

Louisiana Domestic Violence Prevention Commission Minutes
Tuesday, January 23, 2018, 1-3 pm
Meeting location: House Room 1, Ground Floor, LA State Capitol

I. Meeting Called To Order

- Meeting Called to Order by Mariah Wineski at 1:16pm

II. Roll Call

Members Present

Kimberly Resetar
Ramona Harris
Rutha Chatwood
Mariah Wineski
Dr. Shanta Proctor
Sunny Funk (via phone)
Mary Claire Landry
Tommy Clark (via phone)
Jane Herwehe
Tracy Farris
Lila Hogan
Twahna Harris (via phone)
Honorable Laurie Hulin
Rep. Pat Smith
Lindsey Blouin
Amy Dupuy (nonmember)
Valerie Martinez (nonmember)
Francis Robinson (nonmember)
Kim Sport (nonmember)
Ayn Stehr (nonmember via phone)

III. Introductions

- Roll was called by Kimberly Resetar and a Quorum was established.

IV. Approval of the Minutes

- Review of minutes from November meeting. Motion by Ms. Hogan to approve minutes. Seconded by Ms. Landry. Motion passes.

V. Subcommittee Reports

- 1) **Legal Issues**

a) Law Institute Collaboration Update

- Ms. Hogan stated that the Louisiana State Law Institute has begun its work on reviewing domestic violence laws. Civil laws are being addressed by the Marriage and Persons Committee, and criminal laws will be addressed by the Criminal Law Committee. She explained the process by which the Institute works. Members initiate or receive recommendations of issues with laws to look into. The Institute then deliberately and extensively studies the issue. Once the Committee makes a recommendation on how to change to law it is forwarded to the Law Institute Counsel which adopts the final work product and sends it to a bill sponsor or sends the issue back to the Committee to reevaluate. The Marriage and Persons Committee has sent two recommendations to be heard by the Law Institute Counsel at their February 2nd meeting at 10:00 am at Lod Cook on LSU campus. One recommendation regards keeping protective order or an injunction being filed during the marriage as a ground for divorce and allowing that to include consent judgments to that effect, the other recommendation regards modifying the current automatic presumption of spousal support. The next related topic for the Marriage and Persons Committee is to look into creating a singular encompassing definition on domestic violence in conjunction with the Criminal Law Committee. The next meeting of the Marriage and Persons Committee will be March 9th at 10:00 am at the LSU Law School.
- Ms. Landry requested that all future Marriage and Persons Committee meetings be sent to Commission members via email.
- Ms. Sport added that the next date meeting for the Criminal Law Committee is February 16th at 10:00 am at the LSU Law School.

b) Legislative Items

- Ms. Wineski reiterated previous discussions regarding complications with Commission appointees being unable to officially support legislation brought forth by the Commission on short notice without their ability to thoroughly discuss said legislation with their appointed agency.
- Ms. Funk discussed her efforts to put forth our work on divestiture of the Louisiana District Attorney Association (LDAA). She is hoping to mandate a mechanism on the process and procedure for divestiture of firearms for those with protective orders issued against them that DA's and Sheriffs' can monitor.
- Representative Smith asked for elaboration by Ms. Funk regarding what specifically was being put forth to the LDAA.
- Ms. Funk elaborated that it would be regarding a workable process on how to divest firearms to the Sheriff or a third party when determined to be a prohibited possessor.
- Ms. Sport explained to the Commission that legislation drafting is about to begin with Senator Morrell for the 2018 legislative session regarding relinquishment procedure for prohibited possessors. She noted that the main

problem facing the legislation is going to be securing a funding source to help the Sheriffs' implement any new procedures. She also alerted the Commission of forthcoming legislation regarding a setting up a procedure for licensed firearm dealers to alert police when a prohibited possessor "lies and tries" to purchase a firearm. Additional legislation is being looked into to develop a mechanism where the victim of the prohibited possessor is alerted of their efforts so they change their safety plan.

- Ms. Martinez reiterated that the objective of divestiture is to save lives and that legislation had been found that was not opposed by the NRA.
- Ms. Wineski informed the Commission that a bill will be put forth this 2018 legislative session in an effort to have certain domestic violence felonies labeled as crimes of violence. Also, she informed the Commission that legislation would be offered to mandate the service of Temporary Restraining Orders be reported to the Louisiana Protective Order Registry
- Rep. Smith updated the Commission regarding her goals for her legislation she intends to set forth this session. Along with child care initiatives, she is looking to readdress the idea of creating a domestic violence offender registry that mimics the sex offender registry.
- Ms. Landry stated that in response to the laws to punish domestic abuse offender being made more serious she believes there has been an unintended consequence of an uptick in plea deals being offered and reduction of charges being made to get around affecting defendant's gun rights. Also, need to look into creating some type of statewide repository to guarantee compliance with whatever type of divestiture is instituted.
- Ms. Wall stated that once a penalty is made more onerous it can also have a chilling effect on victim cooperation
- Ms. Wineski added that other states that have implemented Domestic Violence Registries have seen the chilling effect towards victim reporting
- Ms. Caccioppi asked if it was possible to get statewide data regarding the amount of domestic abuse criminal cases being pled down.
- Ms. Farris responded that such data is not available. Also, she stated that it would likely take years to adequately request such data and requested that the Commission address the issue further in the future. She mentioned that even the Uniform Criminal Reporting for the federal government does not track domestic violence.
- Ms. Sport requested that we try and fast track addressing the data issue.
- Ms. Chatwood reminded the Commission that such data compilation would involve a technology based independent finding source to create databases and the like.
- Dr. Proctor recommend a look into public education dollars regarding educating law enforcement and the like regarding any new procedures that may be implemented.

2) Law Enforcement Subcommittee

- Ms. Farris gave a summary on the completed Prohibited Possessor Firearm Divestiture Report which is meant to be a supportive document for legislative

efforts regarding firearm divestiture. The report reviews national research and outlines statewide versus individual jurisdiction implementation of divestiture. The report concludes that the next step should be to invest in several pilot programs to see what local issues arise.

- Dr. Proctor gave an update on the Domestic Violence Homicide Prevention and Surrender of Firearms Taskforce which aims to provide a uniform message and dispel misconceptions surrounding divestiture. First, all judges need to be brought onboard to support a successful outcome to divestiture. Second, a parish by parish implementation is the best approach for our state. Third, existing programs need to be monitored for adherence.
- Ms. Wineski reported that the Firearm Divestiture Report as well as the annual report and any other documents from our commission will be housed on the Department of Family and Children Services website as soon as possible and the Commission will be emailed the link when available.
- Ms. Sport added that research shows that relinquishment is a better term to use than divestiture when trying to get everyone on board regarding the surrender of firearms.
- Ms. Farris proposed the Prohibited Possessor Firearm Divestiture Report to be renamed the Prohibited Possessor Firearm Relinquishment Report and all use of the word divestiture to be replaced with relinquishment,
- Ms. Hogan moved that the report be adopted with the discussed terminology changes Seconded by Ms. Harris. Motion passes.
- Chief Clark praised Ms. Farris for her hard work and dedication in spear heading and completing the Prohibited Possessor Firearm Relinquishment Report.

VI. Annual Report to the Governor

- Before the meeting, the report had been emailed to all the members for comment and a finalized copy was provided at each seat.
- Ms. Wineski reiterated that we had all agreed it would be a concise wrap up of our efforts in 2017, and the Commission went over what corrections were necessary before final printing.
- Motion by Ms. Hogan to approve annual report with discussed corrections. Seconded by Ms. Resetar. Motion passes.
- Ms. Farris pointed out that our meetings are at the same time as the Human Trafficking Commission meetings.
- Dr. Proctor said she would coordinate with the chair of the Human Trafficking Commission to try and minimize the meeting overlaps.

VII. Public Comment

- There was no additional comment.

VIII. Adjourn

- Meeting adjourned at 2:56 pm.