

1 WHEREAS, the Louisiana Legislature appropriates approximately \$33 million per
2 year for the Louisiana Public Defender Board (LPDB) in excess of funds generated at the
3 local level; and

4 WHEREAS, the LPDB spends approximately \$11 million of state funding on capital
5 cases which makes up less than one half of one percent of its total cases, and then routinely
6 requests to stay capital and other proceedings because of a lack of funding; and

7 WHEREAS, the LPDB determines how attorneys are appointed to indigent
8 defendants, regulates how attorneys are paid to represent indigents, and authorizes the
9 manner in which attorney services are delivered in indigent cases including capital cases;
10 and

11 WHEREAS, the LPDB has directed local public defenders in multiple districts to
12 "enter a restriction of services" immediately and "[b]y the end of 2016, LPDB expects no
13 less than 24 of the state's 42 districts will become insolvent and enter restriction of services";
14 and

15 WHEREAS, local public defenders are authorized by R.S. 15:175 to collect a forty-
16 dollar fee from applicants to support their local office, but are discouraged from doing so by
17 policies of the LPDB and a corresponding reduction in distributions from state LPDB
18 District Assistance Funds; and

19 WHEREAS, one of the primary goals of the Louisiana Public Defender Act of 2007
20 was to ensure that adequate public funding of the right to counsel is provided and managed
21 in a cost-effective and fiscally responsible manner; and

22 WHEREAS, additional input from other criminal justice stakeholders may facilitate
23 a more fair, efficient, impartial, and constitutional operation of the public defender system.

24 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
25 authorize and direct the creation of an Indigent Defense Review Committee, within the
26 Louisiana Commission on Law Enforcement and Criminal Justice, to study, evaluate,
27 analyze, and undertake a comprehensive review as follows:

28 (1) To study the standards adopted by the LPDB in relation to the constitutionally
29 required standards of indigent criminal defense matters in light of the limited fiscal resources
30 of the state of Louisiana.

1 (2) To study the fiscal priorities of the LPDB in relation to its mission considering
2 the limited fiscal resources of the state of Louisiana.

3 (3) To study the composition of the LPDB in consideration of potential conflicts of
4 interest and fiduciary responsibility to the state of Louisiana considering the limited fiscal
5 resources of the state of Louisiana.

6 BE IT FURTHER RESOLVED that the Indigent Defense Review Committee is
7 hereby created. The membership of the committee shall be as follows:

8 (1) Two retired district judges with experience in capital cases.

9 (2) A member of the LPDB or his designee.

10 (3) A former local public defender with experience in capital cases.

11 (4) A retired district attorney with experience in capital cases.

12 (5) A retired assistant district attorney with experience in capital cases.

13 (6) The legislative auditor or his designee.

14 BE IT FURTHER RESOLVED that all membership appointments and the chairman
15 of the committee shall be designated by the chairman of the Louisiana Commission on Law
16 Enforcement and Criminal Justice.

17 BE IT FURTHER RESOLVED that the committee is directed to hold its first
18 meeting no later than July 15, 2015, and shall meet no less than five times, at the call of the
19 chairman of the Louisiana Commission on Law Enforcement and Criminal Justice.

20 BE IT FURTHER RESOLVED that the committee shall prepare and submit a final
21 written report that contains a detailed statement of the findings and recommendations to the
22 Legislature and the Louisiana Supreme Court no later than thirty days prior to the convening
23 of the 2016 Regular Legislative Session.

24 BE IT FURTHER RESOLVED that the LPDB provide any and all assistance and
25 information requested by the committee.

26 BE IT FURTHER RESOLVED that a suitable copy of this Resolution shall be
27 transmitted to all justices of the Louisiana Supreme Court and the governor, and that the
28 committee be abolished upon submission of its written report.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HCR 196 Original

2015 Regular Session

Seabaugh

Directs the creation of an Indigent Defense Review Committee, within the La. Commission on Law Enforcement and Criminal Justice, to study, considering the limited fiscal resources of the state, the constitutionally required standards of indigent criminal defense, the fiscal priorities of the La. Public Defender Board in relation to its mission, and the composition of the La. Public Defender Board in consideration of potential conflicts of interest and fiduciary responsibility to the state.