

Regular Session, 2014

HOUSE BILL NO. 1052

BY REPRESENTATIVES MORENO, BARRAS, AND BROSSETT

FAMILY VIOLENCE: Creates the Domestic Violence Prevention Commission

1 AN ACT

2 To enact Part III of Chapter 28 of Title 46 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 46:2145 through 2147, relative to domestic violence; to create the
4 Domestic Violence Prevention Commission; to provide relative to the duties, powers,
5 membership, and meetings of the commission; to authorize commission members to
6 appoint certain persons as proxy; to require a certain vote of the membership for
7 legislative recommendations; to provide for legislative findings; and to provide for
8 related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. The Legislature of Louisiana recognizes that domestic violence inflicts
11 physical, emotional, and financial injury on its victims and exists in every segment of our
12 population. Approximately thirty-two and nine tenths percent of women and twenty-eight
13 and one tenth percent of men in the United States have experienced physical violence by an
14 intimate partner in their lifetime, as indicated by the National Intimate Partner and Sexual
15 Violence Survey. According to information published by the Louisiana Coalition Against
16 Domestic Violence, Louisiana leads the nation in domestic homicides and has done so since
17 1997. On one day in September of 2012, one hundred ninety-five domestic violence hotline
18 calls were made in Louisiana and six hundred twenty-seven victims were served by
19 receiving emergency shelter, transitional housing, or nonresidential assistance, including
20 counseling, legal advocacy, or other support services, according to research conducted by
21 the National Network to End Domestic Violence. As indicated by this study, victims also

1 made sixty-three requests for services on September 12, 2012, that went unmet, including
2 requests for emergency shelter, legal representation, and transitional housing. The
3 Legislature of Louisiana finds that it is crucial that a comprehensive review of all existing
4 public and private domestic violence programs be undertaken to identify gaps in prevention
5 and intervention services and to increase coordination among public and private programs
6 to strengthen prevention and intervention services in Louisiana.

7 Section 2. Part III of Chapter 28 of Title 46 of the Louisiana Revised Statutes of
8 1950, comprised of R.S. 46:2145 through 2147, is hereby enacted to read as follows:

9 PART III. DOMESTIC VIOLENCE PREVENTION COMMISSION

10 §2145. Creation; purpose and duties of the commission

11 A. The Domestic Violence Prevention Commission is hereby created within
12 the Department of Children and Family Services.

13 B. The commission shall:

14 (1) Assist local and state leaders in developing and coordinating domestic
15 violence programs.

16 (2) Conduct a continuing comprehensive review of all existing public and
17 private domestic violence programs to identify gaps in prevention and intervention
18 services and to increase coordination among public and private programs to
19 strengthen prevention and intervention services.

20 (3) Make recommendations with respect to domestic violence prevention and
21 intervention.

22 (4) Develop a state needs assessment and a comprehensive and integrated
23 service delivery approach that meets the needs of all domestic violence victims.

24 (5) Establish a method to transition domestic violence service providers
25 toward evidence-based national best practices focusing on outreach and prevention.

26 (6) Develop a plan that ensures state laws on domestic violence are properly
27 implemented and provides training to law enforcement and the judiciary.

28 (7) Develop a framework to collect and integrate data and measure program
29 outcomes.

1 C. The commission shall annually issue a report of its findings and
2 recommendations to the governor, the speaker of the House of Representatives, and
3 the president of the Senate. The commission shall issue its initial report on or before
4 February 1, 2015, and no later than the first day of February each year thereafter.
5 The report may include any recommendations for legislation that it deems necessary
6 and appropriate. Legislation may only be recommended by the commission upon
7 approval by a two-thirds vote of the commission members present.

8 §2146. Composition of the commission

9 A. The commission shall be composed of eighteen members as follows:

10 (1) Sixteen of the commission members shall be the following:

11 (a) The executive director of the Louisiana Sheriffs' Association or his
12 designee.

13 (b) The executive director of the Louisiana Coalition Against Domestic
14 Violence or his designee.

15 (c) The executive director of the Louisiana District Attorneys Association
16 or his designee.

17 (d) The executive director of the New Orleans Family Justice Center or his
18 designee.

19 (e) The chair of the Louisiana Legislative Women's Caucus or her designee.

20 (f) The chairman of the House Committee on the Administration of Criminal
21 Justice or his designee.

22 (g) The chairman of the Senate Committee on Judiciary B or his designee.

23 (h) One district court judge with experience in criminal law matters, selected
24 by the president of the Louisiana District Court Judges Association.

25 (i) One district court judge with experience in family law matters, selected
26 by the president of the Louisiana District Court Judges Association.

27 (j) The president of the Louisiana Clerks of Court Association or his
28 designee.

1 (k) One representative of the Department of Justice, office of the attorney
2 general or his designee.

3 (l) The executive director of the Louisiana Commission on Law Enforcement
4 and Administration of Criminal Justice or his designee.

5 (m) The secretary of the Department of Children and Family Services or his
6 designee.

7 (n) The secretary of the Department of Health and Hospitals or his designee.

8 (o) One representative of the Louisiana Association of Criminal Defense
9 Lawyers or his designee.

10 (p) One representative of the Bureau of Alcohol, Tobacco, Firearms and
11 Explosives or his designee.

12 (2) The following two members of the commission shall be appointed by the
13 governor:

14 (a) One attorney licensed to practice law in this state who has at least five
15 years experience in representing victims of domestic violence who seek protective
16 orders.

17 (b) The executive director of a shelter-based or direct service program
18 provider for victims of domestic violence.

19 B. Of the commission members provided for in Subsection A of this Section,
20 one shall be appointed by the commission members to serve as chairman and one
21 shall be appointed by the commission members to serve as secretary.

22 C. Members of the commission shall serve for a term concurrent with that
23 of the governor.

24 D.(1) Each voting member shall be entitled to appoint a single individual to
25 serve as proxy for the duration of his term if the member is unable to attend a
26 meeting of the commission. The term of the designated proxy shall be the same as
27 the voting member. A member appointing an individual to serve as his designated
28 proxy shall make his appointment known to the chairman and to the secretary of the
29 commission.

1 (2) The proxy appointed by the voting member shall not be subject to the
2 same nominating and appointment procedures as is required for the voting member
3 for whom he is serving.

4 (3) An individual shall not serve as proxy pursuant to the provisions of this
5 Subsection for more than one voting member of the commission.

6 E. Legislative members of the commission shall receive the same per diem
7 and reimbursement of travel expenses as is provided for legislative committees under
8 the rules of the respective house. Nonlegislative commission members shall serve
9 without compensation or per diem.

10 §2147. Meetings

11 A. The commission shall hold public meetings quarterly except as otherwise
12 provided by vote of the commission or by order of the chairman.

13 B. A simple majority of the commission membership shall constitute a
14 quorum for the transaction of business.

15 C. The commission may establish subcommittees within the commission and
16 appoint members to those subcommittees, including persons outside of the
17 commission membership, as it deems necessary and appropriate to accomplish its
18 goals.

19 D. The Department of Children and Family Services shall provide to the
20 commission such clerical, administrative, and technical assistance and support as
21 may be necessary to enable the commission to accomplish its goals.

DIGEST

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

Moreno

HB No. 1052

Abstract: Creates the Domestic Violence Prevention Commission and provides for the duties, powers, membership, and meetings of the commission.

Proposed law creates the Domestic Violence Prevention Commission within Dept. of Children and Family Services (DCFS) and provides for the duties of the commission, including the following:

- (1) Assist local and state leaders in developing and coordinating domestic violence programs.
- (2) Conduct a continuing comprehensive review of all existing public and private domestic violence programs to identify gaps in prevention and intervention services and to increase coordination among public and private programs to strengthen prevention and intervention services.
- (3) Make recommendations with respect to domestic violence prevention and intervention.
- (4) Develop a state needs assessment and a comprehensive and integrated service delivery approach that meets the needs of all domestic violence victims.
- (5) Establish a method to transition domestic violence service providers toward evidence-based national best practices focusing on outreach and prevention.
- (6) Develop a plan that ensures state laws on domestic violence are properly implemented and provides training to law enforcement and the judiciary.
- (7) Develop a framework to collect and integrate data and measure program outcomes.

Proposed law provides that the commission shall be composed of the following persons:

- (1) The executive director of the La. Sheriffs' Association or his designee.
- (2) The executive director of the La. Coalition Against Domestic Violence or his designee.
- (3) The executive director of the La. District Attorneys Association or his designee.
- (4) The executive director of the New Orleans Family Justice Center or his designee.
- (5) The chair of the La. Legislative Women's Caucus or her designee.
- (6) The chairman of the House Committee on the Administration of Criminal Justice or his designee.
- (7) The chairman of the Senate Committee on Judiciary B or his designee.
- (8) One district court judge with experience in criminal law matters, selected by the president of the La. District Court Judges Association.
- (9) One district court judge with experience in family law matters, selected by the president of the La. District Court Judges Association.
- (10) The president of the La. Clerks of Court Association or his designee.
- (11) One representative of the Dept. of Justice, office of the attorney general or his designee.
- (12) The executive director of the La. Commission on Law Enforcement and Administration of Criminal Justice or his designee.
- (13) The secretary of the Dept. of Children and Family Services or his designee.

- (14) The secretary of the Dept. of Health and Hospitals or his designee.
- (15) One representative of the La. Association of Criminal Defense Lawyers or his designee.
- (16) One representative of the Bureau of Alcohol, Tobacco, Firearms and Explosives or his designee.
- (17) One attorney licensed to practice law in La. who has at least five years experience in representing victims of domestic violence who seek protective orders.
- (18) The executive director of a shelter-based or direct service program provider for victims of domestic violence.

Proposed law provides that commission members shall serve for a term concurrent with the governor.

Proposed law authorizes each member of the commission to appoint a proxy subject to the limitation that an individual shall not serve as proxy for more than one voting member of the commission.

Proposed law requires the commission to hold public meetings quarterly except as otherwise provided by vote of the commission or by order of the chairman.

Proposed law provides that a simple majority of the commission membership shall constitute a quorum for the transaction of business and further provides that legislation may only be recommended by the commission upon approval by a 2/3 vote of the commission members present.

Proposed law authorizes the commission to establish subcommittees within the commission and appoint members to those subcommittees, including persons outside of the commission membership, as it deems necessary and appropriate to accomplish its goals.

Proposed law requires DCFS to provide the commission such clerical, administrative, and technical assistance and support as may be necessary to enable the commission to accomplish its goals.

(Adds R.S. 46:2145-2147)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Health and Welfare to the original bill.

1. Clarified that the focus of the commission includes domestic violence intervention services.
2. Added to the duties of the commission.
3. Changed the membership of the commission.
4. Deleted the requirement that the proxy for a voting member have the same qualifications, or be a member of the same entity, as the voting member for whom he is serving.

5. Authorized the commission to establish subcommittees within the commission and appoint members to those subcommittees, including persons outside of the commission membership, as it deems necessary and appropriate to accomplish its goals.
6. Made technical changes.