VOTE's 2023 Comprehensive Legislative Report

VOTE

APRIL 8, 2023 - JUNE 8, 2023





Introduction



Welcome to VOTE's recap of Louisiana's 2023 Legislative Session. This comprehensive overview highlights essential legislative initiatives, progress made on pending bills, and significant decisions or debates during this period.

This Fiscal Session, in which legislators could sponsor only 5 non-fiscal bills each, introduced 894 bills, 29 constitutional amendments and 723 resolutions and study requests in both the House and Senate. 490 made it to the Governor's desk. During the final session, Louisiana lawmakers adopted a \$46.5 billion budget. The Appropriations Committee discussed just 75 bills, while other committees, including Health and Welfare and Education, addressed even fewer. Surprisingly, the *Criminal Justice Committee dealt with 88 bills*, indicating Louisiana's skewed belief that jails and prisons should be the primary focus.

This session brought with it highs and many lows. As anticipated, it was a tough one with few celebratory wins. Nevertheless, VOTE, our coalition partners and allies educated people and committee members on a range of bills and neutralized dangerous legislation. Much of the session was spent opposing and watering down attempted rollbacks of the Justice Reinvestment Initiative, including tougher sentencing, higher bails, criminalization of legal drugs, treating juveniles as adults and the elimination of good time and parole.

In an election year, many politicians (including those not in the legislature) seek to craft their image as much as the law. In a self-described "Conservative" state, many politicians have embraced various social and cultural agendas such as opposing LGBTQIA+ rights, suppressing free speech, continuing the failed War on Drugs, and scapegoating transgender people for everything. This perspective persists despite the state losing out on insurance companies, college graduates, and women seeking reproductive rights.

We are grateful to our committed Members (inside and out) for taking the session on headfirst and sharing their testimonies, emails, letters, personal narratives, JPAY messages with legislators and the community. Regardless of specific successes or failures, we organize, educate, and participate in our democracy.

We are not term limited. And we will fight one day longer than the opposition.



A Dedication to Biggy

We dedicate our efforts this Legislative session in honor of Kenneth "Biggy Johnston," a co-founder of the Angola Special Civics Project and a dedicated VOTE member and friend. He was the first person on parole in Louisiana to register and vote, and his efforts paved the way for countless others to follow. During the Lege session Biggy was with us physically, attending our first ever VOTE Advocacy Day and our May 3rd Monthly Meeting, before leaving us on May 8, 2023. He remains with us in spirit. **Rest in Power Biggy.**

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Our 1st VOTE Advocacy Day!

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On Tuesday, May 2nd we hosted our inaugural VOTE Advocacy Day at the State Capitol. Buses from New Orleans and Lafayette took members and staff to meet the Baton Rouge crew at the Louisiana State Library where we gathered to fill out red and green witness cards ahead of the committee meetings.



Over 150 members came together to participate in legislative teach-ins, committee hearings, meeting representatives, a hearty lunch, drafting House and Senate floor notes, a rally on the Capitol steps, and advocating in community. Members and staff from each chapter gave testimony supporting and defending against several bills on a range of issues from mental health, attempted 2017 Justice Reinvestment Initiative rollbacks, bail, sentencing and more.

We are so proud of everyone for using their voices to let our elected officials, who work for us, know that this is **OUR** house. We let them know that we value humanity, dignity, and opportunities for redemption. For some, it was their first time at the Legislature. And it made all the difference to take action **together**.

We were joined by our coalition partners First 72+, Power Coalition, and The Promise of Justice Initiative, just to name a few.

Thank you to everyone who made this day possible, especially our wonderful VOTE Members, friends, family, and allies! We have already begun plotting to our 2024 Advocacy Day with our VOTE Member Policy Team Leaders... stay tuned.

VOTE Priority Bills: A Sole Survivor.

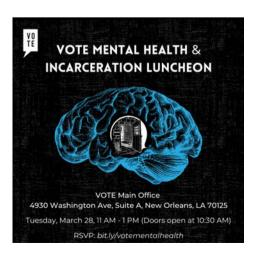
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Of our five **VOTE Priority Bills**, only one survived the long and tumultuous journey.

The Mental Healing Justice Act for Incarcerated People (Act 214) led by Rep. Larry Sanders aims to improve mental health screening and treatment for various mental health conditions, including PTSD, for individuals in the Department of Corrections (DOC). We originally sought deeper reforms to the system, but are excited for the trauma-informed focus of this amended version which still makes mental health screening mandatory for all diagnoses recognized in the DSMV-V. The bill also calls for staff training updates and trained peer support to assist those with mental illness. We look forward to working with the DOC and other mental health providers to continue this advocacy on mental health care.



Rep. Larry Selders, and VOTE members join Governor John Bel Edwards in signing HB 55 into law as ACT 214





Thank you to all those who participated in our March Mental Health & Incarceration Luncheon and to the impacted people and medical experts who provided feedback to strengthen the bill. Mental health is a long-term issue area for VOTE, and this bill provides foundation.

VOTE Mental Health & Incarceration Luncheon on March 28, 2023.

VOTE Priority Bills: Swings & Misses



Accessibility to Voting in Jail (HB 519) introduced by Rep. Barbara Carpenter would have allowed people in pretrial detention to cast their first vote by absentee ballot without appearing in person (an exception granted to college students, military, etc.) Sadly, the bill failed on the House Floor.

Simplify Process for People on Parole to Register to VOTE (HB 396)

introduced by Rep. Sam Jenkins sought to remove the burdens on voters with felony convictions and make it easier to vote without having to appear in person for reinstatement of their previous voting rights. It failed in Senate Government Affairs and we are switching focus to the judicial route; you can follow our litigation in **VOTE v. Ardoin**.

Parole Eligibility for Non-Unanimous Jury Convictions (HB 588) was filed by Rep. Randall Gaines, and practically the same bill as what failed in 2022. Rather than retroactively apply the U.S. Supreme Court ruling in Ramos v. Louisiana, the Louisiana District Attorney's Association (LDAA) crafted a bill that would make people attempt to seek parole. Speaking with our impacted people on the Inside, nobody believed anyone would get released via parole. The LDAA would not even support reasonable amendments to their idea. After passing the House Judiciary Committee, it died on the House Floor with a combination of legislators who didn't want any relief for unconstitutional convictions and legislators who rightfully saw this process as a farce intentionally drafted to fail. VOTE and our allies remain committed to fighting against Jim Crow-era jury convictions. We'll keep proposing legislation every year until those men and women impacted by unjust convictions receive the relief they deserve.



Voting rights postcards

mailed to LA jails

VOTE Priority Bills: Swings & Misses

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VOTE Policy Director Checo Yancy and VOTE Member Earl Hagans testify along with the Promise of Justice Initiative's Katie Hunter - Lowrey in support of HB 180.

"Fair Chance in Housing" (HB 180) sponsored by Rep. Matthew Willard would have required transparency in rental application background checks. Finding housing can be a struggle, and formerly incarcerated people (FIP) often face the additional burden of spending hundreds on application fees without knowing if their conviction status make them ineligible. Despite excellent efforts, HB 180 did not have the support to move forward and failed in the face of the Realtors and Apartment Association's political lobby who refused to work with the Louisiana Fair Housing Action Center and Step Up. We will bring this bill back next year. And with added tactics.

Prison Phone Justice: Free Phone Calls (HB 545) filed by Rep. Edmond Jordan would have eliminated phone charges to persons in the custody of DOC, allowing for free audio and video calls. Unfortunately it was involuntarily deferred in the ACJ Committee after failed attempts to move it to the Commerce committee. VOTE will continue to collaborate with the Public Service Commission to address phone rates.

Image Credit: Prison Policy Initiative



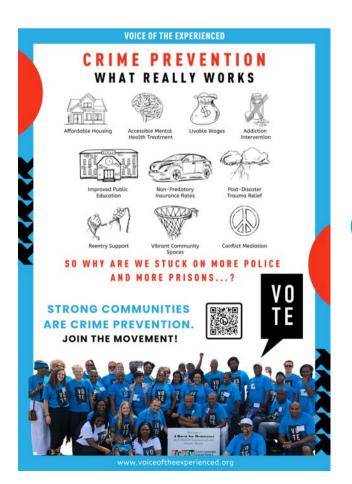
Bills, Bills: ACJ Stays Busy



88 bills were introduced in the House committee on Administration of Criminal Justice (ACJ). This is more than every other committee, as the legislators take on issues such as the death penalty, parole and forfeiture of good time credits, 17-year-olds, prison construction, expungement, and re-entry programs for individuals leaving the criminal justice system.

"Tough on Crime" Bills

- Act 419, designates simple burglary in an inhabited dwelling as a violent crime which
 means that anyone convicted of simple burglary will serve 85% of the sentence
- Act 243 increases the punishment of the crime of assault by drive-by shooting to 3 to 10
 years
- Act 374 criminalizes tampering with electronic monitoring devices and provides for policy and procedures to ensure the effectiveness of electronic monitoring devices
- Act 218 punishes the crime of theft of an ATM with a penalty of for not less than five and not more than ten years
- Act 302 criminalizes introduction, attempted introduction or possession of contraband in correctional facility with a penalty of not more than ten years to be served consecutive to the original sentence



Our stance remains that investing in, and uplifting, communities is the strongest form of crime prevention. It's what is proven to work. Not criminalizing addiction. Not longer sentences. Not locking kids in cages. Not registries. Not sentencing multipliers.

Juvenile Justice: Leave Them Kids Alone



Juvenile justice has been a prominent topic of discussion during this session. However, important facts were omitted from the conversation.

- It should be noted that while the number of crimes committed by 17-year-olds increased, adult crime decreased by a similar proportion.
- The state has neglected to expand the juvenile system since the passing of the 2016 Raise the Age law.
- If we were to predict which age group among 13 to 17-year-olds would commit the most crimes, our bet would be on the 17-year-olds.

One concerning bill, SB 159 by Sen. Stewart Cathey, aimed to allow 17-year-old children accused of violent crimes to be held in adult jails. Thankfully, Governor Edwards vetoed this bill, recognizing the dangers of housing minors with adults. He emphasized that juveniles detained in adult jails are often victimized and come out as hardened criminals.

And still we are confining teenagers as young as 15 years old "temporarily" (10 months and counting) in the former Death Row Unit of Angola State Penitentiary in extreme heat conditions. Reports are they remain in solitary confinement 23 hours a day. Louisiana is the ONLY state in the nation to hold juveniles in an adult maximum security prison.

And more laws passed demonstrating we treat young kids as adults solely for punishment:

- Act 445 by Rep. Jeremy LaCombe, permits children to be placed in adult custody for a maximum of 48 hours if no juvenile facilities are available.
- Act 420 by Rep. Laurie Schlegel adds carjacking to the list of crimes that can lead to children being charged as adults
- Act 448 by Rep. Stephanie Hilferty requires district attorneys and courts to share info with crime victims in juvenile court. Specifically, the name of the judge and the accused. The court shall also release non-identifying info to the public, and the judge's name. This bill seems targeted to pressure juvenile judges to show off their "Tough on Crime" credentials.
- Act 145 establishes a juvenile justice district for certain parishes. This creates a specific jurisdiction for handling juvenile cases





The War on Fentanyl: Repeating Mistakes of the Past

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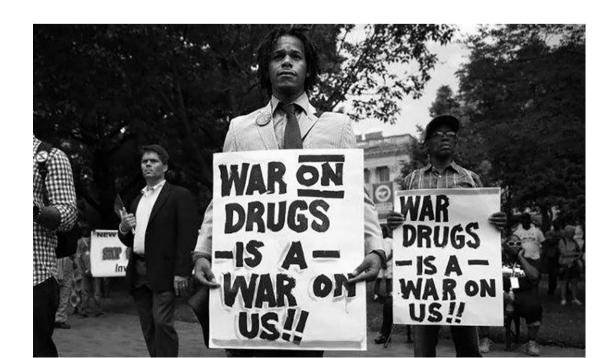
The War on crack, heroin, cocaine and marijuana shows how easy it is to criminalize a community, lock up everyone and fair to fight addiction and withdrawal. Kratom and fentanyl were in focus this session. HB 14 by Rep Gabe Firment, attempted to criminalize kratom - a widely available, *natural* product that is effective in reducing opioid withdrawal symptoms - and classify it as illegal, Schedule I controlled dangerous substance. Through amendments and efforts, this shifted to regulation of kratom but did not make it to the Floor. A kratom regulation bill, HB 655, passed the House 80-16, and the Senate Committee but failed to get a vote on the Senate floor.

Act 399 co-sponsored by Rep. John Stefanski and Rep. Debbie Villio imposes a mandatory minimum sentence of 5 years (without parole) for possessing any substance weighing up to 28 grams that contains a *detectable* amount of fentanyl. It also increases the punishment of aggregated weights of fentanyl for a first, second and third conviction. Even if a dollar bill carries a trace of fentanyl, as determined by a crime lab, the individual could face a five-year sentence. This is not a public health solution to a public health issue.

We need to get these issues out of our Criminal Justice committee and into Health & Welfare. Public health issues need public health solutions.

Also passed:

- Act 412 and HCR 126 together form "JaJa's Law" (named after a young woman who died
 after consuming cocaine laced with fentanyl) which makes it easier for victims of fentanyl
 poisoning and their families to sue distributors even the countries where the drugs are made
- Act 148 criminalizes laboratories for the unlawful manufacture of dangerous substances and graduates the penalties on a first, second and third offense for operating a meth lab



Databases & Registries, Oh My!

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Registries were also a hot topic. Sen. Cameron Henry and Rep. Troy Romero both drafted bills on this topic. They aimed to create a new registry specifically for individuals convicted when a juvenile is the victim. However, both proposals suffer from poor construction, attempting to copy / paste the law from the Sex Offender Registry. Despite SB 217 being labeled as the "Child Abuse Registry," the majority of those required to register will likely be young people involved in fights with even younger individuals. Additionally, they overlook the fact that the Department of Children and Family Services (DCFS) already maintains an actual child abuse registry for documented cases of child abuse. The Governor signed SB 217 into law as Act 217.

 Act 460 requires anyone convicted of specific crimes committed against a minor to register in a database for child neglect

Some legislation might also prevent wrongful convictions and create other positive results. We shall see.

- Act 193 allows better tracking of rape kits from collection through conviction; it requires the state police to create a statewide database to track sexual assault kits
- Act 309 requires courts to develop new policies to end the delays of protective orders being inputted in the statewide registry
- Act 86 amended the state DNA database to assist in investigations, disaster victim identification and reduce the rape kit backlog
- Act 386 creates a database to track trafficking arrests, convictions, restitutions, fines and civil
 asset forfeiture and requires prosecutors to submit annual reports to the Governor's Office of
 Human Trafficking Prevention



Rollback on Justice Reinvestment Initiative

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The scrutiny on justice reinvestment by some legislators, particularly led by Attorney General Jeff Landry, has been misleading. They falsely attribute the increase in violent crimes to people serving lesser sentences for petty crimes. This push might actually be connected to 15,000 fewer people in custody equaling reduced subsidies paid to local sheriffs, who house half of the state prison population. This results in fewer canteen orders, phone fees, and per diems from the state budget.

Moreover, HB 188 by Rep. Larry Frieman sought to implement a "2-strike" law for "dangerous offenders," essentially eliminating the possibility of parole for individuals labeled as such. However, Governor Edwards rightfully vetoed this bill, deeming it unnecessary.



VOTE Deputy Director Bruce Reilly and advocates from the Promise of Justice Initiative, Louisiana Association of Criminal Defense Lawyers and Justice & Accountability Center of LA testify in opposition of HB 70.

HB 70 by Rep. Debbie Villio which was vetoed the previous year, aimed to roll back reforms established by the 2017 Justice Reinvestment Initiative (JRI). These reforms allow all people convicted of nonviolent crimes to serve 25% of their sentence. HB 70, signed by the Governor as Act 463, now requires that a person with four nonviolent prior convictions serve 65%. As a result, these individuals, who often struggle with addiction or mental health issues, will spend more years in local Sheriff jails and detention centers, lacking appropriate programming. Incidentally, Rep. Aimee Freeman created HR 174 to create a task force to report out on the type of educational programs in Corrections.

Lastly, HB 16 ushered in by Rep. Laurie Schlegel extends the sentencing for burglary, which disproportionately affects individuals in poverty who may also be grappling with mental health and addiction challenges. Governor Edwards signed HB 16 as Act 417.





Read the Louisiana JRI 2022 Annual Performance Report

Positive Strides

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The 2023 Lege Session was plenty bleak but some positive strides in education, voting accessibility, expungements and police reform give us hope. Most importantly our presence and expertise were key to stopping, or watering down, some of the worst proposals at the Statehouse.

Education Bright Spots

Amid the turmoil of giving teachers a slight pay raise, there were some highlights in the education sphere. School and teacher safety were significant focal points during the session. Efforts were made to address mental health in schools, expand "school choice" options (aka public funds for private schools), provide additional funding for education programs, and enhance student career and technical education opportunities. Recess was also made a mandatory daily practice for kindergarten through fifth grade (Act 219)! Several bills signed into law include:

- Act 318 mandates the Department of Education to screen for trauma informed mental health for students, in public schools
- Act 268 prohibits corporal punishment in elementary and secondary schools, unless a
 parent consents to the punishment
- Act 79 creates Voters Registration Day for high school Seniors

Shutting Down Recall Changes, Boosting Voting Accessibility

Following the multi-faceted controversy in the campaign to recall New Orleans Mayor LaToya Cantrell, disgruntled petitioners sought to change the law and make it far easier to recall officials. SB 123 (amended down until its own supporters rejected it) would have clarified the process but not make it any easier. Gov. Edwards vetoed the bill.

 Act 277 requires the Secretary of State to appoint an Americans with Disabilities Act (ADA) compliance officer and included ADA training in the election commissioners' instruction course. Finally!



Police: Who Works for Whom?

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The "25 Foot Bubble" Bill, HB 85 by Rep. Mike Johnson, would make it illegal for people to get within 25 feet of police officers who are "engaged in lawful duties" and have told them to stor. This bill would allow police, guards, and deputies to order people to move away, even around the corners and out of rooms. Even the bill sponsor could not reasonably guesstimate a 10' distance right next to him.

Fortunately, for the citizenry of Louisiana, HB 85 was vetoed. In his veto message, Governor Edwards wrote in part, HB 85, if it became law, would:

"...chill exercise of First Amendment rights and prevent bystanders from observing and recording police action. Each of us has a constitutional right to freely observe public servants as they function in public and within the course and scope of their official duties. Observations of law enforcement, whether by witnesses to an incident with officers, individuals interacting with officers, or members of the press, are invaluable in promoting transparency."

- Governor John Bel Edwards



On a positive note, Act 217 (Sen. Gerald Boudreax) was passed which requires the state police to create a tracker for all traffic stops to ensure that stops are not influenced by racial profiling. Much needed; let's see how and if this is actually implemented.

More Expungements, More Easily

- Act 342 allows a person to expunge a possession of marijuana misdemeanor,
 1st offense after ninety days from the date of conviction.
- Act 90 authorizes all courts to expunge the records of their jurisdiction.
- Act 454 allows a person to request an automatic expungement under Act 978, beginning in 2025.



Resolutions & Task Forces

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In addition to changing the law, the Legislature also passes Resolutions that call on agencies and organizations to study an issue and make recommendations. Typically, these study groups are stepping stones to change.

Some resolutions that passed this session which impact CIP and FIP include:

HCR 65: Requires a study of the current system for reporting deaths in correctional facilities; we currently have very lax reporting criteria. This would systematically build upon Loyola University College of Law's Incarceration Transparency research (Rep. Denise Marcelle)

HR 174: Creates a task force to study and report on the educational programs in jails and prisons (Rep. Aimee Freeman)

HR 7: Permits incarcerated parents to virtually attend certain ceremonies involving their children (Rep. Denise Marcelle)

HR 275: Requests the Transportation Security Administration (TSA) to work with the Department of Public Safety and Corrections (DPSC) on helping people get Transportation Worker Identification Credential (TWIC) cards upon release (Rep. Joseph Marino)

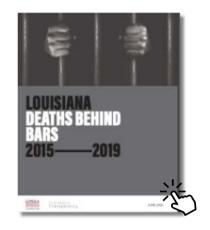
SR 128: Requests DPSC to study and recommend ways for state ID to be added to LA Wallet upon release (Sen. Royce Duplessis)

HCR 104: Directs the Legislative Auditor to audit prisons and jails (Rep. Mandie Landry)

HCR 102: Create optional "name" ID tags for the incarcerated people who work at the State Capitol (Rep. Edmond Jordan)



Explore the Incarceration Transparency database



Read the Louisiana Death Behind Bars 2015 - 2021 Report

Veto or Nah? Veto Session Update 22 Sustained. 1 Override.

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Of the 894 bills that were assigned in the House and Senate - 490 made it to the Governor, who vetoed a total of 28 passed bills (5 originating in the Senate, the remaining in the House). He provided a message and rationale for each: <u>Governor Edwards' Veto Messages.</u>

During a July 18th Veto Session, the House brought 23 bills back to override the veto needing a two-thirds vote in both the House and Senate. The only bill with enough support was HB 648, the Ban of Medical Treatment for Transgender Youth parading as a "Stop Harming Our Kids" Act.

As a result, the new law will prohibit individuals under the age of 18 in Louisiana from undergoing gender-affirming surgeries, receiving puberty blocking medications and hormone treatments. Additionally, healthcare professionals who provide such treatments to minors will face the revocation of their license for a minimum period of two years. However, doctors who began administering these drug or hormone therapies to minors prior to January 1, 2024, are permitted to continue providing care until December 1, 2024, under the condition that they determine immediate termination of the treatment would cause harm to the minor.



From a new statewide poll reported by @LaPoliticsNow: "74% agreed that the Legislature spent too much time on WOKE topics and not enough on solving crucial problems like healthcare costs, property insurance and jobs." #lalege #lagov

11:23 AM · Aug 25, 2023 · 15.6K Views

Governor John Bel Edwards, who vetoed House Bill 648 last month, expressed his belief that the courts would overturn the legislation. In a statement he described the bill as unnecessarily detrimental to a very small population of vulnerable children, their families, and their healthcare professionals.

Tweet by Sam Karlin, Investigative Reporter at The Advocate

"In eight years as a Democratic governor with a Republican legislature, I have issued 319 vetoes. More than 99% of those vetoes have been sustained. Usually, we have been able to find common ground to move Louisiana forward, and I am thankful to the legislature for all the good we have accomplished together. But we have also had profound disagreements. Just two of my vetoes have been overridden. The first time I was overridden, on the Congressional district map, I said the bill was illegal and I expected the courts would throw it out. The courts have done so.

Today, I was overridden for the second time, on my veto of a bill that needlessly harms a very small population of vulnerable children, their families, and their health care professionals. I expect the courts to throw out this unconstitutional bill, as well."

-Governor John Bel Edwards

Ways to Get Involved with Lege '24







- Attend our New Orleans, Baton Rouge & Lafayette Monthly Meetings
- Join our Member Policy Team
- Use our **Scorecard** to have a conversation with your reps about their voting record
- Gather your neighbors and chat with your legislator about issues you care about and give feedback on their performance (we can also pair you with other VOTE members in your District!)
- Hold a community gathering or a house meeting to discuss priorities
- GOTV + help register people to vote
- Take our **VOTE Institute of Policy Bootcamp** and **Lege prep workshops**
- Read our weekly **Legislative newsletter** during the session (and spread the word)
- Follow and tag us on **socials**









Donate to the cause



Click to help fund us.

Get involved with **regional and statewide races** (Voters Organized to Educate is looking for canvassers for the 2023 election, contact Devin@votersorganized!)

Looking Ahead

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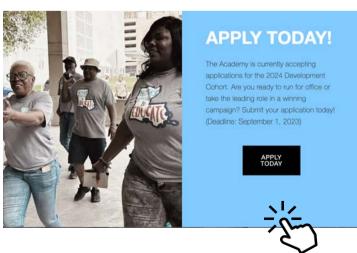
Lege 2023 was a doozy. We knew it would be and it was. But we learned from it and we're more resilient because of it.

A strong democracy, one that truly represents what our community cares about, depends on all of us getting involved. Voting and civic engagement isn't just something we can do; it's something we should all do together.

When we work together, we can create the future we dream of. Everyone is anticipating that the path ahead will be tough, but it's also full of hope and chances to make things better, especially when we keep coming together and taking action.

And you should run! Yes, you. We need formerly incarcerated leaders and champions of our reform to serve our communities. Dismantle the Status Quo. Become a Disruptor.







REGIONAL RACES ELECTION DAY: OCTOBER 14, 2023

New Orleans Region

Orleans Parish

- Judge Civil District Court, Division D
- Judge Civil District Court, Division G
- Judge Criminal District Court, Section I

Jefferson Parish

- Judge, Court of Appeal 5th Circuit
- Sheriff
- Clerk of Court
- Parish President & Council

St. John the Baptist Parish

- Sheriff
- Clerk of Court
- Parish President & Council

Lafayette Region

Lafayette Parish

- Judge 15th Judicial District Court
- Sheriff
- Clerk of Court
- Parish President & Council

St. Martin Parish

- Sheriff
- Clerk of Court
- Parish President & Council

St. Landry Parish

Sheriff

Click to Apply!

- · Clerk of Court
- Parish President & Council

Baton Rouge Region

East Baton Rouge Parish

- Judge 19th Judicial District Court
- Sheriff
- Clerk of Court

West Baton Rouge Parish

- Sheriff
- · Clerk of Court
- · Parish President & Council

Ascension Parish

- Judge 23rd Judicial District Court
- Sheriff
- Clerk of Court
- Parish President & Council

Shreveport Region

Caddo Parish

- Judge Juvenile Court
- Sheriff
- Clerk of Court
- Parish Commission Members

Red River Parish

- Sheriff
- Clerk of Court
- Police Jurors (District 1 7)

Bienville Parish

- Sheriff
- · Clerk of Court
- Police Jurors (District 1 7)