

Regular Session, 2014

HOUSE BILL NO. 516

BY REPRESENTATIVE HUNTER

LEGISLATION: Requires racial impact statement for certain bills involving crimes

1 AN ACT

2 To enact Chapter 16 of Title 24 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 24:851 and 852, relative to legislation; to require a racial impact statement
4 for certain bills; to create a joint committee to prepare such statement; to prohibit
5 passage of certain bills without such statement; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Chapter 16 of Title 24 of the Louisiana Revised Statutes of 1950,
8 comprised of R.S. 24:851 and 852, is hereby enacted to read as follows:

9 CHAPTER 16. JOINT REVIEW COMMITTEE ON

10 CRIMINAL PENALTIES

11 §851. Joint Review Committee on Criminal Penalties; creation; membership

12 A. The Joint Review Committee on Criminal Penalties is hereby created.

13 B. The committee shall be composed of the following members:

14 (1) Two members of the House of Representatives who are affiliated with
15 different political parties appointed by the speaker of the House of Representatives.

16 (2) Two members of the Senate who are affiliated with different political
17 parties appointed by the president of the Senate.

18 (3) The attorney general or a designee of the attorney general.

19 (4) The secretary of the Department of Public Safety and Corrections or a
20 designee of the secretary.

1 (5) The chairman of the Louisiana Public Defender Board or a designee of
2 the chairman.

3 (6) A retired judge with criminal law experience appointed by the speaker
4 of the House of Representatives.

5 (7) A retired judge with criminal law experience appointed by the president
6 of the Senate.

7 (8) One member of the public who shall have law enforcement experience
8 in Louisiana appointed by the speaker of the House of Representatives.

9 (9) One member of the public who is an elected parish official appointed by
10 the president of the Senate.

11 (C)(1) The committee shall elect one person from among the members
12 appointed pursuant to Paragraph (B)(1) of this Section and one person from among
13 the members appointed pursuant to Paragraph (B)(2) of this Section to serve as
14 cochairmen of the committee. The committee may elect such other officers as it
15 deems necessary.

16 (2) The committee may hold hearings as needed to perform its duties and
17 functions. The committee shall meet at the call of its cochairmen.

18 (3) A vacancy in the membership of the committee shall be filled in the same
19 manner as the original appointment.

20 §852. Duties and functions; racial impact statements

21 A.(1) Any bill that creates a new crime, modifies an existing crime, or
22 modifies the penalty for an existing crime shall carry a racial impact statement.

23 (2) The racial impact statement shall be prepared by the joint review
24 committee on criminal penalties. The Joint Review Committee on Criminal
25 Penalties may obtain the assistance of any agency in the executive branch of state
26 government in preparing the racial impact statement. If requested for assistance, an
27 agency shall promptly provide all necessary information to the Joint Review
28 Committee on Criminal Penalties.

1 (3) The racial impact statement shall include an estimate of the number of
2 criminal cases per year that the bill will affect, the impact of the bill on members of
3 racial minority groups, the effect of the bill on the operations of correctional
4 institutions, and any other matter the Joint Review Committee on Criminal Penalties
5 considers appropriate. In preparing the racial impact statement, the Joint Review
6 Committee on Criminal Penalties shall issue a finding as to whether the bill has a
7 disparate impact on members of racial minority groups. The racial impact statement
8 shall be printed as an appendix to the bill and shall be distributed in the same manner
9 as amendments.

10 B.(1) If the Joint Review Committee on Criminal Penalties finds that a bill
11 will have a disparate impact on members of racial minority groups, the author of the
12 bill shall do either of the following:

13 (a) Offer an amendment to the bill to reduce the disparate impact of the bill
14 on members of racial minority groups. If the author offers such an amendment, the
15 author shall identify in writing how the amendment would reduce the disparate
16 impact of the bill on members of racial minority groups. The written document shall
17 be distributed in the same manner as amendments.

18 (b) Provide in writing the author's reasons for advancing the bill without
19 amendment despite the disparate impact of the bill on members of racial minority
20 groups. The written document shall be printed as an appendix to the bill and shall
21 be distributed in the same manner as amendments.

22 C. No house of the legislature may vote to finally pass a bill that creates a
23 new crime, modifies an existing crime, or modifies the penalty for an existing crime
24 without a racial impact statement prepared pursuant to Subsection A of this Section
25 and, if applicable, without an action of the author of the bill pursuant to Subsection
26 B of this Section.

27 Section 2. The initial appointments to the Joint Review Committee on Criminal
28 Penalties shall be made no later than November 1, 2014. The initial meeting of the

- 1 committee shall be called jointly by the speaker of the House of Representatives and the
2 president of the Senate.

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)]

Hunter

HB No. 516

Abstract: Requires a racial impact statement to be prepared for certain bills, creates a joint committee to prepare such statement, and prohibits passage of certain bills without such statement.

Proposed law provides that any bill that creates a new crime, modifies an existing crime, or modifies the penalty for an existing crime shall carry a racial impact statement. Provides that the racial impact statement shall be prepared by the Joint Review Committee on Criminal Penalties. Requires the racial impact statement to include an estimate of the number of criminal cases per year that the bill will affect, the impact of the bill on members of racial minority groups, the effect of the bill on the operations of correctional institutions, and any other matter the Joint Review Committee on Criminal Penalties considers appropriate. Requires the committee, in preparing the racial impact statement, to issue a finding as to whether the bill has a disparate impact on members of racial minority groups. Provides that the racial impact statement shall be printed as an appendix to the bill and shall be distributed in the same manner as amendments.

Proposed law provides that if the Joint Review Committee on Criminal Penalties finds that a bill will have a disparate impact on members of racial minority groups, the author of the bill shall do either of the following:

- (1) Offer an amendment to the bill to reduce the disparate impact of the bill on members of racial minority groups. If the author offers such an amendment, the author shall identify in writing how the amendment would reduce the disparate impact of the bill on members of racial minority groups. The written document shall be distributed in the same manner as amendments.
- (2) Provide in writing the author's reasons for advancing the bill without amendment despite the disparate impact of the bill on members of racial minority groups. The written document shall be printed as an appendix to the bill and shall be distributed in the same manner as amendments.

Proposed law provides that no house of the legislature may vote to finally pass a bill that creates a new crime, modifies an existing crime, or modifies the penalty for an existing crime without a racial impact statement prepared pursuant to proposed law and, if applicable, without an action of the author of the bill pursuant to proposed law.

Proposed law creates the Joint Review Committee on Criminal Penalties. Provides for the membership of the committee and relative to its duties and authority.

Provides that the initial appointments to the committee shall be made no later than Nov. 1, 2014. Provides that the initial meeting of the committee shall be called jointly by the speaker of the House of Representatives and the president of the Senate.

(Adds R.S. 24:851 and 852)