

## **#LALEGE'22**

2022 Louisiana Legislative Session Report



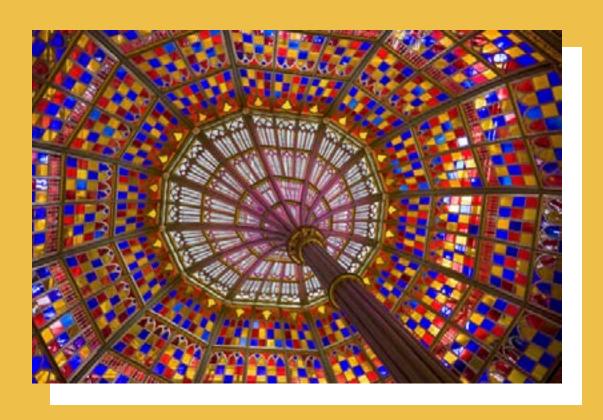
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We avoided going down some of the roads of extremism that have been taken in other conservative states.

Peter Robins Brown
Executive Director
6/11/2022, The Advocate



# **Executive Summary**

While the winds of change are, sadly, blowing in a regressive direction nationally and here in Louisiana, our efforts at Louisiana Progress to help pass progressive legislation during the 2022 regular legislative session were largely successful.

This year, we played a lead role in campaigns to pass nine bills, supported efforts to pass three more, and helped kill five bad bills. All of those legislative successes, as well as others we worked on behind the scenes, were built around our mission of improving economic and racial justice in Louisiana. To fulfill that mission, we primarily focused on decriminalizing poverty, building a more just criminal justice system, improving economic opportunities in marginalized communities, and improving government ethics and transparency.

Our overall success was largely due to our work partnering with talented legislators, building effective coalitions with advocacy organizations, and giving the members of our College Fellowship program the freedom to express their many talents. Together, we sought out good ideas that would move Louisiana forward and improve the lives of the people of our state, especially those who traditionally lack financial and political power. Then we thoroughly researched those ideas, developed effective messaging for them, built relationships with stakeholders and people impacted by those issues, and wore out our shoe leather working to get those bills across the finish line.

Of course, we weren't successful in all of our efforts. Eleven bills we worked on didn't make it all the way through the legislative process. And our grueling campaigns to advocate for more equitable political maps during the redistricting processes in the state legislature and in local government bodies didn't stop most of those bodies from enacting maps that continue to disenfranchise Black and brown communities. But, as we always say to our partners on the ground, "All you can do is fight your fight." That's what we did, even when the outcome wasn't what we'd hoped, and it's what we intend to continue doing moving forward.

## Session Overview

Of course, the bills we worked on represent just a small fraction of all that happened during the 2022 legislative session. With an extra \$2 billion in federal money to spend, rampant problems in the state's insurance industry after disasters in 2021, and controversial social issues like abortion, guns, and how to teach about America's history of racial oppression all making local and national headlines, the legislature had a lot on its plate.

Louisiana is considered one of the most, if not the most, anti-abortion state in the country, and that sentiment was reflected in the legislature again this year, especially once the Supreme Court's decision in the Dobbs case was leaked in the middle of the session. Rep. Danny McCormick filed the most extreme anti-abortion legislation that was seen in any state legislature this year. It would have allowed women who got an abortion to be charged with murder, and would have potentially made procedures like in vitro fertiization criminal as well. Fortunately, Republican legislators at least had the sense to kill this atrocious bill, but they, along with many of their Democratic colleagues, including bill sponsor Sen. Katrina Jackson, did go ahead and pass SB342, which is among the most restrictive abortion laws of any state.

Once the Dobbs decision was officially issued, women's rights lawyers immediately filed for restraining order, arguing that Louisiana's laws were remarkably vague on what constitutes abortion, potentially making it illegal to treat certain types of miscarriages, as well as other medically necessary procedures. So far, judges have allowed that restraining order to stay in place, pending an ultimate ruling from the Louisiana Supreme Court.

Louisiana is also one of the most pro-gun states in the country, and we already have some of the most permissive gun laws possible. Nonetheless, legislators continue to try to push the envelope, despite the continuing increase in gun violence across our state.

Representative McCormick also filed HB37 to bring permitless concealed carry to Louisiana. The bill made it most of the way through the legislative process, but was blocked in the Senate when it came to the Revenue & Fiscal Affairs committee the same day as the Uvalde school massacre.

While the "Critical Race Theory" scare led to several instances of restrictive classroom laws in other states, the Louisiana legislature largely sidelined any bills that attempted to bring this controversy to the forefront here. As he did last year, to an embarrassing result, Rep. Raymond Garofalo filed the most pernicious of these bills—HBs 747, 787, and 1014. But the House Education committee held off on hearing them until late in the session, and then voted them down when they finally came up for debate.

Coming out of a string of natural disasters over the past couple of years, and with insurance companies declaring for bankruptcy seemingly every week, legislators filed dozens of bills to try to reign in some of the industry's worst practices. Overall, it was a mixed bag, with the industry getting a lot of what it wanted, taking the teeth out of the most impactful legislation and passing bills that looked like substantive reform, but that actually did very little. But there was definitely some much-needed progress made, and hopefully the legislature will build on that in the coming years.

Ultimately, the flood of \$2 billion in federal money, mostly related to pandemic-relief spending, helped to keep a general tenor of peace throughout the session. More than \$100 million of that money went to local pet projects, which kept most legislators happy. The rest of it went to pay down liabilities, and invest in infrastructure projects. Unfortunately, Governor Edwards decided to use \$500 million of that money to replenish the state's unemployment trust fund, which is usually funded through business taxes. That money could have been used for other, more pressing needs, including food assistance and housing, but instead will now simply help slightly lower taxes for businesses.



Advancing common-sense solutions

Defending the progress we have made

## **Moving Louisiana Forward**



#### Building on our success from 2021 in 2022.

Coming out of a successful 2021 legislative session—where we, most notably, led the campaign to pass House Bill 652 by Rep. Cedric Glover to decriminalize the possession of 14 grams or less of marijuana in Louisiana—our team got to work right away on developing a broad policy agenda for 2022.

Over the rest of 2021 and early 2022, our staff and College Fellows, often collaborating with partner organizations, put together more than a dozen policy ideas that we hoped to see filed as bills. Not all of those ideas became proposed legislation, but most of them did. The list below includes those bills, as are others that we joined a coalition of advocates to help support or oppose.

### **Bills Passed**

The list below includes the 12 bills we helped pass as either the lead advocacy organization or a leader in a coalition of advocacy organizations, with acknowledgements to the partner organizations in those efforts.

#### **Decriminalizing Poverty**

#### HB 129 (Act 436)

HB129 (Act 436) by Rep. Richard Nelson & co-authored by Rep. Jason Hughes creates a 180-day grace period when someone misses a court date before the Office of Motor Vehicles can suspend their driver's license.

Currently, different jurisdictions take different approaches to suspending people's driver's licenses if they miss a court date. HB129 creates uniformity across the state. It also gives people the opportunity to rectify their legal situation without automatically losing driving privileges, while likely improving overall compliance.

Driver's license suspensions disproportionately harm lower income earners because they are more likely to miss a court date due to work or family issues, or miss a court notice because of an unstable living situation. They are also less likely to be able to navigate the legal system on their own or be able to afford to hire a lawyer. When their license is suspended, going to work, taking care of their family, and going to court become criminal acts that can further trap them in poverty and criminalization.

Partners: Justice & Accountability Center of Louisiana, Louisiana Appleseed

#### HB 726 (Act 391)

<u>HB726</u> (Act 391) by Rep. Rodney Lyons outlaws debtors' prisons (debt-based incarceration) in Louisiana.

Despite a 1983 Supreme Court opinion ruling debtors' prisons unconstitutional, the practice does still occur, albeit sparingly. Nonetheless, people believe it happens often, and Rep. Lyons's bill will officially outlaw the practice in Louisiana, saving some people from incarceration, while also providing peace of mind to those who worry it might happen to them or their loved ones.

Partners: Justice & Accountability Center of Louisiana, Southern Poverty Law Center

#### IN THE PRESS (click below to watch)



Peter Robins-Brown, Executive Director speaks with WAFB on the Commission on Justice System Funding along with commission chair Rep. Tanner Magee

#### **Building a More Just Criminal Justice System**

#### HB 137 (Act 439)

HB137 (Act 439) by Rep. Joseph Marino decriminalizes marijuana possession for out-of-state medical marijuana patients who visit Louisiana.

This policy, known as "reciprocity," simply allows medical marijuana patients from outside of Louisiana to use medical marijuana in our state without fear of criminalization. It's a common-sense policy that has been adopted in an overwhelming majority of other states with medical marijuana programs, and now Louisiana has joined their ranks.

Partner: Marijuana Policy Project

#### HB 629 (Act 473)

HB629 (Act 473) by Rep. Marcus Bryant bars law enforcement officers from using marijuana odor as a pretext for searching someone's home without a warrant.

With smokable medical marijuana now legal in Louisiana, and many other products that smell like marijuana also legal, the odor from the plant does not necessarily indicate a crime is being committed. Therefore, law enforcement shouldn't be able to use the odor as a pretext for searching someone's home without first obtaining a warrant. And with the passage of this law, they won't be able to.

Partner: Marijuana Policy Project

#### HB 746 (Act 496)

HB746 (Act 496) by Rep. Royce Duplessis sets comprehensive, detailed, common-sense limits on the use of solitary confinement in lockups run by Louisiana's Office of Juvenile Justice.

We joined the Louisiana Stop Solitary Coalition, which includes the Louisiana Center for Children's Rights, Voice of the Experienced, and the Justice & Accountability Center of Louisiana, to help pass this bill. It lays out a comprehensive set of rules that OJJ administrators and staff will have to follow regarding the use of solitary confinement in their facilities, including strict rules about when solitary confinement can be used (i.e., rarely), how long it can be used for (up to eight hours), and how to monitor juveniles who are in solitary confinement.

Most juveniles who are locked up have suffered serious trauma in their lives. Solitary confinement only exacerbates that trauma, especially when it is overused.

Leads: Louisiana Stop Solitary Coalition, Louisiana Center for Children's Rights, Voice of the Experienced, Justice & Accountability Center of Louisiana

#### HB 775 (Act 499)

HB775 (Act 499) by Rep. Cedric Glover legalizes marijuana paraphernalia for medical marijuana patients.

Last year, the legislature legalized smokable marijuana for medical use, and it became available at pharmacies at the beginning of 2022. However, the tools needed to use that medicine were still illegal, creating a legal Catch-22. Rep. Glover's bill solved that paradox, clearing the way for patients to legally purchase and administer their medication.

Partner: Marijuana Policy Project

## **Economic Opportunity for Marginalized Communities**

#### HB553 (Act 628)

HB553 (Act 628) by Rep. Scott McKnight reduces barriers people with criminal records face when trying to find work in the medical marijuana industry.

Until now, people with criminal records were more or less barred from working in the medical marijuana industry due to overly restrictive rules and regulations. This bill gives employers in the industry far more leeway to hire whoever they think will help them improve their business, regardless of that person's criminal history.

Partners: Marijuana Policy Project, Justice & Accountability Center of Louisiana, Voice of the Experienced

#### HB 639 (Act 486)

HB639 (Act 486) by Rep. Thomas Pressly allows people with criminal records to ask an occupational licensing board if their record disqualifies them from obtaining a license before they begin their educational and/or licensure process, provides for individual consideration of applicants, and sets up a framework that licensing boards can use to determine if a person's conviction is related to the profession in which they are seeking a license.

People with criminal records face a number of hurdles as they try to re-enter society Finding a job is at the top of that list. This transparency bill allows people with records to find out on the front-end whether they will qualify for an occupational license before they invest necessary time and money on education and training for a license they may never be able to acquire.

Partners: Right on Crime, Pelican Institute, Justice & Accountability Center of Louisiana, Louisiana Budget Project, Americans for Prosperity—Louisiana

#### HB 729 (Act 494)

HB729 (Act 494) by Rep. Royce Duplessis sets limits on when media outlets can publish mugshots and requires them to include a disclaimer that people are innocent until proven guilty when they do publish mugshots of the people who are arrested for crimes that are exempted from this bill. Those exemptions apply to people who are arrested on suspicion of committing a violent crime, those who have previously been convicted of a crime, someone who is deemed a danger to the community, or someone who is a fugitive.

The bill also gives people who haven't been convicted of a crime, but who's mugshots have been published by extortive publications that often publish mugshots for sensationalism and ad revenue, and then charge people to have their mugshots removed, the right to request that their mugshot be removed from those publications, and provides them with a cause of action to sue if those publications don't comply with the request.

Publishing mugshots serves no social value, and only acts as a modern-day Scarlet Letter that follows people around on the internet for years. It's particularly dangerous considering that more than half of people who are arrested either have their charges dropped or are found not guilty. This bill helps preserve the presumption of innocence, ensure people's right to a fair trial, makes it easier for people who aren't convicted of a crime to move on with their lives, and will help restrict the extortive mugshot publishing industry.

Partner: Justice & Accountability Center of Louisiana

#### HB 988 (Act 651)

HB388 (Act 651) by Rep. Mandie Landry establishes workplace protections for certain state workers who have medical marijuana recommendations

Before this bill was passed, Louisiana's workers and employers lacked any guidance about how to treat workers who have medical marijuana recommendations. It's a problem that became even more acute when the state allowed the use of smokable marijuana for medical purposes at the beginning of 2022, and experienced a corresponding, significant increase in patients.

Rep. Landry's bill is an initial step toward filling this policy gap by ensuring that certain state workers (first responders and workers who operate heavy machinery aren't protected) who are medical marijuana patients can't be fired for testing positive for marijuana.

#### **Government Ethics & Transparency**

#### HB 188 (Act 39)

HB188 (Act 39) by Rep. Debbie Villio requires digital political ads to adhere to the same disclosure and honesty rules as all other types of political ads.

The use of digital political ads has exploded over the past 20 years, and many candidates now spend more on these types of ads than they do on TV, radio, and newspaper ads combined. Yet the state Election Code had not been updated to reflect that reality, and digital political ads haven't been required to disclose who's paying for them or even to tell the truth.

#### HB248 (Act 452)

HB248 (Act 452) by Rep. Matthew Willard removed Robert E. Lee Day and Confederate Memorial Day from the list of state holidays.

Robert E. Lee commanded a violent insurrection against the United States government. The Confederacy was the most destructive period in our country's history, leading to hundreds of thousands of unnecessary deaths. They should not be celebrated, and certainly shouldn't be officially recognized as state holidays.

Lead: Southern Poverty Law Center

### **Bills Opposed**

Passing progressive legislation is our priority, but it's often just as important to oppose bad legislation. We try to be very targeted with the bills we choose to oppose, focusing on policies that would be clearly harmful to the people of our state, especially communities who don't normally have the capacity to make their presence felt at the Capitol.

To that end, we focused on opposing five bills:

#### SB 189 By Sen. Bodi White

SB189 by Sen. Bodi White sought to carve racially diverse neighborhoods out of the Central School District in East Baton Rouge Parish.

More than a decade ago, Sen. White successfully led an effort to create a separate school district for Central, an overwhelmingly white city in East Baton Rouge Parish. In order to avoid a potential federal lawsuit based on racial segregation, a couple of majority-Black neighborhoods were included in the new school district. This year, Sen. White brought a bill to remove those racially diverse neighborhoods from the district.

Not only was SB189 racist, it would have had a major negative economic impact on those neighborhoods. The Central school district is very highly rated, and the property values of the homes in the district reflect that high rating. Removing that neighborhood from the district would have devalued those properties by at least 15%.

We teamed up with Together Baton Rouge and the Power Coalition for Equity and Justice to turn people out for the House Education committee hearing on the bill to talk about how upset they were, which derailed the bill's progress in the legislature.

Partners: Together Baton Rouge, Power Coalition for Equity and Justice

#### SB318 by Sen. Steward Cathey

SB318 by Sen. Steward Cathey would have repealed the Raise the Age Act, which increased the age when people are considered juveniles in Louisiana's criminal justice system from 17 to 18. Repealing that Act would clear the way for more juveniles to be incarcerated in adult prisons.

The Raise the Age Act was only passed a few years ago, and there isn't any evidence that it has contributed to increased crime. Repealing it this soon would have been irresponsible and unjust.

Leads: Louisiana Center for Children's Rights, Voice of the Experienced

#### SB381 by Sen. Rick Ward

SB381 by Sen. Rick Ward would have created a new predatory lending product. After narrowly making it through both chambers of the legislature, it was vetoed by Governor Edwards

Louisiana has one of the highest poverty rates in the country. Payday loans and other predatory lending products help keep that rate high, and further trap people in poverty by charging them interest rates and fees that make these loans almost impossible for a low-income earner to repay. This particular product was especially dangerous, with rates and fees that could have combined to equal a 100% charge on top of the original loan (e.g., a \$1500 loan would have cost \$3000 to repay).

The Louisiana Budget Project led a coalition of organizations in opposition to this bill. While it wasn't quite enough to stop it as it went through the legislative process, the campaign was effective enough to make it an easy veto for Governor Edwards.

Lead: <u>Louisiana Budget Project</u>

#### HB 700 by Rep. Larry Bagley

<u>HB700</u> by Rep. Larry Bagley would have criminalized juveniles more harshly than adults for possessing 14 grams or less of marijuana.

Last year, the legislature passed HB652 by Rep. Cedric Glover to partially decriminalize possession of 14 grams or less of marijuana. For some reason, Rep. Bagley felt that measure should be rolled back, but only for juveniles. If this bill had passed, it would have been the only law on the books in Louisiana where juveniles were criminalized more harshly than adults for the same offense.

Partners: Louisiana Center for Children's Rights, Marijuana Policy Project

#### HB 837 by Rep. Dodie Horton

HB837 by Rep. Dodie Horton was the Louisiana version of the "Don't Say Gay" bill.

The Louisiana version of the so-called "Don't Say Gay" bill, which would have barred educators from discussing gender issues in the classroom, among other things, was one of the worst pieces of legislation this year. Not only was it cruel and unnecessary, it was poorly written and didn't make any practical sense-i.e., it would have been impossible to implement and/or enforce.

Our College Fellows and members of our board of directors, in particular, took an active role in fighting against this bill from the moment it was filed.

Partners: Forum for Equality, Louisiana Trans Advocates

### **Bills Failed**

Eleven bills we worked on didn't make it all the way through the process, including five bills that took different approaches to raising Louisiana's minimum wage. However, some of these losses helped move the conversation forward on the issues we were trying to address, and we'll continue working on them.

- **1.** <u>HB246</u> by Rep. Tammy Phelps would have created a five-day grace period after a first-time lapse in auto insurance before the Office of Motor Vehicles charges a fine. **Partner**: Justice & Accountability Center of Louisiana
- 2. HB485 by Rep. Denise Marcelle sought to reduce the collection fee the Louisiana Office of Debt Recovery charges from 25% to 10%.

Partner: Justice & Accountability Center of Louisiana

- 3. <u>HB707</u> by Rep. Royce Duplessis attempted to expedite the process for expunging criminal records and significantly reduce fees for those expungements.

  Leads: Justice & Accountability Center of Louisiana, Voice of the Experienced
- **4.** HB774 by Rep. Cedric Glover would have reduced the waiting period for record expungements for convictions for possession of 14 grams or less of marijuana from five years to 180 days.

Partners: Justice & Accountability Center of Louisiana, Marijuana Policy Project

**5.** HB1028 by Rep. Cedric Glover would have partially decriminalized marijuana paraphernalia (no possibility of jail time, \$50 fine).

Partner: Marijuana Policy Project

**6.** HB1063 by Rep. Matthew Willard tried to provide more transparency for renters with criminal records before they pay a housing rental application fee.

Partners: Step Up Louisiana, Louisiana Fair Housing Action Center, Voice of the Experienced

#### Minimum wage increases

Partners: <u>Louisiana Budget Project</u>, <u>Step Up Louisiana</u>, <u>Power Coalition for Equity and</u> Justice, United Way of Southeast Louisiana

- SB26g by Sen. Regina Barrow tried to create a constitutional amendment that would have went to the voters to raise the minimum wage to \$10.25 p/hr in 2023, then indexed it to inflation going forward.
- HB229 by Rep. Kyle Green was the House version of Sen. Barrow's bill.
- HB311 by Rep. Denise Marcelle would have set the state minimum wage at \$10 p/hr in 2023, with incremental increases in years to follow.
- HB472 by Rep. Tammy Phelps would have doubled the current tipped minimum wage from \$2.13 p/hr to \$4.26 p/hr.
- HB1013 by Rep. Malinda White sought to increase the minimum wage for state workers from the current federal rate of \$7.25 p/hr to \$9 p/hr.

#### IN THE PRESS

#### LOUISIANA ILLUMINATOR

#### Republicans block multiple efforts to raise Louisiana minimum wage

Louisiana's minimum wage ranked among the lowest in the country

#### daily advertiser

'It's not right': Will Louisiana raise the minimum wage? Four attempts have already failed

Piper Hutchinson LSU Manship School News Service

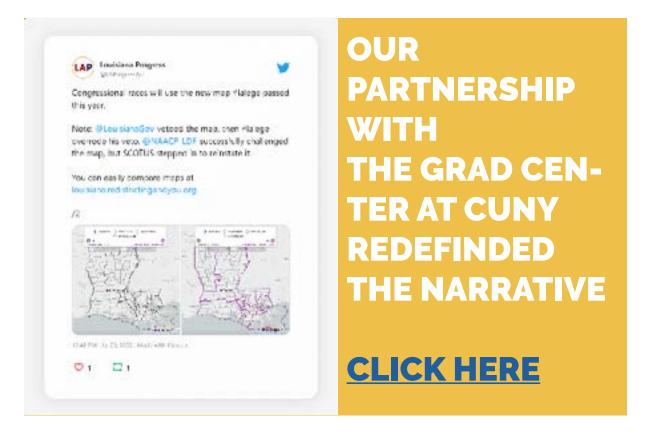
## Redistricting

Like every other state, Louisiana's state and local governments went through the redistricting process this year, coming out of the 2020 Census. We spent more than two years organizing and educating people leading up to the special legislative redistricting session in February, and local efforts that also took place in the first half of the year.

We primarily advocated for two particular outcomes in all new maps:

- 1. Fair, representative racial representation
- 2. More competitive districts

Louisiana's Black and brown populations have been severely underrepresented throughout the state's history. Non-competitive districts, i.e., "safe seats," incentivize political extremism and make it nearly impossible to hold elected officials accountable, which often makes people feel like their vote doesn't count. Both of these issues need to be addressed if we are to have a healthy democracy and thriving society.



#### **State**

In meetings across the state, during the legislative "roadshow" where the committees in charge of redistricting at the Capitol traveled the state to hear from citizens, and in every space where people would have us, we talked about the two principles laid out above. Our goal was to help people understand the importance of redistricting and make their voices heard on the issue.

We were one of many groups working toward a similar goal, and our collective efforts helped turn out hundreds of Louisianans who asked for fair representation. Unfortunately, a majority of state legislators refused to listen. They instead passed maps that largely kept the status quo intact, continuing to disenfranchise Black and brown communities, while ensuring themselves easy paths to reelection.

The congressional and state legislative maps they passed are now being tried in federal courts, with a ruling from the Supreme Court likely to come in 2023. It's disgraceful that our legislature couldn't just do the right thing from the beginning.

To aid in our efforts, we also teamed up with the <u>CUNY Graduate Center</u> to create <u>louisiana.redistrictingandyou.org</u>, an interactive redistricting tool that makes it easy for people to dive into the subject and become experts in a matter of minutes.

Partners: ACLU of Louisiana, Fair Districts Louisiana, Power Coalition for Equity and Justice, Southern Poverty Law Center, Black Voters Matter, NAACP Legal Defense Fund, Louisiana NAACP, CUNY Graduate Center

#### Local

We took the same fight to the local level, especially during school board redistricting battles in Jefferson, East Baton Rouge, and Pointe Coupee parishes. Unfortunately, two out of three of those bodies also passed maps that didn't properly represent the demographics of their respective parishes. Fortunately, at least Pointe Coupee officials did the right thing, adding one more majority-minority district to both their school board and parish council.

Partners: Jeremiah Group, Westside Sponsoring Committee, Power Coalition for Equity and Justice, Step Up Louisiana

## Our Partners & College Fellows

Obviously, we can't do any of this alone. Building power and winning on difficult issues takes a village. We are incredibly lucky that we get to work with so many incredible partner organizations and advocates who can come together to form winning coalitions. Those partners are listed below in alphabetical order.

We are also deeply indebted to our College Fellows who worked so hard on the incredibly important research and communications materials that form the backbone of our organization. They, too, are listed below in alphabetical order, along with their university.

#### **PARTNERS**

**ACLU of Louisiana** Americans for Prosperity-Louisiana **Black Voters Matter CUNY Graduate Center** Fair Districts Louisiana Forum for Equality Jeremiah Group Justice & Accountability Center of Louisiana Louisiana Appleseed Louisiana Budget Project Louisiana Center for Children's Rights Louisiana Fair Housing Action Center Louisiana NAACP Louisiana Trans Advocates Marijuana Policy Project NAACP Legal Defense Fund Pelican Institute Power Coalition for Equity and Justice Right on Crime Southern Poverty Law Center Sexual Trauma Awareness and Response (STAR) Step Up Louisiana Together Baton Rouge United Way of Southeast Louisiana

Voice of the Experienced

Westside Sponsoring Committee

#### **FELLOWS**

Charles Barjon, Southern University
Drake Brignac, Louisiana State University
Jhalen Brown, Southern University
Ryan Castellon, Louisiana State University
Elijah Crawford, Southern University
Nathaniel De La Pena, Louisiana State University
Jalexis Edwards, Southern University
Valerie Johnson, Southern University
Merrilee Montgomery, Tulane University
Jaidyn Nix, Southern University



