

2020 Regular Session

HOUSE BILL NO. 729

BY REPRESENTATIVES MARCELLE, ADAMS, BRYANT, WILFORD CARTER, CORMIER, COX, CREWS, DUPLESSIS, EDMONSTON, FREEMAN, FREIBERG, HUGHES, JEFFERSON, JENKINS, LARVADAIN, LYONS, NELSON, NEWELL, PHELPS, PIERRE, SELDERS, AND WHITE

CHILDREN: Establishes the Council on the Children of Incarcerated Parents and Caregivers and repeals the termination of the Children's Cabinet

1 AN ACT

2 To enact R.S. 46:2605.4, 2605.5, and 2605.6 and to repeal R.S. 46:2607, relative to children;
3 to establish the Council on the Children of Incarcerated Parents and Caregivers; to
4 provide for the membership of the council; to provide for the domicile, purposes,
5 duties, and authority of the council; to establish the Children of Incarcerated Parents
6 and Caregivers Fund; to provide relative to the administration and use of monies in
7 the fund; to repeal the termination date of the Children's Cabinet; and to provide for
8 related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 46:2605.4, 2605.5, and 2605.6 are hereby enacted to read as follows:

11 §2605.4. Council on the Children of Incarcerated Parents

12 A. There is hereby established the Council on the Children of Incarcerated
13 Parents and Caregivers, hereinafter referred to as "The CIP Council". The domicile
14 of the CIP Council shall be in the parish of East Baton Rouge. The CIP Council
15 shall be housed within the Office of the Governor.

16 B. For the purpose of the CIP Council, "incarcerated parents and caregivers"
17 includes all individuals who, prior to or following incarceration, are primarily or
18 secondarily responsible for the health and well-being of an individual.

1 C.(1) The CIP Council shall be composed of the following members:

2 (a) Three individuals, representative of the various regions of the state,
3 whose parents or caregivers are or were incarcerated when the individuals were
4 minors.

5 (b) One person who is a formerly incarcerated parent or caregiver.

6 (c) One representative of the Louisiana Department of Health appointed by
7 the secretary of the department or the representative's designee.

8 (d) One representative of the Department of Education appointed by the
9 superintendent or the representative's designee.

10 (e) One representative of the Department of Children and Family Services
11 appointed by the secretary of the department or the representative's designee.

12 (f) The family liaison of the Department of Public Safety and Corrections,
13 office of juvenile justice, or the liaison's designee.

14 (g) One representative of the Department of Public Safety and Corrections
15 appointed by the secretary or the representative's designee.

16 (h) One representative of the Louisiana Public Defender Board appointed by
17 the state public defender or the representative's designee.

18 (i) One representative of the Louisiana District Attorneys Association
19 appointed by the president of the association or the representative's designee.

20 (j) One representative of the Louisiana Sheriffs' Association appointed by
21 the president of the association or the representative's designee.

22 (k) One person representing and appointed by Daughters Beyond
23 Incarceration.

24 (l) One person representing and appointed by Voice of the Experienced.

25 (m) Three representatives shall be appointed by the governor.

26 (2) Additional members may be added as determined by a majority vote of
27 those members currently serving on the CIP Council.

28 D. Members of the CIP Council shall serve two-year terms and shall not
29 receive any compensation or reimbursement of expenses. Each member of the CIP

1 Council shall serve until the appointment and qualification of their successor.

2 Whenever a vacancy occurs in an appointed position, the vacancy shall be filled in
3 the same manner and under the same conditions as required for the original
4 appointment.

5 E. The CIP Council shall meet at least once in at least three of the four
6 quarters each year. The CIP Council shall comply with the Open Meetings Law,
7 R.S. 42:11 et seq., in conducting its regular business.

8 F. All departments, boards, agencies, officers, and institutions of the state
9 and all subdivisions thereof shall cooperate with the CIP Council in carrying out its
10 purposes pursuant to the provisions of this Section and R.S. 46:2605.5 and 2605.6.

11 G. The CIP Council shall make, or cause to be made, all such studies,
12 reviews, or analyses that it determines to be necessary to effect its purpose.

13 H. The CIP Council may receive and expend funds appropriated or otherwise
14 made available by the legislature or from any other source, including donations or
15 gifts of money or services from public or private organizations or from any other
16 sources, to be utilized for the purposes of the CIP Council and as further provided
17 in R.S. 46:2605.6.

18 §2605.5. CIP Council; duties

19 A. The CIP Council shall be a resource to the state on issues affecting the
20 children of incarcerated parents and caregivers in the state. In furtherance of that
21 responsibility, the CIP Council shall undertake efforts including but not limited to
22 the following:

23 (1) Investigate the impact that a parent's or caregiver's involvement in the
24 criminal justice system has on the mental, emotional, physical, and financial well-
25 being of their child or children up to and through adulthood.

26 (2) Serve as a liaison between government and private interest groups with
27 regard to matters of unique interest and concern to the children of incarcerated
28 parents or caregivers.

1 (3) Identify and discuss best practices as they affect the children of
2 incarcerated parents and caregivers and explore how those practices can be adapted
3 to programs and services within the state.

4 (4) Advise executive and legislative bodies of the potential effect of
5 proposed legislation on the children of incarcerated parents and caregivers, as the
6 CIP Council determines to be necessary and appropriate.

7 (5) Investigate the merits of the establishment of a state agency within a
8 department dedicated to issues affecting the children of incarcerated parents and
9 caregivers and determine how such agency or program is to be organized and
10 implemented.

11 (6) Provide resources and education to the caregivers of children with
12 incarcerated parents or caregivers.

13 B. The CIP Council shall issue at least one report every two years, beginning
14 January 31, 2022, stating the findings, conclusions, and recommendations of the CIP
15 Council. The report shall be available to any other governmental entity requesting
16 a copy.

17 §2605.6. Children of Incarcerated Parents and Caregivers Fund

18 A. There is hereby created in the state treasury as a special fund the Children
19 of Incarcerated Parents and Caregivers Fund, hereinafter referred to as the "fund".

20 B.(1) The source of monies deposited into the fund shall be any monies
21 appropriated annually by the legislature, including federal funds; any public or
22 private donations, gifts, or grants from individuals, corporations, nonprofit
23 organizations, or other business entities; and any other monies that may be obtained
24 or provided by law.

25 (2) Monies in the fund shall be invested in the same manner as monies in the
26 state general fund and interest earned on investment of monies in the fund shall be
27 credited to the state general fund. Unexpended and unencumbered monies in the
28 fund at the end of the fiscal year shall remain in the fund.

1 C. Monies in the fund shall be used as directed by the CIP Council solely for
 2 the purposes set forth in this Section and R.S. 46:2605.4 and 2605.5.

3 Section 2. R.S. 46:2607 is hereby repealed in its entirety.

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

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)]

HB 729 Reengrossed

2020 Regular Session

Marcelle

Abstract: Establishes the Council on the Children of Incarcerated Parents and Caregivers and repeals the termination of the Children's Cabinet.

Present law provides for the Children's Cabinet, a state agency within the office of the governor, to facilitate and require coordination of policy, planning, and budgeting affecting programs and services for children and their families; to coordinate delivery of services to children and their families; and to eliminate duplication of services where appropriate.

Present law provides that the existence of the Children's Cabinet shall terminate, all legal authority of the Children's Cabinet shall cease, and provisions of present law regarding the Children's Cabinet shall be repealed on Aug. 1, 2022.

Proposed law repeals the provision which provides for the termination of the Children's Cabinet and legal authority and the repeal of the present law provisions regarding the Children's Cabinet.

Present law provides for the Children's Cabinet Advisory Board to provide information and recommendations from the perspective of advocacy groups, service providers, and parents.

Proposed law establishes the Council on the Children of Incarcerated Parents and Caregivers and houses the Council on the Children of Incarcerated Parents and Caregivers within the Office of the Governor.

Proposed law defines "incarcerated parents and caregivers" to include all individuals who, prior to or following incarceration, are primarily or secondarily responsible for the health and well-being of an individual.

Proposed law provides that the council shall be composed of certain members described in proposed law and shall be domiciled in East Baton Rouge Parish. Proposed law authorizes the council to add additional members by a majority vote of current council members.

Proposed law provides that council members shall serve two-year terms, until the appointment and qualification of their successor, and shall not receive any compensation or reimbursement of expenses.

Proposed law requires the council to meet at least once in at least three of the four quarters each year and to comply with the Open Meetings Law.

Proposed law requires all departments, boards, agencies, officers, and institutions of the state and all subdivisions thereof to cooperate with the council in carrying out its purposes.

Proposed law requires the council to make, or cause to be made, all such studies, reviews, or analyses that it determines to be necessary to effect its purpose.

Proposed law authorizes the council to receive and expend funds appropriated or otherwise made available by the legislature or from any other source, including donations or gifts of money or services from public or private organizations or from any other sources, to be utilized for the purposes of the council.

Proposed law provides for the specific duties of the council including the following:

- (1) Investigate the impact that a parent's or caregiver's involvement in the criminal justice system has on the mental, emotional, physical, and financial well-being of their child or children up to and through adulthood.
- (2) Serve as a liaison between government and private interest groups with regard to matters of unique interest and concern to the children of incarcerated parents or caregivers.
- (3) Identify and discuss best practices as they affect the children of incarcerated parents and caregivers and explore how those practices can be adapted to programs and services within the state.
- (4) Advise executive and legislative bodies of the potential effect of proposed legislation on the children of incarcerated parents and caregivers, as the CIP Council determines to be necessary and appropriate.
- (5) Investigate the merits of the establishment of a state agency within a department dedicated to issues affecting the children of incarcerated parents and caregivers, and determine how such agency or program is to be organized and implemented.
- (6) Provide resources and education to the caregivers of children with incarcerated parents or caregivers.

Proposed law requires the council to report its findings, conclusions, and recommendations at least once every two years beginning Jan. 31, 2022.

Proposed law creates the Children of Incarcerated Parents and Caregivers Fund and provides for the administration and use of monies in the fund for purposes of the council and provides that the fund shall be comprised of any monies appropriated annually by the legislature, including federal funds; any public or private donations, gifts, or grants from individuals, corporations, nonprofit organizations, or other business entities; and any other monies that may be obtained or provided by law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 46:2605.4-2605.6; Repeals R.S. 46:2607)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Make technical changes.
2. Remove the Council on the Children of Incarcerated Parents and Caregivers as a subcommittee of the Children's Cabinet Advisory Board.
3. Place the Council on the Children of Incarcerated Parents and Caregivers within the Office of the Governor.
4. Provide additional representatives to be appointed by the governor to serve on the council.
5. Delete the reporting requirement to be made to the chair of the Children's Cabinet Advisory Board and the executive director of the Children's Cabinet.