ACTS OF 2024
2ND EXTRAORDINARY SESSION OF THE LEGISLATURE

Acts 1-22

ACT No. 1

SENATE BILL NO. 1
BY SENATORS MIGUEZ, ABRAHAM, ALLAIN, BASS, CATHEY, CLOUD, CONNICK, COUSSAN, EDMONDS, FESI, HENRY, HENSGENS, HODGES, KLEINPETER, LAMBERT, MCMATH, MORRIS, OWEN, REESE, SEABAUGH, STINE, TALBOT, WHEAT AND WOMACK AND REPRESENTATIVES ADAMS, AMEDEE, BACALA, BAGLEY, BAMBURG, BAYHAM, BEAULLIEU, BERAULT, BILLINGS, BOURRIAQUE, BOYER, BUTLER, CARLSON, CARRIER, CARVER, CHENEVERT, COATES, COX, CREWS, DESHOTEL, DEVILLIER, DEWITT, DICKERSON, DOMANGUE, ECHOLS, EDMONSTON, EGAN, EMERSON, FARNUM, FIRMENT, FONTENOT, GADBERRY, GALLE, GEYMANN, GLORIOSO, HENRY, HORTON, MIKE JOHNSON, TRAVIS JOHNSON, LACOMBE, JACOB LANDRY, MACK, MCCORMICK, MCFARLAND, MCMAHEN, MCMAKIN, MELERINE, MUSCARELLO, ORGERON, OWEN, RISER, ROMERO, SCHAMERHORN, TARVER, THOMPSON, VENTRELLA, WILDER, WILEY, WRIGHT AND WYBLE
AN ACT

To amend and reenact R.S. 14:95(M) and R.S. 40:1379.3(B)(2)(a), (M), and (O) and to enact R.S. 14:95(N), relative to illegal carrying of weapons; to provide that law-abiding persons eighteen years of age and not otherwise prohibited may carry a concealed weapon lawfully without a permit; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:95(M) is hereby amended and reenacted and R.S. 14:95(N) is hereby enacted to read as follows:

§95. Illegal carrying of weapons

* * *

M. The provisions of Paragraph (A)(1) of this Section shall not apply to ~~a resident of Louisiana~~ **any person who is** ~~if all of the following conditions are met:~~

~~(1) The person is twenty-one~~ **eighteen** years of age or older~~.~~ **and**

~~(2) The person~~ is not prohibited from possessing a firearm under R.S. 14:95.1, ~~R.S. 40:1379.3(C)(5) through (17),~~ 18 U.S.C. 922(g), or any other state or federal law.

~~(3)(a) The person is a reserve or active-duty member of any branch of the United States Armed Forces; a member of the Louisiana National Guard or the Louisiana Air National Guard; or a former member of any branch of the United States Armed Forces, the Louisiana National Guard, or the Louisiana Air National Guard who has been honorably discharged from service.~~

~~(b) At all times that a person is in possession of a concealed handgun pursuant to R.S. 40:1379.3(B)(2), that person shall have on his person proof that he meets the qualifications of Subparagraph (a) of this Paragraph demonstrated by one of the following:~~

~~(i) A valid military identification card.~~

~~(ii) A valid driver's license issued by the state of Louisiana displaying the word "Veteran" pursuant to R.S. 32:412(K).~~

~~(iii) A valid special identification card issued by the state of Louisiana displaying the word "Veteran" pursuant to R.S. 40:1321(K).~~

~~(iv) For a member released from service who does not qualify to have the word "Veteran" displayed on a state issued driver's license or special identification card, a Department of Defense Form 214 (DD-214) indicating the character of service as "Honorable" or "Under Honorable Conditions (General)" and a valid driver's license or special identification card issued by the state of Louisiana.~~

N. Any person lawfully carrying a handgun pursuant to Subsection M of this Section shall be subject to the restrictions contained in R.S. 40:1379.3(I), (M), (N), and (O).

Section 2. R.S. 40:1379.3(B)(2)(a), (M), and (O) are hereby amended and reenacted to read as follows:

§1379.3. Statewide permits for concealed handguns; application procedures; definitions

* * *

B.

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(2)(a) A ~~Louisiana resident~~ **person** who meets the qualifications of R.S. 14:95(M) shall not be required to possess a valid concealed handgun permit issued by the state of Louisiana pursuant to the provisions of this Section in order to carry a concealed handgun in the state of Louisiana. ~~The provisions of this Paragraph shall not affect the requirements of reciprocity as provided in Subsection T of this Section.~~

* * *

M. No **concealed handgun may be carried into and no** concealed handgun permit shall be valid or entitle any permittee to carry a concealed ~~weapon~~ **handgun** in any facility, building, location, zone, or area in which firearms are banned by state or federal law.

* * *

O.**(1)** The provisions of Subsection N of this Section shall not limit the right of a property owner, lessee, or other lawful custodian to prohibit or restrict access of those persons possessing a concealed handgun pursuant to a permit issued under this Section **or a person lawfully carrying a handgun pursuant to R.S. 14:95(M)**.

(2) No individual to whom a concealed handgun permit is issued **or who is lawfully carrying a handgun pursuant to R.S. 14:95(M)** may carry ~~such~~ **a** concealed handgun into the private residence of another without first receiving the consent of that person.

* * *

Section 3. This Act shall become effective on July 4, 2024.

Approved by the Governor, March 5, 2024.

A true copy:
Nancy Landry
Secretary of State

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ACT No. 2

SENATE BILL NO. 2
BY SENATORS MIGUEZ, ABRAHAM, ALLAIN, BASS, CATHEY, CLOUD, EDMONDS, FESI, HENRY, HENSGENS, HODGES, KLEINPETER, MCMATH, MORRIS, OWEN, REESE, SEABAUGH, STINE, TALBOT AND WOMACK AND REPRESENTATIVES AMEDEE, BEAULLIEU, DICKERSON AND MIKE JOHNSON
AN ACT

To enact R.S. 9:2793.12, relative to liability of persons authorized to carry a concealed handgun; to provide with respect to persons authorized to own, possess, use, or carry a concealed handgun; to provide relative to immunity from civil liability; to provide for definitions; to provide for exceptions; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:2793.12 is hereby enacted to read as follows:

§2793.12. Limitation of liability; concealed handgun permit; definitions; exceptions

A.(1) As used in this Section, the term "authorized person" means any person with a valid concealed handgun permit issued pursuant to R.S. 40:1379.1, 1379.1.1, 1379.3, or 1379.3.2, any qualified law enforcement officer authorized to carry a concealed handgun pursuant to R.S. 40:1379.1.3 or 1379.1.4, or any person specified in R.S. 14:95(G)(3) and (4).

(2) The term "authorized person" shall also apply to a reserve or active-duty member of any branch of the United States Armed Forces; a member of the Louisiana National Guard or the Louisiana Air National Guard; or a former member of any branch of the United States Armed Forces, the Louisiana National Guard, or the Louisiana Air National Guard who has been honorably discharged from service.

B. An authorized person as defined in this Section shall not be liable for damages for any injury, death, or loss suffered by a perpetrator when the injury, death, or loss is caused by a justified use of force or self-defense through the discharge of the handgun by the authorized person. This provision shall preclude any right of action by the perpetrator, his survivors, or his heirs.

C. The provisions of Subsection B of this Section shall not be applicable to the following:

(1) Acts or omissions that constitute gross negligence or intentional misconduct, or that result in a valid and final felony conviction in this state.

(2) Any person without authorization pursuant to Subsection A of this Section at the time of the events giving rise to a claim.

D. Nothing in this Section shall be construed to limit or abrogate other immunities, limitations on liability, or defenses provided for in any other provision of law.

E. Nothing in this Section shall be construed to limit third party liability and property damage exposure from a criminal actor's contributory negligence that causes the lawful actions of the individual claiming limitation of liability.

Section 2. This Act shall become effective July 4, 2024.

Approved by the Governor, March 5, 2024.

A true copy:
Nancy Landry
Secretary of State

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ACT No. 3

* As it appears in the enrolled bill

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored (House Bills) and underscored and **boldfaced** (Senate Bills) are additions.

SENATE BILL NO. 9
BY SENATORS MIZELL, ABRAHAM, ALLAIN, BARROW, BASS, BOUDREAUX, CARTER, CATHEY, CLOUD, CONNICK, COUSSAN, DUPLESSIS, EDMONDS, FESI, FOIL, HARRIS, HENRY, HENSGENS, HODGES, JACKSON-ANDREWS, JENKINS, KLEINPETER, LAMBERT, LUNEAU, MCMATH, MIGUEZ, MILLER, MORRIS, OWEN, PRESSLY, PRICE, REESE, SEABAUGH, STINE, TALBOT, WHEAT AND WOMACK AND REPRESENTATIVES ADAMS, BACALA, BAGLEY, BAYHAM, BERAULT, BOYD, BOYER, BRASS, BUTLER, CARLSON, CARRIER, CARVER, CHASSION, COATES, COX, CREWS, DAVIS, DEWITT, DICKERSON, DOMANGUE, ECHOLS, EDMONSTON, EGAN, EMERSON, FIRMENT, FISHER, FREEMAN, FREIBERG, GLORIOSO, GREEN, HEBERT, HILFERTY, HORTON, JACKSON, MIKE JOHNSON, JORDAN, KERNER, KNOX, LACOMBE, LAFLEUR, JACOB LANDRY, MANDIE LANDRY, LYONS, MARCELLE, MELERINE, OWEN, SCHLEGEL, SELDERS, ST. BLANC, THOMPSON, VENTRELLA, WALTERS, WRIGHT, WYBLE AND ZERINGUE
AN ACT

To amend and reenact Code of Criminal Procedure Art. 572(B)(1) and (2), relative to limitations upon institution of prosecutions; to provide relative to newly discovered photographic or video evidence of certain offenses; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Art. 572(B)(1) and (2) are hereby amended and reenacted to read as follows:

Art. 572. Limitation of prosecution of noncapital offenses

* * *

B.(1) Notwithstanding the provisions of Article 571.1 and Paragraph A of this Article, prosecutions for any sex offense may be commenced beyond the time limitations set forth in this Title if the identity of the offender is established after the expiration of such time limitation through the use of a DNA profile **or newly discovered photographic or video evidence**.

(2) A prosecution under the exception provided by this Paragraph shall be commenced within three years from the date on which the identity of the suspect is established by DNA testing **or by the use of newly discovered photographic or video evidence**.

* * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provide by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, March 5, 2024.

A true copy:
Nancy Landry
Secretary of State

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ACT No. 4

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HOUSE BILL NO. 3
BY REPRESENTATIVES BUTLER, ADAMS, AMEDEE, BACALA, BAGLEY, BAMBURG, BAYHAM, BERAULT, BILLINGS, BOYD, BOYER, BRASS, BRAUD, BROWN, BRYANT, CARLSON, CARRIER, ROBBY CARTER, WILFORD CARTER, CARVER, CHASSION, CHENEVERT, COATES, CREWS, DEVILLIER, DEWITT, DICKERSON, EDMONSTON, EGAN, FIRMENT, FISHER, FONTENOT, FREIBERG, GADBERRY, GREEN, HEBERT, HILFERTY, HORTON, ILLG, JACKSON, MIKE JOHNSON, TRAVIS JOHNSON, KERNER, KNOX, LACOMBE, LAFLEUR, LARVADAIN, MACK, MARCELLE, MCCORMICK, MCFARLAND, MCMAHEN, MCMAKIN, MELERINE, MOORE, NEWELL, ORGERON, OWEN, RISER, SCHAMERHORN, SCHLEGEL, SELDERS, ST. BLANC, STAGNI, TAYLOR, THOMPSON, VENTRELLA, WALTERS, WILDER, WILEY, WYBLE, AND ZERINGUE AND SENATOR REESE
AN ACT

To amend and reenact Code of Criminal Procedure Articles 320(D) and (E) (introductory paragraph) and (1) and 893(A)(1)(a), (B)(3), and (F) through (H), R.S. 13:5304(B)(3)(b), and R.S. 15:529.1(C)(3) and to enact Code of Criminal Procedure Articles 893(B)(2)(c) and (I) and 904, relative to mandatory drug testing and screening; to require drug testing and screening of persons arrested for certain offenses; to provide relative to assessment for participation in drug and specialty court programs for certain nonviolent offenders; to provide relative to confidentiality of drug testing and screening records; to provide relative to the funding for administration of drug and specialty courts; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Articles 320(D) and (E)(introductory paragraph) and (1) and 893(A)(1)(a), (B)(3), and (F) through (H) are hereby amended and reenacted and Code of Criminal Procedure Articles 893(B)(2)(c) and (I) and 904 are hereby enacted to read as follows:

Art. 320. Conditions of bail undertaking

* * *

D. ~~Drug offenses and crimes of violence.~~ Pretrial drug testing and screening for substance use disorders.

(1) Every person arrested for a violation of the Uniform Controlled Dangerous Substances Law or a crime of violence as provided in R.S. 14:2(B) shall be required to submit to a pretrial drug test for the presence of designated substances in accordance with the provisions of this Article and rules of court governing such testing. Every person arrested for any other felony may be required to submit to a pretrial drug test for the presence of designated substances in accordance with the provisions of this Article and rules of court governing such testing. Every person arrested for a misdemeanor may be required to submit to a pretrial drug test for the presence of designated substances in accordance with the provisions of this Article and rules of court governing such testing.

(2) Drug testing to determine the presence of any controlled dangerous substance identified in the Uniform Controlled Dangerous Substances Law shall occur within twenty-four hours of the booking of the person, and random testing thereafter may be required to verify that the person is drug free.

(3) All persons testing positive for the presence of one or more substances provided in Subparagraph (2) of this Paragraph shall be clinically screened utilizing a validated screening tool for the purpose of determining whether the person suffers from a substance use disorder and is suitable for a drug or specialty court program.

(4) All persons who receive a positive test result pursuant to the drug testing administered pursuant to Subparagraph (2) of this Paragraph and who are considered suitable for a drug or specialty court program pursuant to the screening process set forth in Subparagraph (3) of this Paragraph shall be subject to the provisions of Code of Criminal Procedure Article 904.

(5) All records and information provided or obtained pursuant to Subparagraphs (2) and (3) of this Paragraph shall be considered confidential and shall not be, without the consent of the person tested or screened, disclosed to any person who is not connected with the district attorney, counsel for the person tested or screened pursuant to this Paragraph, a treatment professional, or the court. Such records and information shall not be admissible in any civil or criminal action or proceeding, except for the purposes of determining suitability or eligibility of the person for any drug or specialty court program.

(6) The expenses and costs incurred relative to the mandatory drug testing and the screening required by this Paragraph shall be deemed to be an approved purpose for use of opioid funds. If sufficient funds do not exist for the reimbursement of the expenses and costs of mandatory testing and screening, the provisions of Subparagraphs (2) and (3) of this Paragraph may still be enforced at the discretion of the governing authority responsible for funding those provisions.

E. Pretrial drug testing program. The court may implement a pretrial drug testing program. All persons released under the provisions of the pretrial drug testing program ~~must~~ shall submit to continued random testing and refrain from the use or possession of any controlled dangerous substance or any substance designated by the court. A pretrial drug testing program shall provide for the following:

(1) ~~Mandatory participation for all persons arrested for violations of state law. Additionally, all~~ All persons testing positive for the presence of one or more of the designated substances set forth in Subparagraph (2) of this Paragraph, who are not otherwise required to participate, shall submit to a pretrial drug testing program.

* * *

Art. 893. Suspension and deferral of sentence and probation in felony cases

A.(1)(a) When it appears that the best interest of the public and of the defendant will be served, the court, after a first, second, or third conviction of a noncapital felony, may suspend, in whole or in part, the imposition or execution of either or both sentences, where suspension is allowed under the law, and in either or both cases place the defendant on probation under the supervision of the division of probation and parole. The court shall not suspend the sentence of a second or third conviction of R.S. 14:73.5. Except as provided in Paragraph ~~G~~ H of this Article, the period of probation shall be specified and shall not be more than three years, except as provided by Paragraph ~~H~~ I of this Article.

* * *

B.

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(2) After a third or fourth conviction of operating a vehicle while intoxicated pursuant to R.S. 14:98, the court may suspend, in whole or in part, the imposition or execution of the sentence when the defendant was not offered such alternatives prior to his fourth conviction of operating a vehicle while intoxicated and the following conditions exist:

* * *

(c) The defendant does not meet the requirements set forth in Paragraph F of this Article.

(3) When suspension is allowed under this Paragraph, the defendant shall be placed on probation under the supervision of the division of probation and parole. If the defendant has been sentenced to complete a specialty court program as provided in Subsubparagraph (2)(b) of this Paragraph, the defendant may be placed on probation under the supervision of a probation office, agency, or officer designated by the court, other than the division of probation and parole of the Department of Public Safety and Corrections. The period of probation shall be specified and shall not be more than three years, except as provided in Paragraph ~~G~~ H of this Article. The suspended sentence shall be regarded as a sentence for the purpose of granting or denying a new trial or appeal.

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* As it appears in the enrolled bill

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored (House Bills) and underscored and **boldfaced** (Senate Bills) are additions.

F.(1) Notwithstanding any other provision of law to the contrary, when it appears that the best interest of the public and of the defendant will be served, after the conviction of a defendant considered suitable for a drug or specialty court program pursuant to Code of Criminal Procedure Article 904, the court may suspend, in whole or in part, the imposition or execution of the sentence when all of the following conditions are met:

(a) The district attorney consents to the suspension of sentence.

(b) There is an available drug or specialty court program recognized by the Louisiana Supreme Court.

(c) The court orders the defendant to enter and complete any drug or specialty court program recognized by the Louisiana Supreme Court.

(2) If the district attorney does not consent to the suspension of the sentence, he shall file his objection with written reasons into the record.

(3) If the district attorney files an objection into the record, or if the court determines that a specialty court program is not available for the defendant, the court may sentence the defendant to any sentence provided for the offense by law.

(4) When suspension of sentence is allowed pursuant to this Paragraph, the defendant may be placed on probation under the supervision of the division of probation and parole, or under the supervision of a probation office, agency, or officer designated by the court. The period of probation shall be specified and shall not exceed three years, except as provided in Paragraph H of this Article. The suspended sentence shall be regarded as a sentence for the purpose of granting or denying a motion for new trial or appeal.

(5) Upon motion of the defendant, if the court finds at the conclusion of the probationary period that the probation of the defendant has been satisfactory, the court may set the conviction aside and dismiss the prosecution. The dismissal of the prosecution shall have the same effect as an acquittal, except that the conviction may be considered as a first offense and provide the basis for a subsequent prosecution of the party as a habitual offender, except as provided in R.S. 15:529.1(C)(3). The conviction also may be considered as a prior offense for purposes of any other provision of law relating to cumulation of offenses. Dismissal pursuant to this Paragraph shall occur only once with respect to any person.

G. Nothing contained herein shall be construed as being a basis for destruction of records of the arrest and prosecution of any person convicted of a felony.

~~G.~~H. If the court, with the consent of the district attorney, orders a defendant to enter and complete a program provided by the drug division of the district court pursuant to R.S. 13:5301, an established driving while intoxicated court or sobriety court program, a mental health court program established pursuant to R.S. 13:5351 et seq., a Veterans Court program established pursuant to R.S. 13:5361 et seq., a reentry court established pursuant to R.S. 13:5401, or the Swift and Certain Probation Pilot Program established pursuant to R.S. 13:5371, the court may place the defendant on probation for a period of not more than eight years if the court determines that successful completion of the program may require that period of probation to exceed the three-year limit. The court may not extend the duration of the probation period solely due to unpaid fees and fines. The period of probation as initially fixed or as extended shall not exceed eight years.

~~H.~~I.(1) If a defendant is placed on supervised probation, the division of probation and parole shall submit to the court a compliance report when requested by the court, or when the division of probation and parole ~~deems~~ considers it necessary to have the court make a determination with respect to "earned compliance credits", modification of terms or conditions of probation, termination of probation, revocation of probation, or other purpose proper under any provision of law.

(2) For purposes of this Paragraph:

(a) "Compliance" means the full completion of the terms and conditions of probation as imposed by the sentencing judge, except for inability to pay fines, fees, or restitution.

(b) "Compliance report" means a report generated and signed by the division of probation and parole that contains clear and concise information relating to the defendant's performance relative to "earned compliance credits", and may contain a recommendation as to early termination.

(3) After a review of the compliance report, if it is the recommendation of the division of probation and parole that the defendant is in compliance with the conditions of probation, in accordance with the compliance report, the court shall grant "earned compliance credit" for the time, absent a showing of cause for a denial.

(4) The court may terminate probation at any time as "satisfactorily completed" upon the final determination that the defendant is in compliance with the terms and conditions of probation.

(5) If the court determines that the defendant has failed to successfully complete the terms and conditions of probation, the court may extend the probation for a period not to exceed two years, for the purpose of allowing the defendant additional time to complete the terms of probation, additional conditions, the extension of probation, or the revocation of probation.

(6) Absent extenuating circumstances, the court shall, within ten days of receipt of the compliance report, make an initial determination as to the issues presented and shall transmit the decision to the probation officer. The court shall disseminate the decision to the defendant, the division of probation and parole, and the prosecuting agency within ten days of receipt. The parties shall have ten days from receipt of the initial determination of the court to seek an expedited contradictory hearing for the purpose of challenging the court's determination. If no challenge is made within ten days, the court's initial determination shall become final and shall constitute a valid order of the court.

* * *

Art. 904. Mandatory assessment; suitability of defendant for drug or specialty court program

A. A defendant shall be assessed for suitability for participation in a drug or specialty court program if all of the following criteria are met:

(1) The defendant meets the statutory eligibility requirements for participation in a drug or specialty court program.

(2) There is a relationship between the use of alcohol or drugs and the offense before the court.

(3) The defendant has tested positive on a drug test and has been screened and determined suitable pursuant to Code of Criminal Procedure Article 320(D), or the defendant has been screened and determined suitable upon request of the defendant or as ordered by the court.

B.(1) A defendant who meets the criteria set forth in Paragraph A of this Article shall be assessed by a licensed treatment professional designated by the court. Treatment professionals shall be credentialed or licensed by the state of Louisiana and possess sufficient experience in working with clients who have alcohol or drug abuse or addiction issues or mental illness.

(2) The designated treatment professional shall perform an assessment of the defendant, utilizing validated assessment tools, to determine whether the defendant is suitable for a treatment program, and shall report the results of the assessment and evaluation to the court, the district attorney, the defendant, and counsel for the defendant along with a recommendation as to whether or not the defendant is suitable for a drug or specialty court program.

(3) The court shall inform the defendant that the designated treatment professional may request that the defendant provide the following information to the court:

(a) Information regarding prior criminal charges.

(b) Education, work experience, and training.

(c) Family history, including residence in the community.

(d) Medical and mental health history, including any psychiatric or psychological treatment or counseling.

(e) Any other information reasonably related to the success of the treatment program.

C.(1) All records and information provided by the defendant to the designated treatment professional for the purposes of screening or assessment shall be considered confidential and shall not be disclosed, without the consent of the defendant, to any person who is not connected with the treatment professional, treatment facility, district attorney, counsel for the defendant, or the court.

(2) The provisions of Subparagraph (1) of this Paragraph shall not restrict the use of records and information for the purposes of research or evaluation of the mandatory screening procedures or the effectiveness of any drug or specialty court program, provided that the records or information shall not be published or otherwise disseminated in any manner that discloses the name or identifying information of the defendant.

D. No statement or any information obtained therefrom, that is made to any designated treatment professional with respect to a specific offense with which the defendant is charged, shall be admissible in any civil or criminal action or proceeding, except for the purposes of determining the suitability or eligibility of the defendant for a drug or specialty court program.

Section 2. R.S. 13:5304(B)(3)(b) is hereby amended and reenacted to read as follows:

§5304. The drug division probation program

* * *

B. Participation in probation programs shall be subject to the following provisions:

* * *

(3) In offering a defendant the opportunity to request treatment, the court shall advise the defendant of the following:

* * *

(b) If the defendant requests to undergo treatment and is accepted, the defendant ~~will~~ shall be placed under the supervision of the drug division probation program for a period determined by the court, except that the probation period for a defendant convicted of a violation of R.S. 14:98, 98.1, 98.2, or 98.3 shall not be less than twelve months.

* * *

Section 3. R.S. 15:529.1(C)(3) is hereby amended and reenacted to read as follows:

§529.1. Sentences for second and subsequent offenses; certificate of warden or clerk of court in the state of Louisiana as evidence

* * *

C.

* * *

(3) Notwithstanding any provision of law to the contrary, a conviction for a felony offense that is not a crime of violence as defined by R.S. 14:2(B) and that has been set aside and dismissed pursuant to Code of Criminal Procedure Article 893(E)(2), (3), ~~or~~ (4), or (F)(5), shall not be considered as a prior conviction for purposes of enhancing a felony that is not a crime of violence as defined by R.S. 14:2(B) pursuant to the provisions of Paragraph (A)(1) of this Section and shall not be included in the computation of the five-year time period set forth in Paragraph (1) of this Subsection, or the ten-year time period as set forth in Paragraph (2) of this Subsection, for purposes of

* As it appears in the enrolled bill

enhancing a felony that is not a crime of violence as defined by R.S. 14:2(B) pursuant to the provisions of Paragraph (A)(1) of this Section.

* * *

Section 4. Additional funding for the administration of drug and other specialty courts shall be subject to appropriation by the legislature.

Section 5. This Act shall become effective on July 1, 2024; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval by the legislature or July 1, 2024, whichever is later.

Approved by the Governor, March 5, 2024.

A true copy:

Nancy Landry

Secretary of State

ACT No. 5

HOUSE BILL NO. 6

BY REPRESENTATIVES MUSCARELLO AND MIKE JOHNSON

AN ACT

To amend and reenact R.S. 15:569(A) through (C) and 570(A)(4) and (F) through (H) and R.S. 44:4.1(B)(8) and to enact R.S. 15:569(E) and (F) and 570(I) and (J), relative to the execution of a death sentence; to provide for the methods of execution; to provide for the confidentiality of records or information relating to the execution of a death sentence; to provide for disclosure of certain information to the state inspector general; to provide for review of certain information by the state inspector general; to provide for a civil cause of action relative to the unauthorized disclosure of information or records relating to the execution of a death sentence; to provide for an exception to the Public Records Law and for family members of public officials; to provide for counseling services; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:569(A) through (C) and 570(A)(4) and (F) through (H) are hereby amended and reenacted and R.S. 15:569(E) and (F) and 570(I) and (J) are hereby enacted to read as follows:

§569. Place for execution of death sentence; manner of execution

A. ~~Every sentence of death executed in this state prior to September 15, 1991, shall be by electrocution, that is, causing to pass through the body of the person convicted a current of electricity of sufficient intensity to cause death, and the application and continuance of such current through the body of the person convicted until such person is dead.~~ Every sentence of death imposed in this state shall be executed at the Louisiana State Penitentiary at Angola. Every execution shall be made in a room entirely cut off from view of all except those permitted by law to be in ~~said~~ the room. At the discretion of the secretary of the Department of Public Safety and Corrections and with no preference to the method of execution, every sentence of death shall be by one of the following methods:

(1) Intravenous injection of a substance or substances in a lethal quantity into the body.

(2) Nitrogen hypoxia.

(3) Electrocution, causing to pass through the body of the person convicted a current of electricity of sufficient intensity to cause death, and the application and continuance of such current through the body of the person convicted until such person is dead.

B. ~~Every sentence of death executed on or after September 15, 1991, shall be by lethal injection; that is, by the intravenous injection of a substance or substances in a lethal quantity into the body of a person convicted until such person is dead. Every sentence of death imposed in this state shall be executed at the Louisiana State Penitentiary at Angola. Every execution shall be made in a room entirely cut off from view of all except those permitted by law to be in said room.~~ Upon receipt of the warrant commanding the secretary to cause the execution of the person condemned as provided by law, the secretary shall, within seven days, provide written notice to the condemned person of the manner of execution.

C. No licensed health care professional shall be compelled to administer a lethal injection or to participate in any other authorized execution method.

* * *

E.(1) The purchase of drugs, medical supplies, medical equipment, or any other materials or supplies necessary to carry out the execution shall not be subject to the provisions of the Louisiana Procurement Code, R.S. 39:1551 et seq.

(2) A member of the legislature or the governor, or an immediate family member of a member of the legislature or the governor, or any business with which a member of the legislature or the governor or their immediate family member has a controlling interest as an owner, director, officer, or majority shareholder that has voting rights regarding the financial decisions of the business shall not offer or provide drugs, medical supplies, or medical equipment necessary to execute a death sentence.

(3)(a) The entity responsible for maintaining records or information pertaining to the provision of drugs, medical supplies, or medical equipment for execution purposes shall disclose the information to the state inspector general.

(b) The state inspector general shall conduct a review of the disclosed information to ensure compliance with the provisions of Paragraph (2) of this Subsection. Upon completion of the review, the state inspector general shall return the disclosed information and issue a certification stating whether the purchase of drugs, medical supplies, or medical equipment procured for the purpose of carrying out executions complies with Paragraph (2) of this Subsection. The certification shall also state whether the drugs, medical supplies, or medical equipment were procured from an individual, business, organization, or entity possessing the requisite licenses pursuant to the laws of their respective state to engage in such activities, and affirming the validity of the licenses. The certification shall be a public record, but shall not disclose any of the information protected by R.S. 15:570(G).

F. A manufacturer, pharmacist, practitioner, pharmacy, out-of-state pharmacy or practitioner, or institutional pharmacy as defined in R.S. 37:1164 shall be exempt from Parts III, IV, and V of Chapter 14 of Title 37 of the Louisiana Revised Statutes of 1950 and the reporting of prescription monitoring information required by the Prescription Monitoring Program Act as provided in Part X-A of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950, when delivering, dispensing, distributing, supplying, manufacturing, or compounding any drug, equivalent drug product, pharmacy generated drug, or device intended for use by the Department of Public Safety and Corrections in the administration of an execution. The Department of Public Safety and Corrections shall comply with federal regulations regarding the importation of any drugs, medical supplies, or medical equipment obtained for execution.

* * *

§570. Execution; officials and witnesses; minors excluded; time of execution; notice to victim's relatives

A. Every execution of the death sentence shall take place in the presence of:

* * *

(4) A competent person selected by the warden of the Louisiana State Penitentiary to ~~administer the lethal injection~~ carry out the authorized execution method.

* * *

F. Only the identities of those persons named in Paragraphs (A)(1), (2), (5), and (6)~~, and Subsection E~~ of this Section shall be made public.

G. ~~The identity of any persons other than the persons specified in Subsection F of this Section who participate or perform ancillary functions in an execution of the death sentence, either directly or indirectly, shall remain strictly confidential and the identities of those persons and information about those persons which could lead to the determination of the identities of those persons shall not be subject to public disclosure in any manner. Any information contained in records that could identify any person other than the persons specified in Subsection F of this Section shall remain confidential, shall not be subject to disclosure, and shall not be admissible as evidence nor discoverable in any proceeding before any court, tribunal, board, agency, or person.~~ It is the intent of the legislature that the provisions of this Subsection shall be construed to ensure the absolute confidentiality of the identifying information of any person, business, organization, or other entity directly or indirectly involved in the execution of a death sentence within this state. This confidentiality provision shall prevail over any conflicting provision in state law related to public disclosure.

(1) Except as provided in Subsection F of this Section, the identity of any person who participates in or performs ancillary functions in the execution process, including a person or business that delivers, dispenses, distributes, supplies, manufactures, or compounds the drugs, equivalent drug products, pharmacy generated drugs, device drugs, medical supplies, medical equipment, or other supplies or materials intended for use by the Department of Public Safety and Corrections in the administration of an execution shall be confidential and shall not be disclosed.

(2) Except as provided in Subsection F of this Section, information or records that identify or could reasonably lead to the identification of any person who participates in or performs ancillary functions in the execution process shall not be admissible as evidence nor discoverable in any proceeding before any court, tribunal, board, agency, legislative committee, or person. This shall include the information or records of any person or business that delivers, dispenses, distributes, supplies, manufactures, or compounds the drugs, equivalent drug products, pharmacy generated drugs, device drugs, medical supplies, medical equipment, or other supplies or materials intended for use by the Department of Public Safety and Corrections in the administration of an execution.

H.(1) Except as provided in R.S. 15:569(E), no person, including an employee of the Department of Public Safety and Corrections, shall disclose the identity or any information leading to the identification of persons, businesses, organizations, or other entities specified in Subsection G of this Section.

(2) Any person and his immediate family or an entity whose identity is disclosed in violation of Paragraph (1) of this Subsection shall have a civil cause of action against the person who disclosed the information and may recover actual damages and, upon a showing of a willful violation of Paragraph (1) of this Subsection, may recover punitive damages.

(3) If any provision or item of this Subsection, or the application thereof, is held invalid, such invalidity shall not affect other provisions, items, or applications of the Subsection which can be given effect without the invalid provision, item, or application and to this end the provisions of this Subsection are hereby declared severable.

I. If a person, business, organization, or entity who participates in or performs ancillary functions in an execution is licensed by a board, the licensing board shall not suspend or revoke the license of such person, business, organization, or entity, or take any disciplinary or other adverse

action against the person, business, organization, or entity as a result of participation in the execution.

J. The Department of Public Safety and Corrections shall make counseling services available for any person identified in Subsections A and E of this Section who is involved in the execution of a death sentence in this state.

Section 2. R.S. 44:4.1(B)(8) is hereby amended and reenacted to read as follows:

§4.1. Exceptions

* * *

B. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:

* * *

(8) R.S. 15:242, 440.6, 477.2, 549, 570~~(F)~~, 574.12, 578.1, 587, 587.1.2, 616, 660, 840.1, 1176, 1204.1, 1212.1(E), 1507

* * *

Section 2. This Act shall become effective on July 1, 2024; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval by the legislature or July 1, 2024, whichever is later.

Approved by the Governor, March 5, 2024.

A true copy:

Nancy Landry
Secretary of State

- - - - - - - -

ACT No. 6

- - -

HOUSE BILL NO. 9
BY REPRESENTATIVES VILLIO AND MIKE JOHNSON AND SENATOR MORRIS
AN ACT

To amend and reenact R.S. 15:574.4(A)(1)(a), (2), (3), (4)(introductory paragraph), (5)(a)(introductory paragraph), and (6)(a)(introductory paragraph) and (B)(1) and (2)(introductory paragraph) and to enact R.S. 15:574.22, relative to parole; to provide relative to parole eligibility; to provide for the restriction of parole eligibility; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:574.4(A)(1)(a), (2), (3), (4)(introductory paragraph), (5)(a)(introductory paragraph), and (6)(a)(introductory paragraph) and (B)(1) and (2)(introductory paragraph) are hereby amended and reenacted and R.S. 15:574.22 is hereby enacted to read as follows:

§574.4. Parole; eligibility; juvenile offenders

A.(1)(a) Unless eligible at an earlier date, a person otherwise eligible for parole shall be eligible for parole consideration upon serving twenty-five percent of the sentence imposed. The provisions of this Subparagraph shall not apply to any person whose instant offense is a crime of violence as defined in R.S. 14:2(B), a sex offense as defined in R.S. 15:541, or any offense which would constitute a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, or whose instant offense is a fourth or subsequent conviction of a nonviolent felony offense, regardless of the date of conviction. Notwithstanding any provisions of law to the contrary, the provisions of this ~~Subparagraph~~ Subsection shall be applicable to persons ~~convicted of~~ who have committed offenses prior to ~~and on or after November 1, 2017~~ August 1, 2024.

* * *

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection ~~or any other law to the contrary~~ and except as provided in R.S. 15:574.22, unless eligible for parole at an earlier date, a person committed to the Department of Public Safety and Corrections for a term or terms of imprisonment with or without benefit of parole for thirty years or more shall be eligible for parole consideration upon serving at least twenty years of the term or terms of imprisonment in actual custody and upon reaching the age of forty-five. This provision shall not apply to a person serving a life sentence unless the sentence has been commuted to a fixed term of years. The provisions of this Paragraph shall not apply to any person who has been convicted of an offense that is both a crime of violence as defined in R.S. 14:2(B) and a sex offense as defined in R.S. 15:541 when the offense was committed on or after January 1, 1997. The provisions of this Paragraph shall not apply to any person who has been convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541 when the offense was committed on or after August 1, 2014.

(3) Notwithstanding the provisions of Paragraph (A)(1) or (2) of this Section ~~or any other provision of law to the contrary~~ and except as provided in R.S. 15:574.22, unless eligible for parole at an earlier date, a person committed to the Department of Public Safety and Corrections serving a life sentence for the production, manufacturing, distribution, or dispensing or possessing with intent to produce, manufacture, or distribute heroin shall be eligible for parole consideration upon serving at least fifteen years of imprisonment in actual custody.

(4) ~~Notwithstanding any other provision of law to the contrary~~ Except as provided in R.S. 15:574.22, unless eligible for parole at an earlier date, a person committed to the Department of Public Safety and Corrections for a term or terms of imprisonment with or without benefit of parole who has served at least ten years of the term or terms of imprisonment in actual custody shall be eligible for parole consideration upon reaching the age of sixty years if all of the following conditions have been met:

* * *

(5)(a) Notwithstanding the provisions of Paragraph (A)(1) or Subsection B of this Section ~~or any other provision of law to the contrary~~ and except as provided in R.S. 15:574.22, a person committed to the Department of Public Safety and Corrections shall be eligible for parole consideration upon serving fifteen years in actual custody if all of the following conditions are met:

* * *

(6)(a) Notwithstanding the provisions of Paragraph (1) of this Subsection or Subsection B of this Section ~~or of any provision of law to the contrary~~ and except as provided in R.S. 15:574.22, a person committed to the Department of Public Safety and Corrections shall be eligible for parole consideration upon serving fifteen years in actual custody if all of the following conditions are met:

* * *

B.(1) Except as provided in Paragraph (2) of this Subsection, and except as provided in Paragraph (A)(5) and Subsections D, E, and H of this Section, no prisoner serving a life sentence shall be eligible for parole consideration until his life sentence has been commuted to a fixed term of years. No prisoner sentenced as a serial sexual offender shall be eligible for parole. No prisoner may be paroled while there is pending against him any indictment or information for any crime suspected of having been committed by him while a prisoner. ~~Notwithstanding any other provisions of law to the contrary~~ Except as provided in R.S. 15:574.22, a person convicted of a crime of violence and not otherwise ineligible for parole shall serve at least sixty-five percent of the sentence imposed, before being eligible for parole. The victim or victim's family shall be notified whenever the offender is to be released provided that the victim or victim's family has completed a Louisiana victim notice and registration form as provided in R.S. 46:1841 et seq., or has otherwise provided contact information and has indicated to the Department of Public Safety and Corrections, Crime Victims Services Bureau, that they desire such notification.

(2) ~~Notwithstanding any provision of law to the contrary~~ Except as provided in R.S. 15:574.22, any person serving a life sentence, with or without the benefit of parole, who has not been convicted of a crime of violence as defined by R.S. 14:2(B), a sex offense as defined by R.S. 15:541, or an offense, regardless of the date of conviction, which would constitute a crime of violence as defined by R.S. 14:2(B) or a sex offense as defined by R.S. 15:541, shall be eligible for parole consideration as follows:

* * *

§574.22. Parole ineligibility

No person committed to the Department of Public Safety and Corrections for an offense committed on or after August 1, 2024, shall be eligible for parole under this Part except a person who satisfies the provisions of R.S. 15:574.4(D), (E), (F), (G), (H), (J), or (K).

Approved by the Governor, March 5, 2024.

A true copy:

Nancy Landry
Secretary of State

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ACT No. 7

- - -

HOUSE BILL NO. 10
BY REPRESENTATIVES VILLIO, MIKE JOHNSON, AND WRIGHT AND SENATOR MORRIS
AN ACT

To amend and reenact R.S. 15:571.5(C), to enact R.S. 15:571.3(G) and 571.3.1, and to repeal R.S. 15:571.3(C) and (D) and 574.6.1 and Code of Criminal Procedure Article 895.6, relative to eligibility for good time credits; to provide relative to the automatic earning of good time credits by offenders for good behavior; to provide for the elimination of earned compliance credits while on probation or parole; to provide relative to the earning of additional good time credit through participation and completion of certain programs while incarcerated; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:571.5(C) is hereby amended and reenacted and R.S. 15:571.3(G) and 571.3.1 are hereby enacted to read as follows:

§571.3. Diminution of sentence for good behavior

* * *

G. No person who commits an offense on or after August 1, 2024, shall be eligible to earn nor be entitled to any diminution of sentence or good time, except as provided in R.S. 15:571.3.1.

§571.3.1. Eligibility and applicability of diminution of sentence for crimes committed on or after August 1, 2024

A. No person who commits an offense on or after August 1, 2024, shall be eligible to earn nor be entitled to any diminution of sentence, hereinafter known as "good time", except as provided in this Section.

B. Every offender in a parish prison or in custody of the Department of Public Safety and Corrections who has been convicted of a felony and sentenced to imprisonment, with or without hard labor, may earn diminution of sentence for good behavior up to a maximum amount of fifteen percent of the particular sentence imposed. The provisions of this Subsection shall not apply to any person who has been convicted of a sex offense as defined in R.S.

* As it appears in the enrolled bill

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored (House Bills) and underscored and **boldfaced** (Senate Bills) are additions.

15:541 or to any person who has been sentenced as a habitual offender under the Habitual Offender Law as set forth in R.S. 15:529.1.

C. Every offender in a parish prison or in custody of the Department of Public Safety and Corrections who has been convicted of a felony and sentenced to imprisonment, with or without hard labor, may earn an additional diminution of sentence as provided in R.S. 15:828. The provisions of this Subsection shall not apply to any person who has been convicted of a sex offense as defined in R.S. 15:541.

D. There shall be no diminution of sentence or good time credit earned or eligible to be earned on time served pursuant to Code of Criminal Procedure Article 880.

E. Any diminution of sentence or good time earned under this Section shall be subject to forfeiture as provided in R.S. 15:571.4.

F. Any offender released because of diminution of sentence earned pursuant to this Section shall be released subject to the provisions of R.S. 15:571.5. The remainder of the original full term of sentence shall be served as if on unsupervised parole for any offender released pursuant to this Subsection unless his parole is revoked as provided in R.S. 15:571.5(C).

G. The secretary of the Department of Public Safety and Corrections shall have sole power and authority to determine when good time has been earned and when diminution of sentence may be allowed in accordance with the provisions of this Section.

H. The secretary of the Department of Public Safety and Corrections shall promulgate rules and regulations to govern the adoption of the provisions of this Section as it relates to the earning of diminution of sentence, the method and specifics for earning good time, and further defining the terms utilized in this Section. The rules shall be adopted in accordance with the Administrative Procedure Act.

* * *

§571.5. Supervision upon release after diminution of sentence for good behavior; conditions of release; revocation

* * *

C. If such person's parole is revoked by the parole committee for violation of the terms of parole, the person shall be recommitted to the department for the remainder of the original full term~~, subject to credit for time served for good behavior while on parole~~.

Section 2. R.S. 15:571.3(C) and (D) and 574.6.1 and Code of Criminal Procedure Article 895.6 are hereby repealed in their entirety.

Approved by the Governor, March 5, 2024.

A true copy:

Nancy Landry

Secretary of State

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ACT No. 8

- - -

HOUSE BILL NO. 11

BY REPRESENTATIVES VILLIO, BACALA, BOYER, COX, FONTENOT, HORTON, MIKE JOHNSON, AND WILEY AND SENATOR MORRIS

AN ACT

To amend and reenact Code of Criminal Procedure Articles 893(A)(1)(a) and (4), (B)(3), (G), and (H)(1) through (3), 899.1(A), and 900(A)(6)(b) through (d) and R.S. 15:574.7(B)(1)(introductory paragraph), (C), and (D) and 574.9(H), to enact Code of Criminal Procedure Article 900(A)(6)(e), and to repeal Code of Criminal Procedure Article 899.2 and R.S. 15:574.7(E), relative to violations and sanctions for probation and parole supervision; to provide relative to probation time periods; to provide relative to a technical violation of probation or parole; to provide relative to administrative sanctions for violation of probation or parole; to provide relative to revocation of probation or parole; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Articles 893(A)(1)(a) and (4), (B)(3), (G), and (H)(1) through (3), 899.1(A), and 900(A)(6)(b) through (d) are hereby amended and reenacted and Code of Criminal Procedure Article 900(A)(6)(e) is hereby enacted to read as follows:

Art. 893. Suspension and deferral of sentence and probation in felony cases

A.(1)(a) When it appears that the best interest of the public and of the defendant will be served, the court, after a first, second, or third conviction of a noncapital felony, may suspend, in whole or in part, the imposition or execution of either or both sentences, where suspension is allowed under the law, and in either or both cases place the defendant on probation under the supervision of the division of probation and parole. The court shall not suspend the sentence of a second or third conviction of R.S. 14:73.5. Except as provided in ~~Paragraph~~ Paragraphs G and H of this Article, the period of probation shall be specified and shall not be more than ~~three~~ five years~~, except as provided by Paragraph H of this Article~~.

* * *

(4) Supervised release as provided for by Chapter 3-E of Title 15 of the Louisiana Revised Statutes of 1950 shall not be considered probation and shall not be limited by the five-year ~~or three-year~~ period for probation provided for by the provisions of this Paragraph.

B.

* * *

(3) When suspension is allowed under this Paragraph, the defendant shall be placed on probation under the supervision of the division of probation and parole. If the defendant has been sentenced to complete a specialty court program as provided in Subsubparagraph (2)(b) of this Paragraph, the defendant may be placed on probation under the supervision of a probation office, agency, or officer designated by the court, other than the division of probation and parole of the Department of Public Safety and Corrections. The period of probation shall be specified and shall not be more than ~~three~~ five years, except as provided in Paragraph G of this Article. The suspended sentence shall be regarded as a sentence for the purpose of granting or denying a new trial or appeal.

* * *

G. If the court, with the consent of the district attorney, orders a defendant to enter and complete a program provided by the drug division of the district court pursuant to R.S. 13:5301, an established driving while intoxicated court or sobriety court program, a mental health court program established pursuant to R.S. 13:5351 et seq., a Veterans Court program established pursuant to R.S. 13:5361 et seq., a reentry court established pursuant to R.S. 13:5401, or the Swift and Certain Probation Pilot Program established pursuant to R.S. 13:5371, the court may place the defendant on probation for a period of not more than eight years if the court determines that successful completion of the program may require that period of probation to exceed the ~~three-year~~ five-year limit. ~~The court may not extend the duration of the probation period solely due to unpaid fees and fines.~~ The period of probation as initially fixed or as extended shall not exceed eight years.

H.(1) If a defendant is placed on supervised probation, the division of probation and parole shall submit to the court a compliance report when requested by the court, or when the division of probation and parole deems it necessary to have the court make a determination with respect to ~~"earned compliance credits",~~ modification of terms or conditions of probation, termination of probation, revocation of probation, or other purpose proper under any provision of law.

(2) For purposes of this Paragraph:

(a) "Compliance" means the full completion of the terms and conditions of probation as imposed by the sentencing judge~~, except for inability to pay fines, fees, or restitution~~.

(b) "Compliance report" means a report generated and signed by the division of probation and parole that contains clear and concise information relating to the defendant's performance ~~relative to "earned compliance credits",~~ and may contain a recommendation as to early termination.

(3) After a review of the compliance report, if it is the recommendation of the division of probation and parole that the defendant is in compliance with the conditions of probation, in accordance with the compliance report, the court ~~shall grant "earned compliance credit" for the time~~ may terminate probation at such time as "satisfactorily completed", absent a showing of cause for a denial.

* * *

Art. 899.1. Administrative sanctions for technical violations~~; crimes of violence and sex offenses~~

A. At the time of sentencing ~~for a crime of violence as defined by R.S. 14:2(B) or a sex offense as defined by R.S. 15:541~~, the court may make a determination as to whether a defendant is eligible for the imposition of administrative sanctions as provided ~~for~~ in this Article. If authorized to do so by the sentencing court, each time a defendant violates a condition of his probation, a probation agency may use administrative sanctions to address a technical violation committed by a defendant when all of the following occur:

* * *

Art. 900. Violation hearing; sanctions

A. After an arrest pursuant to Article 899, the court shall cause a defendant who continues to be held in custody to be brought before it within thirty days for a hearing. If a summons is issued pursuant to Article 899, or if the defendant has been admitted to bail, the court shall set the matter for a violation hearing within a reasonable time. The hearing may be informal or summary. The defendant may choose, with the court's consent, to appear at the violation hearing and stipulate the revocation by simultaneous audio-visual transmission in accordance with the provisions of Article 562. If the court decides that the defendant has violated, or was about to violate, a condition of his probation it may:

* * *

(6)

* * *

(b) Notwithstanding the provisions of Subparagraph (5) of this Paragraph, any defendant who has been placed on probation by the court for the conviction of an offense other than a crime of violence as defined in R.S. 14:2(B) or of a sex offense as defined by R.S. 15:541, and who has been determined by the court to have committed a technical violation of his probation, ~~shall~~ may be required to serve a sentence of not more than ninety days~~,~~ without diminution of sentence~~, as follows:~~.

~~(i) For a first technical violation, not more than fifteen days.~~

~~(ii) For a second technical violation, not more than thirty days.~~

~~(iii) For a third or subsequent technical violation, not more than forty-five days.~~

~~(iv) For a fourth or subsequent violation, the court may order that the probation be revoked, in accordance with Subparagraph (5) of this Paragraph.~~

~~(v) For custodial substance abuse treatment programs, not more than ninety days.~~

(c) The defendant shall be given credit for time served prior to the revocation hearing for time served in actual custody while being held for a technical violation in a local detention facility, state institution, or out-of-

* As it appears in the enrolled bill

state institution pursuant to Article 880. The term of the revocation for a technical violation shall begin on the date the court orders the revocation. Upon completion of the imposed sentence for the technical revocation, the defendant shall return to active and supervised probation for a period equal to the remainder of the original period of probation subject to any additional conditions imposed by the court. The provisions of this Subparagraph shall apply only to the defendant's first revocation for a technical violation.

(d) A "technical violation", as used in this Paragraph, means any violation ~~except it shall not include any of the following:~~ of a condition of probation that may be addressed by an administrative sanction authorized by the court pursuant to Article 899.1.

(e) None of the following, unless deemed a technical violation by the court when its discretion is permitted, shall be considered a technical violation nor addressed by administrative sanctions:

(i) ~~An allegation of a criminal act that is subsequently proven to be a felony.~~ Being arrested for, charged with, or convicted of any of the following:

(aa) A felony.

(bb) A violation of any provision of Title 40 of the Louisiana Revised Statutes of 1950, except for misdemeanor possession of marijuana or tetrahydrocannabinol, or chemical derivatives thereof, as provided in R.S. 40:966(C)(2), which shall be considered a "technical violation".

(cc) Any intentional misdemeanor directly affecting the person.

(dd) Any criminal act that is a violation of a protective order, pursuant to R.S. 14:79, issued against the offender to protect a family member or household member as defined by R.S. 14:35.3, or dating partner as defined by R.S. 46:2151.

(ee) At the discretion of the court, any attempt to commit any intentional misdemeanor directly affecting the person.

(ff) At the discretion of the court, any attempt to commit any other misdemeanor.

(ii) ~~An allegation of a criminal act that is subsequently proven to be an intentional misdemeanor directly affecting the person.~~ Being in possession of a firearm or other prohibited weapon.

(iii) ~~An allegation of a criminal act that is subsequently proven to be a violation of a protective order, pursuant to R.S. 14:79, issued against the offender to protect a family member or household member as defined by R.S. 14:35.3, or dating partner as defined by R.S. 46:2151.~~ At the discretion of the court, failing to appear at any court hearing.

(iv) ~~Being in possession of a firearm or other prohibited weapon.~~

~~(v)~~ Absconding from the jurisdiction of the court.

(v) At the discretion of the court, failing to satisfactorily complete a drug court program if ordered to do so as a special condition of probation.

(vi) At the discretion of the court, failing to report to the probation officer for more than one hundred twenty consecutive days.

* * *

Section 2. R.S. 15:574.7(B)(1)(introductory paragraph), (C), and (D) and 574.9(H) are hereby amended and reenacted to read as follows:

§574.7. Custody and supervision of parolees; modification or suspension of supervision; violation of conditions of parole; sanctions; alternative conditions; administrative sanctions

* * *

B.(1) At the time a defendant is released on parole ~~for a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541~~, the committee on parole may make a determination as to whether a defendant is eligible for the imposition of administrative sanctions as provided ~~for~~ in this Section. If authorized to do so by the committee, each time a parolee violates a condition of parole, a parole officer may use administrative sanctions to address a technical violation committed by a parolee when all of the following occur:

* * *

C.~~(1)Each time a parolee who is on parole for a crime other than a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541 violates a condition of parole, a parole officer is authorized to use administrative sanctions to address a technical violation committed by a parolee when all of the following occur:~~

~~(a) The parolee, after receiving written notification of his right to a hearing before a court and right to counsel, provides a written waiver of a parole violation hearing.~~

~~(b) The parolee admits to the violation or affirmatively chooses not to contest the violation alleged in the parole violation report.~~

~~(c) The parolee consents to the imposition of administrative sanctions by the Department of Public Safety and Corrections.~~

~~(2) The department shall promulgate rules to implement the provisions of this Subsection to establish the following:~~

~~(a) A system of structured, administrative sanctions which shall be imposed for technical violations of parole and which shall take into consideration the following factors:~~

~~(i) The severity of the violation behavior.~~

~~(ii) The prior violation history.~~

~~(iii) The severity of the underlying criminal conviction.~~

~~(iv) The criminal history of the parolee.~~

~~(v) Any special circumstances, characteristics, or resources of the parolee.~~

~~(vi) Protection of the community.~~

~~(vii) Deterrence.~~

~~(viii) The availability of appropriate local sanctions, including but not limited to jail, treatment, community service work, house arrest, electronic surveillance, restitution centers, work release centers, day reporting centers, or other local sanctions.~~

~~(ix) Incarceration shall not be used for the lowest-tier violations including the first positive drug test and the first or second violation for the following:~~

~~(aa) Association with known felons or persons involved in criminal activity.~~

~~(bb) Changing residence without permission.~~

~~(cc) Failure to initially report as required.~~

~~(dd) Failure to pay restitution for up to three months.~~

~~(ee) Failure to report as instructed.~~

~~(ff) Traveling without permission.~~

~~(gg) Occasion of unemployment and failure to seek employment within ninety days.~~

~~(x) Incarceration shall not be used for first or second violations of alcohol use or admission, except for defendants convicted of operating a vehicle while intoxicated pursuant to R.S. 14:98; defendants convicted of domestic abuse battery pursuant to R.S. 14:35.3 committed by one family member or household member against another; defendants convicted of battery by one dating partner as defined by R.S. 46:2151 against another; or defendants convicted of a violation of a protective order, pursuant to R.S. 14:79, issued against the defendant to protect a family member or household member as defined by R.S. 14:35.3, or a dating partner as defined by R.S. 46:2151.~~

~~(b) Procedures to provide a parolee with written notice of the right to a parole violation hearing to determine whether the parolee violated the conditions of parole alleged in the violation report and the right to be represented by counsel at state expense at that hearing if financially eligible.~~

~~(c) Procedures for a parolee to provide written waiver of the right to a parole violation hearing, to admit to the violation or affirmatively choose not to contest the violation alleged in the parole violation report, and to consent to the imposition of administrative sanctions by the department.~~

~~(d) The level and type of sanctions that may be imposed by parole officers and other supervisory personnel.~~

~~(e) The level and type of violation behavior that warrants a recommendation to the board that parole be revoked.~~

~~(f) Procedures notifying the parolee and the committee on parole of a violation admitted by the parolee and the administrative sanctions imposed.~~

~~(g) Such other policies and procedures as are necessary to implement the provisions of this Subsection and to provide adequate parole supervision.~~

~~(3) If the administrative sanction imposed pursuant to the provisions of this Subsection is jail confinement, the confinement shall not exceed ten days per violation and shall not exceed a total of sixty days per year.~~

~~(4) For purposes of this Subsection, "technical violation" means any violation of a condition of parole, that does not include any of the following:~~

~~(a) An allegation of a criminal act that is subsequently proven to be a felony.~~

~~(b) An allegation of a criminal act that is subsequently proven to be an intentional misdemeanor directly affecting the person.~~

~~(c) An allegation of a criminal act that if proven would be a crime of violence as defined in R.S. 14:2(B).~~

~~(d) An allegation of a criminal act that if proven would be a sex offense as defined in R.S. 15:541.~~

~~(e) An allegation of domestic abuse battery pursuant to R.S. 14:35.3 committed by one family member or household member against another, or an allegation of battery committed by one dating partner as defined by R.S. 46:2151 against another.~~

~~(f) An allegation of violation of a protective order, pursuant to R.S. 14:79, issued against the offender to protect a family member or household member as defined by R.S. 14:35.3, or a dating partner as defined by R.S. 46:2151.~~

~~(g) Being in possession of a firearm or other prohibited weapon.~~

~~(h) Absconding from the jurisdiction of the court by leaving the state without the prior approval of the committee on parole or the probation and parole officer.~~

~~D.~~(1) If the chief probation and parole officer, upon recommendation by a parole officer, has reasonable cause to believe that a parolee has violated the conditions of parole, he shall notify the committee, and shall cause the appropriate parole officer to submit the parolee's record to the committee. After consideration of the record submitted, and after such further investigation as it may deem necessary, the committee may order:

(a) The issuance of a reprimand and warning to the parolee.

(b) That the parolee be required to conform to one or more additional conditions of parole which may be imposed in accordance with R.S. 15:574.4.

(c) That the parolee be arrested, and upon arrest be given a prerevocation hearing within a reasonable time, at or reasonably near the place of the alleged parole violation or arrest, to determine whether there is probable cause to detain the parolee pending orders of the parole committee.

(2) Upon receiving a summary of the prerevocation proceeding, the committee may order the following:

(a) The parolee's return to the physical custody of the Department of Public Safety and Corrections, corrections services, to await a hearing to determine whether his parole should be revoked.

(b) As an alternative to revocation, that the parolee, as a condition of parole, be committed to a community rehabilitation center or a substance abuse treatment program operated by, or under contract with, the department, for a period of time not to exceed six months, without benefit of good time, provided that such commitment does not extend the period of parole beyond the full parole term. Upon written request of the department that the offender be removed for violations of the rules or regulations of the community rehabilitation center or substance abuse program, the committee shall order that the parole be revoked, with credit for time served in the

community rehabilitation center.

~~E.~~ D.(1) Upon recommendation of the supervising parole officer and approval of the committee on parole, the level of supervision and the fees associated with the supervision of a parolee may be reduced after the parolee has served a minimum of three years without a violation of the terms and conditions of parole for a crime that is not a crime of violence as defined by R.S. 14:2(B) or a sex offense as defined by R.S. 15:541 and a minimum of seven years without a violation of the terms and conditions of parole for a crime that is a crime of violence as defined by R.S. 14:2(B).

(2) A parolee who satisfies the conditions of Paragraph (1) of this Subsection may be placed on inactive status upon approval of the committee. A parolee on inactive status shall not be subject to the terms and conditions of parole under R.S. 15:574.4.2(A)(2).

(3) The committee shall maintain the authority to revoke parole as provided in this Section and R.S. 15:574.9.

(4) Nothing in this Subsection shall eliminate the committee's authority to reduce terms and conditions of parole prior to a parolee satisfying the requirements of Paragraph (1) of this Subsection.

* * *

§574.9. Revocation of parole for violation of condition; committee panels; return to custody hearing; duration of reimprisonment and reparole after revocation; credit for time served; revocation for a technical violation

* * *

H.(1)(a) ~~Any offender who has been released on parole and who has been determined by the committee on parole to have committed a technical violation of the conditions of parole, shall be required to serve the following sentences:~~

~~(i) For the first technical violation, not more than fifteen days.~~

~~(ii) For a second technical violation, not more than thirty days.~~

~~(iii) For a third technical violation, not more than forty-five days.~~

~~(iv) For a fourth or subsequent technical violation, not more than ninety days.~~

~~(v) For custodial substance abuse treatment programs, not more than ninety days.~~

~~(b) The sentences imposed pursuant to Subparagraph (a) of this Paragraph shall be served without diminution of sentence. The term of the revocation for the technical violation shall begin on the date the committee on parole orders the revocation. Upon completion of the imposed technical revocation sentence, the offender shall return to active parole supervision for the remainder of the original term of supervision.~~

~~(c) The offender shall be given credit toward service of his sentence for time spent in actual custody prior to the revocation hearing while being held for a technical violation in a local detention facility, state institution, or out-of-state institution.~~

~~(d) The provisions of Subparagraph (a) of this Paragraph shall not apply to the following offenders:~~

~~(i) Any offender released on parole for the conviction of a crime of violence as defined in R.S. 14:2(B).~~

~~(ii) Any offender released on parole for the conviction of a sex offense as defined in R.S. 15:541.~~

~~(iii) Any offender released on parole who is subject to the sex offender registration and notification requirements of R.S. 15:541 et seq.~~

~~(2) A "technical violation", as used in this Subsection, means any violation except it shall not include any of the following:~~

~~(a) An allegation of a criminal act that is subsequently proven to be a felony.~~

~~(b) An allegation of a criminal act that is subsequently proven to be an intentional misdemeanor directly affecting the person.~~

~~(c) An allegation of a criminal act that is subsequently proven to be a violation of a protective order, pursuant to R.S. 14:79, issued against the offender to protect a household member or family member as defined by R.S. 14:35.3, or dating partner as defined by R.S. 46:2151.~~

~~(d) Being in possession of a firearm or other prohibited weapon.~~

~~(e) Absconding from the jurisdiction of the committee on parole by leaving the state without the prior approval of the probation and parole officer.~~

(i) Except as provided in Subparagraph (b) of this Paragraph, any offender who has been released on parole and whose parole supervision is being revoked pursuant to the provisions of this Section for a technical violation of the conditions of parole as determined by the committee on parole, shall be required to serve the following sentences:

(aa) For the first technical violation, the offender shall serve not more than ninety days.

(bb) For a second technical violation, the offender shall serve not more than one hundred twenty days.

(cc) For a third or subsequent technical violation, the offender shall serve not more than one hundred eighty days.

(ii) Any sentence imposed pursuant to Item (i) of this Subparagraph shall be served without diminution of sentence or credit for time served prior to the revocation for a technical violation. The term of the revocation for the technical violation shall begin on the date the committee on parole orders the revocation. Upon completion of the imposed technical revocation sentence, the offender shall return to active parole supervision for the remainder of the original term of supervision.

(b) The provisions of Subparagraph (a) of this Paragraph shall not apply to the following offenders:

(i) Any offender released on parole for the conviction of a crime of violence as defined in R.S. 14:2(B).

(ii) Any offender released on parole for the conviction of a sex offense as defined in R.S. 15:541.

(iii) Any offender released on parole who is subject to the sex offender registration and notification requirements of R.S. 15:541 et seq.

(2) A "technical violation", as used in this Subsection, means any violation of a condition of parole that may be addressed by an administrative sanction authorized by the committee on parole pursuant to R.S. 15:574.7.

(3) None of the following, unless deemed a technical violation by the committee on parole when its discretion is permitted, shall be considered a technical violation nor addressed by administrative sanctions:

(a) Being arrested for, charged with, or convicted of any of the following:

(i) A felony.

(ii) Any intentional misdemeanor directly affecting the person.

(iii) Any criminal act that is a violation of a protective order, pursuant to R.S. 14:79, issued against the offender to protect a family member or household member as defined by R.S. 14:35.3, or a dating partner as defined by R.S. 46:2151.

(iv) At the discretion of the committee on parole, any attempt to commit any intentional misdemeanor directly affecting the person.

(v) At the discretion of the committee on parole, any attempt to commit any other misdemeanor.

(b) Being in possession of a firearm or other prohibited weapon.

(c) At the discretion of the committee on parole, failing to appear at any court hearing.

(d) Absconding from the jurisdiction of the committee on parole.

Section 3. Code of Criminal Procedure Article 899.2 and R.S.15:574.7(E) are hereby repealed in their entirety.

Section 4. The provisions of this Act shall only apply to offenses committed on or after August 1, 2024.

Approved by the Governor, March 5, 2024.

A true copy:

Nancy Landry

Secretary of State

- - - - - - - -

ACT No. 9

- - -

SENATE BILL NO. 7

BY SENATORS EDMONDS AND SEABAUGH AND REPRESENTATIVES ADAMS, BACALA, BOYER, COX, HORTON, MIKE JOHNSON, KNOX, LAFLEUR, MOORE, TAYLOR, WALTERS, WILEY AND WRIGHT

AN ACT

To amend and reenact R.S. 14:98.1(A)(1)(d) and (3)(c) and 98.2(A)(3)(c) and R.S. 32:378.2(A), (B)(1)(a)(ii)(aa) and (bb), 414(A)(1)(c)(i) and (ii), and (D)(1)(b), 667(B)(1)(a) and (3)(b) and (c) and (I)(1)(a) and the introductory paragraph of 668(B)(1)(a) and to enact R.S. 32:378.2(P) and 668(D), relative to ignition interlock devices; to make technical changes; to change criminal offenses for driving while intoxicated; to provide for a change in time periods that a driver is required to have an ignition interlock device; to provide relative to restricted driver's licenses; to extend the amount of time that a driver is required to have an ignition interlock device upon notice of noncompliance; to provide relative to first and second offense penalties for operating a vehicle while intoxicated; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:98.1(A)(1)(d) and (3)(c) and 98.2(A)(3)(c) are hereby amended and reenacted to read as follows:

§98.1. Operating while intoxicated; first offense; penalties

A.(1)

* * *

(d) Except as provided by Subparagraph (3)(c) of this Subsection, the court ~~may~~ **shall** order that the offender not operate a motor vehicle during the period of probation, ~~or such shorter time as set by the court~~ **for no less than six months**, unless any vehicle, while being operated by the offender, is equipped with a functioning ignition interlock device in compliance with the requirements of R.S. 14:98.5(C) and R.S. 32:378.2.

* * *

(3)

* * *

(c) The court shall require that the offender not operate a motor vehicle during the period of probation unless any vehicle, while being operated by the offender, is equipped with a functioning ignition interlock device in compliance with the requirements of R.S. 14:98.5(C) and R.S. 32:378.2. The ignition interlock device shall remain installed and operative on his vehicle during the ~~first twelve-month~~ period of suspension of his driver's license following the date of conviction.

* * *

§98.2. Operating while intoxicated; second offense; penalties

A.

* * *

(3)

* * *

(c) The court shall require that the offender not operate a motor vehicle during the period of probation unless any vehicle, while being operated by the offender, is equipped with a functioning ignition interlock device in compliance with the requirements of R.S. 14:98.5(C), R.S. 15:306, and R.S. 32:378.2. The ignition interlock device shall remain installed and operative

* As it appears in the enrolled bill

on his vehicle during the ~~first three years of the~~ four-year period of the suspension of his driver's license.

* * *

Section 2. R.S. 32:378.2(A), (B)(1)(a)(ii)(aa) and (bb), 414(A)(1)(c)(i) and (ii) and (D)(1)(b), 667(B)(1)(a) and (3)(b) and (c) and (I)(1)(a) and the introductory paragraph of 668 (B)(1)(a) are hereby amended and reenacted and R.S. 32:378.2(P) and 668(D) are hereby enacted to read as follows:

§378.2. Ignition interlock devices; condition of probation for certain DWI offenders; restricted license

A. In addition to any other provisions of law and except as otherwise provided in Subsection I of this Section, the court may require that any person who is placed on probation as provided in ~~R.S. 14:98(B)~~ **R.S. 14:98.1**, and the court shall require that any person who is placed on probation as provided by ~~R.S. 14:98(C)~~ **R.S. 14:98.2** not operate a motor vehicle during the period of probation unless the vehicle is equipped with a functioning ignition interlock device as provided in this Section.

B.(1)

* * *

(a)

* * *

(ii)

* * *

(aa) Upon first offense, if the offender had a blood alcohol concentration of 0.15 percent or greater, he shall be issued a restricted driver's license during the entire period of the two-year driver's license suspension imposed under the provisions of R.S. 14:98.1(A)(3)(b) and (c) and shall be required to have a functioning ignition interlock device installed on his vehicle during the ~~first twelve-month~~ period of the suspension.

(bb) Upon second offense, if the offender has a blood alcohol concentration of 0.15 percent or greater, he shall be eligible for a restricted driver's license for the period of suspension as imposed under the provisions of R.S. 14:98.2(A)(3)(b) and (c). The offender may be issued a restricted license during the entire four years on his suspension and shall be required to have a functioning ignition interlock device installed on his vehicle during the ~~first three years of the~~ four-year suspension.

* * *

P. No provision of this Section shall be construed to require the use of any particular vendor who meets the requirements set forth in R.S. 15:307 for ignition interlock devices.

* * *

§414. Suspension, revocation, renewal, and cancellation of licenses; judicial review

A.(1)

* * *

(c)

* * *

(i) Upon first conviction, if the offender had a blood alcohol concentration of 0.15 percent or greater, his driver's license shall be suspended for two years and he shall be issued a restricted driver's license for the entire period of the suspension after he has provided proof to the department that his motor vehicle is equipped with a functioning ignition interlock device. A functioning ignition interlock device shall remain installed on his vehicle during the ~~first twelve-month~~ period of the suspension of his driver's license.

(ii) Upon second conviction, if the offender has a blood alcohol concentration of 0.15 percent or greater, his driver's license shall be suspended for four years. The offender shall be eligible for a restricted license for the four-year period of suspension after he has provided proof to the department that his motor vehicle is equipped with a functioning ignition interlock device. A functioning ignition interlock device shall remain installed on his vehicle during the ~~first three-year period of the~~ four-year period of the suspension of his driver's license.

* * *

D.(1)

* * *

(b) Any licensee who has had his license suspended for operating a motor vehicle while under the influence of alcoholic beverages under the provisions of this Subsection shall be eligible to apply for a restricted driver's license upon proof that his motor vehicle has been equipped with a functioning ignition interlock device. The ignition interlock device shall remain on the motor vehicle for not less than ~~six~~ **twelve** months from the date the restricted driver's license is granted. In the event that the department fails or refuses to issue the restricted driver's license, the district court for the parish in which the licensee resides may issue an order directing the department to issue the restricted license either by ex parte order or after contradictory hearing.

* * *

§667. Seizure of license; circumstances; temporary license

* * *

B. If written request is not made by the end of the thirty-day period, the person's license shall be suspended as follows:

(1)(a) If the person submitted to the test and the test results show a blood alcohol level of 0.08 percent or above by weight, his driving privileges shall be suspended for ~~ninety~~ **one hundred eighty** days from the date of suspension on first offense violation and for three hundred sixty-five days from the date of suspension on second and subsequent violations occurring within five years of the first offense. If the person was under the age of twenty-one years on the date of the test and the test results show a blood alcohol level of 0.02 percent or above by weight, his driving privileges shall be suspended for one hundred eighty days from the date of suspension.

* * *

(3)

* * *

(b) If the person submitted to the test as a result of a first violation and the test results show a blood alcohol level of 0.15 percent or above by weight, he shall be eligible for a hardship license during the entire period of the imposed two-year suspension after he has provided proof that his motor vehicle has been equipped with an ignition interlock device. A functioning ignition interlock device shall remain installed on his motor vehicle during the ~~first twelve-month~~ period of his driver's license suspension.

(c) If the person submitted to the test as a result of a second violation and the test results show a blood alcohol level of 0.15 percent or above by weight, he shall be eligible for a hardship license during the entire four-year period of the suspension after he has provided proof that his motor vehicle has been equipped with an ignition interlock device. A functioning ignition interlock device shall remain installed on his motor vehicle during the ~~first three years of the~~ four-year period of his driver's license suspension.

* * *

I.(1)

* * *

(a) Any person who has refused to submit to an approved chemical test for intoxication, after being requested to do so, for a **first,** second**, or subsequent** arrest of R.S. 14:98 or 98.6 or a parish or municipal ordinance that prohibits operating a vehicle while intoxicated and whose driver's license has been suspended in accordance with law.

* * *

§668. Procedure following revocation or denial of license; hearing; court review; review of final order; restricted licenses

* * *

B.(1)(a) In a case of first **or second** refusal**,** or **a** first **or second** submission to a test for intoxication ~~and when there has been no prior suspension of the driver's license~~, if suspension is otherwise proper, upon a showing of proof satisfactory to the department that **an approved and functioning ignition interlock device has been installed in the vehicle the person shall drive, and that** the suspension of driving privileges would prevent the person from earning a livelihood, the department may:

* * *

D. Any person who has his license suspended, revoked, or is subject to installation of an ignition interlock device pursuant to R.S. 32:667(I) or R.S. 14:98, 98.1, 98.2, 98.3, or 98.4 shall receive credit for the time period of which the ignition interlock device was installed.

Section 3. This Act shall become effective on July 1, 2024, and shall apply to offenses committed on and after July 1, 2024; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval by the legislature or July 1, 2024, whichever is later.

Approved by the Governor, March 5, 2024.

A true copy:

Nancy Landry

Secretary of State

ACT No. 10

HOUSE BILL NO. 4

BY REPRESENTATIVES EMERSON AND MIKE JOHNSON

AN ACT

To amend and reenact Code of Criminal Procedure Articles 930.4(F) and (G) and 930.8(A)(1) and (D) and to enact Code of Criminal Procedure Article 930.8(E), relative to procedures utilized in post conviction proceedings; to provide relative to the timeliness of post conviction applications; to provide relative to the procedural requirements of post conviction applications; to provide relative to the exceptions to the time limitations of post conviction applications; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Articles 930.4(F) and (G) and 930.8(A)(1) and (D) are hereby amended and reenacted and Code of Criminal Procedure Article 930.8(E) is hereby enacted to read as follows:

Art. 930.4. Repetitive applications

* * *

F. ~~If the court considers dismissing an application for failure of the petitioner to raise the claim in the proceedings leading to conviction, failure to urge the claim on appeal, or failure to include the claim in a prior application, the court shall order the petitioner to state reasons for his failure. If the court finds that the failure was excusable, it shall consider the merits of the claim.~~ Any attempt or request by a petitioner to supplement or amend the application shall be subject to all of the limitations and restrictions set forth in this Article. In addition to serving the district attorney for the jurisdiction where the underlying conviction was obtained, any application filed after the first application for post conviction relief shall be served on the district attorney and the attorney general at least sixty days in advance of the hearing on the application. Both the district attorney and the attorney general shall have a right to suspensively appeal any order granting relief.

G. ~~Notwithstanding any provision of this Title to the contrary, the state~~

* As it appears in the enrolled bill

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored (House Bills) and underscored and **boldfaced** (Senate Bills) are additions.

~~may affirmatively waive any procedural objection pursuant to this Article. Such waiver shall be express and in writing and filed by the state into the district court record.~~ All of the limitations set forth in this Article shall be jurisdictional and shall not be waived or excused by the court or the district attorney.

* * *

Art. 930.8. Time limitations; exceptions; prejudicial delay

A. No application for post conviction relief, including applications which seek an out-of-time appeal, shall be considered if it is filed more than two years after the judgment of conviction and sentence has become final under the provisions of Article 914 or 922, unless any of the following apply:

(1) The application alleges, and the petitioner proves or the state admits, that the facts upon which the claim is predicated were not known to the petitioner or his prior attorneys. Further, the petitioner shall prove that he exercised diligence in attempting to discover any post conviction claims that may exist. "Diligence" for the purposes of this Article is a subjective inquiry that shall take into account the circumstances of the petitioner. Those circumstances shall include but are not limited to the educational background of the petitioner, the petitioner's access to formally trained inmate counsel, the financial resources of the petitioner, the age of the petitioner, the mental abilities of the petitioner, or whether the interests of justice will be served by the consideration of new evidence. New facts discovered pursuant to this exception shall be submitted to the court within two years of discovery. If the petitioner pled guilty or nolo contendere to the offense of conviction and is seeking relief pursuant to Article 926.2 and five years or more have elapsed since the petitioner pled guilty or nolo contendere to the offense of conviction, he shall not be eligible for the exception provided for by this Subparagraph.

* * *D. ~~Notwithstanding any provision of this Title to the contrary, the state may affirmatively waive any objection to the timeliness under Paragraph A of this Article of the application for post conviction relief filed by the petitioner. Such waiver shall be express and in writing and filed by the state into the district court record.~~ Any attempt or request by a petitioner to supplement or amend the application shall be subject to all of the limitations and restrictions as set forth in this Article.

E. All of the limitations set forth in this Article shall be jurisdictional and shall not be waived or excused by the court or the district attorney.

Section 2. This Act shall become effective on August 1, 2024; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval by the legislature or August 1, 2024, whichever is later.

Approved by the Governor, March 5, 2024.

A true copy:

Nancy Landry

Secretary of State

- - - - - - - -

ACT No. 11

- - -

SENATE BILL NO. 5

BY SENATORS MCMATH AND SEABAUGH AND REPRESENTATIVES FONTENOT AND MIKE JOHNSON

AN ACT

To amend and reenact R.S. 15:574.2(C) and (D)(8) and (9) and 574.4.1(A)(1) and (D)(1) and to enact R.S. 15:574.4.1(E), relative to parole; to provide relative to parole procedures; to provide relative to the votes required for parole decisions; to provide relative to victim and law enforcement notification; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:574.2(C) and (D)(8) and (9) and 574.4.1(A)(1) and (D)(1) are hereby amended and reenacted and R.S. 15:574.4.1(E) is hereby enacted to read as follows:

§574.2. Committee on parole, Board of Pardons; membership; qualifications; vacancies; compensation; domicile; venue; meetings; quorum; panels; powers and duties; transfer of property to committee; representation of applicants before the committee; prohibitions

* * *

C.(1) The committee shall meet in a minimum of three-member panels at the adult correctional institutions on regular scheduled dates, not less than every three months. Such dates are to be determined by the chairman. ~~Except as provided for in Paragraph (2) of this Subsection or in cases where the offender is released pursuant to Paragraph (4) of this Subsection, three votes of a three-member panel shall be required to grant parole, or, if the number exceeds a three-member panel, a unanimous vote of those present shall be required to grant parole.~~

(2) Except ~~in cases where the offender is released pursuant to Paragraph (4) of this Subsection, the committee may grant parole with two votes of a three-member panel, or, if the number exceeds a three-member panel, a majority vote of those present~~ **as provided in Paragraph (3) of this Subsection, three votes of a three-member panel shall be required to grant parole or, if the number of members of the panel exceeds three, a unanimous vote of those present shall be required to grant parole and only** if all of the following conditions are met:

(a) ~~The offender has not been convicted of a sex offense as defined in R.S. 15:541 or an offense which would constitute a sex offense as defined in R.S. 15:541, regardless of the date of conviction.~~

~~(b)~~ The offender has not committed any major disciplinary offenses in the ~~twelve~~ **thirty-six** consecutive months prior to the parole eligibility date. A major disciplinary offense is an offense identified as a Schedule B offense by the Department of Public Safety and Corrections in the Disciplinary Rules and Procedures of Adult Offenders.

~~(c)~~**(b)** The offender has completed the mandatory minimum of one hundred hours of pre-release programming in accordance with R.S. 15:827.1 if such programming is available at the facility where the offender is incarcerated.

~~(d)~~**(c)** The offender has completed substance abuse treatment as applicable.

~~(e)~~**(d)** The offender has obtained or completed at least one of the following:

(i) A literacy program.

(ii) An adult basic education program.

(iii) A job skills training program.

(iv) A high school equivalency certificate.

~~(f)~~**(e)** The offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of the Department of Public Safety and Corrections.

(3) Notwithstanding any other provision of law in this Section, no person convicted of a crime of violence against any peace officer**,** as defined in R.S. 14:30(B), shall be granted parole except after a meeting, duly noticed and held on a date to be determined by the chairman, at which at least five of the seven members of the committee are present and all members present vote to grant parole.

~~(4) Repealed by Acts 2019, No. 369, §4, eff. August 1, 2019.~~

D. In accordance with the provisions of this Part, the committee on parole shall have the following powers and duties:

* * *

(8)(a) To notify the district attorney of the parish where the conviction occurred **and the attorney general**. The notification shall be in writing and shall be issued at least ~~sixty~~ **ninety** days prior to the hearing date. ~~For offenders eligible for release pursuant to Paragraph (C)(4) of this Section, the notification shall be in writing and shall be issued at least ninety days prior to the offender's administrative parole eligibility date. If the offender's charge or amended charge on the bill of information was a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, the district attorney of the parish in which the conviction occurred shall have thirty days from the date of notification to object to the offender's release on administrative parole and may request that the committee on parole conduct a hearing.~~ The district attorney of the parish where the conviction occurred **and the attorney general** shall be allowed to review the record of the offender since incarceration, including but not limited to any educational or vocational training, rehabilitative program participation, disciplinary conduct, and risk assessment score. The district attorney **and the attorney general** shall be allowed to present testimony to the committee on parole and submit information relevant to the proceedings~~, except as provided in Paragraph (C)(4) of this Section~~.

(b) ~~When requested, to~~ **To** notify the chief of police, where such exists, and the sheriff and district attorney of the parish where the individual resides and the conviction occurred. The notification shall be in writing and shall be issued at least seven days prior to the release of any parolees residing within the jurisdiction of the agency.

(9)(a) To notify the victim, or the spouse or next of kin of a deceased victim, when the offender is scheduled for a parole hearing. The notification shall be in writing and sent by mail or electronic communications no less than ~~sixty~~ **ninety** days prior to the hearing date. The notice shall advise the victim, or the spouse or next of kin of a deceased victim, how to obtain information about their rights with regard to the hearing. The notice is not required when the victim, or the spouse or next of kin of a deceased victim, advises the committee in writing that such notification is not desired. The victim, or the spouse or next of kin of a deceased victim, shall be allowed to testify at the hearing. The victim, or the spouse or next of kin of a deceased victim, shall be allowed to testify directly~~, or~~ **and** in rebuttal to testimony or evidence offered by or on behalf of the offender~~, or both~~.

(b) Notice by electronic communications is allowed only in instances where the victim has opted in to ~~such form of~~ notification **by electronic communication** during the registration process and **notification by electronic communication** is complete upon transmission.

(c) No scheduled parole hearing for any offender shall be conducted or held unless and until the committee members have ensured compliance with all notification requirements of this Subsection. Any order issued pursuant to a hearing that was not conducted in compliance with the notice requirements of this Subsection shall be null and void. The registered victim representative, the district attorney, and the attorney general may appeal any order issued pursuant to a hearing that was not conducted in compliance with the notice requirements of this Subsection and to seek any available relief, including injunctive relief. Any appeal pursuant to this Subparagraph shall suspend the order of the Board of Pardons or committee on parole pending final adjudication of the appeal.

* * *

§574.4.1. Parole consideration and hearings

A.(1)(a) The parole hearings shall be conducted in a formal manner in accordance with the rules formulated by the committee and with the provisions of this Part. Before the parole of any prisoner is ordered, ~~such~~ **the** prisoner shall appear before and be interviewed by the committee, except those incarcerated in parish prisons or parish correctional centers, in which case one committee member may conduct the interview. The committee may order a reconsideration of the case or a rehearing at any time. **The committee shall, to the extent feasible, schedule subsequent parole hearings in the order**

* As it appears in the enrolled bill

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored (House Bills) and underscored and **boldfaced** (Senate Bills) are additions.

in which the applications are filed.

(b) Notwithstanding any other provision of law to the contrary, beginning on August 1, 2024, **except as provided in Subparagraph (c) of this Paragraph,** the committee shall not consider a parole rehearing of any prisoner who is serving a sentence for any **crime of violence as defined in R.S. 14:2(B) or sex offense as defined in R.S. 15:541** ~~of the following offenses~~ until at least ~~four~~ **five** years after the denial of parole~~:~~**.**

(c) Notwithstanding any other provision of law to the contrary, beginning on August 1, 2024, the committee shall not consider a parole rehearing of any prisoner who is serving a sentence for a first offense crime of violence, as defined in R.S. 14:2(B), that is not first degree murder, second degree murder, first degree rape, second degree rape, third degree rape, or crime against nature pursuant to R.S. 14:89(A)(2) until at least three years after the denial of parole.

~~(i) Any crime of violence as defined in R.S. 14:2(B) or sex offense as defined in R.S. 15:541, for which the prisoner is serving a life sentence and for which the prisoner is eligible for parole pursuant to any of the provisions of R.S. 15:574.4.~~

~~(ii) Any crime that is both a crime of violence as defined in R.S. 14:2(B) and a sex offense as defined in R.S. 15:541, for which the prisoner is serving a fixed term of years and for which the prisoner is eligible for parole pursuant to any of the provisions of R.S. 15:574.4.~~

~~(iii) Manslaughter (R.S. 14:31), for which the prisoner is eligible for parole pursuant to any of the provisions of R.S. 15:574.4.~~

* * *

D.(1) Except as provided in Paragraph (2) or (3) of this Subsection, the release date of the prisoner shall be ~~fixed~~ **set forth** by the committee, but ~~such~~ **the release** date shall ~~not be later than six months after the parole hearing or the most recent reconsideration of the prisoner's case~~ **be subject to modification, alteration, or rescission for any reason deemed appropriate or necessary by the committee at any time prior to the prisoner's signing of the certificate of parole and actual release from custody onto parole supervision**.

* * *

E. Notwithstanding any other provision of law to the contrary, the committee on parole shall have the authority and sole discretion to rescind, modify, reconsider, or otherwise alter any prior decision granting parole release, for any reason deemed appropriate by the committee before an offender's actual release from custody onto parole supervision. No offender shall have or acquire any right to parole release based upon any initial decision of the committee on parole before the offender's actual release from custody onto parole supervision.

Approved by the Governor, March 5, 2024.
A true copy:
Nancy Landry
Secretary of State

ACT No. 12

HOUSE BILL NO. 23
BY REPRESENTATIVE MELERINE AND SENATOR SEABAUGH
AN ACT

To amend and reenact R.S. 49:257(C) and Code of Civil Procedure Article 1880 and to enact Code of Civil Procedure Articles 855.1 and 1845 and Code of Criminal Procedure Article 62(D), relative to procedures challenging the constitutionality of state law; to provide for procedures for actions alleging unconstitutionality of laws; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 1880 is hereby amended and reenacted, and Code of Civil Procedure Articles 855.1 and 1845 are hereby enacted to read as follows:

Art. 855.1. Pleadings for unconstitutionality of state law

All civil actions alleging that a law is unconstitutional shall be in writing and be brought in an ordinary proceeding. The pleading shall be served upon the attorney general of the state in accordance with Article 1314. Upon proper service, the attorney general shall have thirty days to respond to the allegations or represent or supervise the interests of the state.

* * *

Art. 1845. Effects of judgments on state law

A judgment rendering a law unconstitutional is absolutely null and shall be void and unenforceable if the provisions of Article 855.1 have not been met.

* * *

Art. 1880. Parties

When declaratory relief is sought, all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall prejudice the rights of persons not parties to the proceeding. In a proceeding which involves the validity of a municipal ordinance or franchise, such municipality shall be made a party, and shall be entitled to be heard. If the ~~statute~~ law, ordinance, or franchise is alleged to be unconstitutional, the attorney general of the state shall also be served with a copy of the proceeding and be entitled to be heard. If the law is alleged to be unconstitutional, pleadings shall be made pursuant to the requirements in Articles 855.1 and 1845.

Section 2. Code of Criminal Procedure Article 62(D) is hereby enacted to read as follows:

Art. 62. Authority of attorney general; supervision of district attorney

* * *

D. Any pleading containing an allegation of unconstitutionality of a criminal law shall be in writing and served upon the attorney general of the state. Upon proper service, the attorney general shall have thirty days to respond to the allegations or represent or supervise the interests of the state. The attorney general shall have a right to directly appeal adverse rulings to the supreme court of Louisiana for supervisory review whether or not the attorney general participated in the underlying proceeding.

Section 3. R.S. 49:257(C) is hereby amended and reenacted to read as follows:

§257. Legal representation of certain state agencies

* * *

C. Notwithstanding any other law to the contrary, the attorney general, at his discretion, shall represent or supervise the representation of the interests of the state in any action or proceeding in which the constitutionality of a state ~~statute~~ law or of a resolution of the legislature is challenged or assailed. In all other proceedings in which the constitutionality of a law is assailed, the attorney general shall be served notice or a copy of the pleading. The attorney general, at his discretion, shall be permitted to present, represent, or supervise the representation of the state's interest in the proceeding if the proceeding is in accordance with Code of Civil Procedure Articles 855.1 and 1845 and Code of Criminal Procedure Article 62(D). In any civil proceeding challenging the constitutionality of a law, the allegations of unconstitutionality shall be contained in a pleading as defined in Code of Civil Procedure Article 852.

* * *

Approved by the Governor, March 5, 2024.
A true copy:
Nancy Landry
Secretary of State

ACT No. 13

SENATE BILL NO. 3
BY SENATORS CLOUD, ALLAIN, BASS, CATHEY, CONNICK, EDMONDS, FESI, HENRY, HENSGENS, KLEINPETER, LAMBERT, MCMATH, MIGUEZ, MIZELL, MORRIS, REESE, SEABAUGH, STINE, TALBOT, WHEAT AND WOMACK AND REPRESENTATIVES CREWS AND MIKE JOHNSON
AN ACT

To amend and reenact Children's Code Art. 804(1), relative to delinquency proceedings and juvenile court jurisdiction; to amend the definition of "child" for purposes of delinquency proceedings; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Art. 804(1) is hereby amended and reenacted to read as follows:

Art. 804. Definitions

As used in this Title:

(1)(a) ~~"Child"~~ **Before March 1, 2019, and on or after April 19, 2024, "child"** means any person under the age of twenty-one, including an emancipated minor, who commits a delinquent act before attaining seventeen years of age.

(b) ~~Beginning~~ **From** March 1, 2019, **and until June 30, 2020,** "child" means any person under the age of twenty-one, including an emancipated minor, who commits a delinquent act on or after March 1, 2019, **until June 30, 2020,** when the act is not a crime of violence as defined in R.S. 14:2, and occurs before the person attains eighteen years of age.

(c)~~(i) After June 30, 2020~~ **From July 1, 2020, until April 19, 2024**, "child" means any person under the age of twenty-one, including an emancipated minor, who commits a delinquent act on or after July 1, 2020, **until April 19, 2024,** and before the person attains eighteen years of age.

~~(ii) Notwithstanding Item (i) of this Subparagraph, a child who has attained the age of seventeen shall be subject to criminal jurisdiction pursuant to Article 305 or 857.~~

* * *

Section 2. This Act shall become effective on April 19, 2024; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval by the legislature or April 19, 2024, whichever is later.

Approved by the Governor, March 6, 2024.
A true copy:
Nancy Landry
Secretary of State

ACT No. 14

SENATE BILL NO. 4
BY SENATOR CLOUD AND REPRESENTATIVES CREWS AND MIKE JOHNSON AND SENATOR SEABAUGH
AN ACT

To amend and reenact Children's Code Art. 897.1(B), (C), (D), and (E), relative to the sentencing of a juvenile after adjudication for certain offenses; to provide relative to modification of sentences; to provide relative to crimes of violence; to provide for terms, conditions, and procedures; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

* As it appears in the enrolled bill

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored (House Bills) and underscored and **boldfaced** (Senate Bills) are additions.

Section 1. Children's Code Art. 897.1(B), (C), (D), and (E) are hereby amended and reenacted to read as follows:

Art. 897.1. Disposition after adjudication of certain felony-grade delinquent acts

* * *

B. After adjudication of a felony-grade delinquent act based upon a violation of R.S. 14:42, first degree rape, or R.S. 14:44, aggravated kidnapping, the court shall commit the child who is fourteen years or older at the time of the commission of the offense to the custody of the Department of Public Safety and Corrections to be confined in secure placement until the child attains the age of twenty-one years without benefit of probation**,** ~~or~~ suspension of imposition or execution of sentence**, or modification of sentence**.

C. ~~After~~ **Except as provided in Paragraphs A and B of this Article, after** adjudication of a felony-grade delinquent act based upon a violation of R.S. 14:64, armed robbery, or R.S. 14:64.2, carjacking, **or for a second or subsequent offense that is a crime of violence, as defined in R.S. 14:2(B),** the court shall commit the child who is fourteen years of age or older at the time of the commission of the offense to the custody of the Department of Public Safety and Corrections**, or to the custody of a secure public or private institution,** to be confined in secure placement without benefit of probation or suspension of imposition or execution of sentence.

D. Juveniles **confined** in secure ~~care~~ **placement** for an adjudication ~~for a violation of R.S. 14:42 or 44 shall be eligible for modification after serving thirty-six months of the disposition. Juveniles in secure care for an adjudication for a violation of R.S. 14:64 or 64.2~~ **as set forth in Paragraph C of this Article** shall be eligible for modification after serving ~~thirty-six months of the disposition or, if the disposition is less than thirty-six months, two-thirds~~ **twenty-four months** of the disposition **or if the disposition is less than thirty-six months, one-half of the disposition**.

E. A motion for modification of a disposition shall be filed pursuant to Article 910 et seq. and a contradictory hearing shall be set no sooner than thirty days from the date of notice to the district attorney. To grant a motion for modification of disposition, the court must find that the child poses a reduced risk to the community based on the following considerations:

(1) The child has a favorable progress report from the placement facility.

(2) The child meets one of the following work or self-improvement criteria:

(a) Has attained a high school diploma or equivalent.

(b) Is actively participating in workforce training or a certification program and is in good standing as evidenced by grades and behavior notes submitted by the child's instructors.

~~(1) The most recent risk assessment conducted~~ **(3) The child has obtained a low-risk designation as determined by a valid risk assessment procedure approved** by the office of juvenile justice.

~~(2)~~ **(4)** The recommendation of the office of juvenile justice.

~~(3)~~ **(5)** A reentry plan that includes an appropriate placement to conduct supervision and achieve aftercare goals.

~~(4)~~ **(6)** Any additional evidence provided by the child, the state, or the office of juvenile justice.

* * *

Section 2. This Act shall become effective on July 1, 2024; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval by the legislature or July 1, 2024, whichever is later.

Approved by the Governor, March 6, 2024.

A true copy:

Nancy Landry

Secretary of State

- - - - - - - -

ACT No. 15

- - -

HOUSE BILL NO. 1

BY REPRESENTATIVES BACALA, HORTON,

AND MIKE JOHNSON AND SENATOR SEABAUGH

AN ACT

To enact Chapter 43 of Title 13 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 13:5991 through 5993, and Children's Code Article 412(N), relative to access to criminal justice records; to establish the Truth and Transparency in the Louisiana Criminal Justice System Program; to provide relative to the identification of minute entries; to provide relative to access of minute entries; to require the transmission to the online portal maintained by the Louisiana Clerks' Remote Access Authority; to provide relative to duties and obligations; to provide relative to immunity from suit; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 43 of Title 13 of the Louisiana Revised Statutes of 1950, comprised of R.S. 13:5991 through 5993 is hereby enacted to read as follows:

CHAPTER 43. TRUTH AND TRANSPARENCY IN THE LOUISIANA CRIMINAL JUSTICE SYSTEM PROGRAM

§5991. Legislative findings; intent

A. The legislature recognizes that the optimal functioning of the Louisiana criminal justice system is vital to the safety, prosperity, and well-being of Louisiana and its citizens. The legislature also recognizes that a fundamental requirement for the proper functioning of the Louisiana criminal justice system is the ability to view, review, and analyze the various documents, records, and databases evidencing the actions, decisions, and events occurring within the criminal justice system. Louisiana citizens, victims, and defendants should be able to readily find, access, and review these documents, records, and databases for relevant, timely information on matters pertinent to them and their communities. In addition, members of the legislature and other relevant stakeholders must have the ability to access and review the current and past actions, decisions, and events occurring within the criminal justice system in order to make educated, informed decisions regarding the current operation of the system and any necessary improvements or reforms.

B. It is therefore the intent of the legislature to provide for a program designed to promote transparency within the Louisiana criminal justice system by providing readily available and consistent access to minute entries evidencing the actions, decisions, and events occurring within the criminal justice system.

§5992. Truth and Transparency in the Louisiana Criminal Justice System Program; creation, authority, and duties

A. The Truth and Transparency in the Louisiana Criminal Justice System Program is hereby established under this Chapter.

B. For purposes of this program, each district clerk of court shall have the following duties and obligations:

(1) Each district clerk of court responsible for maintaining criminal records shall provide the public electronic access to all minute entries as defined in Subsection C of this Section, or summary thereof, involving any and all matters in criminal court for any case filed on or after January 1, 2020, by transmission to the online portal maintained by the Louisiana Clerks' Remote Access Authority pursuant to R.S. 13:754. No other records or images, other than the minute entries or summary thereof, are required to be transmitted in accordance with this Section. The provisions of this Paragraph shall not apply to traffic violations.

(2)(a) Notwithstanding any other provision of law to the contrary, including but not limited to Children's Code Article 412, each district clerk of court and the clerk of the Juvenile Court for the Parish of Orleans as defined in R.S. 13:1587.1 who is responsible for juvenile court records shall transmit to the online portal maintained by the Louisiana Clerks' Remote Access Authority all minute entries, or summary thereof, involving any and all cases involving juveniles accused of committing a crime of violence as defined in R.S. 14:2(B). Such cases and records shall remain open to the public thereafter unless sealed by a court of competent jurisdiction or unless and until such record is expunged. No other records or images, other than the minute entries or summary thereof, are required to be transmitted in accordance with this Section.

(b) The provisions of this Paragraph shall be applicable only to cases filed on or after January 1, 2024.

C. For purposes of this Chapter, the term "minute entries" shall include but not be limited to the following, if provided to the clerk of court:

(1) Any information provided to the clerk of court regarding arrest or summons information relative to the defendant.

(2) Any custody or bail decisions.

(3) The filing, amendment, or dismissal of criminal charges.

(4) Hearings on all motions or status conferences held in the matter.

(5) Trial or adjudication proceedings.

(6) Court or jury decisions on guilt or adjudication.

(7) Any sentencing hearings, including the specific sentence or sentences imposed on each count or adjudication.

(8) The date of the court proceeding.

(9) Identity of the judge presiding.

(10) Identity of the prosecutor present.

(11) Identity of the defendant.

D. Notwithstanding any provision of law to the contrary, the clerks of court and their employees and agents, the Louisiana Clerks' Remote Access Authority, including its board members, employees, and agents, and any other state or local entity or political subdivision that is responsible for providing information to the clerks of court shall be immune from liability arising from any acts or omissions related to compliance with the provisions of this Section. The provisions of this Section shall not be construed to limit, withdraw, or overturn any other applicable defense or immunity available to public officials or public entities.

§5993. Truth and Transparency in the Louisiana Criminal Justice System Program; effective date; implementation

A. Except as provided in Subsection B of this Section, all duties and obligations set forth in this Chapter shall become effective on April 19, 2024.

B. On or before August 1, 2024, the Louisiana Clerks' Remote Access Authority, or its duly authorized representative, shall submit a written report to the speaker of the House of Representatives, the president of the Senate, and the governor, which sets forth all of the following:

(1) Specific information detailing the progress made by it and the clerks of court towards compliance with the duties and obligations set forth in this Chapter.

(2) Specific information detailing any anticipated work to be completed to meet the duties and obligations set forth in this Chapter.

(3) Specific information detailing any anticipated dates that all remaining clerks of court are expected to be able to meet pursuant to the duties and obligations set forth in this Chapter.

C. Such written report shall be required to be submitted by the Louisiana Clerks' Remote Access Authority, or its duly authorized representative at

* As it appears in the enrolled bill

least every one hundred and twenty days thereafter until such time as all clerks of court achieve compliance with the duties and obligations of this Chapter.

Section 2. Children's Code Article 412(N) is hereby enacted to read as follows:

Art. 412. Confidentiality of records; disclosure exceptions; sanctions

* * *

N. This Article shall not apply to records relative to any matters identified in Subparagraph (B)(1) of Children's Code Article 879, in which those records and reports shall be made available to the public. Records and reports pertaining to the medical records of the juvenile, the mental health of the juvenile, social records of the juvenile, school records of the juvenile, and any records related to the victim of the crime shall not be made available to the public.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, March 6, 2024.

A true copy:

Nancy Landry

Secretary of State

ACT No. 16

HOUSE BILL NO. 2

BY REPRESENTATIVES BACALA AND MIKE JOHNSON AND SENATOR SEABAUGH

AN ACT

To enact R.S. 9:2793.11, relative to immunity from liability for peace officers and certain public entities; to provide for immunity from civil liability for peace officers and certain public entities; to provide for definitions; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:2793.11 is hereby enacted to read as follows:

§2793.11. Limitation of liability for peace officers performing their duties; definitions; exceptions

A. As used in this Section:

(1) "Discretionary function" means any action or conduct of a peace officer, acting within the course and scope of his law enforcement duties, that includes exercising judgment in the enforcement of the criminal laws of the state including but not limited to arresting or attempting to arrest persons or carrying out any other duties or obligations imposed upon a peace officer in this state.

(2) "Peace officer" shall include all individuals as defined in R.S. 40:2402(3) and R.S. 14:112.4(B)(2).

(3) "Public entity" means the state or a political subdivision of the state that employs or appoints any peace officer as defined in Paragraph (2) of this Subsection.

B. A civil claim for damages against a peace officer or public entity that employs or appoints a peace officer shall be prohibited in any of the following circumstances:

(1) The conduct or actions of the peace officer arise out of the performance of any discretionary function within the course and scope of the peace officer's law enforcement duties.

(2) The success of the claim necessarily implies the invalidity of a criminal conviction or sentence, unless the conviction or sentence has been invalidated through appropriate legal proceedings.

C. The provisions of Subsection B of this Section shall not apply to any of the following:

(1) Any act or omission of a peace officer which constitutes criminal, fraudulent, or intentional misconduct.

(2) Any private nongovernmental person or entity, including any private employer of a peace officer during that officer's off-duty hours.

D. The provisions of this Section shall not relieve a peace officer from the duty to drive or ride with due regard for the safety of all persons when he is the driver or rider of a vehicle operated in the course and scope of his employment, including when subject to the provisions of R.S. 32:24.

Approved by the Governor, March 6, 2024.

A true copy:

Nancy Landry

Secretary of State

ACT No. 17

HOUSE BILL NO. 5

BY REPRESENTATIVE MIKE JOHNSON

AN ACT

To enact R.S. 14:2(B)(61), relative to crimes of violence; to designate the crime of illegal use of weapons or dangerous instrumentalities as a crime of violence; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:2(B)(61) is hereby enacted to read as follows:

§2. Definitions

* * *

B. In this Code, "crime of violence" means an offense that has, as an element, the use, attempted use, or threatened use of physical force against the person or property of another, and that, by its very nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense or an offense that involves the possession or use of a dangerous weapon. The following enumerated offenses and attempts to commit any of them are included as "crimes of violence":

* * *

(61) Illegal use of weapons or dangerous instrumentalities.

* * *

Approved by the Governor, March 6, 2024.

A true copy:

Nancy Landry

Secretary of State

ACT No. 18

HOUSE BILL NO. 7

BY REPRESENTATIVES SCHLEGEL, BACALA, COX, HILFERTY, AND MIKE JOHNSON AND SENATOR HODGES

AN ACT

To amend and reenact R.S. 14:64.2(B), relative to the crime of carjacking; to enhance the penalties for the crime of carjacking; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:64.2(B) is hereby amended and reenacted to read as follows:

§64.2. Carjacking

* * *

B.(1) Except as provided in Paragraph (2) of this Subsection, whoever commits the crime of carjacking shall be imprisoned at hard labor for not less than ~~two~~ five years nor more than twenty years, without benefit of parole, probation, or suspension of sentence.

(2) Whoever commits the crime of carjacking when serious bodily injury results shall be imprisoned at hard labor for not less than ~~ten~~ twenty years nor more than ~~twenty~~ thirty years, without benefit of parole, probation, or suspension of sentence.

Approved by the Governor, March 6, 2024.

A true copy:

Nancy Landry

Secretary of State

ACT No. 19

HOUSE BILL NO. 8

BY REPRESENTATIVES SCHLEGEL, ADAMS, AMEDEE, BACALA, BAGLEY, BAYHAM, BILLINGS, BOYER, BRAUD, BUTLER, CARLSON, ROBBY CARTER, CHENEVERT, COATES, COX, DAVIS, DEVILLIER, DEWITT, DICKERSON, DOMANGUE, ECHOLS, EDMONSTON, EGAN, EMERSON, FIRMENT, FONTENOT, GADBERRY, HORTON, ILLG, MIKE JOHNSON, JACOB LANDRY, MCMAKIN, MYERS, OWEN, RISER, SCHAMERHORN, SELDERS, THOMPSON, VENTRELLA, VILLIO, WILDER, WILEY, AND WYBLE AND SENATOR MORRIS

AN ACT

To enact R.S. 40:967.1, relative to controlled dangerous substances; to provide for the unlawful distribution of fentanyl under certain circumstances; to provide for a penalty; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:967.1 is hereby enacted to read as follows:

§967.1. Prohibited acts--Schedule II; distribution of fentanyl with certain characteristics

A. Any person who violates the provisions of R.S. 40:967(A) in a manner where there is reasonable appeal to a minor due to the shape, color, taste, or design of the fentanyl or the fentanyl's packaging shall be imprisoned at hard labor for not less than twenty-five years nor more than ninety-nine years without benefit of probation, parole, or suspension of sentence.

B. For the purposes of this Section, the following definitions shall apply:

(1) "Fentanyl" shall mean a substance or mixture containing a detectable amount of fentanyl or its analogues, or carfentanil or a mixture or substance containing a detectable amount of carfentanil or its analogues.

(2) "Reasonable appeal" shall mean a design of the fentanyl or the fentanyl's packaging, including but not to limited to a resemblance of any of the following:

(a) A noncontrolled substance that is primarily consumed by and marketed to minors.

(b) The shape of an animal, vehicle, person, or character.

(c) Food or beverage that is attractive to minors and that is commonly sold in retail establishments, regardless of whether the food or beverage is generic, trademarked, or a branded product.

(d) Candy.

* As it appears in the enrolled bill

Approved by the Governor, March 6, 2024.
A true copy:
Nancy Landry
Secretary of State

- - - - - - - -

ACT No. 20

- - -

HOUSE BILL NO. 19
BY REPRESENTATIVE MCFARLAND AND SENATOR EDMONDS
AN ACT

To appropriate funds and to make certain reductions from certain sources to be allocated to the designated agencies and purposes in specific amounts for the making of supplemental appropriations and reductions for said agencies and purposes for Fiscal Year 2023-2024; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The following sums are hereby appropriated from the sources specified for the purpose of making supplemental appropriations for Fiscal Year 2023-2024. Reductions are denoted in parentheses.

SCHEDULE 01

EXECUTIVE DEPARTMENT

01-100 EXECUTIVE OFFICE

Payable out of the State General Fund (Direct) to the Administrative Program for the Office of the State Public Defender for operations, in the event that Senate Bill No. 8 of the 2024 Second Extraordinary Session of the Legislature is enacted into law	$ 600,000

01-112 DEPARTMENT OF MILITARY AFFAIRS

Payable out of the State General Fund (Direct) to the Military Affairs Program for Operation Lonestar	$ 3,000,000

SCHEDULE 08

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS

PUBLIC SAFETY SERVICES

08-419 OFFICE OF STATE POLICE

Payable out of the State General Fund (Direct) to the Operational Support Program for ballistic plates and safety leg restraints	$ 1,075,600
Payable out of the State General Fund (Direct) to the Traffic Enforcement Program for bomb suits and robotic platforms	$ 812,350
Payable out of the State General Fund (Direct) to the Traffic Enforcement Program for an increased uniform allowance and shift differential pay for working overtime	$ 2,738,000
Payable out of the State General Fund (Direct) to the Traffic Enforcement Program for overtime and an evidence room for staff assigned to the city of New Orleans for the purposes of supplementing local law enforcement capabilities	$ 1,750,000
Payable out of the State General Fund by Fees and Self-generated Revenues out of the Insurance Verification System Dedicated Fund Account to the Traffic Enforcement Program for personal services	$ 9,200,000

The commissioner of administration is hereby authorized and directed to adjust the means of finance for the Traffic Enforcement Program, as contained in Act No. 447 of the 2023 Regular Session of the Legislature, by reducing the appropriation out of the State General Fund by Statutory Dedications out of the Louisiana State Police Salary Fund by ($9,200,000).

Payable out of the State General Fund (Direct) to the Operational Support Program for a review of the Louisiana State Police	$ 2,000,000
Payable out of the State General Fund (Direct) to the Traffic Enforcement Program for the remainder of the pay raise approved by the Louisiana State Police Commission in May 2023	$ 3,230,000
Payable out of the State General Fund (Direct) to the Criminal Investigation Program for the remainder of the pay raise approved by the Louisiana State Police Commission in May 2023	$ 617,500
Payable out of the State General Fund (Direct) to the Operational Support Program for the remainder of the pay raise approved by the Louisiana State Police Commission in May 2023	$ 522,500
Payable out of the State General Fund (Direct) to the Gaming Enforcement Program for the remainder of the pay raise approved by the Louisiana State Police Commission in May 2023	$ 380,000

Section 2. Notwithstanding any provision of law to the contrary, the appropriations in Section 1 of this Act are deemed bona fide obligations of the state through June 30, 2025.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, March 6, 2024.
A true copy:
Nancy Landry
Secretary of State

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ACT No. 21

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SENATE BILL NO. 10
BY SENATORS CATHEY AND SEABAUGH AND
REPRESENTATIVE THOMPSON
AN ACT

To amend and reenact R.S. 15:571.3(B)(1)(a), the introductory paragraph of (C), (D), and (F) and to enact R.S. 15:571.3(G), relative to diminution of a sentence for good behavior; to provide for reduction of good time credit for offenders convicted in the death of a peace officer or first responder; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:571.3(B)(1)(a), the introductory paragraph of (C), (D), and (F) are hereby amended and reenacted and R.S. 15:571.3(G) is hereby enacted to read as follows:

§571.3. Diminution of sentence for good behavior

* * *

B.(1)(a) Unless otherwise prohibited, every offender in the custody of the department who has been convicted of a felony, except an offender convicted a second **or subsequent** time of a crime of violence as defined by R.S. 14:2(B) **or as provided in Subsection F of this Section,** or an offender convicted a fourth or subsequent time of a nonviolent felony offense, and sentenced to imprisonment for a stated number of years or months, may earn, in lieu of incentive wages, a diminution of sentence by good behavior and performance of work or self-improvement activities, or both, to be known as "good time". Those offenders serving life sentences will be credited with good time earned which will be applied toward diminution of their sentences at such time as the life sentences might be commuted to a specific number of years. The secretary shall establish regulations for awarding and recording of good time and shall determine when good time has been earned toward diminution of sentence. The amount of diminution of sentence allowed under the provisions of this Section shall be at the rate of thirteen days for every seven days in actual custody served on the imposed sentence, including time spent in custody with good behavior prior to sentencing for the particular sentence imposed as authorized by the provisions of Code of Criminal Procedure Article 880.

* * *

C. Diminution of sentence shall not be allowed **to be earned by** an inmate in the custody of the Department of Public Safety and Corrections if any of the following apply:

* * *

D.(1) Diminution of sentence shall not be allowed ~~for~~ **to be earned by** an offender in a parish prison or in the custody of the Department of Public Safety and Corrections if the instant offense is a second offense crime of violence as defined by R.S. 14:2(B).

(2) Diminution of sentence shall not be allowed ~~for~~ **to be earned by** an offender in a parish prison or in the custody of the Department of Public Safety and Corrections if the instant offense is a sex offense as defined by R.S. 15:541.

* * *

F. **Notwithstanding any other provision of law to the contrary, a person convicted in the death of a victim killed in the line of duty as a peace officer or first responder shall earn diminution of sentence at a rate of one day for every thirty days in custody.**

G. No later than August first of each year, the Department of Public Safety and Corrections shall submit an annual report to the legislature relative to offenders released from custody during the preceding fiscal year pursuant to the provisions of this Section. This report shall include the following

information:
(1) The name and offender number of the released offender.
(2) The date on which the offender was released.
(3) The offense for which the offender was incarcerated at the time of his release, including whether the offense was a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541.
(4) A grid which shows the earliest release date that offenders would have been eligible for release notwithstanding the provisions of Section 3 of Act No. 280 of the 2017 Regular Session of the Legislature.
(5) Whether the offender obtained a GED certification or completed a literacy program, an adult basic education program, or a job skills training program before being released from custody.
(6) Any information relative to juvenile offenders that is exempt from release pursuant to a public records request or otherwise considered confidential by law shall be redacted from the report provided for by this Subsection.
Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.
Approved by the Governor, March 8, 2024.
A true copy:
Nancy Landry
Secretary of State

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ACT No. 22

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SENATE BILL NO. 8
BY SENATOR REESE AND REPRESENTATIVES HORTON, MIKE JOHNSON AND VILLIO
AN ACT

To amend and reenact R.S. 15:142(C) and (F), 143, 146, 147(A), the introductory paragraph of (B), (B)(1), (3), (4), (5)(b)(iii), (6), (7), (15), (17), (19) and (20), (C), (D) and (E), 148(A), the introductory paragraph of (B)(1)(a), (B)(1)(b), (c), (d), (e) and (f), and (5) through (13) and (C), 149.1, 149.2, 150(A), (C) and (E), 152, 161(A), (E)(5) and (7) through (14), (F), (H), and (I), 162, 163, 164(A), (C)(1), the introductory paragraph of (D), (E)(4) and (F)(2), 165(A), (B), (C), (D), (F) and (G), 166, 167(A), (D) and (E), 168(D) and (E), 169, 170(A)(1) and (3), (B)(2), (5), (6), (8) and (9), (C), (D)(1), (2) and (3), (G), (H), (I) and (J), 173(B), 174(A) and (B)(1), 175(A)(1)(f) and (i) and (2) and (C), 178, 180, 185.2(1), (4), (7), (8), and (9), 185.3(A), the introductory paragraph of (B), (B)(6), (7), (11), (17), (18), and (19)(g), and (C), 185.4(A), (B)(2), (10) and (12), 185.6(A), (B)(1) and the introductory paragraph of (B)(2), and (D), 185.7(B), 186.2(1), (6), (7), and (8), 186.3(A), the introductory paragraph of (B), (B)(5)(a), (6), (10), (13)(c), (16), (17) and (18)(c) and (C), 186.4(A), and 186.5(D) and (E), and R.S. 36:4(B)(21), to enact R.S. 15:164(B)(4), 185.2(10), and 186.2(9), and to repeal R.S. 15:148(B)(14) and (15), 151, 153, 154, 155, 156, 157, 158, 159, 160, 161(J), 162.1, 168(F), 185.3(D), and 185.9, relative to indigent defender representation; to create the office of the state public defender; to transfer authority from the Louisiana Public Defender Board to the office; to provide for powers, duties, and responsibilities of the office; to provide for the creation of the Louisiana Public Defender Oversight Board; to provide for duties and responsibilities of the board; to provide for rulemaking; to provide for the domicile of the office; to provide for offices and meetings; to provide for qualifications of executive staff; to provide for qualifications, powers, duties, and salary of the state public defender; to provide for district public defenders; to provide for methods of delivery of services; to provide for the Louisiana Public Defender Fund; to provide for the Judicial District Indigent Defender Fund; to provide for representation of capital defendants; to provide for disciplinary actions; to prohibit certain rights of action; to provide for special reporting requirements; to provide for certain proceedings; to provide for appointment of counsel under certain circumstances; to provide for reports; to provide for the Indigent Parents' Representation Program; to provide for standards and guidelines; to provide for the Safe Return Representation Program; to provide for the Safe Return Representation Program Fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 15:142(C) and (F), 143, 146(A), (B), and (C), 147(A), the introductory paragraph of (B), (B)(1), (3), (4), (5)(b)(iii), (6), (7), (15), (17), (19) and (20), (C), (D) and (E), 148(A), the introductory paragraph of (B)(1)(a), (B)(1)(b), (c), (d), (e) and (f), and (5) through (13) and (C), 149.1, 149.2, 150(A), (C) and (E), 152, 161(A), (E)(5) and (7) through (14), (F), (H), and (I), 162, 163, 164(A), (C)(1), the introductory paragraph of (D), (E)(4) and (F)(2), 165(A), (B), (C), (D), (F) and (G), 166, 167(A), (D) and (E), 168(D) and (E), 169, 170(A)(1) and (3), (B)(2), (5), (6), (8) and (9), (C), (D)(1), (2) and (3), (G), (H), (I) and (J), 173(B), 174(A) and (B)(1), 175(A)(1)(f) and (i) and (2) and (C), 178, 180, 185.2(1) , (4), (7), (8), and (9), 185.3(A), the introductory paragraph of (B), (B)(6), (7), (11), (17), (18), and (19)(g), (C) and (D), 185.4(A), (B)(2), (10) and (12), 185.6(A), (B)(1) and the introductory paragraph of (B)(2), and (D), 185.7(B), 186.2(1), (6), (7), and (8), 186.3(A), the introductory paragraph of (B), (B)(5)(a), (6), (10), (13)(c), (16), (17) and (18)(c) and (C), 186.4(A), and 186.5(D) and (E) are hereby amended and reenacted, and R.S. 15:164(B)(4), 185.2(10), and 186.2(9) are hereby enacted to read as follows:
§142. Legislative findings

* * *

C. The legislature recognizes that the uniform application of statewide standards and guidelines to be established by the ~~Louisiana Public Defender Board~~ **office of the state public defender** 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.

* * *

F. It is the express intention of the legislature that the ~~Louisiana Public Defender Board~~ **office** respect local differences in practice and custom regarding the delivery of public defender services. The provisions of this Part 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~~ **office** pursuant to rules and as required by statute.
§143. Definitions
As used in this Part, 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)~~**(2)** "District office" means the office of a district public defender as provided for in R.S. 15:161.
~~(5)~~**(3)** "District public defender" or "chief indigent defender" means an attorney employed by or under contract with the ~~board~~ **office** to supervise service providers and enforce standards and guidelines within a judicial district or multiple judicial districts.
~~(6)~~**(4)** "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)~~**(5)** "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.
(6) "Office" means the office of the state public defender authorized to:
(a) Regulate and fund public defender services and provide financial support to other service programs that provide services to persons adjudicated in the criminal justice system.
(b) Make recommendations to the legislature, governor, and the chief justice of the Louisiana Supreme Court regarding potential changes to laws in order to improve public defender services and the criminal justice system in Louisiana.
~~(8)~~**(7)** "Public defender" or "indigent defender" means an attorney employed by or under contract with the board, the **office, or a** 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)~~**(8)** "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)~~**(9)** "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)~~**(10)** "State Public Defender" means the person ~~in the employment of the board chosen~~ **appointed by the governor, subject to approval of a majority of the board and Senate confirmation,** to administer the statewide public defender system for the delivery of public defender services.
§146. ~~Louisiana Public Defender Board~~ **Office of the State Public Defender**
A.(1) There is hereby created and established as a state agency within the office of the governor the ~~Louisiana Public Defender Board~~ **office of the state public defender** to provide for the supervision, administration, and delivery of a statewide public defender system, which shall 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) The two members of the Louisiana Public Defender Board appointed by the president of the Louisiana State Bar Association, the member appointed by the chairman of the Louisiana State Law Institute's Children's Code Committee, the member appointed by the President of the Louisiana Chapter~~

* As it appears in the enrolled bill

~~of the Louis A. Martinet Society, the member appointed by the Louisiana Interchurch Conference, the two members appointed by the governor and the four members appointed by the governor and nominated by the four law schools, as formerly provided in this Section, shall terminate their service on August 1, 2016.~~

~~(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.~~

~~(5) When a vacancy occurs, whether by expiration of a term, resignation, or other event, the board staff shall submit to the appointing entity a list identifying the residency of the current board members by congressional district, and request that, to the extent possible, the entity make the appointment from the residents of under-represented districts.~~ **The state public defender shall be appointed by the governor, subject to approval of a majority of the board and Senate confirmation, for a term of two years.**

B.(1) **The Louisiana Public Defender Oversight Board is hereby created and established to provide supervision and oversight to the office of the state public defender and to approve contracts in an amount of two hundred fifty thousand dollars or more.** The board shall consist of ~~eleven~~ **nine** 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 who 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 during their term of office. The majority of board members shall be current members of the Louisiana State Bar Association. Representatives of the client community shall not be prohibited from serving as voting members of the board~~ **been admitted to the practice of law in this state for at least eight years or have been a judge in this state**.

(3) The members shall be selected as follows:

(a) The governor shall appoint ~~five~~ **four** members~~, one from each appellate court district,~~ and shall designate the chairman.

(b) ~~The five members shall be appointed~~ **The governor shall appoint one member** from a list of three nominees submitted to the governor by a ~~majority of the district public defenders providing public defender services in each appellate district.~~ **joint resolution of the Public Defenders Association of Louisiana and the Louisiana Association of Criminal Defense Lawyers.**

(c) The ~~chief justice of the~~ Supreme Court of Louisiana shall **by majority vote** appoint ~~four~~ **two** members, one member shall be a juvenile justice advocate~~;~~ **and** one member shall be a retired judge ~~with criminal law experience; and two members shall be at large~~.

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

~~(c)~~**(4)** All appointments to the board shall be subject to confirmation by the Senate.

~~(4)~~**(5)** A vacancy on the board shall be filled in the same manner as the original appointment.

~~(5)~~**(6)** Members of the board shall serve ~~staggered~~ terms ~~of four years~~ **concurrent with that of the governor**.

C.~~(1) The board, by a vote of two-thirds of the members, may expel a member who has accumulated three unexcused absences from board meetings during a twelve-month period.~~

~~(2) If a member is expelled as provided by this Subsection, the board shall send written notice to the member informing him of his expulsion and notify the appropriate appointing authority of the vacancy on the board.~~

~~D.~~ 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~~ **office** 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~~ **office** shall:

(1) Employ an executive staff as ~~provided for in R.S. 15:150~~ **necessary to carry out the duties of the office** and regularly evaluate the performance of the executive staff.

* * *

(3) ~~Review and approve~~ **Develop and implement** the strategic plan and **approve** 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.~~ **necessary for the implementation of this Part for coordinating and providing services. The office shall review and approve budget proposals submitted by the district public defenders on behalf of their districts, considering 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~~ **office'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~~ **office** or any regulated activity.

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

(c) Comprehensive workload data.

(5)(a) * * *

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

* * *

(iii) Provide for enforcement of ~~board~~ **office** 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~~ **office**, 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~~ **office**.

* * *

(15) ~~Arrange for locations, which have adequate space to accommodate the public, to conduct its meetings.~~ **Allocate funding to the public defenders, contract programs, and other entities as necessary for the implementation of this Part.**

* * *

(17) Supervise the activities of staff and apply reasonable controls for the supervision of spending, accounting, and discretionary grants. The ~~board~~ **office** shall seek the assistance of the legislative auditor or an internal auditor to ensure that staff discretion is subject to supervision consistent with the Louisiana Local Government Budget Act, R.S. 39:1301 et seq. The ~~board's~~ **office's** supervision shall include reviewing details regarding expert witness funds or other case-specific grants, including the confidential work product of attorneys in litigation, compensation, and records supporting fees of experts and others, and analysis of the efficiency and effectiveness of programs. The attorney-client privilege and confidentiality that applies to counsel in cases shall apply to all ~~board members and~~ staff for the review of case details.

* * *

(19) Adopt procedures necessary to protect strategic choices and confidential work product of the ~~board~~ **office** when the ~~board~~ **office** considers important matters of spending. However, the amounts and general purposes shall remain public record of the ~~board's~~ **office's** decisionmaking process.

(20) Enter into a contract or contracts with the University of Louisiana at Monroe for the purpose of providing certain statewide training to attorneys, investigators, social workers, and staff. ~~Any contract or contracts formed pursuant to this Paragraph shall use existing funds appropriated by the legislature.~~

C. The ~~board~~ **office** 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~~ **office** 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~~ **office** 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~~ **office** 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~~, 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~~ **office** shall provide public notice that a contract is under consideration by the ~~board~~ **office** and shall provide an opportunity

* As it appears in the enrolled bill

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~~ **office** 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.~~

E. The executive staff, ~~regional directors, and~~ secretarial, clerical, and other personnel directly employed in the operations of the ~~board~~ **office** shall be state employees. All other personnel employed or who serve under contract in a district office shall not be state employees. The Joint Legislative Committee on the Budget may approve other employees hired pursuant to the Louisiana Public Defender Act as state employees upon recommendation of the ~~board~~ **office**.

§148. Rulemaking; considerations in developing rules

A. The ~~board~~ **office** shall adopt all rules necessary to implement the provisions of this Part.

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~~ **office** shall take into consideration all of the following:

* * *

(b) Continuity of representation. The ~~board~~ **office** 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~~ **office** 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~~ **office** 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~~ **office** 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~~ **office**.

* * *

(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)~~**(6)** Establishing policies and procedures for handling conflict of interest cases and overflow cases when workload standards which are established by rules of the ~~board~~ **office** are breached.

~~(9)~~**(7)** 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)~~**(8)** 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~~ **office**.

~~(11)~~**(9)** Ensuring data, including workload, is collected and maintained in a uniform and timely manner throughout the state to allow the ~~board~~ **office** sound data to support resource needs.

~~(12)~~**(10)** 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)~~**(11)** 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)~~**(12)** Establishing processes and procedures to ensure that ~~board~~ **office** and contract personnel use information technology and workload management systems so that detailed ~~expenditure and workload~~ data is accurately collected, recorded, and reported.

~~(15)~~**(13)** 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~~ **B**.

* * *

§149.1. Domicile of ~~board~~ **office**; venue

A. The ~~board~~ **office** 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~~ **office** or to which the ~~board~~ **office** is a party shall be East Baton Rouge Parish.

§149.2. Offices; meetings

~~A.~~ The ~~board~~ **office** 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 four 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.~~

§150. Executive staff for ~~board~~ **office**; general qualifications

A. The ~~board~~ **office** 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~~ **an executive office staff as necessary to carry out the duties of the office, and the state public defender shall appoint any other officers as necessary to conduct the business of the office, subject to appropriation**.

* * *

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

* * *

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

* * *

§152. State public defender; qualifications; powers and duties; salary

A. ~~The board shall employ~~ **There shall be** a state public defender who shall **be appointed by the governor and** 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~~ **Louisiana** with at least ~~seven~~ **twenty** years of experience **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~~ **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**, and implement** a strategic plan for the delivery of public defender services.

(3) Implement and ensure compliance with contracts, policies, procedures,

* As it appears in the enrolled bill

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~~ **office**.

(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~~ **this Part**. 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~~ **office**.

(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~~ **office**.

(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~~ **office**.

(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~~ **office** and as required by statute.

(14) Establish administrative management procedures for ~~regional offices~~ **the office**, 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 annual compensation equal in amount to an associate justice of the supreme court of this state.

* * *

§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~~ **office** shall employ or contract**, for a period of up to five years,** with a district public defender to provide for the delivery and management of public defender services in each judicial district.

* * *

E. Each district public defender shall:

* * *

(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~~ **office** and the Rules of Professional Conduct.

* * *

(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~~,~~ **and** 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~~ **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 **applicable** 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~~ **office** for compliance with salary guidelines established by the ~~board~~ **office** 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.

* * *

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~~ **office** and serve as the district public defender of that district.

(2) The ~~board~~ **office** shall ~~establish~~ **set** the ~~salaries~~ **compensation** for each district public defender **according to a compensation plan established by the board**; 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~~ **office**, the district public defender, ~~regional director, where applicable,~~ or nonprofit organization contracting with the ~~board~~ **office**, district public defender, ~~regional director, where applicable,~~ or the ~~board~~ **office** 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 an attorney 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~~ **office** or from a grant administered by any nonprofit organization contracting with the ~~board~~ **office**, 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~~ **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~~ **office** 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~~ **one attorney** in good standing with the Louisiana State Bar Association, **and two other registered voters, all of whom** 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~~ **chairman of the Louisiana Public Defender Oversight Board**.

(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 Paragraph (B)(3) of this Section 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.

* As it appears in the enrolled bill

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored (House Bills) and underscored and **boldfaced** (Senate Bills) are additions.

(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 **to the state public defender**.

~~E.~~**D.** Within thirty days of receiving the nominations for the position of district public defender from the selection committee, the ~~board~~ **office** shall employ **or contract with** a district public defender from the list of nominees submitted to the board.

~~F.~~**E.** The ~~board~~ **office** 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.~~**F.** 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~~ **office** shall evaluate the district and make a determination regarding the appropriateness of employing **or contracting with** 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~~ **office** to employ **or contract with** a district public defender, the ~~board~~ **office** shall use the selection process provided for in this Section to fill that vacancy.

~~I.(1)~~**G.** ~~Board~~ **Office** staff shall not require of the district public defenders or their staff any response with a due date less than six working days from the first full day since the request is received, other than during a natural emergency. The time period provided for in this Paragraph shall not include responses requested by the governor, the House Committee on Administration of Criminal Justice, or the Senate Committee on Judiciary ~~C~~ **B**.

~~(2) The board shall make every effort to end the use of paper reports and shall make every effort to rely on searchable digital data in order to reduce costs of operation.~~

* * *

§163. Regionalization of district public defender services by ~~board~~ **office**

A. In certain cases the ~~board shall~~ **office may** regionalize and operate the public defender services of a district as a subdivision of the ~~board~~ **office** through a regional office. When the public defender services of a district are taken over by the ~~board~~ **office** 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 **by the office** that one of the following conditions have occurred:

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

(2) The ~~board~~ **office** 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~~ **office** to reasonably meet performance standards mandated by the ~~board~~ **office** or to comply with data reporting or any other rule adopted by the ~~board; or~~ **office.**

(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~~ **office** on an interim basis at six-month intervals.

B. In any district where the ~~board~~ **office** 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~~ **may** be carried out by ~~an officer~~ **a staff member** of the ~~board as part of its supervision of the regional office~~ **office**.

D. Prior to regionalizing a district as provided for in this Section, the ~~board~~ **office** 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~~ **office's** intention to regionalize the district.

E.(1) Prior to regionalizing a district as provided for in this Section, the ~~board~~ **office** 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~~ **parish governing authority in the district** provided proper notice is provided to the public as required by this Subsection.

§164. Regional defense service centers

A. Upon approval of the ~~board~~ **office**, any district public defender may contract with one or more other district public defenders for the establishment of a regional defense service center. A district 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:

* * *

(4) Any other defense center created by the office.

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~~ **district public defender deems** appropriate.

* * *

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

* * *

E.

* * *

(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~~ **districts**. The basis of the contribution may be any rational basis, including population, caseload, or other criteria agreed to by the respective ~~boards~~ **public defenders**. The contracting ~~boards~~ **district public defenders** 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.

* * *

(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~~ **public defenders** 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~~ **office**. The ~~board~~ **office** may change the method of delivery in order to ensure compliance with best practices reflected in the performance standards and guidelines.

B. The ~~board~~ **office** 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 board's list shall be permitted only to comply with Code of Criminal Procedure Article 512 and in exceptional circumstances upon approval of the ~~board~~ **office** 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~~ **compensation** 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 authorization, by the office, of** the district public defender ~~or regional director, where applicable,~~ to **employ or** 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~~ **office**, 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,~~ **office,** 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~~ **office** shall provide notice of a public hearing as provided in Paragraph (3) of this Subsection, to the district public defender, district advisory board, 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

* As it appears in the enrolled bill

model.

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

* * *

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~~ **office**. 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~~ **office** 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. Disbursement of funds

A. The ~~board~~ **office** shall not disburse funds to a non-governmental entity unless it establishes a benefit to the function of the ~~board~~ **office** pursuant to law, and unless services are actually delivered. Under no circumstances shall the ~~board~~ **office** disburse state funds for the purpose of savings, reserves, or other purposes related primarily to the economic health of the non-governmental entity or its owners and employees.

B. Any service which the ~~board~~ **office** seeks~~, other than the Louisiana 44 Appellate Project or the Capital Appeals Project, which are statewide programs,~~ shall be subject to an application process by which the ~~board~~ **office** provides objective deliverables and allows the district defenders to make application upon the same terms as a non-governmental entity to provide services in that district or a regional area for services as provided by law.

C. No provision of Louisiana law authorizing the return or rollback of funds from governmental programs to the division of administration shall apply to the ~~board~~ **office** account during an emergency shortfall in funding as certified by the ~~board~~ **office** with the approval of the chief justice of the Louisiana Supreme Court.

§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~~**, other services and programs,** and as further provided in this Section.

* * *

D. The LPD Fund shall be administered by the ~~board~~ **office** as authorized by the provisions of the Louisiana Public Defender Act. The ~~board~~ **office** 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.~~

E. The ~~board~~ **office** shall dedicate and disburse at least ~~sixty-five~~ **seventy-five** percent of the entirety of its annual budget and its funds in the Louisiana Public Defender Fund as defined in Subsection A of this Section each fiscal year to the district defender offices and their indigent defender funds as defined in R.S. 15:168(A) in the various judicial districts throughout the state. ~~Any funds disbursed to any district defender office shall be paid in addition to the minimum mandatory sixty-five percent of dedicated and disbursed funds required in this Subsection.~~ The provisions of this Subsection shall not apply to statutorily dedicated funds or funds received through the awarding of grants.

§168. Judicial district indigent defender fund

* * *

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 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.

~~F.~~**E.**(1) Notwithstanding any provision of law to the contrary, each judicial district is allowed to accumulate funds for the purposes of retaining expert witnesses. The district public defender, in his discretion, shall determine how payments shall be administered and which experts shall be paid.

(2) Any person who has retained private counsel, but is found to be indigent, may apply for funds for expert witnesses in the same manner as public defender clients. Each person shall apply for the funds by making application to the district defender of the district having jurisdiction and shall be subject to the same requirements as indigent clients.

(3) No court shall have jurisdiction to order the payment of any funds administered by the Louisiana Public Defender Board or district public defender for expert witnesses**, or for any other reason**.

§169. Representation of capital defendants

A. In cases where a sentence of death has been imposed, the ~~board~~ **office** 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~~ **office**, 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~~ **office** 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~~ **office** 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~~ **office**, 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~~ **office** 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.

* * *

(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:

* * *

(2) The willful refusal to comply with mandatory performance standards and guidelines as required by rule adopted by the ~~board~~ **office**.

* * *

(5) The willful failure to document communications with clients as required by the ~~board~~ **office**.

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

* * *

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

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

* * *

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~~ **office** for that purpose.

* * *

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

* As it appears in the enrolled bill

defender of that judicial district.

§173. Right of action not created

* * *

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.

§174. Special reporting requirements; penalties

A. In addition to the general oversight requirements provided by law, each district ~~or service region, where applicable,~~ shall submit an annual report to the ~~Louisiana Public Defender Board~~ **office** no later than February first of each year, commencing in 2009. The report, using the uniform definition of a "case" as defined in Subsection C of this Section, shall include detailed information of the 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 ~~service region~~ **district**.

B.(1) The district public defender~~, and director of each service region, where applicable,~~ shall be responsible for preparing, completing, and submitting the annual report to the ~~Louisiana Public Defender Board~~ **office** as provided for in Subsection A of this Section.

* * *

§175. Proceedings to determine indigency

A.(1) * * *

(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 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 district office or its designee, which fee shall be in addition to all other fees or costs lawfully imposed. If the ~~board~~ **office** 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.

* * *

(i) The 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 ~~board~~ **office** on a monthly basis as well as reporting the amount of funds collected or waived.

(2) The district public defender or his assistants or an attorney providing indigent defender services pursuant to a contract with the ~~board~~ **office** 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.

* * *

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

* * *

§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 ~~Louisiana Public Defender Board~~ **office**, which shall promptly cause to have enrolled counsel to represent the defendant on direct appeal and in any state post-conviction proceedings, if appropriate.

* * *

§180. Special reporting requirements

In addition to the general oversight requirements provided by law, the ~~board~~ **office** shall submit an annual report to the legislature not later than February first of each year, commencing in 1999. The report shall include a comprehensive status report on the ~~board's~~ **office's** activities, ~~the number of meetings of the board and attendance,~~ expenditures, decisions, and actions for the previous fiscal year. The report shall be directed to the chairmen of the standing committees of the Senate **Committee on Judiciary B** and the House of Representatives ~~with subject matter jurisdiction over criminal justice matters~~ **Committee on the Administration of Criminal Justice**.

* * *

§185.2. Definitions

As used in this Part, the following words shall have the following meanings:

(1) "Board" means the Louisiana Public Defender **Oversight** Board~~, or any successor to that board, which is authorized to regulate 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. The board is also authorized to regulate the providing of representation to indigent parents as authorized by this Part~~.

* * *

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

* * *

(7) **"Office" means the office of the state public defender as created by R.S. 15:146.**

(8) "Public defender" or "indigent defender" means an attorney employed by or under contract with the board, the district public defender, or a nonprofit organization contracting with the board or the district public defender to provide representation, including curatorship appointments, to indigent or absent parents in child abuse and neglect cases as required by the provisions of the Louisiana Children's Code.

~~(8)~~**(9)** "Revenue" or "self-generated revenue" means all revenue received by a judicial district except revenue received as a result of grants, donations, or other forms of assistance when the terms and conditions thereof or of agreements pertaining thereto require otherwise.

~~(9)~~**(10)** "Task Force on Legal Representation in Child Protection Cases" means the task force created by House Concurrent Resolution No. 44 of the 2003 Regular Session of the Legislature.

§185.3. Indigent Parents' Representation Program; duties of the ~~board~~ **office**; subject to appropriation

A.(1) Subject to appropriation, or the availability of other monies made available to the program, the ~~board~~ **office** shall administer a program to provide representation, including curatorship appointments, of indigent or absent parents in child abuse and neglect cases as required by the Louisiana Children's Code.

(2) 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 or any successor to that board,~~ **board and the office** shall have all regulatory authority, control, supervision, and jurisdiction, including auditing and enforcement, and all power incidental or necessary thereto to administer a program to provide for the delivery of indigent or absent parent representation throughout the courts of the state of Louisiana.

B. In the administration of the Indigent Parents' Representation Program, the ~~board~~ **office** shall:

* * *

(6) Make an annual report to the legislature regarding the state of the ~~board's~~ **office's** operations and the status of representation of indigent or absent parent services it regulates. Such report shall include at a minimum:

(a) Recommendations for all needed changes in the law regarding the ~~board~~ **office** 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~~ **office**, including district level data.

(c) Comprehensive workload data.

(7) Ensure that the policies, procedures, and public pronouncements of the ~~board~~ **office** recognize the unique and critical role of parents' attorneys in safeguarding fundamental rights and promoting the safety, permanency, and well-being of children in the child welfare system.

* * *

(11) Provide for the employing or contracting with and training of attorneys and other professional and nonprofessional staff that may be necessary to carry out the functions of the program. All attorneys representing indigent or absent parents through this program shall be licensed to practice law in Louisiana and qualified in accordance with standards and guidelines adopted by rule of the board.

* * *

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

(18) Develop and maintain a comprehensive information system on the receipt of revenues by the ~~board~~ **office**, and the districts from local, state, and federal sources, as well as the expenditure of these revenues, and submit a summary of this information annually to the legislature.

(19) Assign appropriate staff to:

* * *

(g) Assist the district public defenders in the compliance with standards and guidelines adopted by the board pursuant to this Section. The ~~board~~ **office** staff shall assist the district public defenders with implementation of standards and guidelines and supervision policy and procedures to verify compliance.

* * *

C. ~~During the incremental implementation period, the board shall continue working in conjunction with the Task Force on Legal Representation in Child Protection Cases to transform the existing legal representation system for children and indigent parents in child abuse and neglect cases to a more efficient and effective statewide system and to facilitate securing of necessary funding for the system. This transformation includes the board developing standards and oversight mechanisms for providing for quality representation of indigent parents and determining how funding currently administered by the Department of Children and Family Services, office of children and family services, for representation of indigent parents and children shall be~~

* As it appears in the enrolled bill

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~~redistributed to the board and the Child Advocacy Program of the Mental Health Advocacy Service by July 1, 2012.~~

~~D.~~ The powers and duties ~~of the board~~ provided for by this Section shall be in addition to the powers and duties provided for in R.S. 15:147 or as otherwise provided by law.

§185.4. Standards and guidelines for representation of indigent parents; rulemaking

A. The board shall adopt all rules necessary to implement the provisions of R.S. 15:185.1 through 185.9.

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

* * *

(2) Ensuring the standards and guidelines shall take into consideration all of the following:

(a) Manageable indigent or absent parent representation workloads. The ~~board~~ **office** shall adopt manageable indigent or absent parent representation 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.

(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 in all cases.

(c) Documentation of communication. The ~~board~~ **office** shall adopt standards and guidelines to ensure that defense attorneys providing indigent or absent parent representation provide documentation of communications with clients to meet standards and guidelines established by the ~~board~~ **office**.

(d) Performance supervision protocols. The ~~board~~ **office** shall adopt standards and guidelines to ensure that all defense attorneys providing indigent or absent parent representation 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 attorneys in all assigned indigent or absent parent representation cases or curatorship appointments. The ~~board~~ **office** shall adopt general standards and guidelines that alert defense counsel to courses of action that may be necessary, advisable, or appropriate to providing competent indigent or absent parent representation or curatorship appointments, including performance standards in the nature of job descriptions.

* * *

(10) 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.

* * *

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

* * *

§185.6. Special reporting requirements; indigent parent representation cases; penalties

A. In addition to the general oversight requirements provided by law, each district public defender~~, or regional director, where applicable,~~ shall submit an annual report to the ~~board~~ **office** no later than February first of each year, commencing in 2008. The report, using the uniform definition of a "case" as defined in Subsection C of this Section, shall include detailed information of the district's workload, resources, employees, and expenditures for the previous fiscal year.

B.(1) The district public defender shall be responsible for preparing, completing, and submitting the annual report to the ~~board~~ **office** as provided for in Subsection A of this Section.

(2) The district 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, to the ~~board~~ **office** if any of the following occur:

* * *

D. The ~~board~~ **office** shall 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 Subsection C of this Section.

§185.7. Rights of action; interpretation of Part

* * *

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 person the basis of any claim that the attorney or attorneys appointed to him pursuant to this statute performed in an ineffective manner. It shall be presumptive evidence that any attorney performing indigent or absent parent representation pursuant to the auspices of this statute is currently certified to have met the standards and guidelines adopted by the ~~board~~ **office** to provide indigent or absent parent representation in an effective manner.

* * *

§186.2. Definitions

For the purposes of this Part, the following words shall have the following meanings:

(1) "Board" means the Louisiana Public Defender **Oversight** Board~~, or any successor to that board, which is authorized to regulate 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. The board is also authorized to regulate the providing of representation to indigent parents as authorized by this Part~~.

* * *

(6) "Office of juvenile justice" ~~and "the office"~~ means the Department of Public Safety and Corrections, youth services, office of juvenile justice.

(7) **"Office" means the office of the state public defender as created by R.S. 15:146.**

(8) "Public defender" or "indigent defender" means an attorney employed by or under contract with the ~~board~~ **office**, the district public defender, or a nonprofit organization contracting with the ~~board~~ **office** or the district public defender to provide representation as required by the provisions of the Louisiana Children's Code.

~~(8)~~**(9)** "Safe Return Program" or "the program" means the Safe Return Representation Program administered pursuant to the Part.

§186.3. Safe Return Representation Program; duties of the ~~board~~ **office**; subject to appropriations

A.(1) Subject to appropriation and the availability of other monies to the program, the ~~board~~ **office** shall administer a program to provide qualified legal representation to indigent children committed to the custody of the office of juvenile justice pursuant to Title VII and Title VIII of the Louisiana Children's Code and promote safe return and reentry for youth in custody.

(2) Except for the regulatory authority of the Louisiana Supreme Court provided for in Article V, Section 5, of the Louisiana Constitution, the ~~Louisiana Public Defender Board or any successor to that board~~ **board and the office**, shall have all regulatory authority, control, supervision, and jurisdiction, including auditing and enforcement, and all power necessary to administer the program throughout the state.

B. In the administration of the Safe Return Program, the ~~board~~ **office** shall:

* * *

(5) Submit an annual report to the legislature regarding the state of the program. Such report shall include:

(a) Recommendations for changes in the law regarding the ~~board~~ **office** or any regulated activity.

* * *

(6) Ensure all policies, procedures, and public pronouncements of the ~~board~~ **office** recognize the role of attorneys in safeguarding fundamental rights and promoting the safety, reintegration, and well-being of children in the custody of the office of juvenile justice.

* * *

(10) Employ and train attorneys and other staff as may be necessary to carry out the functions of the program. All attorneys representing indigent children through this program shall be licensed to practice law in Louisiana and qualified in accordance with the standards and guidelines adopted by rule of the board.

* * *

(13) Establish and modify a plan of organization to conduct the business of regulating and controlling the delivery of program services. The plan of organization shall provide for:

* * *

(c) The enforcement of board rules.

* * *

(16) Prepare and submit to the governor, legislative auditor, and legislative fiscal officer, not later than June first of each year an estimate of unexpended balances in every account in the custody of the ~~board~~ **office**.

(17) Develop and maintain a comprehensive information system on the revenues received by the ~~board~~ **office** and any district from local, state, and federal sources, as well as the expenditure of any revenue, and submit a summary of the information annually to the legislature.

(18) Assign appropriate staff to:

* * *

(c) Assist district public defenders in maintaining compliance with standards and guidelines adopted by the board pursuant to this Section. The board staff shall assist the district public defenders with implementation of standards, guidelines, supervision, policy, and procedures to maintain compliance.

* * *

C. The powers and duties ~~of the board~~ provided for by this Section shall be in addition to the powers and duties provided for in R.S. 15:147 **or as otherwise provided by law**.

§186.4. Standards and guidelines for representation of indigent children in custody; rulemaking

A. The board shall adopt all rules necessary to implement the provisions of this Part.

* * *

§186.5. Safe Return Representation Program Fund

* * *

D. Monies in the fund which have been appropriated to the ~~Louisiana Public Defender Board~~ **office** shall be administered by the ~~Louisiana Public Defender Board, or any successor to that board~~ **office**.

E. The ~~board~~ **office** shall not commingle the monies appropriated from the fund with any other monies of the ~~board~~ **office**.

Section 2. R.S. 36:4(B)(21) is hereby amended and reenacted to read as follows:

§4. Structure of executive branch of state government

* * *

B. The office of the governor shall be in the executive branch of state government. The governor may allocate within his office the powers, duties, funds, functions, appropriations, responsibilities, and personnel of the agencies within his office and provide for the administration thereof and for the organization of his office. The following agencies and their powers, duties, functions, and responsibilities are hereby transferred to the office of the governor:

* * *

(21) The Louisiana Public Defender **Oversight** Board (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 in accordance with the provisions of R.S. 36:801.1.

* * *

Section 3. R.S. 15:148(B)(14) and (15), 151, 153, 154, 155, 156, 157, 158, 159, 160, 161(J), 162.1, 168(F), 185.3(D), and 185.9 are hereby repealed.

Section 4. Nothing in this Act shall be construed to impede or nullify any existing contract in which the Louisiana Public Defender Board is a party. The office of the state public defender shall honor all contracts in which the board is a party through June 30, 2024.

Section 5. Subject to a satisfactory performance and compliance evaluation, a public defender who has an existing contract with the Louisiana Public Defender Board for Fiscal Year 2023-2024, shall have the option to renew the contract with the office of the state public defender for Fiscal Year 2024-2025, subject to appropriation.

Section 6. All current employees of the Louisiana Public Defender Board shall remain in their current retirement system with no gap or disruption in service in the event the provisions of this act are enacted into law.

Section 7. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, March 20, 2024.

A true copy:

Nancy Landry

Secretary of State

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* As it appears in the enrolled bill

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