

Regular Session, 2014

HOUSE BILL NO. 1052

BY REPRESENTATIVES MORENO 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 32.9% of women and 28.1% of men in the United States have
13 experienced physical violence by an intimate partner in their lifetime, as indicated by the
14 National Intimate Partner and Sexual Violence Survey. According to information published
15 by the Louisiana Coalition Against Domestic Violence, Louisiana leads the nation in
16 domestic homicides and has done so since 1997. On one day in September of 2012, one
17 hundred ninety-five domestic violence hotline calls were made in Louisiana and six hundred
18 twenty-seven victims were served by receiving emergency shelter, transitional housing, or
19 nonresidential assistance, including counseling, legal advocacy, or other support services,
20 according to research conducted by the National Network to End Domestic Violence. As

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

20 (3) Make recommendations with respect to domestic violence prevention and
21 legal advocacy legislation.

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

1 §2146. Composition of the commission2 A. The commission shall be composed of the following fourteen members:3 (1) The superintendent of the Louisiana State Police, or his designee.4 (2) The executive director of the Louisiana Sheriffs' Association, or his
5 designee.6 (3) The executive director of the Louisiana Coalition Against Domestic
7 Violence, or his designee.8 (4) The executive director of the Louisiana District Attorneys Association,
9 or his designee.10 (5) The executive director of the New Orleans Family and Justice Center, or
11 his designee.12 (6) The chair of the Louisiana Legislative Women's Caucus, or his designee.13 (7) The chairman of the House Committee on the Administration of Criminal
14 Justice, or his designee.15 (8) The chairman of the Senate Committee on Judiciary B, or his designee.16 (9) One person selected by the speaker of the House of Representatives.17 (10) One person selected by the president of the Senate.18 (11) One district court judge with experience in criminal law matters,
19 selected by the president of the Louisiana District Court Judges Association.20 (12) One district court judge with experience in family law matters, selected
21 by the president of the Louisiana District Court Judges Association.22 (13) One attorney licensed to practice law in this state who has at least five
23 years experience in representing victims of domestic violence who seek protective
24 orders.25 (14) One licensed mental health practitioner who has at least five years
26 experience in counseling domestic violence victims.27 B. Of the commission members provided for in Subsection A of this Section,
28 one shall be appointed by the commission members to serve as chairman and one
29 shall be appointed by the commission members to serve as secretary.

1 C. Members of the commission shall serve for a term concurrent with that
2 of the governor.

3 D.(1) Subject to the provisions set forth in Paragraph (2) of this Subsection,
4 each voting member shall be entitled to appoint a single individual to serve as proxy
5 for the duration of his term if the member is unable to attend a meeting of the
6 commission. The term of the designated proxy shall be the same as the voting
7 member. A member appointing an individual to serve as his designated proxy shall
8 make his appointment known to the chairman and to the secretary of the commission.

9 (2) An individual appointed to serve as proxy for a voting member shall have
10 the same qualifications, or shall be a member of the same entity, as the voting
11 member for whom he is serving.

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

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

17 E. Legislative members of the commission shall receive the same per diem
18 and reimbursement of travel expenses as is provided for legislative committees under
19 the rules of the respective house. Nonlegislative commission members shall serve
20 without compensation or per diem.

21 §2147. Meetings

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

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

26 C. The Department of Children and Family Services shall provide to the
27 commission such clerical, administrative, and technical assistance and support as
28 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 services and to increase coordination among public and private programs to strengthen prevention services.
- (3) Make recommendations with respect to domestic violence prevention and legal advocacy legislation.

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

- (1) The superintendent of the La. State Police.
- (2) The executive director of the La. Sheriffs' Association.
- (3) The executive director of the La. Coalition Against Domestic Violence.
- (4) The executive director of the La. District Attorneys Association.
- (5) The executive director of the New Orleans Family and Justice Center.
- (6) The chair of the La. Legislative Women's Caucus.
- (7) The chairman of the House Committee on the Administration of Criminal Justice.
- (8) The chairman of the Senate Committee on Judiciary B.
- (9) One person selected by the speaker of the House of Representatives.
- (10) One person selected by the president of the Senate.
- (11) One district court judge with experience in criminal law matters, selected by the president of the La. District Court Judges Association.
- (12) One district court judge with experience in family law matters, selected by the president of the La. District Court Judges Association.
- (13) One attorney licensed to practice law in this state who has at least five years experience in representing victims of domestic violence who seek protective orders.

- (14) One licensed mental health practitioner who has at least five years experience in counseling domestic violence victims.

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 certain limitations which include:

- (1) An individual appointed to serve as proxy for a voting member shall have the same qualifications, or shall be a member of the same entity, as the voting member for whom he is serving.
- (2) 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 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)