Regular Session, 2011

HOUSE CONCURRENT RESOLUTION NO. 88

BY REPRESENTATIVE LEGER

EXCEPTIONAL PERSONS: Requests that the La. State Law Institute evaluate current terminology and recommend new terminology when referencing persons with disabilities in La. law

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to review and evaluate terminology that is currently contained in Louisiana law which refers to persons with disabilities, to propose alternative terminology to be used prospectively by the Legislature of Louisiana when enacting or amending legislation which refers to persons with disabilities, to identify and recommend for substitution terms currently appearing in Louisiana law which convey negative or derogatory perceptions of persons with disabilities, and to recommend replacement terminology for these identified provisions.

WHEREAS, the Legislature of Louisiana is committed to promoting the respect and dignity of all individuals; and

WHEREAS, many provisions of existing Louisiana law refer to certain persons as "mentally infirm" or "physically infirm", including but not limited to simple battery of the infirm (R.S. 14:35.2), sexual battery of the infirm (R.S. 14:93.5), and cruelty to the infirmed (R.S. 14:93.3); and

WHEREAS, the Legislature of Louisiana recognizes that language used in reference to individuals with disabilities shapes and reflects society's attitudes toward people with disabilities; and

WHEREAS, the Legislature of Louisiana recognizes that certain terms, including "infirm", could be construed as demeaning or disrespectful and could create an invisible

barrier to the inclusion of these individuals with disabilities as equal community members; and

WHEREAS, in addressing this issue, it is necessary for the Louisiana State Law Institute to evaluate and recommend preferred language, for newly enacted laws and future revisions to current laws, which uses terminology that puts the person before the disability, that avoids the use of language that implies that a person as a whole is disabled, or that equates persons with their conditions.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to review and evaluate terminology that is currently contained in Louisiana law which refers to persons with disabilities, and to propose alternative terminology to be used prospectively by the Legislature of Louisiana when enacting or amending legislation which refers to persons with disabilities.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute identify and recommend for substitution terms currently appearing in Louisiana law which convey negative or derogatory perceptions of persons with disabilities and recommend replacement terminology for these identified provisions.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute identify and report to the legislature provisions of current law in which terminology changes may not be made because the change would alter or render ambiguous the substantive meaning of any current provision of law.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute report its findings and recommendations to the Legislature of Louisiana prior to the convening of the 2012 Regular Session of the Legislature.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the Louisiana State Law Institute.

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)]

Leger HCR No. 88

Requests the La. State Law Institute to review and evaluate terminology that is currently contained in La. law which refers to persons with disabilities, to propose alternative terminology to be used prospectively by the Legislature of La. when enacting or amending legislation which refers to persons with disabilities, to identify and recommend for substitution terms currently appearing in La. law which convey negative or derogatory perceptions of persons with disabilities, and to recommend replacement terminology for these identified provisions.