

2020 Regular Session

HOUSE BILL NO. 729

BY REPRESENTATIVES MARCELLE, ADAMS, BRYANT, WILFORD CARTER, CORMIER, COX, CREWS, DUPLESSIS, EDMONSTON, FREEMAN, FREIBERG, HUGHES, JEFFERSON, JENKINS, LARVADAIN, LYONS, NELSON, NEWELL, PHELPS, PIERRE, SELDERS, AND WHITE

1 AN ACT

2 To enact R.S. 46:2605.4, 2605.5, and 2605.6 and to repeal R.S. 46:2607, relative to children;  
3 to establish the Council on the Children of Incarcerated Parents and Caregivers; to  
4 provide for the membership of the council; to provide for the domicile, purposes,  
5 duties, and authority of the council; to establish the Children of Incarcerated Parents  
6 and Caregivers Fund; to provide relative to the administration and use of monies in  
7 the fund; to repeal the termination date of the Children's Cabinet; and to provide for  
8 related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 46:2605.4, 2605.5, and 2605.6 are hereby enacted to read as follows:

11 §2605.4. Council on the Children of Incarcerated Parents

12 A. There is hereby established the Council on the Children of Incarcerated  
13 Parents and Caregivers, hereinafter referred to as "The CIP Council". The domicile  
14 of the CIP Council shall be in the parish of East Baton Rouge. The CIP Council  
15 shall be housed within the Office of the Governor.

16 B. For the purpose of the CIP Council, "incarcerated parents and caregivers"  
17 includes all individuals who, prior to or following incarceration, are primarily or  
18 secondarily responsible for the health and well-being of an individual.

1                    C.(1) The CIP Council shall be composed of the following members:

2                    (a) Three individuals, representative of the various regions of the state,  
3                    whose parents or caregivers are or were incarcerated when the individuals were  
4                    minors.

5                    (b) One person who is a formerly incarcerated parent or caregiver.

6                    (c) One representative of the Louisiana Department of Health appointed by  
7                    the secretary of the department or the representative's designee.

8                    (d) One representative of the Department of Education appointed by the  
9                    superintendent or the representative's designee.

10                   (e) One representative of the Department of Children and Family Services  
11                   appointed by the secretary of the department or the representative's designee.

12                   (f) The family liaison of the Department of Public Safety and Corrections,  
13                   office of juvenile justice, or the liaison's designee.

14                   (g) One representative of the Department of Public Safety and Corrections  
15                   appointed by the secretary or the representative's designee.

16                   (h) One representative of the Louisiana Public Defender Board appointed by  
17                   the state public defender or the representative's designee.

18                   (i) One representative of the Louisiana District Attorneys Association  
19                   appointed by the president of the association or the representative's designee.

20                   (j) One representative of the Louisiana Sheriffs' Association appointed by  
21                   the president of the association or the representative's designee.

22                   (k) One person representing and appointed by Daughters Beyond  
23                   Incarceration.

24                   (l) One person representing and appointed by Voice of the Experienced.

25                   (m) Three representatives shall be appointed by the governor.

26                   (2) Additional members may be added as determined by a majority vote of  
27                   those members currently serving on the CIP Council.

28                   D. Members of the CIP Council shall serve two-year terms and shall not  
29                   receive any compensation or reimbursement of expenses. Each member of the CIP  
30                   Council shall serve until the appointment and qualification of their successor.

1 Whenever a vacancy occurs in an appointed position, the vacancy shall be filled in  
2 the same manner and under the same conditions as required for the original  
3 appointment.

4 E. The CIP Council shall meet at least once in at least three of the four  
5 quarters each year. The CIP Council shall comply with the Open Meetings Law,  
6 R.S. 42:11 et seq., in conducting its regular business.

7 F. All departments, boards, agencies, officers, and institutions of the state  
8 and all subdivisions thereof shall cooperate with the CIP Council in carrying out its  
9 purposes pursuant to the provisions of this Section and R.S. 46:2605.5 and 2605.6.

10 G. The CIP Council shall make, or cause to be made, all such studies,  
11 reviews, or analyses that it determines to be necessary to effect its purpose.

12 H. The CIP Council may receive and expend funds appropriated or otherwise  
13 made available by the legislature or from any other source, including donations or  
14 gifts of money or services from public or private organizations or from any other  
15 sources, to be utilized for the purposes of the CIP Council and as further provided  
16 in R.S. 46:2605.6.

17 §2605.5. CIP Council; duties

18 A. The CIP Council shall be a resource to the state on issues affecting the  
19 children of incarcerated parents and caregivers in the state. In furtherance of that  
20 responsibility, the CIP Council shall undertake efforts including but not limited to  
21 the following:

22 (1) Investigate the impact that a parent's or caregiver's involvement in the  
23 criminal justice system has on the mental, emotional, physical, and financial well-  
24 being of their child or children up to and through adulthood.

25 (2) Serve as a liaison between government and private interest groups with  
26 regard to matters of unique interest and concern to the children of incarcerated  
27 parents or caregivers.

28 (3) Identify and discuss best practices as they affect the children of  
29 incarcerated parents and caregivers and explore how those practices can be adapted  
30 to programs and services within the state.

1           (4) Advise executive and legislative bodies of the potential effect of  
2           proposed legislation on the children of incarcerated parents and caregivers, as the  
3           CIP Council determines to be necessary and appropriate.

4           (5) Investigate the merits of the establishment of a state agency within a  
5           department dedicated to issues affecting the children of incarcerated parents and  
6           caregivers and determine how such agency or program is to be organized and  
7           implemented.

8           (6) Provide resources and education to the caregivers of children with  
9           incarcerated parents or caregivers.

10           B. The CIP Council shall issue at least one report every two years, beginning  
11           January 31, 2022, stating the findings, conclusions, and recommendations of the CIP  
12           Council. The report shall be available to any other governmental entity requesting  
13           a copy.

14           §2605.6. Children of Incarcerated Parents and Caregivers Fund

15           A. There is hereby created in the state treasury as a special fund the Children  
16           of Incarcerated Parents and Caregivers Fund, hereinafter referred to as the "fund".

17           B.(1) The source of monies deposited into the fund shall be any monies  
18           appropriated annually by the legislature, including federal funds; any public or  
19           private donations, gifts, or grants from individuals, corporations, nonprofit  
20           organizations, or other business entities; and any other monies that may be obtained  
21           or provided by law.

22           (2) Monies in the fund shall be invested in the same manner as monies in the  
23           state general fund and interest earned on investment of monies in the fund shall be  
24           credited to the state general fund. Unexpended and unencumbered monies in the  
25           fund at the end of the fiscal year shall remain in the fund.

26           C. Monies in the fund shall be used as directed by the CIP Council solely for  
27           the purposes set forth in this Section and R.S. 46:2605.4 and 2605.5.

28           Section 2. R.S. 46:2607 is hereby repealed in its entirety.

1           Section 3. This Act shall become effective upon signature by the governor or, if not  
2 signed by the governor, upon expiration of the time for bills to become law without signature  
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
5 effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_