

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 743 by Representative Moreno

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

Synopsis of Senate Amendments

1. Amends present law to provide that the sole purpose of the La. Sentencing Commission is to assist the judiciary and the legislature in formulating a uniform sentencing policy.
2. Amends present law to provide that the La. Sentencing Commission may only issue reports or legislative recommendations on the issues of sentencing and post-conviction relief.

Digest of Bill as Finally Passed by Senate

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 provides that the purpose of the La. Sentencing Commission is to assist the judiciary and the legislature in formulating a uniform sentencing policy.

Proposed law clarifies that this is the sole purpose of the La. Sentencing 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 amends present law to provide that the La. Sentencing Commission may only issue reports and recommend legislation on the issues of sentencing and post-conviction relief and further provides that such 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(B), (D), (G)(intro. para.), and (H), and 323(A), (B)(2)(intro. para.), (D), and (G); Adds R.S. 15:323(B)(2)(i) and (j))