

UNITED WAY OF SOUTHEAST LOUISIANA PUBLIC POLICY COMMITTEE



The Louisiana Legislature convened April 13, 2015 with its final adjournment June 11th.

The United Way of Southeast Louisiana's (UWSELA) 2015 Public Policy Legislative Agenda was based on the findings of our Community Impact's Big Issues as endorsed by the Board of Trustees namely, "Economic Empowerment". We supported the Louisiana Domestic Violence Prevention Commission legislation recommendations and continued to advocate for positions that were previously taken in the 2014 State Legislative Session.

A BIG THANK YOU AND APPRECIATION TO OUR 2015 LEGISLATIVE CHAMPIONS: Rep. Helena Moreno, Rep. Robert Billiot, Rep. Neil Abramson, Rep. Ted James, Rep. Walt Leger, Rep. Austin Badon, Rep. Joe Lopinto, Sen. Jody Amedee, Rep. Ledricka Thierry, Rep. Barbara Norton, Sen. Edwin Murray, Sen. J.P. Morrell, Sen. Sharon Weston Broome, Sen. David Heitmeier, Sen. Danny Martiny, Sen. Karen Carter Peterson and Sen. Mike Walsworth.

THANK YOU to UWSELA staff, WLC, volunteers and collaborative partners whether it was attending committee hearings, making telephone calls, or sending emails, their efforts contributed greatly to our policy success.

2015 LEGISLATIVE WRAP-UP

DOMESTIC VIOLENCE Last year we made history with the most aggressive package of domestic violence bills ever introduced and passed into law by the Louisiana State Legislature aimed at combating domestic abuse. This year we expanded on what was passed last year and addressed issues including dating partners, stalking and firearms that came out of the newly created Domestic Violence Prevention Commission chaired by UWSELA's Public Policy Chairman Kim Sport. Charmaine Caccioppi has also been appointed to serve on the Commission.

ACT 440 - HB 842 (Formerly HB 488) by Representative Helena Moreno

DOMESTIC ABUSE Provides relative to criminal offenses involving domestic abuse, provides for procedures following an arrest and initiation of prosecution for such offenses, and provides relative to the imposition of criminal penalties for and other effects that result from a conviction of such offenses.

ACT 85 - HB 722 by Representative Robert Billiot

FAMILY VIOLENCE: Provides relative to domestic abuse assistance, clarifies as to individuals protected and offenses included, provides relative to the issuance of temporary restraining orders and protective orders, and provides relative to duties of law enforcement.

ACT 221 - HB 539 by Representative Edward Ted James

DOMESTIC ABUSE: Provides for changes to the law relative to domestic abuse committed during the marriage.

ACT 327 - HB 368 by Representative Austin Badon, Jr.

FAMILY VIOLENCE: Authorizes the establishment of and requirements for a family justice center, provides for the victims that are eligible to receive services at a family justice center, provides relative to the sharing and confidentiality of information relative to victims, and provides relative to immunity from liability for service providers at the family justice center.

ACT 151 - SB 27 by Senator Sharon Weston Broome

DOMESTIC VIOLENCE: Prohibits expungement of a conviction for domestic abuse battery.

ACT 456 - SB 174 by Senator Sharon Weston Broome

DOMESTIC VIOLENCE: Provides certain accommodations upon reasonable documentation presented by domestic abuse victims who lease residential dwellings.

ACT 439 - HB 841 (Formerly HB 251) by Representative Joseph Lopinto

BAIL: Authorizes the use of a contradictory hearing prior to release on bail in certain cases involving domestic abuse.

ACT 242 - SB 36 by Senator Jody Amedee

SEX OFFENSES: Provides relative to sexual assault protective orders.

ACT 152 - SB 37 by Senator J.P. Morrell

LAW ENFORCEMENT: Requires the Council on Peace Officer Standards and Training to develop and continuously update certain training programs for peace officers and college or university police officers.

ACT 152 - SB 37 by Senator J.P. Morrell

SEX OFFENSES: Requires criminal justice agencies to annually report certain information concerning sexual assault kits and sexually-oriented criminal offenses.

ACT 172 - SB 255 by Senator J.P. Morrell

POSTSECONDARY ED: Provides relative to sexual assault on college campuses.

ACT 229 - HB 835 (Formerly HB194) by Representative Helena Moreno

HEALTH/MEDICAL TREATMENT: Provides relative to the examination, treatment, and billing of victims of sexually-oriented criminal offenses.

EDUCATION The Governor’s Executive Budget became House Bill #1, and then went through the entire legislative process until final adjournment, June 11th. There is a \$1.6 billion deficit for the coming fiscal year, from July 1, 2015 through June 30, 2016. Governor Jindal announced he would propose cutting some of the refundable tax credits to close the budget gap. United Way of SELA, early care and education stakeholders advocated ensuring that the School Readiness Tax Credits refundable tax credits would not be affected. We worked as a statewide coalition speaking with one voice to bring a strong statewide attention to the actual funding needed to fully implement Act 3 (\$80 billion) to ensure all children in Louisiana have access to high quality early childcare programming and to support Common Core. We supported legislation in favor of increased funding for the implementation of Act 3 to ensure we provide greater access to quality programing for at risk children 0-3 and opposed any legislation that attempted to abolish Common Core.

At the request of UWSELA, Rep. Moreno authored HCR 174 which provides for a report to the Legislature in 2016 on how to fund the \$80 million that was recommended by Superintendent White for early care and education programs.

HCR 174 by Representative Helena Moreno

EDUCATION: Requests that the State Board of Elementary and Secondary Education identify funding sources for early childhood care and education and submit a report relative to the implementation of its funding model for early childhood care and education.

Current Status: Sent to Secretary of State

ACT 364 - HB 844 (Formerly HB 599) by Representative Ledricka Thierry

EDUCATION: Provides relative to the implementation of the assessment and accountability system for publicly funded early childhood education programs. HB 844 will ensure that early childhood programs are not graded this year, or have any other negative consequences from Act 3 as the accountability system is still being fleshed out, passed unanimously on the House Floor yesterday.

INCOME Louisiana was the first southern state to establish an Earned Income Tax Credit that took effect in tax year 2008, UWSELA led this effort. Louisiana’s EITC is 3.5 percent of the federal credit, which is less than one-fourth of the national average among states. We advocated to increase the EITC to 7 percent; however HB 70 by Rep. Leger failed. This legislation could have made a real impact on working families struggling to make ends meet.

UWSELA supported the following legislation although it failed:

EARNED INCOME TAX CREDIT

HB 70 by Representative Walt Leger, III - FAILED

TAX/INCOME-INDIV/CREDIT: Increases the amount of the earned income tax credit (EITC).

EQUAL PAY

HB 87 by Representative Barbara Norton - FAILED

EMPLOYMENT: Provides for equal pay for women.

SB 219 by Senator Edwin R. Murray - FAILED

EMPLOYMENT: Provides for equal pay regardless of sex and prohibits discrimination based upon sex.

HEALTH Louisiana's children rank near the bottom in health and education. SCR 34 by Sen. Heitmeier is a step in the right direction to ensure that our children are on the path to good health and ready to learn.

WHOLE CHILD HEALTH INITIATIVE

SCR 34 by Senator David Heitmeier

HEALTH CARE: Requests the Department of Health and Hospitals, the Department of Education, the Medicaid managed care organizations, and representatives of the Whole Child Initiative to work together to develop a plan to implement the Whole School, Whole Community, Whole Child model developed by the United States Centers for Disease Control and Prevention.

Current Status: Sent to Secretary of State

OTHER ISSUES United Way staff and volunteers advocated in partnership with Rep. Moreno for alternative state funding. Our very own Charmaine Caccioppi gets credit for the idea of this legislation which stems from unclaimed casino tickets.

REVENUE

ACT 186 - HB 143 by Representative Helena Moreno & Senator John Alario

GAMING: Provides that unclaimed prize tickets from pari-mutuel wagering and electronic gaming shall be collected and used exclusively for health care services of victims of sexually oriented criminal offenses.

JUVENILE JUSTICE REFORM

ACT 295 - HB 149 by Representative Austin Badon, Jr.

CRIMINAL/SENTENCING: Amends certain criminal penalties for possession of marijuana.

ACT 299 – HB 161 by Representative Terry Landry

PAROLE: Provides with respect to technical parole violations.

HCR 82 by Representative Walt Leger, III

CORRECTIONS: Creates the Louisiana Justice Reinvestment Task Force to develop certain sentencing and corrections policy recommendations.

Current Status: Sent to the Secretary of State

ACT 248 - SB 54 by Senator Sharon Weston Broome

STUDENTS: Prohibits suspension or expulsion of students in grades kindergarten through three.

RELIGIOUS FREEDOM ACT – HB 706 by Representative Mike Johnson - FAILED

MARRIAGE: Creates the Marriage and Conscience Act.

WE OPPOSED THIS BILL.

DOMESTIC VIOLENCE ACCOMPLISHMENTS

C.C. Art. 103 - Immediate Divorce: Clarifies that acts of physical or sexual abuse or the issuance of a protective order during the marriage qualifies a spouse for an immediate divorce even if the abuse occurred or the protective order was issued prior to August 1, 2014. This provision has no application to protective orders or injunctions issued pursuant to a consent decree prior to August 1, 2014.

C.C. Art. 2362.1 - Attorney Fees in an Action for Divorce: Permits a judge to assess all attorney fees and costs in an action for an immediate divorce against the perpetrator of abuse as a separate obligation.

C.C.P. Art. 1702 - Confirmation of Immediate Divorce Default Judgment: Unless directed by a judge, a plaintiff seeking an immediate divorce due to abuse, shall not be required to have a hearing in open court to obtain a default judgment.

La. R.S. 46:2131 - Domestic Abuse Assistance Act: Clarifies that dating partners are eligible for all civil protections for domestic abuse.

La. R.S. 46:2132(3) - Definition of Domestic Abuse: Clarifies that domestic abuse includes physical and non-physical offenses against a person as defined in the Criminal Code of Louisiana.

La. R.S. 46:2135 - Temporary Restraining Orders: Requires that the court consider any and all past history of abuse in determining an immediate and present danger of abuse. There is no requirement that the abuse itself be recent, immediate, or present.

La. R.S. 46:2136 - Protective Orders: Clarifies that a protective order may be granted to bring about a cessation of physical or sexual abuse or any physical or non-physical offense against a person as defined in the Louisiana Criminal Code, or the threat or danger thereof.

La. R.S. 46:2140(A) - Law Enforcement Duties: Adds that an officer shall immediately arrest a person in violation of a TRO or protective order issued for stalking or as a condition of bail if the officer believes that abuse has occurred concurrently with the violation.

La. R.S. 46:2140(C)(g) - Predominant Aggressor: Adds that an officer shall assume a person in violation of a TRO or protective order issued for stalking or as a condition of bail is the predominant aggressor.

La. R.S. 14:35.3 - Domestic Abuse Battery – Family Members: Adds family members to the class of protected persons

La. R.S. 14:35.3(B)(3) - Domestic Abuse Intervention Program: DAIP programs cannot be accelerated and must occur over a minimum of 26 weeks

La. R.S. 14:35.3(5) - Household Members: Eliminates the co-habitation requirement within five years of the battery and includes persons formerly living in the same residence

La. R.S. 14:37.7 - Domestic Abuse Aggravated Assault: Adds family members to class of protected persons and eliminates co-habitation requirement within five years of the assault

La. R.S. 14:40.2 - Stalking: Adds written threats to the list of acts which may cause a person to suffer emotional distress

La. R.S. 14:79 - Violation of Protective Orders: A third conviction without a battery or crime of violence is a felony. A second conviction with a battery is a felony.

La. R.S. 15:590 - Fingerprint and Identification Data: Requires fingerprints, photos and other identifying data of a person arrested for domestic abuse battery

CCrP Art. 387 - Additional Identification Required for Prosecution: An indictment, information, or affidavit shall include date of arrest, relationship to victim, and state ID, if any, when instituting prosecution of a domestic abuse battery offense.

CCrP Art. 977(C)(2); CCrP 987 - Expungement: A misdemeanor conviction of misdemeanor or felony domestic abuse battery cannot be expunged.

La. R.S. 9:3262 - Lease Agreements – Domestic Abuse Victims: A lease agreement cannot contain provisions which prohibit or penalize a person who summons emergency assistance. A landlord cannot

refuse to lease or renew a lease simply because the tenant is a victim of domestic abuse. A landlord cannot issue a notice to vacate or to terminate a lease and must provide early termination of a lease, if requested, without forfeiture of a security deposit to a tenant who timely provides documentation of being a victim of domestic abuse upon the leased property. A victim who seeks early termination or who wishes to enter a new lease must agree that the perpetrator of abuse cannot enter the leased premises. If a victim's offender continues cause disturbances on the leased premises, the landlord can terminate the victim's lease. In such cases, the landlord may provide another leased dwelling if available. A landlord can always immediately evict the perpetrator of domestic abuse. A victim wrongfully evicted or denied early termination can seek injunctive relief within one year of the act.

La. R.S. 46:1860 - Family Justice Centers: Creates criteria for Family Justice Centers in Louisiana to provide multiagency and multidisciplinary support and services to victims of abuse, sexual assault, stalking, cyberbullying and human trafficking without compromising the confidentiality of victim information and services.

La. R.S. 48:9701 - Access to Emergency Services: Creates the "Ensuring Access to Emergency Services for Victims of Domestic Abuse and other Crimes Act." No parish or municipality shall enact any ordinance which imposes a penalty for contacting law enforcement or emergency assistance.