list of at least three nominees for the position of district public defender.

E. Within thirty days of receiving the nominations for the position of district public defender from the selection committee, the board shall employ a district public defender from the list of nominees submitted to the board.

F. The board shall appoint an interim district public defender to fill the vacancy of the district public defender until the position is filled.

G. The provisions of this Section shall not apply to a district which has been regionalized pursuant to the provisions of R.S. 15:163.

H. Whenever a vacancy occurs for the position of district public defender in any judicial district having a population of less than thirty thousand, or having less than four attorneys providing public defender services, the board shall evaluate the district and make a determination regarding the appropriateness of employing a district public defender or authorizing a district public defender from a contiguous judicial district to manage and supervise public defender services in that judicial district. If a decision is made by the board to employ a district public defender, the board shall use the selection process provided for in this Section to fill that vacancy.

§162.1. District public defender advisory boards

A. A district public defender may establish a district public defender advisory board to provide information, assistance, and guidance with respect to the delivery of public defender services in that judicial district.

B. The number of board members, the makeup of the board, and the frequency of meetings of the board shall be determined by the district public defender, upon consultation with district judges having criminal jurisdiction in that judicial district.
C. The advisory board may make comments, recommendations, findings, and suggestions regarding the delivery of indigent defender services in the judicial district.

D. The comments, recommendations, and findings of the district advisory board shall be documented and included in the annual report of the district to the board. Specific comments, recommendations, and findings of the district public defender advisory boards shall be considered by the board in its performance and compliance evaluation of the district but shall be nonbinding on the board.

E. Upon request of a district public defender advisory board, the Louisiana Public Defender Board shall provide an opportunity to the advisory board to appear before the Louisiana Public Defender Board to offer any comments, recommendations, findings, or suggestions regarding the delivery of public defender services for the district.

§163. Regionalization of district public defender services by board

A. In certain cases the board shall regionalize and operate the public defender services of a district as a subdivision of the board through a regional office. When the public defender services of a district are taken over by the board in this manner, the district public defender shall be an employee of the region and the regional director shall be the manager and supervisor of the district public defender office. A regionalization of the operation of a district public defender program shall occur, by a majority vote of the board, upon a finding that one of the following conditions have occurred:

(1) The district, through its district public defender, petitions the board for the board to regionalize the delivery of indigent defender services in the district; or

(2) The board upon its own motion, or upon petition of a regional director, if applicable, finds that the district public defender office has failed after reasonable assistance, resourcing, and consultation with the board to reasonably meet performance standards mandated by the board or to comply with data reporting or any other rule adopted by the board; or
(3) Due to a natural disaster or catastrophic emergency, the district public
defender cannot operate or function normally, provided that this shall apply for not
longer than a period of six months, renewable by the board on an interim basis at six-
month intervals.

B. In any district where the board takes over the operation of indigent
defender services as provided by this Section the district office shall be maintained
for client services in the judicial district. The district public defender in a district
regionalized pursuant to the provisions of this Section shall be a day-to-day manager
and shall work out of the district office.

C. When the operation of a district office is regionalized pursuant to the
provisions of this Section, the supervision of compliance with state standards and
guidelines shall be carried out by an officer of the board as part of its supervision of
the regional office.

D. Prior to regionalizing a district as provided for in this Section, the board
shall send written notice of the public hearing as required in Subsection E of this
Section, to the chief judge, the district advisory board, if applicable, and the district
public defender of that judicial district of the board’s intention to regionalize the
district.

E. (1) Prior to regionalizing a district as provided for in this Section, the
board shall conduct a public hearing regarding regionalization of a district, and
provide the public an opportunity to offer comment on the regionalization.

(2) The public hearing provided for by this Subsection may be conducted at
a regular meeting of the board provided proper notice is provided to the public as
required by this Subsection.

§150. §164. Regional defense service centers

A. Any Upon approval of the board, any district indigent defender board
public defender may contract with one or more other district indigent defender
boards public defenders for the establishment of a regional defense service center.
A district indigent defender board public defender may enter into only one contract
for a regional center in a particular field of practice.
B. As used in this Section, the term "regional defense service center" means:

1. A regional appellate resource center.
2. A regional death penalty center.
3. A regional juvenile defense center.

C. (1) A regional defense service center may be granted authority to contract
with counsel for defense at trial in the district court for defendants charged with
capital offenses, for appeals in noncapital cases and in capital cases in which a
sentence of life imprisonment was imposed, and for representation of juveniles in
juvenile courts and in all other courts with juvenile jurisdiction. The center may also
contract for other specific functions other than appeals and post-conviction
representation in capital cases in which the death penalty was imposed, and for the
operation of an office, library, and other reasonably necessary services and authority
as the contracting boards deem appropriate.

(2) A regional death penalty center may retain a supervising attorney or chief
defender, whose job description and compensation shall be specifically set out in the
contract by the districts which establishes the regional defense service center. No
attorney with less than five years' criminal trial practice shall serve as lead
counsel in any death penalty case assigned to the regional death penalty center.

(3) A regional defense service center may apply for grants from any source
of funding for the center's operation. The funds from such grants shall belong to the
regional center.

D. A contract among district indigent defender boards shall provide for
adequate supervision of the regional defense service center established, with periodic
reports to each of the contracting boards, at least every six months, regarding the
following:

1. Information on the center's caseload and the status of each case.
2. Receipts and disbursements.
3. Comparison of budget to actual expenses.
4. Assessment of the effectiveness of the center.
E.(1) The contract establishing a regional defense service center shall further provide for the specifics of contracts with attorneys, the method of staffing, and the contract amount. If a center is intended to retain full-time counsel, that condition shall be specified in the contract establishing the center.

(2) Regional defense service centers shall operate on a calendar year budget and shall be subject to the rules and regulations of the legislative auditor.

(3) A regional defense service center shall have an established caseload limit beyond which counsel at the center may decline to provide representation in its assigned area of criminal defense.

(4) The contract for a regional defense service center shall provide for contribution by the contracting districts for a period not more than five nor less than three calendar years, which commitment shall be binding on the contracting boards. The basis of the contribution may be any rational basis, including population, caseload, or other criteria agreed to by the respective boards. The contracting boards shall be required by the contract to contribute to the regional service center for a period of not less than three nor more than five years, and the contract shall be noncancellable.

F.(1) The purpose of regional defense service centers shall be to improve services and reduce cost by creating a regional defense service center for appellate work, death penalty defense, juvenile representation, and such other specific related purposes as the districts involved shall define by the contract.

(2) Nothing herein shall be interpreted as creating a duty on the part of such regional defense service centers to do any act, or provide any service, beyond that contemplated in the establishment of the center by the district indigent defender boards and present jurisprudence.

§165. Methods of delivery of public defender services; selection of methods; emergency circumstances

A. The method of delivery in each judicial district shall be approved to the extent that it is meeting or able to meet the performance standards and guidelines of
the board. The board may change the method of delivery in order to ensure compliance with best practices reflected in the performance standards and guidelines.

B. The board shall approve the method of delivery of public defender services for each district upon consultation with and recommendations of the state public defender, the director of juvenile defender services, the regional director for the service region, where applicable, and the district public defenders from the following service delivery methods or any combination thereof:

(1)(a) Appointment by the district public defender from a list of competent attorneys licensed to practice law in this state and classified according to case-type certification level.

(b) All appointments shall be on a successive, rotational basis by case-type certification. Deviations from the panel list shall be permitted only to comply with Article 512 of the Code of Criminal Procedure and in exceptional circumstances upon approval of the board upon recommendation of the district public defender or regional director, where applicable.

(2) 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 indigent defendants. The salaries of the district public defender and all assistants and supporting personnel shall be fixed by the board in compliance with salary and compensation standards adopted pursuant to rule by the board.

(3) The board may authorize the district public defender or regional director, where applicable, to 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 to provide counsel for indigent defendants in criminal proceedings.

(4) A full-time public defender office, staffed by full-time lawyers and support staff, or primarily full time with supplemental positions on a contract basis.

C. Any delivery model in existence prior to April 30, 2007, shall be presumed to be acceptable and meet standards guidelines pursuant to rules adopted
by the board, and as provided by statute until the delivery model is proven not to
meet those standards and guidelines.

D.(1) If, after reasonable assistance, providing of resources, and consultation
with the board, the state public defender, or regional director, where applicable, the
preexisting delivery model is still deemed unacceptable, the board shall determine
upon consultation with the state public defender, the director of juvenile defender
services, and the regional director, where applicable, the appropriate service delivery
system to provide counsel for indigent defendants in criminal proceedings. Such a
system shall be structured with due consideration for local variances from judicial
district to judicial district within the region and shall, where necessary, establish
satellite offices or part-time satellite offices to maintain easy access to clients in each
judicial district within their purview.

(2) The board shall provide notice of a public hearing as provided in
Paragraph (3) of this Subsection, to the district public defender, district advisory
panel, if applicable, and the chief judge of the judicial district prior to changing any
delivery model as provided for by this Section and provide the public an opportunity
to offer comment on the change in the delivery model.

(3) The public hearing provided for by this Subsection may be conducted at
a regular meeting of the board provided proper notice is provided to the public as
required by this Subsection.

E. 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 existing as of August 15, 2007, may,
with the approval of current local indigent defender boards of other judicial districts
in its region, provide administration, management, and supervision of services and
budgets for those districts, with due consideration for local variances from judicial
district to judicial district within the region, and establish, where necessary, satellite
offices or part-time satellite offices to maintain easy access to clients in each judicial
district within their purview.
F. The district public defender shall create a staff organization plan for its
delivery method which shall be subject to approval by the state public defender or
regional director, where applicable, and the board. The staff organization plan will
provide for the method of delivery, positions, duties, and assignments in the district
court.

G. In the event of a catastrophic event, natural or otherwise, the board shall
have the power to establish an appropriate delivery system to maintain the competent
delivery of services from among the delivery methods provided for by this Section.

§166. (Reserved)

§167. Louisiana Public Defender Fund

A. "The Louisiana Public Defender Fund", hereinafter referred to as the
"LPD Fund", is hereby created in the state treasury. Interest earned on the
investment of monies in the fund shall be deposited in and credited to the fund.
Unexpended and unencumbered monies in the fund at the close of each fiscal year
shall remain in the fund. Monies in the fund shall be appropriated, administered, and
used solely and exclusively for purposes of the Louisiana Public Defender Act and
program and as further provided in this Section.

B. The fund shall be comprised of all monies appropriated, donated, or
otherwise made available to provide funding for the provisions of the Louisiana
Public Defender Act. All of such monies required to be deposited in the state
treasury in accordance with Article VII, Section 9(A) of the Constitution of
Louisiana shall be deposited in the fund after first meeting the requirements of
Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond
Security and Redemption Fund.

C. Monies in the fund shall be appropriated and used solely and exclusively
to provide for the implementation of the Louisiana Public Defender Act and the
program.

D. The LPD Fund shall be administered by the board as authorized by the
provisions of the Louisiana Public Defender Act. The board is hereby authorized to
establish such accounts or sub-accounts within the LPD Fund as deemed necessary
to comply with the provisions of the Louisiana Public Defender Act and the program.

The board shall not commingle the monies in the LPD Fund established in this
Section with any other monies or funds of the board for any reason.

§146- §168. Judicial district indigent defender fund

A. There is hereby created within each judicial district an indigent defender
fund which shall be administered by the district board public defender and composed
of funds provided for by this Section and such funds as may be appropriated or
otherwise made available to it.

B.(1) Every court of original criminal jurisdiction, except in the town of
Jonesville, in the city of Plaquemine, and in mayors' courts in municipalities having
a population of less than five thousand, shall remit the following special costs to the
district indigent defender fund for the following violations, under state statute as well
as under parish or municipal ordinance, except a parking violation. The sum of
thirty-five dollars shall be assessed in cases in which a defendant is convicted after
a trial, a plea of guilty or nolo contendere, or after forfeiting bond and shall be in
addition to all other fines, costs, or forfeitures imposed.

(2) Such amounts shall be remitted by the respective recipients thereof to the
judicial district indigent defender fund monthly by the tenth day of the succeeding
month.

C. In addition to the funds provided for in Subsection B hereof the state shall
pay to each district indigent defender board, on the warrant of its chairman, the sum
of ten thousand dollars per annum.

D. Except as otherwise provided by the Louisiana Public Defender Act,
the funds provided for in this Section, and any other self-generated revenue and
all interest or other income earned from the investment of such funds shall be retained in the district and shall be used and administered
by the district board public defender.

D. No defendant who has retained private counsel of record shall be
assessed any costs to be credited to the indigent defender fund, other than the special
costs established by Subsection B of this Section, unless the indigent defender board
has provided representation of record for that defendant at some point in that
criminal proceeding.

E. Any surplus monies in the judicial district indigent defender fund on
August 15, 2007, shall be retained in that judicial district and remain in the judicial
district indigent defender fund. Any unexpended and unencumbered monies in the
judicial district indigent defender fund at the close of each fiscal year shall remain
in the judicial district indigent defender fund. Monies in the fund shall be
administered and used solely and exclusively for purposes of delivering indigent
defender services in that judicial district.

§169. Representation of capital defendants

A. In cases where a sentence of death has been imposed, the board shall
promptly cause counsel to be enrolled to represent the defendant. The board shall
adopt rules and retain only such staff counsel or other counsel, who will work under
the supervision of the board, as are necessary to provide counsel to represent capital
defendants on direct appeal to the Supreme Court of Louisiana and to seek post-
conviction relief if appropriate in state and federal court. The board shall also adopt
rules regarding the provision of reasonably necessary services associated with the
proceedings, including investigative, expert, and other services. The rules shall
require that funds to pay for such reasonably necessary services shall be provided
only upon a written showing specifically identifying the nature of the services, the
cost of such services, and the need for such services with mandatory guidelines for
compensation and litigation expense maximums. The board may seek funding as is
available under federal law or from other public and private sources to cover the
costs of providing representation in connection with applications for post-conviction
relief filed in state and federal court.

B. Staff counsel, or other counsel, who represented convicted capital
defendants in state court proceedings may, if authorized by the board, accept
appointments from federal court to represent those defendants, but only if
compensation is provided by funds as directed by the appointing federal court. Such
funds shall remain subject to the use of the board and may be used for paying the
costs of such representation. No state-appropriated funds shall be expended for the 
representation of capital defendants in federal court.

§170. Disciplinary action; sanctions of regional directors and district public

defenders; just cause; hearing

A.(1) The board shall have the authority to take corrective or disciplinary

action against any regional director, or district public defender, for failure to adhere

to the standards and guidelines for rendering indigent defender services as provided

by rules adopted pursuant to R.S. 15:148 and in accordance with the Administrative

Procedure Act.

(2) "Corrective or disciplinary action" shall include but not be limited to any

of the following:

(a) Issuance of a warning or reprimand.

(b) Issuance of a sanction.

(c) Suspension from rendering public defender services with or without

compensation.

(d) Demotion.

(e) Termination.

(3) A regional director or district public defender may be demoted or

terminated for just cause.

B. The actions which constitute just cause are as follows:

(1) The willful refusal to comply with mandatory training and education

requirements.

(2) The willful refusal to comply with mandatory performance standards and

guidelines as required by rule adopted by the board.

(3) The conviction or nolo contendere plea to any felony, participation in a

pretrial diversion program pursuant to a felony charge, or conviction of any

misdemeanor involving moral turpitude or public corruption.

(4) The willful failure to correct consistently ineffective practices to the

detriment of clients.
(5) The willful failure to document communications with clients as required by the board.

(6) The willful failure to cooperate with the state public defender, a regional director, where applicable, or the board in any matter.

(7) The willful failure to submit to periodic review of their work against the performance standards and guidelines.

(8) The willful failure to submit requested documentation on any matter as requested by the regional director or the board.

(9) Knowingly making any false statement to the regional director, state public defender, or board.

(10) Using fraudulent, coercive, or dishonest practices or misrepresentation or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business such as might endanger the public.

C. A regional director or district public defender who feels that he has been demoted or terminated without just cause as defined in this Section may, within fifteen days after the action, demand in writing a hearing, and investigation by the board to determine the reasonableness of the action.

D.(1) Upon receipt of a request for a hearing, the board shall appoint a five-member hearing committee made up of five board members.

(2) The board shall designate the chairman of the hearing committee, who shall function as the presiding officer of the hearing.

(3) The chairman of the hearing committee shall designate an attorney to present evidence in support of the proposed job action. The attorney may be the supervisor requesting the job action or his designee or another attorney currently providing indigent defender services appointed by the board for that purpose.

(4) The hearing committee shall conduct a hearing on the matter within thirty days after receipt of the written request.

(5) The hearing shall be conducted by the hearing panel and shall, at a minimum, provide for:

(a) The receipt of sworn testimony, including by deposition.
(b) An opportunity for any interested party to be heard.

(c) An orderly, predictable, and timely docketing system.

(d) Submission of the report required by this Section within thirty days after receipt of the record of the hearing conducted as provided for in this Section.

(6) The hearing shall be public and the testimony shall be recorded.

(7) All parties shall be afforded an opportunity to appear before the hearing committee, either in person or with counsel, and present evidence to show that the action was or was not taken in good faith for cause as set forth in the provisions of this Section.

(8) The burden of proof for any job action short of termination of employment shall be by a preponderance of the evidence. The burden of proof for termination of employment shall be by clear and convincing evidence.

E. The hearing committee may:

(1) Issue subpoenas and compel the attendance of witnesses or the production of documents.

(2) Administer oaths.

(3) Require testimony under oath before the hearing committee in the course of a hearing being held for any reason.

(4) Issue written interrogatories.

F. As to every matter on which a hearing is held, the hearing committee shall submit a report to the board within thirty days of conducting the hearing, which shall contain, at a minimum, the record of the hearing, including all submissions, the finding of the facts that are pertinent to the decision, the conclusions of applicable law related to the decision, and the decision. The submission shall be in writing, shall be provided to all involved parties, and shall be a public record, except for any submitted materials which are confidential pursuant to law.

G.(1) Within thirty days of receipt of the report from the hearing committee, the board shall take action in a public meeting conducted by the board.
(2) At that time the board may affirm the recommendation of the hearing committee, modify or disapprove the recommendations of the hearing committee, or direct that the matter be investigated further.

(3) If the board affirms the demotion or termination action, then the termination or demotion of the regional director or district public defender shall remain in effect and shall be permanent.

(4) If the board finds that the termination or demotion was not taken in good faith for just cause under the provisions of this Section, the board shall order the immediate reinstatement or reemployment of such person in the office, place, position, or employment from which he was terminated or demoted, which reinstatement shall, if the board so provides, be retroactive and entitle him to his regular pay from the time of termination or demotion.

(5) The board may modify the order of termination or demotion by directing a suspension without pay for a given period.

H. The decision of the board, together with its written findings of fact, shall be certified in writing and shall be enforced by the board.

I. All decisions of the board are final and may not be appealed.

J. Prior to terminating or demoting a district public defender, the board shall send written notice of the public hearing as required by this Section, to the chief judge, and the district advisory board, if applicable, of the judicial district of the board's intention to terminate or demote the district public defender of that judicial district.

§§171-172. (Reserved).

§173. Right of action not created

A. It is not the intent of the legislature to create any new right, right of action, or cause of action or eliminate any right, right of action, or cause of action existing under current law. Nothing in the provisions of R.S. 15:141 through 184 shall create, expressly or by implication, any right, claim, or cause of action in favor of anyone in connection with the delivery of indigent defender services.
B. In addition to the provisions of Subsection A of this Section, nothing herein, nor any standards, guidelines, or rules adopted as a result hereof, shall be construed to provide any criminal defendant the basis of any claim that the attorney or attorneys appointed to represent him pursuant to this statute performed in an ineffective manner. It shall be presumptive evidence that any attorney performing criminal defense services pursuant to the auspices of this statute is currently certified to have met the standards and guidelines adopted by the board to provide criminal defense services in an effective manner. Nothing contained herein shall be construed to overrule, expand, or extend, whether directly or by analogy, the decision reached by the United States Supreme Court in *Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984) nor its progeny as adopted by the Louisiana Supreme Court.

§145. Special reporting requirements; penalties

A. In addition to the general oversight requirements provided by law, each district or service region, where applicable, district board shall submit an annual report to the Indigent Defense Assistance Louisiana Public Defender Board no later than February first of each year, commencing in 2006. The report, using the uniform definition of a "case" as defined in Subsection C of this Section, shall include detailed information of the district board's workload, resources, employees, and expenditures for each district or service region, where applicable, for the previous fiscal year. The report shall also include the number of Families in Need of Services (FINS) petitions, Child in Need of Care (CINC) petitions, and child support petitions handled by each indigent defender district service region.

B.(1) The chairman of the district board or absent a chairman, every member of the district board district public defender, and director of each service region, where applicable, shall be responsible for preparing, completing, and submitting the annual report to the Indigent Defense Assistance Louisiana Public Defender Board as provided for in Subsection A of this Section.
(2) The district board public defender shall be subject to the penalties provided for in Paragraph (3) of this Subsection, payable out of the judicial district indigent defender fund, if any of the following occur:

(a) The failure to file a report.
(b) The failure to timely file a report.
(c) The failure to disclose or accurately disclose any required information.
(d) The filing of a false report.

(3) The amount of the penalty shall be one hundred dollars for each day until the report or the required accurate information is filed.

C. For purposes of this Section, a "case" is defined as a charge or set of charges contained in a charging instrument or petition against a single accused arising out of one or more events, transactions, or occurrences, which are joined, or which may be joined pursuant to Code of Criminal Procedure Articles 490 through 495.1. Cases that involve multiple persons accused are counted as a separate case for each person accused. Cases that involve multiple charges or counts are recorded with the highest charge, based on the severity of sentence for the crime charged, as the case type. Multiple charges against a single person for the issuing of worthless checks shall be counted as a single case. Each appeal, after conviction, shall be counted as a separate case. In the event that a charging instrument contains a charge or set of charges arising out of multiple events, transactions, or occurrences, indigent defender boards shall track, record, and report the number of such instances per charging instrument.

§147. §175. Proceedings to determine indigency

A.(1)(a) A preliminary inquiry and determination of indigency of any accused person shall be made by the court not later than arraignment and such determination may be reviewed by the court at any other stage of the proceedings.

(b) A person will be deemed "indigent" who is unable, without substantial financial hardship to himself or to his dependents, to obtain competent, qualified legal representation on his own. "Substantial financial hardship" is presumptively determined to include all defendants who receive public assistance, such as Food
Stamps, Temporary Assistance for Needy Families, Medicaid, Disability Insurance, resides in public housing, or earns less than two hundred percent of the Federal Poverty Guideline. A defendant is presumed to have a substantial financial hardship if he or she is currently serving a sentence in a correctional institution or is housed in a mental health facility.

(c) Defendants not falling below the presumptive threshold will be subjected to a more rigorous screening process to determine if their particular circumstances, including seriousness of the charges being faced, monthly expenses, local private counsel rates, would result in a "substantial hardship" were they to seek to retain private counsel.

(d) If the court makes the preliminary determination that the accused is or may be indigent, the court shall require the accused to make application to the local indigent defender district public defender office or an attorney appointed or under contract to provide indigent defender services, who shall inquire further into the accused's economic status and, upon determining that the accused is indigent, shall file a certification thereof, in such form as the court may require and without paying costs in advance, in the record of the proceeding or enroll as counsel.

(e) The accused shall be responsible for applying for indigent defense counsel and for establishing his indigency and entitlement to appointment of counsel. Any oral or written statements made by the accused in or for use in the criminal proceeding and material to the issue of his indigency shall be made under oath or an equivalent affirmation.

(f) An accused person or, if applicable, a parent or legal guardian of an accused minor or an accused adult person who is claimed as a dependent on the federal income tax submission of his parent or legal guardian, who makes application to the judicial district indigent defender board district office certifying that he is financially unable to employ counsel and requesting representation by indigent defense counsel or conflict counsel, shall pay a nonrefundable application fee of forty dollars to the indigent defender board district office or its designee, which fee shall be in addition to all other fees or costs lawfully imposed. If the board or other
appropriate official determines that the person does not have the financial resources
to pay the application fee based upon the financial information submitted, the fee
may be waived or reduced. An accused who is found to be indigent may not be
refused counsel for failure to pay the application fee.

(g) The proceeds shall be deposited to the judicial district indigent defender
fund in the judicial district in which the application was made.

(h) The funds collected pursuant to this Section and all interest or other
income earned from the investment of such funds shall be used and administered by
each judicial district indigent defender board district public defender.

(i) The judicial district indigent defender board or other appropriate official
district public defender shall maintain a record of all persons applying for
representation and the disposition of the application and shall provide this
information to the Indigent Defense Assistance Board board on a monthly basis as
well as reporting the amount of funds collected or waived.

(2) The chief indigent defender district public defender or his assistants or
a member of the indigent defender panel appointed by the board or the court for such
purpose, or an attorney providing indigent defender services pursuant to a contract
with the district board shall be allowed to summon witnesses to testify before the
court concerning the financial ability of any accused person to employ counsel for
his defense.

(3) Failure of the judge to comply with provisions of this Section shall result
in deduction of reasonable criminal defense costs from the Judicial Expense Fund.

B.(1) In determining whether or not a person is indigent and entitled to the
appointment of counsel, the court shall consider whether the person is a needy person
and the extent of his ability to pay. The court may consider such factors as income
or funds from employment or any other source, including public assistance, to which
the accused is entitled, property owned by the accused or in which he has an
economic interest, outstanding obligations, the number and ages of dependents,
employment and job training history, and level of education.
(2) Release on bail alone shall not disqualify a person for appointment of
counsel. In each case, the person subject to the penalty of perjury shall certify in
writing such material factors relating to his ability to pay as the court prescribes.

C. Nothing in this Chapter shall prevent a criminal defendant from obtaining
representation through the indigent defender board at no charge.

§148. §176. Partial reimbursement by indigents

A. To the extent that a person is financially able to provide for an attorney,
other necessary services, and facilities of representation and court costs, the court
shall order him to pay for these items. The court may order payment in installments,
or in any manner which it believes reasonable and compatible with the defendant's
financial ability.

B.(1) Payments so made shall be transmitted to and become a part of the
indigent defender fund of the district in which the person is prosecuted.

(2) The board district public defender, or service region, where
applicable, shall have the authority to recoup funds expended under this Section
through the refund offset provisions pursuant to R.S. 47:299.1 through 299.20.

C.(1) When an accused is initially determined to be indigent and 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 indigent defender board district office or the service region, where applicable.

Upon determining the expenses incurred, the accused shall, within the discretion of
the court, be liable to reimburse the board 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.

(2) All funds received by the board district office shall be deposited into the
judicial district indigent defender fund as provided for in R.S. 15:168.

(3) Failure of the accused to disclose the full amount involved in the hiring
shall constitute grounds for contempt of court.
§177. (Reserved)

§178. Appointment of appellate and post-conviction counsel in death penalty case

In a capital case in which the trial counsel was provided to an indigent defendant and in which the jury imposed the death penalty, the court, after imposition of the sentence of death, shall appoint the Indigent Defense Assistance Louisiana Public Defender Board, which shall promptly cause to have enrolled counsel to represent the defendant on direct appeal and in any state post-conviction proceedings, if appropriate.

§§179-184. (Reserved)

Section 2. R.S. 15:85.1(A)(2)(b), 1202(A)(13), and 1424(B)(3) are hereby amended and reenacted to read as follows:

§85.1. Posting of criminal bond; fee assessed

A. * * *

(2) The proceeds from cases in which the criminal prosecution has been concluded shall be distributed on a quarterly basis as follows:

* * *

(b) Two dollars shall be remitted to the Indigent Defender Board district public defender office which provides services to the parish.

* * *

§1202. Composition of commission

A. The commission shall consist of fifty-five members as follows:

* * *

(13) The director of the State Indigent Defender Board state public defender employed by the Louisiana Public Defender Board;

* * *

§1424. Juvenile delinquency and gang prevention advisory boards; membership

* * *

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
B. Each advisory board shall also include the following representatives:

* * *

(3) An assistant public defender or an attorney residing in the district who handles juvenile matters, appointed by the chairman of the indigent defender board district public defender.

* * *

Section 3. R.S. 9:2800.16 is hereby amended and reenacted to read as follows:

§2800.16. Limitation of liability; indigent defender board members

No individual indigent defender board Louisiana Public Defender Board member shall be personally liable for any act or omission resulting in damage, injury, or loss arising out of the exercise of his official functions and duties. However, this limitation of liability shall not be applicable if the damage, injury, or loss was caused by the gross negligence or willful or wanton misconduct of a member.

Section 4. R.S. 24:513(A)(3), 515.1(A), (B)(introductory paragraph), and (D), and 517.1(F)(1) and (2) are hereby amended and reenacted to read as follows:

§513. Powers and duties of legislative auditor; audit reports as public records; assistance and opinions of attorney general; frequency of audits; subpoena power

A.

* * *

(3) The financial statements of the offices of the independently elected public local officials, including judges, sheriffs, clerks of court, assessors, and district attorneys, all parish governing authorities and all districts, boards, and commissions created by parish governing authorities either independently or in conjunction with other units of government, school boards, indigent defender boards district public defender offices, municipalities, and all boards and commissions created by municipalities, either independently or in conjunction with other units of government, city courts, quasi-public agencies, housing authorities, mortgage authorities, or other political subdivisions of the state not included within the state's
Comprehensive Annual Financial Reports, hereinafter collectively referred to as "local auditee", shall be audited or reviewed by licensed certified public accountants subject to Paragraphs (5) and (6) of this Subsection, but may be audited by the legislative auditor pursuant to Paragraph (4) of this Subsection. Any person authorized to conduct an audit of a governmental entity pursuant to R.S. 37:77, shall be permitted to continue auditing that governmental entity subject to the approval of the legislative auditor provided for in Paragraphs (5) and (6) of this Subsection.

§515.1. Uniform audit reporting

A. The legislature hereby recognizes that the reporting, accounting, and audit system of the judicial district indigent defender boards district public defenders is fragmented and does not provide a comprehensive picture of certain judicial finances and the costs of operating the indigent defender system. Therefore, it is the intent of the legislature in the interests of the public to require the legislative auditor, by generally accepted auditing standards, to develop a uniform format for audit reports to assist judicial district indigent defender boards district public defenders in reporting all major sources of revenue and expenditures.

B. In order to fulfill the duties imposed upon him by this Section, the legislative auditor shall require that such uniform audit reports for judicial district indigent defender boards district public defenders include, at a minimum, but not be limited to the following:

D. Notwithstanding any other provisions of law to the contrary, the judicial district indigent defender boards district public defender, and regional director, where applicable, shall commence to use uniform formats for audit reports developed by the legislative auditor by the end of Calendar Year 2007 for such boards on a calendar year schedule, or Fiscal Year 2007-2008 for such boards on a fiscal year schedule. The legislative auditor shall develop reporting schedules to assist such
entities with standardized and uniform reporting requirements as provided for in this
Section.

* * *

§517.1. Reimbursement for local audits

* * *

F.(1) Notwithstanding any provision of law to the contrary, a judicial district

indigent defender board district public defender office which receives annual funds
of less than fifty thousand dollars and is audited by the legislative auditor in
accordance with this Chapter shall not be required to reimburse the legislative
auditor for expenses incurred in connection with the audit, nor shall the legislative
auditor charge a fee in connection with said audit.

(2) An indigent defender board A district public defender office exempted
by this Subsection from reimbursing the legislative auditor for audit costs shall be
exempted from paying the costs of any such audit conducted after January 1, 1990.

Section 5. R.S. 33:1342(1) is hereby amended and reenacted to read as follows:
§1342. Definitions; terms defined

The following words and terms shall have the meaning indicated unless the
context shall clearly indicate a different meaning:

(1) "Local governmental subdivision" means any parish or municipality,
other governing or administrative body created under the charter of, or by the
governing body of, such parish or municipality to serve a public purpose, or other
local governing or administrative body created by or pursuant to law or the
Constitution of Louisiana to serve a public purpose. For purposes of this Subpart
only, this term also means the offices of the various clerks of court and judicial
district indigent defender boards district public defender offices established in
accordance with R.S. 15:141 et seq. and the members of a trust
established by a statewide hospital association for the purposes of providing
employers' liability or workers' compensation coverage for its members, provided
the majority of the members of such trust consists of governmental subdivisions.

* * *
Section 6. R.S. 36:4(D) and 801.1(A) are hereby amended and reenacted to read as follows:

§4. Structure of executive branch of state government

* * *

D. The Indigent Defense Assistance Louisiana Public Defender Board, as more specifically provided for in R.S. 15:151 through 151.4, the Louisiana Public Defender Act (R.S. 15:141 et seq.), shall be placed within the office of the governor as an independent agency and shall exercise its powers, duties, functions, and responsibilities as provided by law in the manner provided for agencies transferred in accordance with the provisions of R.S. 36:801.1.

* * *

§801.1. Transfer; retention of all functions

A. The agencies transferred by the provisions of R.S. 36:4(G), R.S. 36:4(D), R.S. 36:4.1(C) and (G), R.S. 36:53(H), R.S. 36:209(R), R.S. 36:259(J), R.S. 36:409(N), R.S. 36:509(O), R.S. 36:651(D), R.S. 36:725(A), and R.S. 36:769(J) shall continue to be comprised and selected as provided by law.

* * *

Section 7. R.S. 39:1302(1)(f) is hereby amended and reenacted to read as follows:

§1302. Definitions

For the purposes of this Chapter:

(1) "Political subdivision" means any:

* * *

(f) Indigent defender board; District public defender office.

* * *

Section 8. R.S. 46:236.5(B)(2) is hereby amended and reenacted to read as follows:

§236.5. Expedited process for establishment of paternity and establishment or enforcement of support

* * *

B.

* * *
(2) A court may assess a one-time fee in each case payable by the obligor not to exceed twenty-five dollars to fund the expenses incurred by the district indigent defender board public defender office in the representation of individuals ordered to pay support under Subsection A of this Section. The court may designate the district indigent defender board public defender office as agent for the collection of the assessed fee.

* * *

Section 9. Children's Code Articles 321(C) and (D), 607(A), 608(B), 740(B), and 809(C) and (E) are hereby amended and reenacted to read as follows:

Art. 321. Partial reimbursement by indigents

* * *

C. When an individual is initially determined to be indigent and is appointed counsel but subsequently hires private counsel, the court shall conduct a contradictory hearing to first determine if the person was in fact initially indigent and, if not, then secondly to determine the charges incurred in retaining counsel which, if not disclosed, will constitute grounds for contempt of court, then lastly to determine the expenses of representing the individual which have been incurred by the indigent defender board district public defender, or regional director, where applicable, or other appointed counsel.

D. Upon determining the expenses incurred, the court may hold the individual liable to the board district public defender or other appointed counsel for reimbursement of all or part of those expenses, and a judgment for the amount owed may be recorded in the mortgage records in favor of the board district public defender or other appointed counsel and may be enforced as provided by law.

* * *

Art. 607. Child's right to appointed counsel; payment

A. In every proceeding under this Title, the court shall appoint qualified, independent counsel for the child, including a referral to the indigent defender board district public defender. If attorneys are available through the Child Advocacy Program, the court shall contact the office of the program and request the assignment
of an attorney who shall be appointed. Neither the child nor anyone purporting to
act on his behalf may be permitted to waive this right.

*   *   *

Art. 608. Parents' right to counsel; payment

*   *   *

B. If the parents of a child are financially unable to afford counsel, the court
shall appoint counsel, or refer the parents for representation by the indigent defender
board district public defender, or any program created by law to provide
representation to indigent parents in child abuse and neglect cases and to be
administered by the Louisiana Public Defender Board.

*   *   *

Art. 740. Advice of rights

*   *   *

B. If a petition seeking a formal adjudication is filed, the court shall appoint
independent legal counsel for the child, or refer the child for representation by the
indigent defender board district public defender. Neither the child nor anyone
purporting to act on his behalf may be permitted to waive this right. If the court
finds that the parents of the child are financially able, it may order the parents to pay
some or all of the costs of the child's representation.

*   *   *

Art. 809. Right to counsel

*   *   *

C. If the court finds that the parents of the child are financially unable to
afford counsel for the child, the court shall appoint counsel, or refer the child for
representation by the indigent defender board district public defender.

*   *   *

E. If the court finds that the interests of the child and his parent or caretaker
conflict, or if required in the interests of justice, the court shall appoint an attorney
to represent the child or refer him for representation by the district public defender.

*   *   *

CODING: Words in struck through type are deletions from existing law; words underscored
are additions.
Section 10. Code of Criminal Procedure Articles 944(A), 948(A), and 953 are hereby amended and reenacted to read as follows:

Art. 944. Emergency sessions of court; criteria

A. When the supreme court makes the determination that an appellate, district, parish, city, municipal, juvenile, traffic, justice of the peace, or family court having jurisdiction over criminal prosecutions and proceedings shall conduct proceedings outside its parish or territorial jurisdiction, the supreme court may order emergency sessions of court at a location or locations which are both feasible and practicable outside the parish or territorial jurisdiction of that court. This determination shall be based upon emergency or disaster circumstances, including but not limited to the lack of a readily available alternative location to conduct court within the parish, terrorist events, enemy attack, sabotage, or other hostile action, or from fire, flood, earthquake, or other natural or manmade causes resulting in the displacement of thousands of residents and the destruction of or severe damage to courthouses and other facilities supporting the criminal justice system. In making this determination, the supreme court shall make a reasonable effort to consult with the chief judge, the district attorney, the chief indigent defender district public defender, and the clerk of the affected court.

* * *

Art. 948. Emergency sessions; length; rescission; continuation; extensions

A. Emergency sessions of court shall continue until the supreme court withdraws, cancels, or rescinds the order authorizing the emergency sessions. The supreme court shall give notice at least ten days prior to the conclusion of the emergency session to the chief judge, the district attorney, the chief indigent district public defender, and the clerk of the affected court.

* * *

Art. 953. Authority of indigent defender board in emergency sessions of court

The indigent defender board district public defender, or regional director, where applicable, of the affected court conducting emergency sessions of court outside of its parish or territorial jurisdiction pursuant to Article 944 shall retain its...
the authority for the appointment of attorneys residing in either the parish or territorial jurisdiction of the affected court or in the host jurisdiction to represent indigent defendants in the host jurisdiction that the board would otherwise have been exercised in the affected court.

Section 11. R.S. 15:144, 145, 145.1, and 151.2 are hereby repealed in their entirety.

Section 12.(A) The board shall adopt the rules necessary to implement the provisions of this Act no later than August 15, 2008.

(B) The board shall employ the state public defender no later than March 1, 2008.

(C) The board shall implement the provisions of this Act statewide as soon as practicable but in no event later than August 15, 2011.

Section 13.(A)(1) Effective August 15, 2007, except for the inherent regulatory authority of the Louisiana Supreme Court provided for in Article V, Section 5 of the Constitution of Louisiana regarding the regulation of the practice of law, the Louisiana Public Defender Board shall undertake and have all regulatory authority, control, supervision, and jurisdiction, including auditing and enforcement, and all power incidental or necessary to such regulatory authority, control, supervision, and jurisdiction over all aspects of the delivery of public defender services throughout the courts of the state of Louisiana.

(2) Effective August 15, 2007, the Louisiana Public Defender Board shall be the successor to, and shall assume control of, the affairs of the Indigent Defense Assistance Board.

(3) Effective August 15, 2007, the members of the Indigent Defense Assistance Board shall become members of the Louisiana Public Defender Board.

(B) Effective August 15, 2007, all powers, duties, functions, and responsibilities of the Indigent Defense Assistance Board are transferred to and shall be performed and exercised by the Louisiana Public Defender Board. In addition, all of the obligations of the Indigent Defense Assistance Board are transferred to the Louisiana Public Defender Board. Upon the transfer of the powers, duties, functions, and responsibilities accomplished by this Section, any pending or unfinished business of the Indigent Defense Assistance Board shall
become the business of and be completed by the Louisiana Public Defender Board with the
same power and authority as the entity from which the functions are transferred.

(C) Any reference in rules, laws, and documents to or any designation by any law
or contract or other document of the Indigent Defense Assistance Board shall be deemed to
refer to the Louisiana Public Defender Board provided that, to the extent necessary to
prevent the impairment of the contractual obligations of any entity heretofore existing or of
the state, the existence, organization, and functions of any such entity shall be excluded from
the provisions of this Section. Any legal proceeding to which the Indigent Defense
Assistance Board is a party and which is filed, initiated, or pending before any court on
August 15, 2007, and all documents involved in or affected by said legal proceeding, shall
retain their effectiveness and shall be continued in the name of the Louisiana Public
Defender Board. All further legal proceedings and documents in the continuation,
disposition, and enforcement of said legal proceeding shall be in the name of the Louisiana
Public Defender Board, and the board shall be substituted for the Indigent Defense
Assistance Board without the necessity for amendment of any document. The provisions of
R.S. 15:141 through 184 shall not be construed so as to impair the contractual or other
obligations of the Indigent Defense Assistance Board or of the state of Louisiana. All
obligations of the Indigent Defense Assistance Board shall be the obligations of the
Louisiana Public Defender Board. The Louisiana Public Defender Board shall be the
successor in every way to the Indigent Defense Assistance Board, including all of the
obligations and debts of the Indigent Defense Assistance Board. The provisions of R.S.
15:141 through 184 shall not be construed or applied in any way which will prevent full
compliance by the state, or any department, office, or agency thereof, with the requirements
of any act of Congress of the United States or any regulation made thereunder by which
federal aid or other federal assistance has been or hereafter is made available.

(D) All books, papers, records, money, rights of action, and other property of every
kind, movable and immovable, real and personal, heretofore possessed, controlled, or used
by the Indigent Defense Assistance Board are hereby transferred to the Louisiana Public
Defender Board, except as otherwise specifically provided herein.
(E) All administrative rules and regulations adopted by the Indigent Defense Assistance Board shall be considered valid and remain in effect until amended or repealed by the Louisiana Public Defender Board.

(F) All funds dedicated and appropriated to the Indigent Defense Assistance Board shall be transferred to the Louisiana Public Defender Board.

Section 14.(A) The duties and functions relating to the delivery of indigent defender services heretofore vested in and attached to each judicial district indigent defender board are hereby transferred to the judicial district indigent defender fund under the management of the district public defender and the district public defender office as authorized by this Act.

(B) Upon the transfer of duties and functions provided for by this Section, any pending or unfinished business of a judicial district indigent defender board shall be assumed and completed by the district public defender for that district, with the same power and authority as the judicial district indigent defender board from which the duties and functions are transferred. The district public defender shall be the successor in every way to the judicial district indigent defender board from which such duties and functions are transferred, and every act done in the exercise of such duties and functions by the district public defender shall be deemed to have the same force and effect under any provisions of law in effect as if done by the judicial district indigent defender board from which such duties and functions are transferred. Whenever any judicial district indigent defender board from which duties and functions are transferred is referred to, or designated by any law or contract or other document, such reference or designations shall be deemed to apply to the district public defender for that district.

(C) Whenever a judicial district indigent defender board is referred to or designated by the constitution or by any law or contract or other document, such reference or designation hereafter shall be deemed to apply to the district public defender for that district, and the legislature hereby specifically states that the provisions of this Section are in no way and to no extent intended to, nor shall they be, construed in any manner which will impair the contractual obligations of any judicial district indigent defender board heretofore existing.
(D) All books, papers, records, and other property heretofore possessed, controlled
or used by a judicial district indigent defender board in the exercise of the delivery of
indigent defender services are hereby transferred to the district public defender as manager
of the district indigent defender fund for that judicial district.

(E) All money heretofore possessed, controlled, or used by a judicial district
indigent defender board in the exercise of the delivery of indigent defender services is
hereby transferred to the district public defender fund for that judicial district.

(F) The transfer of the duties and functions provided for by this Section shall take
effect and become operative on August 15, 2007.

(G) Unless the judicial district indigent defender fund is regionalized as authorized
by the provisions of R.S. 15:163, district assets shall be segregated in compliance with
provisions of this Act for dedication to the judicial district, and property and assets shall be
maintained and used solely to the benefit of the district public defender. The state public
defender shall seek to fill any vacancies for the position of district public defender pursuant
to the provisions of R.S. 15:162, as soon as practicable, or in the alternative shall regionalize
the district for purposes of day-to-day management pursuant to the provisions of R.S.
15:163.

(H) For purposes of facilitating the transfer of the duties and functions provided by
this Section, the district public defender shall be the fiscal officer and manager, and the
assets of the district shall be considered part of the judicial district indigent defender fund
as provided for in R.S. 15:168.

Section 15. The Louisiana State Law Institute is hereby directed to make technical
changes to statutory laws as necessary to reflect the name changes provided for in this Act.

Section 16. The Louisiana State Law Institute is hereby directed to redesignate and
renumber into the reserved statutes in Code Title XIV of Title 15 of the Louisiana Revised
Statutes of 1950, as provided for in this Act the following: R.S. 15:151.1 as R.S. 15:151,
R.S. 15:149 as R.S. 15:179, R.S. 151.3 as R.S. 15:180, R.S. 15:151.4 as R.S. 15:181, R.S.
15:151.5 as R.S. 15:182, and R.S. 151.6 as R.S. 15:183, as provided for in this Act.

Section 17. The Louisiana State Law Institute is hereby directed to place the
provisions of R.S. 141 through 184 in their entirety within Part I of Code Title XIV of Title
15 of the Louisiana Revised Statutes of 1950, and to designate Part I "Indigent Defender Representation". If the Act which originated as House Bill No. 393 of this 2007 Regular Session of the Legislature is enacted and becomes effective, the Louisiana State Law Institute is hereby directed to place the provisions of R.S.185.1 through 185.9, enacted by the provisions of that Act in their entirety, within Part II of Code Title XIV of Title 15 of the Louisiana Revised Statutes of 1950, and to designate Part II "Indigent Parent Representation".

Section 18. If any provision of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provisions or applications, and to this end the provisions of this Act are hereby declared severable.

Section 19. In the event the district public defender for the Twenty-Ninth Judicial District establishes a district public defender advisory board as authorized by R.S. 15:162.1 the members of that board may be paid per diem as authorized by R.S. 15:145(E)(2) before that provision was repealed by this Act.

Section 20. The provisions of this Act shall become effective August 15, 2007.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

________________________________________

PRESIDENT OF THE SENATE

________________________________________

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________________