

2020 Second Extraordinary Session

HOUSE BILL NO. 12

BY REPRESENTATIVE MARINO

PARDON/PAROLE: Provides relative to meetings of the Board of Pardons and the committee on parole (Items #25, 28, and 40)

1 AN ACT

2 To amend and reenact R.S. 15:573.2 and 574.4.1(A)(2) and to enact R.S. 15:573.3 and
3 574.4.1(E), relative to hearings of the Board of Pardons and committee on parole; to
4 provide relative to the continuity of government by allowing the use of
5 teleconference communication for meetings or hearings of the Board of Pardons and
6 committee on parole; to authorize certain persons to appear before the Board of
7 Pardons and committee on parole by teleconference; to provide for definitions; and
8 to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 15:573.2 and 574.4.1(A)(2) are hereby amended and reenacted and
11 R.S. 15:573.3 and 574.4.1(E) are hereby enacted to read as follows:

12 §573.2. ~~Telephone~~ Teleconference communications by certain persons

13 Notwithstanding any law to the contrary, ~~the crime victim or the victim's~~
14 ~~family, a victim advocacy group, and the district attorney or his representatives~~
15 persons providing testimony may appear before the Board of Pardons by means of
16 teleconference or telephone communication ~~from the office of the local district~~
17 ~~attorney.~~

18 §573.3. Board of Pardons; meetings or hearings by teleconference

19 A. Subject to the provisions of this Section, the Board of Pardons may hold
20 its meetings or hearings by teleconference as defined by this Section as part of a
21 regular schedule if the meeting or hearing complies with all of the following:

1 (1) A physical anchor location is established from which the meeting or
2 hearing shall originate and at which the recording secretary of the meeting or hearing
3 is present and conducts the meeting or hearing. Any member of the Board of
4 Pardons and any member of the public may participate in person at the anchor
5 location.

6 (2) The meeting or hearing complies with the requirements of R.S. 42:14, 16,
7 17, 19, 20, 23, and 24.

8 (3) The Board of Pardons publishes notice of the meeting or hearing and the
9 procedures for conducting the meeting or hearing by teleconference prior to the
10 meeting or hearing. The notice shall include but is not limited to the means of
11 participation and providing testimony or public comment prior to and during the
12 meeting, including a toll-free number for participants and the public to call.

13 (4) All comments received in writing or by email are made available to
14 members of the Board of Pardons for their consideration and retained on file as part
15 of the record of the proceedings and in compliance with R.S. 15:574.12.

16 (5) All votes taken in the teleconference meeting or hearing are by roll call
17 vote.

18 (6) The entirety of the meeting or hearing, except for a duly called executive
19 session, is audible to the public and broadcasted over the internet.

20 (7) The teleconference meeting or hearing is recorded and made available
21 to the public upon request.

22 (8) If a problem occurs that causes the meeting or hearing to no longer be
23 visible or audible to the public, the meeting or hearing is recessed until the problem
24 is resolved. If the problem is not resolved in two hours or less, the meeting or
25 hearing shall be adjourned.

26 B. For purposes of this Section:

27 (1) "Anchor location" means the physical location from which the meeting
28 via electronic means originates or the participants are connected.

1 (2) "Teleconference" means a method of communication which enables
2 persons in different locations to participate in a meeting and to hear and otherwise
3 communicate with each other.

4 C. Any changes to the rules, policies, or directives of the Board of Pardons
5 shall be done at a regularly scheduled Board of Pardons meeting with a quorum
6 present physically at the anchor location. No changes to any rules, policies, or
7 directives may be done via teleconference.

8 D. A meeting or hearing of the Board of Pardons conducted by
9 teleconference shall not require a quorum to be present physically at the anchor
10 location of the meeting or hearing. All members of the Board of Pardons
11 participating at the anchor location or by teleconference shall be counted for
12 purposes of establishing a quorum.

13 E. The Board of Pardons shall adopt rules pursuant to the Administrative
14 Procedure Act to implement the provisions of this Section.

15 * * *

16 §574.4.1. Parole consideration and hearings; meetings or hearings by teleconference

17 A.

18 * * *

19 ~~(2) The crime victim or the victim's family, a victim advocacy group, and the~~
20 ~~district attorney or his representatives, may~~ Persons wishing to provide testimony
21 shall appear before the committee on parole by means of teleconference or telephone
22 communication ~~from the office of the local district attorney.~~

23 * * *

24 E.(1) Subject to the provisions of this Section, the committee on parole may
25 hold its meetings or hearings by teleconference as defined by this Section as part of
26 a regular schedule if the meeting or hearing complies with all of the following:

27 (a) A physical anchor location is established from which the meeting or
28 hearing shall originate and at which the recording secretary of the meeting or hearing
29 is present and conducts the meeting or hearing. Any member of the committee on

1 parole and any member of the public may participate in person at the anchor
2 location.

3 (b) The meeting or hearing complies with the requirements of R.S. 42:14, 16,
4 17, 19, 20, 23, and 24.

5 (c) The committee on parole publishes notice of the meeting or hearing and
6 the procedures for conducting the meeting or hearing by teleconference prior to the
7 meeting or hearing. The notice shall include but is not limited to the means of
8 participation and providing testimony or public comment prior to and during the
9 meeting, including a toll-free number for participants and the public to call.

10 (d) All comments received in writing or by email are made available to
11 members of the committee on parole for their consideration and retained on file as
12 part of the record of the proceedings and in compliance with R.S. 15:574.12.

13 (e) All votes taken in the teleconference meeting or hearing are by roll call
14 vote.

15 (f) The entirety of the meeting or hearing, except for a duly called executive
16 session, is audible to the public and broadcasted over the internet.

17 (g) The teleconference meeting or hearing is recorded and made available
18 to the public upon request.

19 (h) If a problem occurs that causes the meeting or hearing to no longer be
20 visible or audible to the public, the meeting or hearing is recessed until the problem
21 is resolved. If the problem is not resolved in two hours or less, the meeting or
22 hearing shall be adjourned.

23 (2) For purposes of this Section:

24 (a) "Anchor location" means the physical location from which the meeting
25 via electronic means originates or the participants are connected.

26 (b) "Teleconference" means a method of communication which enables
27 persons in different locations to participate in a meeting and to hear and otherwise
28 communicate with each other.

1 (3) Any changes to the rules, policies, or directives of the committee on
2 parole shall be done at a regularly scheduled committee on parole meeting with a
3 quorum present physically at the anchor location. No changes to any rules, policies,
4 or directives may be done via teleconference.

5 (4) A meeting or hearing of the committee on parole conducted by
6 teleconference shall not require a quorum to be present physically at the anchor
7 location of the meeting or hearing. All members of the committee on parole
8 participating at the anchor location or by teleconference shall be counted for
9 purposes of establishing a quorum.

10 (5) The committee on parole shall adopt rules pursuant to the Administrative
11 Procedure Act to implement the provisions of this Section.

12 Section 2. This Act shall become effective upon signature by the governor or, if not
13 signed by the governor, upon expiration of the time for bills to become law without signature
14 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
15 vetoed by the governor and subsequently approved by the legislature, this Act shall become
16 effective on the day following such approval.

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)]

HB 12 Original 2020 Second Extraordinary Session Marino

Abstract: Provides relative to the appearance of certain persons before the Board of Pardons and committee on parole by teleconference and provides relative to the authority of the Board of Pardons and committee on parole to conduct meetings and hearings via teleconference.

Present law authorizes a crime victim or the victim's family, a victim advocacy group, and the district attorney or his representative to appear before the Board of Pardons (board) by means of telephone communication from the office of the local district attorney.

Proposed law amends present law to authorize any person providing testimony to appear before the board by means of teleconference or telephone communication and removes the provision which requires the person to be at the office of the local district attorney.

Present law provides that the crime victim or the victim's family, a victim advocacy group, and the district attorney or his representatives, may appear before the committee on parole (committee) by means of telephone communication from the office of the local district attorney.

Proposed law amends present law to require any person providing testimony to appear before the committee by means of teleconference or telephone communication and removes the provision which requires the person to be at the office of the local district attorney.

Proposed law authorizes the board and the committee to hold their meetings or hearings by teleconference if the meeting or hearing complies with certain requirements including:

- (1) A physical anchor location is established from which the meeting or hearing shall originate and at which the recording secretary of the meeting or hearing is present and conducts the meeting or hearing. Proposed law provides that any member of the board or the committee and any member of the public may participate in person at the anchor location.
- (2) The meeting or hearing complies with the requirements of the Open Meetings Law (R.S. 42:14, 16, 17, 19, 20, 23, and 24).
- (3) The board or committee publishes notice of the meeting or hearing and the procedures for conducting the meeting or hearing by teleconference prior to the meeting or hearing.
- (4) All comments received in writing or by email are made available to members of the board or committee for their consideration and retained on file as part of the record of the proceedings.
- (5) All votes taken in the teleconference meeting or hearing are by roll call vote.
- (6) The entirety of the meeting or hearing, except for a duly called executive session, is audible to the public and broadcasted over the internet.
- (7) The teleconference meeting or hearing is recorded and made available to the public upon request.
- (8) If a problem occurs that causes the meeting or hearing to no longer be visible or audible to the public, the meeting or hearing is recessed until the problem is resolved. If the problem is not resolved in two hours or less, the meeting or hearing shall be adjourned.

Proposed law requires any changes to the rules, policies, or directives of the board or committee to be done at a regularly scheduled meeting with a quorum present physically at the anchor location.

Proposed law provides that a meeting or hearing conducted by teleconference shall not require a quorum to be present physically at the anchor location of the meeting or hearing.

Proposed law requires the board and committee to adopt rules pursuant to the Administrative Procedure Act to implement the provisions of proposed law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 15:573.2 and 574.4.1(A)(2); Adds R.S. 15:573.3 and 574.4.1(E))