

2020 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 3

BY REPRESENTATIVE MAGEE

BOARDS/COMMISSIONS: Recreates the Louisiana Commission on Justice System Funding

1 A CONCURRENT RESOLUTION

2 To authorize and direct the continuation of the Louisiana Commission on Justice System
3 Funding established by HCR No. 87 of the 2019 Regular Session of the Legislature,
4 to provide for the membership, powers, and duties of the commission, and to require
5 the commission to report its findings.

6 WHEREAS, in the 2019 Regular Session of the Legislature the Louisiana
7 Commission on Justice System Funding was established to, among other things, determine
8 the extent to which Louisiana's criminal justice system relies upon the financial obligations
9 imposed upon persons who commit criminal offenses and to develop recommendations that
10 would help Louisiana move toward a system that is funded through means that provide
11 stability and fairness and that allow for the implementation of Act No. 260 of the 2017
12 Regular Session of the Legislature which sought to help alleviate the insurmountable barrier
13 to reentry defendants often face because of outstanding financial obligations associated with
14 their conviction; and

15 WHEREAS, pursuant to HCR No. 87 of the 2019 Regular Session of the Legislature,
16 the commission began its work in August 2019 and, based upon the information,
17 presentations, and testimony received from various stakeholders including the Louisiana
18 Supreme Court, the Louisiana Legislative Auditor, the Louisiana Public Defender Board,
19 and the National Center for State Courts, the commission issued a report of its initial
20 findings and recommendations to the governor and legislature in February 2020; and

1 WHEREAS, in its report the commission recommended that legislation be introduced
2 in the 2020 Regular Session of the Legislature to continue the work of the commission with
3 additional mandates and an expanded focus area and to require uniform reporting of specific
4 information and data by all entities that assess, collect, or receive revenue from pre- or post-
5 adjudication costs, fines, and fees.

6 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
7 authorize and direct the continuation of the Louisiana Commission on Justice System
8 Funding established by HCR No. 87 of the 2019 Regular Session of the Legislature.

9 BE IT FURTHER RESOLVED that the commission is hereby authorized and
10 directed to continue to study financial obligations of criminal defendants and how those
11 financial obligations are used to fund and subsidize core functions of the Louisiana court
12 system, and to continue to study and determine optimal methods of supporting and funding
13 the Louisiana court system in a way that would allow for the implementation of changes
14 made in Act No. 260 of the 2017 Regular Session of the Legislature.

15 BE IT FURTHER RESOLVED that the commission shall be composed of the
16 following members:

17 (1) The author of Act No. 260 of the 2017 Regular Session of the Legislature, who
18 shall serve as co-chair of the commission.

19 (2) The governor or his designee.

20 (3) The chief justice of the Louisiana Supreme Court or her designee.

21 (4) The judicial administrator of the Louisiana Supreme Court or her designee.

22 (5) The speaker of the House of Representatives or his designee.

23 (6) The president of the Senate or his designee.

24 (7) The chair of the House Committee on Administration of Criminal Justice.

25 (8) The chair of the House Committee on Judiciary.

26 (9) The chair of the Senate Committee on Judiciary B.

27 (10) The chair of the Senate Committee on Judiciary C.

28 (11) The attorney general or his designee.

29 (12) The secretary of the Department of Public Safety and Corrections or his
30 designee.

1 (13) A representative from the division of administration appointed by the
2 commissioner of administration. This representative shall serve as co-chair of the
3 commission.

4 (14) The president of the Louisiana Sheriffs' Association or his designee.

5 (15) A probation and parole officer appointed by the Louisiana Probation and Parole
6 Association.

7 (16) A district attorney appointed by the president of the Louisiana District
8 Attorneys Association.

9 (17) A public defender appointed by the State Public Defender Board.

10 (18) Two district court judges, one appointed by the chief justice of the Louisiana
11 Supreme Court and one appointed by the Louisiana District Judges Association.

12 (19) The president of the Louisiana Clerks of Court Association or his designee.

13 (20) Two representatives from Louisianans for Prison Alternatives.

14 (21) Two representatives from the Louisiana Smart on Crime Coalition.

15 (22) Three persons, chosen and appointed by the commission, representing the
16 interests of local government and courts of limited jurisdiction, including but not limited to
17 representatives of the Louisiana Municipal Association, the Louisiana Police Jury
18 Association, and the Louisiana City Court Judges Association.

19 BE IT FURTHER RESOLVED that the duties of the commission set forth in HCR
20 No. 87 of the 2019 Regular Session are continued and the commission is further authorized
21 and directed to expand its scope of study to include an examination of criminal fines, fees,
22 and costs assessed in all courts, including but not limited to mayor's courts, municipal courts,
23 city courts, parish courts, and district courts, and to provide recommendations on all of the
24 following:

25 (1) Developing definitions for the various types of legal financial obligations, the
26 court system, and core or essential court functions.

27 (2) Determining the amount needed from state and local general revenue funds that
28 would enable courts to substantially reduce reliance on self-generated revenue.

29 (3) Identifying fees and costs that can be eliminated including but not limited to self-
30 generated funds assessed by the courts.

1 (4) Creating a system for collecting, disbursing, and tracking collected amounts
2 including partial payments.

3 (5) Proposing statutory safeguards that ensure adequate court funding and limit the
4 use of self-generated revenue to fund essential court functions.

5 BE IT FURTHER RESOLVED that the commission may request and collect relevant
6 and necessary data and information to accomplish its purposes from state and local
7 government entities throughout the state that, to the extent possible, represent the geographic
8 diversity of this state and the diversity in population of the parishes served by the various
9 court systems.

10 BE IT FURTHER RESOLVED that the entities and court systems from which such
11 information and data is requested may, to the extent feasible, provide such information and
12 data to the commission at no cost.

13 BE IT FURTHER RESOLVED that the commission shall request and secure
14 qualified technical assistance and support through the establishment of an academic
15 partnership or from public or private stakeholders and entities with qualified expertise in the
16 commission's focus areas, including but not limited to research assistance and coordination
17 from the Louisiana Supreme Court.

18 BE IT FURTHER RESOLVED that the division of administration shall provide
19 administrative assistance and staffing as may be necessary in order to enable the commission
20 to conduct its meetings and accomplish its duties.

21 BE IT FURTHER RESOLVED that the commission shall provide a report of its
22 findings and recommendations to the governor and the Legislature of Louisiana no later than
23 February 1, 2022, and any further reports or recommendations thereafter as requested by the
24 governor, the legislature, or advised by the commission. The commission may also provide
25 interim reports of its work to the governor and legislature as it deems appropriate.

26 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to each
27 of the commission members and the appointing entities provided in this Resolution.

DIGEST

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

HCR 3 Original

2020 Regular Session

Magee

Authorizes and directs the continuation of the La. Commission on Justice System Funding established by HCR No. 87 of the 2019 R.S., provides for the membership, powers, and duties of the commission, and requires the commission to report its findings.