

Regular Session, 2014

HOUSE BILL NO. 743

BY REPRESENTATIVE MORENO

CRIMINAL/JUSTICE: Relative to the membership, voting procedures, and proxies of the La. Sentencing Commission

1 AN ACT

2 To amend and reenact R.S. 15:321(D) and (G)(introductory paragraph) and 323(A),
3 (B)(2)(introductory paragraph), (D), and (G) and to enact R.S. 15:323(B)(2)(i) and
4 (j), relative to the Louisiana Sentencing Commission; to provide relative to the duties
5 of the commission; to provide relative to legislation recommended by the
6 commission; to provide for the membership of the commission; to provide for
7 additional members of the commission; to provide relative to persons serving as a
8 proxy for a voting member of the commission; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 15:321(D) and (G)(introductory paragraph) and 323(A),
11 (B)(2)(introductory paragraph), (D), and (G) are hereby amended and reenacted and R.S.
12 15:323(B)(2)(i) and (j) are hereby enacted to read as follows:

13 §321. Purpose; duties of the commission; conducting of evaluation of sentencing
14 structure; report

15 * * *

16 D. The commission shall conduct a continuous review of the state's
17 sentencing structure based upon existing criminal law and law relative to criminal
18 procedure. The commission may recommend such legislation as may be necessary
19 and appropriate to achieve a uniform sentencing policy that ensures public safety and
20 the imposition of appropriate and just sentences in terms that are clear and

1 transparent and which make the most efficient use of the correctional system and
2 community resources. Legislation may be recommended by the commission only
3 upon approval by a two-thirds vote of the commission members present.

4 * * *

5 G. The commission shall make biannual recommendations for amendments
6 to state law, pursuant to the provisions of Subsection D of this Section, that will
7 maximize uniformity, certainty, consistency, and adequacy of a sentence structure
8 to provide for all of the following:

9 * * *

10 §323. Composition of commission

11 A. The commission shall be composed of ~~twenty-two~~ twenty-five members.
12 ~~Eighteen~~ Twenty members shall be voting members as designated in Subsection B
13 of this Section, and ~~four~~ five members shall be nonvoting members as designated in
14 Subsection D of this Section.

15 B.

16 * * *

17 (2) ~~Thirteen~~ Fifteen voting members shall be appointed by the governor as
18 follows:

19 * * *

20 (i) One person with experience and expertise in the juvenile justice system
21 including matters related to juvenile adjudications and dispositions and their impact
22 on the juvenile, the family of the juvenile, and public safety.

23 (j) A judge with experience in hearing juvenile cases on his or her docket.

24 * * *

25 D. The following persons shall serve as the five nonvoting members of the
26 commission:

27 (1) A representative of the Louisiana State Law Institute as designated by its
28 ~~president,~~ a president.

1 (2) A representative of the Louisiana Commission on Law Enforcement and
2 Administration of Criminal Justice as designated by its ~~chairman, the~~ chairman.

3 (3) The secretary of the Department of Public Safety and Corrections, or his
4 ~~designee, and one~~ designee.

5 (4) One professional having a doctorate degree in a social science or criminal
6 justice field appointed by the governor ~~shall serve as the four nonvoting members of~~
7 ~~the commission~~.

8 (5) The deputy secretary of the Department of Public Safety and Corrections,
9 youth services, office of juvenile justice, or his designee.

10 * * *

11 G.(1) Each Subject to the provisions set forth in Paragraph (2) of this
12 Subsection, each voting member shall be entitled to appoint a single individual to
13 serve as proxy for the duration of his term if the member is unable to attend a
14 meeting of the commission. The term of the designated proxy shall be the same as
15 the voting member. A member appointing an individual to serve as his designated
16 proxy shall make his appointment known to the chairman and to the secretary of the
17 commission.

18 (2)(a) An individual appointed to serve as proxy for a voting member
19 described in Subparagraph (B)(1)(a), (b), (c), or (d) of this Section shall be a member
20 of the legislature.

21 (b) An individual appointed to serve as proxy for a voting member described
22 in the provisions of Subparagraph (B)(1)(e) or Subparagraphs (B)(2)(a) through
23 (B)(2)(h) of this Section shall have the same qualifications, or shall be a member of
24 the same entity, as the voting member for whom he is serving.

25 (3) The proxy appointed by the voting member shall not be subject to the
26 same nominating and appointment procedures as is required for the voting member
27 for whom he is serving and shall not be subject to Senate confirmation as required
28 by the provisions of Subsection E of this Section.

- 1 (4) An individual shall not serve as proxy pursuant to the provisions of this
 2 Subsection for more than one voting member of the commission.

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)]

Moreno

HB No. 743

Abstract: Adds two voting members and one nonvoting member to the La. Sentencing Commission and provides relative to the voting procedures and proxies of voting members.

Present law provides that the La. Sentencing Commission shall be composed of 22 members, including 18 voting members and four nonvoting members. Present law further provides that of the 18 voting members, 13 shall be appointed by the governor subject to certain qualifications.

Present law further provides that these 13 voting members appointed by the governor shall be subject to Senate confirmation and shall serve for a term concurrent with that of the governor.

Proposed law provides for the addition of the following two voting members, appointed by the governor and subject to Senate confirmation:

- (1) One person who has experience and expertise in the juvenile justice system, including matters related to juvenile adjudications and dispositions and their impact on the juvenile, the family of the juvenile, and public safety.
- (2) A judge with experience in hearing juvenile cases on his or her docket.

Proposed law adds the deputy secretary of Dept. of Public Safety and Corrections, youth services, office of juvenile justice, or his designee, as a fifth nonvoting member of the commission.

Present law authorizes each voting member to appoint a single individual to serve as proxy for the duration of his term if the member is unable to attend a meeting of the commission.

Proposed law retains present law but requires the following with regard to proxies:

- (1) An individual appointed to serve as proxy for a voting member who is required to be a member of the legislature pursuant to present law shall also be a member of the legislature.
- (2) An individual appointed to serve as proxy for all other non-legislative voting members shall have the same qualifications, or shall be a member of the same entity, as the voting member for whom he is serving.
- (3) The proxy appointed by the voting member shall not be subject to the same nominating, appointment, and confirmation procedures as is required for the voting member.
- (4) An individual shall not serve as proxy for more than one voting member of the commission.

Present law authorizes the La. Sentencing Commission to recommend legislation as may be necessary and appropriate and provides that a simple majority of the voting membership of the commission shall constitute a quorum for the transaction of business.

Proposed law retains present law but provides that legislation may only be recommended by the commission upon approval by a 2/3 vote of the commission members present.

(Amends R.S. 15:321(D) and (G)(intro. para.) and 323(A), (B)(2)(intro. para.), (D), and (G); Adds R.S. 15:323(B)(2)(i) and (j))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Added provisions which provide relative to the voting procedures of the La. Sentencing Commission and provide for certain qualifications and limitations for proxies who are appointed to serve for a voting member.