

SENATE CONCURRENT RESOLUTION NO. 25

BY SENATOR REESE

A CONCURRENT RESOLUTION

To urge and request the division of administration to review the eligibility of Louisiana district attorneys to receive reimbursement under the "public safety" presumption of the CARES Act.

WHEREAS, the United States Treasury has opined that "[p]ayroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency" are eligible for reimbursement under the CARES Act; and

WHEREAS, upon reviewing the descriptions and guidance associated with the "public safety" presumption of the CARES Act, it appears that Louisiana district attorneys should be considered as eligible under the "public safety" presumption; and

WHEREAS, during the COVID-19 pandemic, Louisiana's district attorneys have been forced to adapt and overcome obstacles that lend themselves to applicability of the "public safety" presumption; and

WHEREAS, with regard to inmate population reduction efforts:

(1) Louisiana prosecutors have worked diligently and consistently to support and assist law enforcement with twenty-four hour on-call status with "summons in lieu of arrest" decisions and real-time screening of custodial arrests.

(2) Louisiana district attorneys have participated in all phases of the state's furlough plan by conducting local investigations of the inmate history prior to the panel hearings and participating in the hearings as panel members; and

WHEREAS, with regard to victim services, Louisiana district attorneys have embraced the challenges brought about by the pandemic to deliver services to victims of crime, including but not limited to:

(1) Facilitating the issuance of Uniform Abuse Prevention orders in accordance with R.S. 46:2136 in domestic violence cases and during bail setting in accordance with C.Cr.P. Art. 320 for victims of crimes of violence, sex offenses, and human trafficking through

innovative means such as traveling to the victims with technology in order to participate in the required hearings remotely when victims lacked the requisite technology and the ability to travel.

(2) Providing necessary assistance and referral for counseling services, assistance with emergency housing, food, clothing, and other needs, facilitating relocation of victims and witnesses who are in dangerous situations.

(3) Participating in the on-site and emergent needs relating to Child in Need of Care and Family in Need of Service cases which often involve emergency situations; and

WHEREAS, with regard to investigative services:

(1) District attorneys employ in excess of two hundred investigators who are, by definition, "peace officers", pursuant to R.S. 16:13.1 and as such are authorized to carry firearms in the performance of their duties.

(2) District attorneys have afforded twenty-four hour on-call response to major and complex crimes such as homicide, sexual assault, and those which are much more prevalent during the stay-at-home mandate such as domestic abuse, human trafficking, Medicaid fraud, racketeer-influenced and corrupt organizations (RICO) violations, etc.; and

WHEREAS, with regard to public body representation, district attorneys have had to redirect significant resources to assist local government with "open meetings" compliance throughout the pandemic.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana hereby urges and requests the division of administration to review the eligibility of district attorneys to receive reimbursement under the "public safety" presumption of the CARES Act.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to Jay Dardenne, commissioner of administration.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES