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EQUAL JUSTICE FOR ALL

PRESS STATEMENT

Special Cost Increase for Public Defense Forestalls Crisis in Some Districts

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BATON ROUGE – On Friday, June 8, 2012 Governor Jindal signed HB 325 (Act 578) into law, increasing the special court costs that are dedicated to public defense. This fee increase is expected to generate between \$5.7 and \$6.9 million in additional funds for the public defense function. Like all locally generated revenue, these funds will remain in the districts where they are collected, for the benefit of the local criminal justice system. This fee increase is effective from June 8, 2012 for four years, until August 1, 2016.

Louisiana R.S. 15:168, requires judges to assess and collect a \$45 fee (previously \$35) for every criminal defendant who is convicted after trial, pleads guilty or no contest, or who forfeits his or her bond for violation of a state statute or a parish or municipal ordinance other than a parking ticket. These fees are then remitted to the local indigent defender fund. A recent statewide mandamus ruling arising from litigation initiated by LPDB against the New Orleans criminal bench affirmed the judges' obligation to assess, collect and remit these fees. District defenders, with support from LPDB, vigilantly monitor this revenue, since it is the most significant source of funding for public defense statewide.

Assuming full compliance with the fee increase required by Act 578, LPDB has adjusted the number of districts projected to restrict public defender services almost by half, to an anticipated 10-14 districts. Public defenders regularly represent between 85-95% of all criminal defendants; therefore, every local criminal justice system depends on a sufficiently funded public defense function. LPDB applauds the Legislature and the Governor for recognizing the constitutional obligation to provide public defense services to eligible clients at every stage of the proceedings and supporting a way to mitigate some of the funding crisis that threatens the right to counsel.

Act 578 will help the state avoid service restrictions in some districts, but it is an inevitable reality that a number of districts will not have adequate revenues to remain financially solvent in the coming year. As a result, LPDB currently projects 10-14 districts will be forced to restrict services, per the *LPDB Service Restriction Protocol* (promulgated in March 2012), in FY 13.

Before the fee increase expires in 2016, LPDB is required to make a detailed report of how funds generated by the fee increase were spent in each judicial district. LPDB encourages all criminal justice agencies to provide detailed expenditure reports to demonstrate their policy-making and regulatory authority dedicated to effective, efficient programs in the criminal justice system.

Act 578 was sponsored by Representative Jeff Arnold (D-New Orleans) and supported by the Louisiana Association of Criminal Defense Lawyers, whose membership includes many public defenders and public defender leaders. Governor Jindal has not yet signed the state appropriations bill (HB 1), which includes a \$33,145,420 appropriation to LPDB. This appropriation is less than 80% of LPDB's submitted budget request for FY 13.