

ACT No. 663

Regular Session, 2014

HOUSE BILL NO. 1052

BY REPRESENTATIVES MORENO, BARRAS, AND BROSSETT AND SENATORS
BROOME AND DORSEY-COLOMB

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
22 made sixty-three requests for services on September 12, 2012, that went unmet, including
23 requests for emergency shelter, legal representation, and transitional housing. The
24 Legislature of Louisiana finds that it is crucial that a comprehensive review of all existing

1 public and private domestic violence programs be undertaken to identify gaps in prevention
2 and intervention services and to increase coordination among public and private programs
3 to strengthen prevention and intervention services in Louisiana.

4 Section 2. Part III of Chapter 28 of Title 46 of the Louisiana Revised Statutes of
5 1950, comprised of R.S. 46:2145 through 2147, is hereby enacted to read as follows:

6 PART III. DOMESTIC VIOLENCE PREVENTION COMMISSION

7 §2145. Creation; purpose and duties of the commission

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

10 B. The commission shall:

11 (1) Assist local and state leaders in developing and coordinating domestic
12 violence programs.

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

17 (3) Make recommendations with respect to domestic violence prevention and
18 intervention.

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

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

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

25 (7) Develop a framework to collect and integrate data and measure program
26 outcomes.

27 C. The commission shall annually issue a report of its findings and
28 recommendations to the governor, the speaker of the House of Representatives, and
29 the president of the Senate. The commission shall issue its initial report on or before
30 February 1, 2015, and no later than the first day of February each year thereafter.

1 The report may include any recommendations for legislation that it deems necessary
2 and appropriate. Legislation may be recommended by the commission only upon
3 approval by a two-thirds vote of the commission members present.

4 §2146. Composition of the commission

5 A. The commission shall be composed of twenty members as follows:

6 (1) Eighteen of the commission members shall be the following:

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

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

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

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

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

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

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

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

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

23 (j) The president of the Louisiana Clerks of Court Association or his
24 designee.

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

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

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

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

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

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

6 (q) The chief justice of the Louisiana Supreme Court or his designee.

7 (r) The president of the Louisiana Association of Chiefs of Police or his
8 designee.

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

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

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

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

19 C. Members of the commission shall serve for a term concurrent with that
20 of the governor.

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

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

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

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

7 §2147. Meetings

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

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____