

June 29, 2021

VIA HAND DELIVERY

Honorable Page Cortez
Louisiana Senate President
Louisiana State Senate
Post Office Box 94183
Baton Rouge, LA 70804

RE: Veto of Senate Bill 145 of the 2021 Regular Session

Dear President Cortez:

Please be advised that I have vetoed Senate Bill 145 of the 2021 Regular Session.

This bill purports to enhance access to drug and specialty courts throughout the state through a dedicated funding stream derived from proceeds recovered by the State from any settlement against opioid manufacturers. Although a worthwhile cause, this bill falls woefully short of accomplishing the intended purpose.

Senate Bill 145 would require “all monies received by the state,” outside of what is constitutionally required to go through the bond security and redemption fund, to be deposited into the Drug and Specialty Court Fund. The plain language of the bill would give the administrator of the fund (designated as the Office of the Attorney General) sole discretion in making a determination as to what is “considered appropriate” in awarding grants to “eligible applicants,” contrary to testimony by the Attorney General in Senate Committee that the role of the Office of the Attorney General would be purely administrative and would only act to disperse money from the fund to the Louisiana Commission on Law Enforcement and the Louisiana Supreme Court Drug and Specialty Court Office. The legislation fails, however, to define “eligible applicant” or what is “appropriate.” Furthermore, while the bill provides for acceptable uses of the money, it does not provide that the acceptable uses are limited to those contained in the bill, meaning the acceptable uses of the money in the fund are without limitation. Practically, the bill requires the legislature to appropriate all of the money in the fund to the Office of the Attorney General and grants sole authority to the office to determine how much and to whom the money is to be dispersed without limitation. Further, it provides for no safeguards or checks that the money will be spent to enhance access to drug and specialty courts throughout the state.

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In addition to the fatal defects discussed above, the bill creates confusion between whether costs and expenses of local law enforcement agencies to conduct mandatory drug testing are reimbursable through the fund or may be paid for through a grant from the fund. Reimbursement would require the responsible agency to pay for the expense out of their own operating budget and then seek reimbursement. The same cost-prohibitive problem that exists today for law enforcement agencies to conduct drug testing continues to exist under this reimbursement model. Because the bill fails to define “eligible applicant,” it is unclear whether or not a law enforcement agency would be able to apply for a grant through the fund. Even more confusing is that a person who tests positive is required to be screened for a substance use disorder and also for whether the person is a suitable candidate for participation in a drug court or specialty program, and if the person is determined suitable for the program, then they have to be reassessed to determine whether or not they are suitable, one of the criteria being that they were already determined suitable in the first screening. Except for the twenty-four-hour period after booking within which the mandatory testing has to occur, there is no timeline established for any of the steps along the way. There are too many unknowns and uncertainties for this to be implemented by each jurisdiction equally across the board.

It is important to note that the Louisiana Supreme Court Drug and Specialty Court Office runs an extremely successful program. It works now with federal and state partners to ensure accountability, promote best practices in existing specialty court programs, assists with planning efforts of jurisdictions establishing new specialty court programs, awards funds annually to programs around the state, and monitors each program’s operations throughout the year. Certainly, the office, which has been charged with these tasks for more than two decades, is in the best position to determine the needs of each jurisdiction when it comes to enhancing access to drug and specialty courts throughout the state. For this reason, and the many others discussed above, I have vetoed Senate Bill 145.

Sincerely,

John Bel Edwards
Governor

cc: Honorable Clay Schexnayder
Speaker of the House of Representatives