

2020 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 3

BY REPRESENTATIVE MAGEE

A CONCURRENT RESOLUTION

To authorize and direct the continuation of the Louisiana Commission on Justice System Funding established by HCR No. 87 of the 2019 Regular Session of the Legislature, to provide for the membership, powers, and duties of the commission, and to require the commission to report its findings.

WHEREAS, in the 2019 Regular Session of the Legislature the Louisiana Commission on Justice System Funding was established to, among other things, determine the extent to which Louisiana's criminal justice system relies upon the financial obligations imposed upon persons who commit criminal offenses and to develop recommendations that would help Louisiana move toward a system that is funded through means that provide stability and fairness and that allow for the implementation of Act No. 260 of the 2017 Regular Session of the Legislature which sought to help alleviate the insurmountable barrier to reentry defendants often face because of outstanding financial obligations associated with their conviction; and

WHEREAS, pursuant to HCR No. 87 of the 2019 Regular Session of the Legislature, the commission began its work in August 2019 and, based upon the information, presentations, and testimony received from various stakeholders including the Louisiana Supreme Court, the Louisiana Legislative Auditor, the Louisiana Public Defender Board, and the National Center for State Courts, the commission issued a report of its initial findings and recommendations to the governor and legislature in February 2020; and

WHEREAS, in its report the commission recommended that legislation be introduced in the 2020 Regular Session of the Legislature to continue the work of the commission with additional mandates and an expanded focus area and to require uniform reporting of specific information and data by all entities that assess, collect, or receive revenue from pre- or post-adjudication costs, fines, and fees.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby authorize and direct the continuation of the Louisiana Commission on Justice System Funding established by HCR No. 87 of the 2019 Regular Session of the Legislature.

BE IT FURTHER RESOLVED that the commission is hereby authorized and directed to continue to study financial obligations of criminal defendants and how those financial obligations are used to fund and subsidize core functions of the Louisiana court system and to continue to study and determine optimal methods of supporting and funding the Louisiana court system in a way that would allow for the implementation of changes made in Act No. 260 of the 2017 Regular Session of the Legislature.

BE IT FURTHER RESOLVED that the commission shall be composed of the following members:

(1) The author of Act No. 260 of the 2017 Regular Session of the Legislature, who shall serve as co-chair of the commission.

(2) The governor or his designee.

(3) The chief justice of the Louisiana Supreme Court or her designee.

(4) The judicial administrator of the Louisiana Supreme Court or her designee.

(5) The speaker of the House of Representatives or his designee.

(6) The president of the Senate or his designee.

(7) The chair of the House Committee on Administration of Criminal Justice.

(8) The chair of the House Committee on Judiciary.

(9) The chair of the Senate Committee on Judiciary B.

(10) The chair of the Senate Committee on Judiciary C.

(11) The attorney general or his designee.

(12) The secretary of the Department of Public Safety and Corrections or his designee.

(13) A representative from the division of administration appointed by the commissioner of administration. This representative shall serve as co-chair of the commission.

(14) The president of the Louisiana Sheriffs' Association or his designee.

(15) A probation and parole officer appointed by the Louisiana Probation and Parole Association.

(16) A district attorney appointed by the president of the Louisiana District Attorneys Association.

(17) A public defender appointed by the State Public Defender Board.

(18) Two district court judges, one appointed by the chief justice of the Louisiana Supreme Court and one appointed by the Louisiana District Judges Association.

(19) The president of the Louisiana Clerks of Court Association or his designee.

(20) Two representatives from Louisianans for Prison Alternatives.

(21) Two representatives from the Louisiana Smart on Crime Coalition.

(22) Three persons, chosen and appointed by the commission, representing the interests of local government and courts of limited jurisdiction, including but not limited to representatives of the Louisiana Municipal Association, the Louisiana Police Jury Association, and the Louisiana City Court Judges Association.

(23) One representative from the Association of Louisiana Bail Underwriters.

(24) One representative from the American Bail Coalition.

(25) Two representatives, chosen and appointed by the commission, representing the interests of victims.

BE IT FURTHER RESOLVED that the duties of the commission set forth in HCR No. 87 of the 2019 Regular Session are continued and the commission is further authorized and directed to expand its scope of study to include an examination of criminal fines, fees, and costs assessed in all courts, including but not limited to mayor's courts, municipal courts, city courts, parish courts, and district courts, and to provide recommendations on all of the following:

(1) Developing definitions for the various types of legal financial obligations, the court system, and core or essential court functions.

(2) Determining the amount needed from state and local general revenue funds that would enable courts to substantially reduce reliance on self-generated revenue.

(3) Identifying fees and costs that can be eliminated including but not limited to self-generated funds assessed by the courts.

(4) Creating a system for collecting, disbursing, and tracking collected amounts including partial payments.

(5) Proposing statutory safeguards that ensure adequate court funding and limit the use of self-generated revenue to fund essential court functions.

BE IT FURTHER RESOLVED that the commission may request and collect relevant and necessary data and information to accomplish its purposes from state and local government entities throughout the state that, to the extent possible, represent the geographic diversity of this state and the diversity in population of the parishes served by the various court systems.

BE IT FURTHER RESOLVED that the entities and court systems from which such information and data is requested may, to the extent feasible, provide such information and data to the commission at no cost.

BE IT FURTHER RESOLVED that the commission shall request and secure qualified technical assistance and support through the establishment of an academic partnership or from public or private stakeholders and entities with qualified expertise in the commission's focus areas, including but not limited to research assistance and coordination from the Louisiana Supreme Court.

BE IT FURTHER RESOLVED that the division of administration shall provide administrative assistance and staffing as may be necessary in order to enable the commission to conduct its meetings and accomplish its duties.

BE IT FURTHER RESOLVED that the commission shall provide a report of its findings and recommendations to the governor and the Legislature of Louisiana no later than February 1, 2022, and any further reports or recommendations thereafter as requested by the governor, the legislature, or advised by the commission. The commission may also provide interim reports of its work to the governor and legislature as it deems appropriate.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to each of the commission members and the appointing entities provided in this Resolution.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE