

2015 Regular Session

HOUSE BILL NO. 369

BY REPRESENTATIVE BARROW AND SENATOR CLAITOR

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

DOMESTIC ABUSE: Provides due process measures for members of the state domestic violence coalition

1 AN ACT

2 To enact Part IV of Chapter 28 of Title 46, to be comprised of R.S. 46:2148, relative to the
3 state domestic violence coalition of Louisiana; to require the opportunity for an
4 appeal hearing prior to disciplinary action; to require certain notifications; to provide
5 for board membership of the coalition; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Part IV of Chapter 28 of Title 46, comprised of R.S. 46:2148, is hereby
8 enacted to read as follows:

9 PART IV. STATE DOMESTIC VIOLENCE COALITION

10 §2148. State domestic violence coalition; appeal hearing prior to disciplinary action;
11 notification requirements; mandatory representation

12 A. The state domestic violence coalition of Louisiana shall not take any
13 action against a member of the coalition or domestic violence services provider that
14 would adversely affect the member's or provider's ability to furnish shelter or
15 supportive services to the victims of domestic abuse and their families in Louisiana
16 unless all of the following conditions are satisfied:

17 (1) No less than thirty days prior to the disciplinary action being imposed,
18 the state domestic violence coalition provided to the member or domestic violence
19 services provider written notice containing a description of the proposed disciplinary
20 action, the facts setting forth the basis for the proposed disciplinary action, and a

1 statement that the member or provider has the right to request an appeal hearing
2 before the state domestic violence coalition.

3 (2) If the member or domestic violence services provider requested an appeal
4 hearing, the state domestic violence coalition gave the member or provider written
5 notice of the scheduled appeal hearing and the opportunity to present arguments or
6 evidence in support of the member or provider's position.

7 B.(1) No later than forty-eight hours after any disciplinary action is taken by
8 the coalition against any member of the coalition or domestic violence services
9 provider, the state domestic violence coalition of Louisiana shall give written notice
10 to the Department of Children and Family Services, the House and Senate
11 committees on health and welfare, and the representative and senator for any district
12 for which the member or provider renders services.

13 (2) The written notification required by this Section shall contain, at a
14 minimum, a description of the disciplinary action and the facts setting forth the basis
15 for the disciplinary action.

16 C. The membership of the board of directors of the state domestic violence
17 coalition of Louisiana shall include a voting representative from any domestic
18 violence services provider whose service area encompasses a population of more
19 than one hundred thousand persons as determined by the latest federal decennial
20 census.

21 D. For the purposes of this Section, "shelter", "state domestic violence
22 coalition", and "supportive services" have the same meaning assigned in 42 U.S.C.
23 10402.

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)]

HB 369 Engrossed

2015 Regular Session

Barrow

Abstract: Requires written notification and the opportunity to request an appeal hearing prior to the state domestic violence coalition taking certain disciplinary actions.

Proposed law prohibits the state domestic violence coalition of La. (coalition) from taking any action against a member of the coalition or domestic violence services provider that would adversely affect the member or provider's ability to furnish shelter or supportive services to the victims of domestic abuse and their families unless the coalition provided proper written notice of the proposed disciplinary action and the right to an appeal hearing no less than 30 days prior to the disciplinary action being imposed. Further requires the coalition to give the member or provider written notice of a scheduled appeal hearing, if requested, and the opportunity to present arguments or evidence in support of the member or provider's position prior to taking disciplinary action.

Proposed law requires the coalition, no later than 48 hours after any disciplinary action is taken against any member of the coalition or domestic violence services provider, to give written notice of the disciplinary action to the Dept. of Children and Family Services, the House and Senate committees on health and welfare, and the representative and senator for any district for which the member or provider renders services.

Proposed law requires the membership of the board of directors of the coalition to include a voting representative from any domestic violence services provider whose service area encompasses a population of more than 100,000 persons as determined by the latest federal decennial census.

Proposed law defines "shelter", "state domestic violence coalition", and "supportive services".

(Adds R.S. 46:2148)