

2019 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 109

BY REPRESENTATIVE CARPENTER

CRIMINAL/CONVICTIONS: Requests Voice of the Experienced to study the breadth and depth of information provided to defendants prior to pleading guilty in the state

1 A CONCURRENT RESOLUTION

2 To urge and request Voice of the Experienced to study the collateral consequences of a
3 criminal conviction in Louisiana and the extent to which defendants are notified of
4 such consequences prior to entering a guilty plea, and to report its findings to the
5 Louisiana Legislature no later than February 1, 2020.

6 WHEREAS, roughly ninety-five percent of felony convictions are obtained through
7 plea agreements in Louisiana's criminal legal system; and

8 WHEREAS, a guilty plea is a waiver of certain constitutional rights that is only valid
9 if, under *Boykin v. Alabama*, 395 U.S. 238 (1969), it is a voluntary, knowing, and intelligent
10 waiver of rights; and

11 WHEREAS, the United States Supreme Court, in *Padilla v. Kentucky*, 559 U.S. 356
12 (2010), mandated that defendants be advised of potential impacts on immigration status, and
13 in *Missouri v. Frye*, 556 U.S. 134 (2012), mandated that defendants be informed of all plea
14 offers from the state; and

15 WHEREAS, a felony conviction has immediate and certain impacts on the
16 fundamental constitutional rights to vote and to keep and bear arms; and

17 WHEREAS, a felony conviction has certain and potential impacts on the ability to
18 hold a Louisiana driver's license, which is often essential to the ability to work and care for
19 a family; and

20 WHEREAS, a felony conviction has certain lifetime impacts on a person's eligibility
21 for employment, professional licensing, and educational opportunities; and

1 WHEREAS, a felony conviction has certain lifetime impacts on housing, including
2 public housing, and some convictions may result in immediate eviction for a person and,
3 potentially, their entire family; and

4 WHEREAS, a person sentenced to a prison term should know if and when they are
5 parole eligible, and should be informed of the terms and conditions of probation, including
6 opportunities for early termination and a clearly defined sanction process for violations; and

7 WHEREAS, Voice of the Experienced (VOTE) is a Louisiana membership
8 organization by and for persons who are directly impacted by the criminal legal system,
9 including incarcerated persons and their family members, persons under community
10 supervision, and persons living with the lifetime impacts of criminal convictions.

11 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
12 urge and request Voice of the Experienced to study the breadth and depth of information
13 provided to defendants prior to entering a guilty plea in the Louisiana criminal legal system.

14 BE IT FURTHER RESOLVED that Voice of the Experienced develop a best
15 practices guidance that satisfies a knowing and intelligent waiver of rights, with regard to
16 the full scope of punishments, exclusions, and other consequences under the laws and
17 policies of Louisiana.

18 BE IT FURTHER RESOLVED that, in this regard, Voice of the Experienced may
19 work with and receive information from various stakeholders in the criminal legal system,
20 including but not limited to representatives of the Louisiana Clerks of Court Association, the
21 Louisiana District Judges Association, the Louisiana Public Defender Board, the Louisiana
22 District Attorneys Association, the office of motor vehicles of the Department of Public
23 Safety and Corrections, the secretary of state, and local public housing authorities.

24 BE IT FURTHER RESOLVED that Voice of the Experienced may also study
25 relevant case law and national practices to better understand other approaches of ensuring
26 knowing and intelligent waivers of rights prior to entering a guilty plea in a court of law.

27 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to Voice
28 of the Experienced.

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 109 Engrossed

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Carpenter

Requests Voice of the Experienced to study the collateral consequences of a criminal conviction in La. and the extent to which defendants are notified of such consequences prior to entering a guilty plea, and to report its findings to the legislature no later than Feb. 1, 2020.