

2021 Regular Session

SENATE CONCURRENT RESOLUTION NO. 45

BY SENATOR MCMATH

CRIME/PUNISHMENT. Creates the Survivor Informed Task Force.

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A CONCURRENT RESOLUTION

To create the Survivor Informed Task Force to study the link between trauma, abuse, and subsequent incarceration, including secondary survivors of domestic or intimate partner violence, and to make recommendations to the legislature.

WHEREAS, survivors of domestic and intimate partner violence, childhood trauma, and sexual and physical abuse are often criminalized and incarcerated for acting in self-defense, for protecting their loved ones, and for committing a crime under coercion by an abuser; and

WHEREAS, reliable data regarding the number of incarcerated Louisiana residents who are survivors of this type of trauma is currently unknown; and

WHEREAS, survivors of trauma can suffer physical and mental health problems, changes in behavior, and ultimately, incarceration; and

WHEREAS, research from Operation Restoration shows that Louisiana has the seventh highest rate of incarcerated women in the world, 198 per 100,000, while the United States average is 127 per 100,000; and

WHEREAS, a study by *The Advocate* shows that approximately one quarter of all women in Louisiana who have been sentenced to life in prison for murder are victims of domestic violence; and

1           WHEREAS, the majority of incarcerated women in Louisiana are below the poverty  
2 line and have low rates of education, and are overwhelmingly people of color; and

3           WHEREAS, a report from the Violence Policy Center ranks Louisiana fifth among  
4 every state in the nation in the number of domestic violence homicides, with black women  
5 disproportionately affected by interpersonal violence; and

6           WHEREAS, African-American women experience domestic violence at a rate  
7 thirty-five percent higher than white women, and two and one-half times the rate of women  
8 of other races, with the COVID-19 pandemic only having increased these rates; and

9           WHEREAS, a study of the circumstances facing survivors of trauma and abuse, and  
10 how these might be positively affected by legislation, is needed to ensure that victims of  
11 domestic violence, especially black victims, are not criminalized for merely trying to  
12 survive; and

13           WHEREAS, legal remedies that would improve the criminal justice system should  
14 be studied and informed by those people who are and have been directly affected, so as to  
15 reflect the growing awareness of the impact of trauma and abuse on those survivors who go  
16 on to commit harm; and

17           WHEREAS, New York's Domestic Violence Survivors Justice Act gives judges the  
18 flexibility to sentence domestic violence survivors convicted of offenses related to their  
19 abuse to shorter terms of imprisonment or to alternative-to-incarceration programs, and gives  
20 those sentenced prior to the law's enactment the opportunity to apply for resentencing; and

21           WHEREAS, exploring a similar solution for Louisiana would help restore humanity  
22 and justice to the manner in which we treat survivors of trauma and abuse who act to protect  
23 themselves and their loved ones, and would bring long overdue relief to survivors who have  
24 been incarcerated for many years.

25           THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby  
26 create the Survivor Informed Task Force to study the link between trauma, abuse, and  
27 subsequent incarceration, including secondary survivors of domestic or intimate partner  
28 violence, and to make recommendations to the legislature.

29           BE IT FURTHER RESOLVED that the task force shall be composed of the  
30 following members:

- 1           (1) The author of this resolution, or his designee.
- 2           (2) The governor, or his designee.
- 3           (3) The president of the Senate, or his designee.
- 4           (4) The speaker of the House of Representatives, or his designee.
- 5           (5) The chief justice of the Louisiana Supreme Court, or his designee.
- 6           (6) The secretary of the Department of Public Safety and Corrections, or his  
7 designee.
- 8           (7) The president of the Louisiana Sheriffs' Association, or his designee.
- 9           (8) Two members of the Louisiana District Attorneys Association, one of whom shall  
10 be a practicing victims assistance coordinator.
- 11           (9) The executive director of the Louisiana Commission on Law Enforcement and  
12 Administration of Criminal Justice, or his designee.
- 13           (10) The executive director of Sexual Trauma Awareness and Response (STAR), or  
14 his designee.
- 15           (11) The executive director of the Louisiana Foundation Against Sexual Assault  
16 (LaFASA), or his designee.
- 17           (12) The executive director of the Louisiana Coalition Against Domestic Violence  
18 (LCADV), or his designee.
- 19           (13) The executive director of Voice of The Experienced (VOTE), or his designee.
- 20           (14) The executive director of Louisiana Survivors for Reform (LSR), or his  
21 designee.
- 22           (15) The executive director of Operation Restoration, or his designee.
- 23           (16) A representative from the staff of the Louisiana Public Defender Board.
- 24           (17) A public defender appointed by the Louisiana Public Defender Board.
- 25           (18) A representative from Right on Crime.

26           BE IT FURTHER RESOLVED that the first meeting of the task force shall be called  
27 by the senator representing Senate District No. 11 and shall take place no later than  
28 August 1, 2021.

29           BE IT FURTHER RESOLVED that the task force shall meet at least three times and  
30 at such other times as may be determined by its chair, which meetings shall take place either

1 at the Louisiana State Capitol or by commercial internet-based video conferencing service.

2 BE IT FURTHER RESOLVED that at its first meeting, the task force shall select a  
3 chair and may elect a vice chair and other officers as deemed necessary by the task force.

4 BE IT FURTHER RESOLVED that the members of the task force shall serve  
5 without compensation, except per diem or expenses reimbursement to which they may be  
6 individually entitled to as members of their constituent agencies or organizations.

7 BE IT FURTHER RESOLVED that a majority of the total membership shall  
8 constitute a quorum of the task force and any official action by the task force shall require  
9 an affirmative vote of a majority of the quorum present and voting.

10 BE IT FURTHER RESOLVED that the duties of the task force shall include but are  
11 not limited to the following:

12 (1) Analyzing the current scope of incarcerated trauma and abuse survivors in  
13 prisons, jails, and juvenile detention centers in Louisiana.

14 (2) Analyzing the current procedures utilized by law enforcement, district attorneys,  
15 public defenders, and criminal court judges to screen for trauma and abuse.

16 (3) Recommending legislation relative to capturing data on trauma and abuse among  
17 persons in the custody of the Department of Corrections in order to facilitate the  
18 implementation of policies that provide alternatives to incarceration for criminalized  
19 survivors of domestic and intimate partner violence, childhood trauma, and sexual and  
20 physical abuse.

21 (4) Recommending legislation to provide pathways to relief for victims who acted  
22 in self-defense against their abusers, who acted in defense of others, who were coerced into  
23 committing a crime by an abuser, or who were secondary survivors of domestic violence,  
24 and are now incarcerated.

25 (5) Recommending legislation to build and sustain a more trauma-informed criminal  
26 legal system.

27 (6) Acknowledging and documenting any fiscal impact, including savings or costs,  
28 associated with the enactment of recommended legislation.

29 BE IT FURTHER RESOLVED that the task force may request and collect relevant  
30 and necessary data and information to accomplish its purposes from state and local

1 governmental agencies, including courts, subject matter experts, and survivors.

2 BE IT FURTHER RESOLVED that the entities and court systems from which such  
3 information and data is requested shall, to the extent feasible, provide such information and  
4 data to the task force at no cost.

5 BE IT FURTHER RESOLVED that the task force shall be staffed and provided  
6 qualified technical assistance and support through Louisiana Survivors for Reform, a project  
7 of the Promise of Justice Initiative.

8 BE IT FURTHER RESOLVED that the task force shall prepare and issue a report  
9 of its findings, conclusions, and recommendations to the governor, the president of the  
10 Senate, and the speaker of the House of Representatives no later than January 15, 2022, on  
11 which date the task force shall terminate.

12 BE IT FURTHER RESOLVED that the report of the task force shall include but not  
13 be limited to its findings and conclusions regarding the usefulness of resentencing as a tool  
14 for supporting survivors, its recommendations for standardized screenings for domestic  
15 violence and intimate partner violence to be utilized by law enforcement and district  
16 attorneys, both prospectively and for those already incarcerated, and recommendations for  
17 legislation to address the definition of self-defense in the context of reasonable belief of  
18 imminent harm in instances of intimate partner violence.

19 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to each  
20 of the task force members and the appointing entities as provided for in this Resolution.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Alden A. Clement Jr.

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SCR 45 Engrossed

DIGEST  
2021 Regular Session

McMath

Creates the Survivor Informed Task Force to study the link between trauma, abuse, and subsequent incarceration, including secondary survivors of domestic or intimate partner violence, and to report findings and make a report of findings and recommendations to the governor and the legislature by 1/15/22.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Change LDAA membership of task force from one district attorney appointed by LDAA to two members of LDAA, one of whom must be a practicing victims assistance coordinator.