

Regular Session, 2013

SENATE BILL NO. 30

BY SENATOR MORRELL AND REPRESENTATIVES WESLEY BISHOP AND LEGER

COURTS. Creates a justice services commission to analyze, study, and recommend improved methods for managing and coordinating such services in Orleans Parish. (8/1/13)

1 AN ACT

2 To enact Chapter 42 of Title 13 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 13:5981 through 5985, relative to justice reform in Orleans Parish; to create
4 and provide relative to the Orleans Justice and Rehabilitation Reform Commission;
5 to provide for the purposes, governance, and funding of the commission; to provide
6 for the commission's powers, duties, and functions; to authorize the commission to
7 adopt rules and regulations necessary for the purposes of the commission; and to
8 provide for related matters.

9 Notice of intention to introduce this Act has been published.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Chapter 42 of Title 13 of the Louisiana Revised Statutes of 1950, to be
12 comprised of R.S. 13:5981 through 5985, is hereby enacted to read as follows:

13 **CHAPTER 42. THE ORLEANS JUSTICE AND REHABILITATION REFORM**

14 **COMMISSION**

15 **§5981. Findings; purpose**

16 **The legislature finds and declares that there is a need for a justice and**
17 **rehabilitation reform body to study and report on:**

1 **(1) The current public safety crisis in Orleans Parish.**

2 **(2) The powers, functions, policies, and training of government and**
3 **nongovernment entities, including their fiscal powers.**

4 **(3) The existing, necessary, and desirable allocation of state and local**
5 **fiscal resources.**

6 **(4) The most efficient use of the correctional system and community**
7 **resources in Orleans Parish.**

8 **(5) Alternatives to incarceration.**

9 **(6) Physical structures utilized in the Orleans Parish justice system.**

10 **(7) Any constitutional amendments and statutory enactments required**
11 **to implement appropriate commission recommendations.**

12 **§5982. Creation; composition; officers; term of office**

13 **A. The Orleans Justice and Rehabilitation Reform Commission is hereby**
14 **created.**

15 **B.(1) The commission shall be composed of seven voting members as**
16 **follows:**

17 **(a) The chairman of the Senate Committee on Judiciary B or his**
18 **designee.**

19 **(b) The chairman of the House Committee on Judiciary or his designee.**

20 **(c) The president of the Senate or his designee.**

21 **(d) The speaker of the House of Representatives or his designee.**

22 **(e) The mayor of the city of New Orleans or his designee.**

23 **(f) The chairman of the Criminal Justice Committee of the New Orleans**
24 **City Council or his designee.**

25 **(g) The chairman of the commission created in response to House**
26 **Concurrent Resolution No. 143 of the 2011 Regular Session of the Louisiana**
27 **Legislature or his designee.**

28 **(2) The commission shall also be composed of eight nonvoting members**
29 **as follows:**

1 (a) The district attorney of the parish of Orleans or his designee.

2 (b) The chief judge of the Criminal District Court for the parish of
3 Orleans or his designee.

4 (c) The chief judge of the Juvenile Court for the parish of Orleans or his
5 designee.

6 (d) The chief judge of the Traffic Court of New Orleans or his designee.

7 (e) The chief judge of the Municipal Court for the city of New Orleans
8 or his designee.

9 (f) The clerk of the Criminal District Court for the parish of Orleans or
10 his designee.

11 (g) The chief district defender of the Orleans Public Defenders Office or
12 his designee.

13 (h) The sheriff for the parish of Orleans or his designee.

14 C. The chairman of the commission shall be the commissioner named in
15 Subsection (B)(1)(a) of this Section and vice chairman of the commission shall
16 be the commissioner named in Subsection (B)(1)(b) of this Section and shall
17 serve for the duration of the commission.

18 D. Each member shall serve on the commission for the duration of the
19 commission.

20 E. Four voting members of the commission shall constitute a quorum.

21 §5983. Meetings; hearings; committees; report; sunset

22 A. The commission shall meet every other month, with two such meetings
23 to be held in the city of New Orleans annually.

24 B. To the extent permitted by and in accordance with R.S. 44:1 et seq.,
25 each officer, board, commission, council, department, or agency of state
26 government, and each political subdivision of the state shall make available all
27 facts, records, information, and data requested by the commission and in all
28 ways cooperate with the commission in carrying out the functions and duties
29 imposed by this Chapter.

1 C. The commission may establish committees as it deems advisable and
2 feasible, whose membership shall include at least one member of the
3 commission, but only the commission itself may take official action.

4 D. The commission shall issue a report of its findings and
5 recommendations to the president of the Louisiana State Senate, the speaker of
6 the House of Representatives, and the chairmen of the House Committee on
7 Judiciary and Senate Committee on Judiciary B no later than March 1, 2016.

8 E. The commission may adopt rules of procedure for its operation.

9 F. The commission shall terminate operations on March 31, 2016.

10 §5984. Staff

11 The commission may utilize existing staff of the legislature, including but
12 not limited to personnel of the legislative fiscal office. The commission shall
13 submit a written request for approval for specific support and assistance to the
14 presiding officer of the respective house from which the support and assistance
15 is sought. Support or assistance from the staff of the legislative fiscal office shall
16 be submitted to the presiding officers of both houses.

17 §5985. Finances

18 A.(1) No member of the commission shall receive any salary for duties
19 performed as a member of the commission.

20 (2) Legislator members of the commission shall receive per diem and be
21 reimbursed for expenses as provided by law and the rules of the Senate or
22 House of Representatives.

23 B. The commission is authorized to apply for, contract for, receive, and
24 expend for its purposes any appropriation or grant from the state, its political
25 subdivisions, the federal government, or any other public or private source.

The original instrument was prepared by Cathy R. Wells. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jerry G. Jones.

DIGEST

Morrell (SB 30)

Proposed law creates the Orleans Justice and Rehabilitation Reform Commission to analyze, study, and recommend improved methods for managing and coordinating justices services in Orleans Parish. The commission is composed of the following voting members:

- (1) The chairman of the Senate Committee on Judiciary B or his designee who will serve as chairman of the commission.
- (2) The chairman of the House Committee on Judiciary or his designee who will serve as vice chairman of the commission.
- (3) The president of the Senate or his designee.
- (4) The speaker of the House of Representatives or his designee.
- (5) The mayor of the city of New Orleans or his designee.
- (6) The chairman of the Criminal Justice Committee of the New Orleans City Council or his designee.
- (7) The chairman of the commission created by House Concurrent Resolution No. 143 of the 2011 Regular Session of the Louisiana Legislature or his designee.

In addition, the commission is composed of the following nonvoting members:

- (1) The district attorney of the parish of Orleans or his designee.
- (2) The chief judge of the Criminal District Court for the parish of Orleans or his designee.
- (3) The chief judge of the Juvenile Court for the parish of Orleans or his designee.
- (4) The chief judge of the Traffic Court of New Orleans or his designee.
- (5) The chief judge of the Municipal Court for the city of New Orleans or his designee.
- (6) The clerk of the Criminal District Court for the parish of Orleans or his designee.
- (7) The chief district defender of the Orleans Public Defenders Office or his designee.
- (8) The sheriff for the parish of Orleans or his designee.

Proposed law provides that the commission shall meet every other month, with two such meetings to be held in the city of New Orleans annually.

Proposed law requires, to the extent permitted by and in accordance with law, each officer, board, commission, council, department, or agency of state government, and each political subdivision of the state make available all facts, records, information, and data requested by the commission and in all ways cooperate with the commission in carrying out its functions and duties.

Proposed law authorizes the commission to establish committees as it deems advisable and feasible, whose membership shall include at least one member of the commission, but only the commission itself may take official action.

Proposed law requires the commission to issue a report of its findings and recommendations to the president of the Louisiana State Senate, the speaker of the House of Representatives, the chairmen of the House Committee on Judiciary and Senate Committee on Judiciary B no later than March 1, 2016.

Proposed law authorizes the commission to adopt rules of procedure for its operation.

Proposed law provides that the commission may utilize existing staff of the legislature, including but not limited to personnel of the legislative fiscal office. The commission shall submit a written request for approval for specific support and assistance to the presiding officer of the respective house from which the support and assistance is sought. Support or assistance from the staff of the legislative fiscal office shall be submitted to the presiding officers of both houses.

Proposed law prohibits any member of the commission from receiving any salary for duties performed as a member of the commission, except that legislative members shall receive per diem and be reimbursed for expenses as provided by law and the rules of the Senate or House of Representatives.

Proposed law requires the commission to sunset on March 31, 2016.

Effective August 1, 2013.

(Adds R.S. 13:5981 through 5985)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to original bill

1. Removes the chief judge and clerk of the Civil District Court for the parish of Orleans from the commission's nonvoting membership.
2. Adds the chief judge of the Juvenile Court for the parish of Orleans to the commission's nonvoting membership.

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Technical.
2. Changes "president of the New Orleans City Council" to "chairman of the Criminal Justice Committee of the New Orleans City Council".
3. Adds to nonvoting members the sheriff for the parish of Orleans or his designee.
4. Revises meeting requirements to provide that the commission shall meet every other month, with two such meetings to be held in the city of New Orleans annually.
5. Revises language concerning use of legislative staff.