

2018 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 27

BY REPRESENTATIVES SMITH AND MARCELLE

LEGISLATION/RESOLUTIONS: Authorizes the creation of the Louisiana Women's Incarceration Task Force

1 A CONCURRENT RESOLUTION

2 To authorize and direct the creation of the Louisiana Women's Incarceration Task Force
3 under the jurisdiction of the Louisiana Legislative Women's Caucus and the
4 Department of Public Safety and Corrections; to provide for the membership,
5 powers, and duties of the task force; and to require the task force to report its
6 findings.

7 WHEREAS, over the last several years, Louisiana has taken steps to implement
8 cost-effective, evidence-based practices and programs that have worked to control the
9 growth in the state's prison population; and

10 WHEREAS, Louisiana should build upon the success of the justice reinvestment task
11 force while recognizing that incarcerated women face unique challenges and therefore may
12 or may not benefit from reforms that were developed without a gendered analysis; and

13 WHEREAS, incarcerated women could benefit from adding a gendered analysis with
14 the understanding that all women include transgender women; and

15 WHEREAS, according to United States Bureau of Justice Statistics, Louisiana has
16 the seventh highest women's incarceration rate in the United States and currently
17 incarcerates more than two thousand women. Louisiana spent over \$50 million on the
18 incarceration of women in 2017, and 62% of incarcerated women are the primary caretaker
19 of a child under the age of eighteen; and

1 WHEREAS, people of transgender often have unique and complex experiences, often
2 citing increased exposure to sexual assault, physical and verbal abuse, isolation, and many
3 other forms of violence. As recently as March of this year, a transgender woman in prison
4 reported being repeatedly beaten and raped. This demonstrates an even greater, more urgent
5 need for an in-depth understanding of the specific needs for transgender women; and

6 WHEREAS, the most effective changes will be made when all those impacted or
7 involved in the criminal justice system have representation in developing policies and
8 processes related to women's incarceration, and input from all criminal justice stakeholders
9 is essential in the development and implementation of cost-effective changes; and

10 WHEREAS, it is beneficial to the entire population of the state of Louisiana to
11 develop a broadly diverse and cross disciplinary task force to study state sentencing and
12 correction systems for women with the goal of producing a body of research resulting in
13 making specific policy recommendations to reduce correctional populations, implement
14 placement and behavioral practices which address and reduce violence and harassment based
15 upon gender, and hold all parties in the correctional system responsible for their actions; and

16 WHEREAS, it is also beneficial to create a task force to prioritize reinvestment into
17 successful strategies that reduce recidivism and increase both public health and safety; and

18 WHEREAS, the Sentencing Commission is limited to providing recommendations
19 relating to sentencing and post-conviction relief and is therefore unable to complete a
20 comprehensive assessment of corrections administration, offender supervision, alternatives
21 to incarceration, and sentencing structure specifically as they specifically apply to women.

22 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
23 authorize and direct the creation of the Louisiana Women's and Incarceration Task Force.

24 BE IT FURTHER RESOLVED that the task force is hereby authorized and directed
25 to study, evaluate, analyze, and undertake a comprehensive review of the state's criminal
26 justice system as it relates to women. The information gathered shall be used to develop
27 policy recommendations for the legislature to:

28 (1) Develop practices and processes that avoid placing additional trauma or harm
29 upon women as they navigate the criminal justice system.

30 (2) Reduce both the correctional population and recidivism of women.

1 (3) Develop a group of practices and processes throughout the criminal justice
2 system that allow people to navigate these systems with affirmation of their self-determined
3 gender identity.

4 (4) Address the holistic health of women to include access to hormone therapy,
5 prenatal care, reproductive health, access to other medicine to maintain health, consistent
6 health screenings, mental health access, and access to substance use and recovery resources.

7 (5) Increase and evaluate programming available to women during and after
8 incarceration with the intention of self-determined development.

9 (6) Increase and ensure the availability of gender responsive resources to support the
10 dignity and quality of life of all women.

11 (7) Reinvest savings into strategies shown to decrease recidivism, including
12 improved reentry outcomes, diversion programs, and employment opportunities.

13 BE IT FURTHER RESOLVED that the task force shall be bipartisan and shall be
14 composed of the following at-large members:

15 (1) Four representatives of criminal justice agencies designated by the governor.

16 (2) Four community members with significant and relevant experience or expertise
17 designated by the governor.

18 (3) One member of the House of Representatives appointed by the speaker of the
19 House.

20 (4) One member of the Senate appointed by the president of the Senate.

21 (5) The president of the Louisiana Family Forum or his designee.

22 The chair of the task force shall be the secretary of the Department of Public Safety
23 and Corrections, or his designee. All other officers, if any, shall be elected by and from the
24 membership of the task force.

25 BE IT FURTHER RESOLVED that a majority of the membership of the task force
26 shall constitute a quorum and shall meet at predetermined and agreed upon dates by the task
27 force, enforced by the chairman, or upon an affirmative vote of a majority of the task force
28 members. All members must be notified in writing of all meetings at least two weeks before
29 the date on which a meeting of the task force is scheduled.

1 BE IT FURTHER RESOLVED that the Louisiana Legislative Women's Caucus and
2 the Department of Public Safety and Corrections shall provide the administrative assistance
3 and staffing as may be necessary in order to enable the task force to accomplish its goals.

4 BE IT FURTHER RESOLVED that this study shall be conducted in collaboration
5 with Operation Restoration and other community organizations and stakeholders.

6 BE IT FURTHER RESOLVED that the task force may request the Louisiana
7 Legislative Women's Caucus, the Department of Public Safety and Corrections, and the
8 office of the judicial administrator of the Louisiana Supreme Court to provide relevant data
9 and staff expertise upon request.

10 BE IT FURTHER RESOLVED that the task force shall meet no less than six times
11 per year beginning August 1, 2018, and ending by August 1, 2019, with the option of
12 extending.

13 BE IT FURTHER RESOLVED that the task force shall prepare and submit a final
14 report that contains a detailed statement of the findings and policy recommendations of the
15 task force to the governor, leadership of the Louisiana Legislature, and the chief justice of
16 the Louisiana Supreme Court. The report shall be made available to the public.

17 BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted
18 to the secretary of the Department of Public Safety and Corrections.

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 27 Engrossed

2018 Regular Session

Smith

Creates the Louisiana Women's Incarceration Task Force to study, evaluate, analyze, and undertake a comprehensive review of the state's criminal justice system as it relates to women. The information gathered shall be used to develop policy recommendations for the legislature to:

- (1) Develop practices and processes that avoid placing additional trauma or harm upon women as they navigate the criminal justice system.
- (2) Reduce both the correctional population and recidivism of women.
- (3) Develop a group of practices and processes throughout the criminal justice system that allow people to navigate these systems with affirmation of their self-determined gender identity.

- (4) Address the holistic health of women to include access to hormone therapy, prenatal care, reproductive health, access to other medicine to maintain health, consistent health screenings, mental health access, and access to substance use and recovery resources.
- (5) Increase and evaluate programming available to women during and after incarceration with the intention of self-determined development.
- (6) Increase and ensure the availability of gender responsive resources to support the dignity and quality of life of all women.
- (7) Reinvest savings into strategies shown to decrease recidivism, including improved reentry outcomes, diversion programs, and employment pipelines.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make changes to the composition of the task force.
2. Provide that the secretary, instead of the assistant secretary, of the Dept. of Public Safety and Corrections, or his designee, shall serve as chair of the task force.
3. Provide that the work of the task force shall begin on August 1, 2018, and shall end on August 1, 2019, with the option of extending.