

2023 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 104

BY REPRESENTATIVE LANDRY

A CONCURRENT RESOLUTION

To authorize and direct the legislative auditor to conduct performance audits of Louisiana's state and local correctional facilities.

WHEREAS, during the 2021 Regular Session of the Legislature, House Concurrent Resolution No. 85 was passed to request the Louisiana Public Health Institute to study current policies in Louisiana's state and local correctional facilities regarding pregnancy management and care and maternal health, and the implementation and enforcement of Act No. 761 of the 2012 Regular Session, Act No. 392 of the 2018 Regular Session, and Act No. 140 of the 2020 Regular Session; and

WHEREAS, the study from the Louisiana Public Health Institute found that Louisiana does not have an effective process for assessing the implementation mandated by Act No. 761 of the 2012 Regular Session, Act No. 392 of the 2018 Regular Session, and Act No. 140 of the 2020 Regular Session; and

WHEREAS, the study recommended the reporting of documentation and records of training to the Louisiana Legislative Auditor.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby authorize and direct the legislative auditor to conduct a performance audit of Louisiana's state and local correctional facilities regarding the compliance, implementation, and enforcement of Act No. 761 of the 2012 Regular Session, Act No. 392 of the 2018 Regular Session, and Act No. 140 of the 2020 Regular Session.

BE IT FURTHER RESOLVED that the performance audit shall include but not be limited to information about the following:

(1) Whether incarcerated pregnant women are advised in writing of the requirements of Act No. 761 of the 2012 Regular Session, Act No. 392 of the 2018 Regular Session, and Act No. 140 of the 2020 Regular Session.

(2) Whether correctional officers and medical staff are receiving training on the requirements of Act No. 761 of the 2012 Regular Session, Act No. 392 of the 2018 Regular Session, and Act No. 140 of the 2020 Regular Session.

(3) Regarding Act No. 761 of the 2012 Regular Session:

(a) The facility regulations on the use of restraints on pregnant women.

(b) The number of instances when restraints are used on pregnant women and whether the justifications provided are consistent with the statutory exceptions.

(4) Regarding Act No. 392 of the 2018 Regular Session:

(a) Whether incarcerated women are notified and advised in writing about the process by which products included in the Act can be accessed.

(b) Whether state and local correctional facilities have adequate supplies of the products to ensure all incarcerated women have access to sufficient quantities to meet the needs as required by Act No. 792.

(5) Regarding Act No. 140 of the 2020 Regular Session:

(a) Facility regulations regarding the use of solitary confinement for current or recent pregnant women.

(b) The number of pregnant women held in solitary confinement and whether the justifications provided are consistent with the statutory exceptions.

BE IT FURTHER RESOLVED that the Department of Public Safety and Corrections, the office of juvenile justice, and local and privately owned correctional facilities shall cooperate and provide information and assistance as necessary for the legislative auditor to accomplish its goals.

BE IT FURTHER RESOLVED that the audits shall be completed every three years beginning in the year 2024.

BE IT FURTHER RESOLVED that the legislative auditor shall report its findings and any policy recommendations to the House and Senate Committees on Health and Welfare, the House Committee on Administration of Criminal Justice, and the Senate Committee on Judiciary B no later than February 1 following the audit year.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the legislative auditor, the secretary of the Department of Public Safety and Corrections, and the president of the Louisiana Sheriffs' Association.

BE IT FURTHER RESOLVED that the legislative auditor shall submit one print copy and one electronic copy of any report produced pursuant to this Resolution to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE