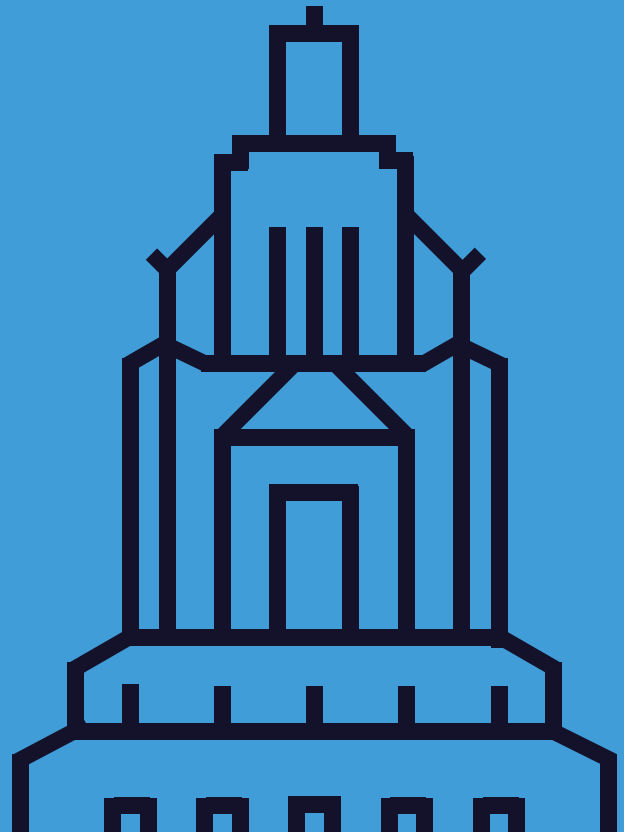


# Legislative Session 2023

A LOOK AT LOUISIANA'S 2023  
LEGISLATIVE SESSION AND  
OUR WORK THROUGHOUT



# Executive Summary



This year, like we do every year, our team at Louisiana Progress worked to find concrete ways to reduce poverty in our state and build a more just and equitable Louisiana. Pursuing that mission included analyzing systems and policies that disproportionately harm lower income communities, and trying to find incremental progress toward making those systems and policies more fair, efficient, effective, and transparent.

Our primary targets for reform were traffic enforcement, minor drug offenses, and the user-pay criminal justice system and the public-sector debt collection business it helps fuel. We know these issues disproportionately harm people at the lower ends of Louisiana's socioeconomic spectrum, often burdening them with financial costs and penalties they simply cannot afford, which further traps them in generational cycles of poverty and criminalization.

## 2023 Legislative Wins

We worked with state legislators and advocacy partners to introduce more than a dozen bills, and we were able to play a key role in getting five of them passed into law, as well as an important study resolution:

### Lead or Co-Lead

- [House Bill 89](#) by Rep. C. Denise Marcelle to require the Louisiana State Police to collect and publish traffic stop data.
- [House Bill 286](#) by Rep. Delisha Boyd to make it easier and cheaper for people to expunge first-time, simple marijuana possession charges from their records.
- [House Bill 447](#) by Rep. Vincent Pierre to require agencies that refer debts to the Louisiana Office of Debt Recovery to provide more data and transparency.

### Support

- [Senate Bill 111](#) by Sen Royce Duplessis to reform Louisiana's criminal record expungement process (Lead: [Justice & Accountability Center of Louisiana](#)).
- [House Bill 568](#) by Rep. Tammy Phelps to create a 5-day grace period the first time someone's auto insurance lapses before they are assessed OMV fines.
- [Senate Concurrent Resolution 45](#) by Sen. Mark Abraham to create a committee to study judicial discretion for sentencing people convicted of accessory to 2nd degree murder—they are currently automatically given life without parole (Leads: [Louisiana Parole Project](#), [Together Louisiana](#), [The Sentencing Project](#)).

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# College Fellows & Advocacy Partners



**None of our work**, and certainly none of our success, would be possible without our team of talented, dedicated, hard-working College Fellows. The Fellows who researched and developed policies, and advocated for those policies, during the 2023 legislative session are listed below, and much of this report will be made up of them telling their own stories of their journeys in this work.

Nathaniel Dela Peña, Louisiana State University  
Elai Levinson, Louisiana State University  
Merrilee Montgomery, Tulane University  
Jaidyn Nix, Southern University

Other Fellows who participated in previous cohorts in 2022 and 2023 helped lay the groundwork for what we were able to accomplish this legislative session, including:

Jhalen Brown, Southern University  
Jalexis Edwards, Southern University  
Valerie Johnson, Southern University  
Maya Jones, Southern University  
Jordan Martijn, Southern University

You can learn more about our College Fellows program on our website at <https://louisianaprogress.org/college-fellows>

## Advocacy Partners

Successfully researching, developing, and advocating for good policy is a team sport, and we've been blessed to work with exceptional partners over the years. It's impossible to name them all, but the partner organizations who have played the biggest role in shaping our understanding of policy and society, and who have been the most instrumental in advocating for the bills we've worked on are listed below. Each of these organizations is a powerhouse, and we are constantly grateful they allow us to be their partners.

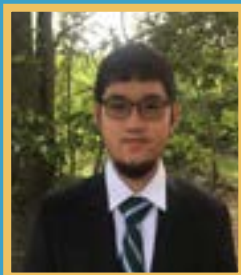
[Alliance for Affordable Energy](#)  
[Justice & Accountability Center of Louisiana](#)  
[Louisiana Budget Project](#)  
[Louisiana Policy Institute for Children](#)  
[Marijuana Policy Project](#)  
[Right on Crime](#)  
[Sierra Club-Delta Chapter](#)

[Step Up Louisiana](#)  
[Taproot Earth](#)  
[The Jeremiah Group](#)  
[The Water Collaborative](#)  
[Together Baton Rouge](#)  
[Voice of the Experienced](#)  
[Westside Sponsoring Committee](#)

You can learn more about the constellation of advocacy organizations in Louisiana, and our core partners, on our website at <https://louisianaprogress.org/advocacy>.

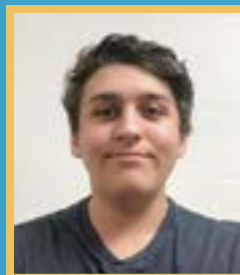
## Our Fellows

Learn more about them [here](#).



**NATHANIEL  
DELA-PEÑA**

Louisiana State University



**ELAI  
LEVINSON**

Louisiana State University



**JAIDYN  
NIX**

Southern University



**MERRILEE  
MONTGOMERY**

Tulane University

# Legislative Session Overview



The 2023 Louisiana regular legislative session, and the one-day veto-override session that followed it, were noticeably more acrimonious than past sessions. Over the last decade, most state legislatures across the country—especially in the South—have turned into microcosms of the national political scene, rife with polarization and discord.

Louisiana certainly hasn't been immune to those trends, but has been slower to move in that direction, until this year, when those national trends seem to have fully taken over the state. As House Speaker Pro-Tem Tanner Magee put it in what was formerly known as a tweet announcing he won't be running for re-election this year, the legislature has turned into a "toxic stew" where "factionalism and outside interest groups have reshaped BR (Baton Rouge)."

But, as noted above, this is an election year, and one-third or more of the legislature is likely to turn-over. We'll see an even higher degree of turnover in statewide offices, including governor, treasurer, insurance commissioner, and secretary of state where the incumbents in those offices are either term-limited or have decided not to seek re-election. That turnover creates a lot of opportunities for Louisiana's voters to lead our state in a new direction.

## **Building a Better Louisiana One Brick at a Time**

Just as Louisiana didn't make it to the bottom of all the good lists and the top of all the bad lists overnight, it will take time to make our state a place where everyone can thrive. At Louisiana Progress, we sometimes think of our work as building a house of justice in Louisiana, a house that is safe and comfortable for all. You don't build a house by hanging the roof first then adding the walls and foundation underneath it. You start with the foundation and then build up on top of it, brick-by-brick.

That's what we try to do with our state and local policy advocacy. Each legislative session, we try to build that house by working off of the foundation we laid in previous years. In 2021, we [led the way](#) in working to end the failed War on Drugs, which has actually been a 50-year long War on Poor People, by helping to pass House Bill 652 by Rep. Cedric Glover to decriminalize simple marijuana possession. That success put us in a strong position to take a lead role in passing nine more laws in the [2022 legislative session](#), most of which directly addressed ways that poor people get caught up and trapped in the criminal justice system, including House Bill 726 by Rep. Rodney Lyons to outlaw debt-based incarceration.

In 2023 we added a few more bricks, including House Bill 89 by Rep. C. Denise Marcelle that requires the Louisiana State Police to collect and report traffic stop data, providing a level of transparency that hasn't previously been achieved in Louisiana policing.

# Traffic Enforcement Reform



At Louisiana Progress we often talk about “decriminalizing poverty.” The criminal justice system across the U.S., and especially in Louisiana, makes it very easy for poor people to get swept up into it and then trapped there because they lack the resources to quickly dispose of minor charges. Traffic enforcement is one of the most egregious examples of this.

For the 2023 legislative session, our team looked at several reforms we might introduce to try to limit the harms of over-aggressive traffic enforcement. We ended up working with legislators to file two bills that dealt with reforming traffic enforcement practices:

- [House Bill 89](#) by Rep. C. Denise Marcelle to require the Louisiana State Police to collect and publish traffic stop data.
- [House Bill 322](#) by Rep. Matthew Willard to downgrade certain traffic violations to secondary offenses (meaning they can’t be the primary reason for a stop).

House Bills 89 passed, while House Bill 322 made it out of committee but failed on the House floor. Both of these bills required considerable negotiation. House Bill 89 started out targeting all law enforcement agencies in Louisiana, but was scaled back to focus on the State Police after Rep. Marcelle and members of our team met with law enforcement agencies, including the Louisiana Sheriffs Association and the Louisiana Fraternal Order of Police.

House Bill 322’s initial posture included a long list of minor infractions—like one broken headlight or taillight, one broken turn signal, or a loud exhaust system—that we hoped to reduce to secondary offenses. But after extensive negotiations with the law enforcement community, Rep. Willard amended the bill to only include jaywalking and driving with an expired inspection sticker. Nonetheless, the bill was met with opposition from several local law enforcement agencies, dooming its chances on the House floor.

Two of our College Fellows, Jaidyn Nix of Southern University and Elai Levinson of Louisiana State University, did a lot of research and advocacy on these bills. You can read their reflections on their experiences over the next several pages.

# Progress Fellow Perspective

By Jaidyn Nix, Southern University

This 2023-2024 school year was my first full term as a Louisiana Progress College Fellow. I joined in the spring of 2022 and got a small glimpse of the preparation that goes into being ready for the legislative session here in Louisiana. Then, in preparation for the 2023 legislative session, some of the other Louisiana Progress College Fellows and myself extensively researched traffic enforcement protocols and fatal incidents resulting from traffic stops across the country, with a focus on Louisiana.

This topic is very important and needs to be studied.

Since 2017, nearly 600 people have been killed by U.S. police during a traffic stop. This number is a direct representation of how police conduct needs to change in America. Ronald Greene, Philandro Castile, and Tyre Nichols are just a few of the people who were killed during a traffic stop. As a Black woman, I recognize how traffic enforcement directly affects my community. Black people are only 13% of the U.S. population, but Black drivers are 28% of those killed in traffic stops. These statistics are disturbing and showcase how law enforcement officers across the U.S. have major problems with how they are conducting these “routine” stops.

In June 2022, the Department of Justice announced that it was investigating the Louisiana State Police to determine whether or not there is evidence of excessive force and racially discriminatory policing within the organization. As I researched this topic further, I was surprised to read what the current protocol is for enforcing many traffic offenses, like having one broken taillight, which are minor, in my opinion, and should be changed to a secondary offense. That idea became my main focus for the 2023 Legislative Session.

In the beginning, I knew very little about traffic enforcement procedure and reform. I started by researching which states have started to implement reforms. Oregon and Virginia were two prominent examples of states that have passed legislation to reduce the types of offenses that drivers can be pulled over for. These states also recognized that there was a wide racial disparity in these stops. Our team was inspired by these bills, and extensively researched them to learn about the differences in the communities where these bills were passed and the way the police reacted to and from implementing them.

We partnered with State Rep. Matthew Willard on a bill that would have reduced offenses like having one broken headlight or taillight, one broken turn signal, or objects dangling from the rearview mirror to secondary offenses, meaning they couldn't be the primary reason for a traffic stop. As we negotiated with law enforcement officials on this bill, it became clear our initial approach had no chance of passing, and we were forced to limit it so that only jaywalking would be a secondary offense, while also providing people with an extra month of driving with an expired inspection sticker before they could get pulled over for that offense.

I was disappointed that the other offenses had been dropped, but was still hopeful that some change could be brought about through this bill. Unfortunately, the bill still did not ultimately pass. It made it out of a House committee, but was killed on the House floor. After the vote on the floor, I started to think about how any real change can be made around policing in Louisiana when it seems like law enforcement is still apprehensive about even the most minor reforms.

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# Progress Fellow Perspective

By Jaidyn Nix, Southern University (Continued)

I believe that no time is better than now for law enforcement and the federal government to implement legislation and procedures that will help decrease the tension between the police and the communities they serve and protect. This is a time to be proactive not reactive, a time to change the narrative and create a safer environment for everyone. This can not be done without analyzing our current systems and finding ways to make them better. The Louisiana government had a chance to be a leader in traffic enforcement reform during this legislative session, but sadly they did not step up to the plate.

I also researched a bill that would have required police to advise people of their 4th Amendment right to refuse a search before initiating a search during a traffic stop, which became House Bill 557 by State Rep. Rodney Lyons. This bill could have been a huge help in citizens fully grasping their 4th Amendment rights and protecting them from unreasonable searches and seizures, but it didn't go anywhere during the session.

Taking everything into account, I was really pleased with the work and research done by this team of Fellows. This was not an easy Legislative Session by any means. Bills were constantly being edited or deferred, but our team remained focused. As I reflect on this particular session I do wish that I could say I was proud of the growth that was made by the Louisiana government. I believe that more of an effort could have been made to make a better state, whether that be with marijuana reform legislation, traffic enforcement, or even just raising the minimum wage. I want these lawmakers to deeply understand that these measures are trying to help the people they swore to serve.

I believe that these legislators should do extensive research on the topics that these proposed bills are covering during the legislative session. The job of explaining statistics or background should not solely fall on citizens or advocacy organizations. Legislators can go back to their parishes and survey the opinions of their communities, especially those who have historically been forgotten.

This year I was very excited that I had more time to be able to visit the State Capitol. I witnessed numerous committee hearings and heard testimonies from citizens across the state. I noticed that when these testimonies are given it isn't necessarily a very accepting environment, and many speakers were simply ignored. If this isn't resolved soon an even larger split will be formed.

Social and political tensions are very high around the country. People are becoming more and more divided. Creating a better and more united America can begin when our government officials are more in tune with the communities they serve. Now is the time for the voices of those who are systemically silenced to be brought to the forefront to be heard. I'm happy to say that I am a part of an organization that seeks to do exactly that and enact real change.

Working with Louisiana Progress has been one of the major highlights of my college career. I'm so thankful to have the opportunity to work with individuals who are so spirited and set on helping to implement change through policy. This 2023 Legislative Session reminded me that growth doesn't happen in a day, and setbacks aren't failures unless you quit.

# Progress Fellow Perspective

By Elai Levinson, Louisiana State University

My journey with Louisiana Progress began during my freshman year at LSU. I had always been interested in politics, and had hoped to find work in the field at some point during my college years, but I never expected to have found meaningful political work so soon. I'm thankful it has been with this organization.

I came to LSU from out of state, without knowing anyone in Louisiana, and the culture shock was a difficult adjustment at first. I struggled to make friends and often felt homesick, but I looked forward to classes. I thought that if I kept myself occupied with class and/or work, I could distract myself from some of those feelings. My favorite class was an American Government class taught by Dr. Melissa Flournoy. The subject material was interesting and Dr. Flournoy's lectures added to the experience. I introduced myself to her a few weeks into the fall semester, and I stayed after class to discuss politics, history, and current events with her enough times that she knew my name. Eventually, I was comfortable asking her about any politics-based work, and she recommended that I apply for Louisiana Progress's College Fellows program.

I followed her advice, applied, and was accepted into the program. The first fellows session I was a part of started in January of 2023. We had Zoom meetings twice a week; once on Mondays to discuss the week's agenda, and then again on Fridays to recap our work over the past five days. I was joined by another new fellow, which helped me feel better about being overwhelmed, and alleviated the pressure I felt about possibly falling behind. I grew increasingly more comfortable and confident, and felt prepared going into the legislative session.

Our policy agenda at Progress included many bills, including one that would require law enforcement agencies in Louisiana to collect and publish traffic stop data. The goal of that legislation would be to gain transparency into whether those law enforcement agencies were engaging in racial profiling, disproportionately pulling people over minor offenses, or engaging in other unnecessarily aggressive behavior during those stops. My main task was to research this policy by examining its implementation in other states and determining the best ways to advocate for the bill in Louisiana, especially in the state legislature. I mostly relied on a law from Virginia's 2020 legislative session in order to get a better understanding of the language for the bill, and to understand the response from the police and the public.

One of the best things about being a part of this team is the collaboration. For this police data bill, we found that similar legislation had been passed in 2001, but there was an exception clause that effectively nullified the intended effect of the law. Our goal became clear: Find a representative to sponsor a bill that removed this clause from the statute.

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# Progress Fellow Perspective

By Elai Levinson, Louisiana State University (Continued)

State Rep. Denise Marcelle agreed to carry the legislation, and it was filed as House Bill 89 for the 2023 legislative session. In my research, I learned how to effectively advocate for the bill, including writing an article for our 'Progress Blog,' which was published once HB89 had passed the House and was awaiting final passage in the Senate. The bill has since passed both chambers and was signed into law by Governor Edwards on June 8th, 2023. Despite having an otherwise difficult session, with much of our agenda being opposed, seeing HB89 get through was a huge accomplishment and very satisfying, and working on the bill at the state Capitol was a great learning experience.

I found out how difficult the legislative process can be on my first day at the Capitol. In the House Ways and Means committee, just a few days into the 2023 legislative session, one of our bills was killed, and I noticed that members of the Progress team were upset and disappointed, but not surprised. This worried me, because I started doubting if getting anything done on our agenda would be possible. But through frequent visits to the Capitol, I regained some of that lost hope. While we did not get everything we wanted, we got some great legislation passed. I also became acquainted with many other advocates, activists, and lobbyists who keep returning to Baton Rouge each year, facing an uphill battle, with the goal of getting bills passed that will create positive change in Louisiana. I continue to be inspired by the perseverance of our allies, and even with the 'doom and gloom' vibe that clouded the state legislature this past session, I always looked forward to my days at the Capitol.

Despite my difficulties adjusting to a new environment, and frequent feelings of loneliness and isolation, I found purpose at Progress, and I knew that I made the right choice coming to Louisiana. I don't expect the coming years to be any less difficult or draining, but I can take solace in knowing that no one will ever stop me from enjoying the bus ride on Highland Road, the walk along 4th Street, and the stroll through the Gardens when I make my way to the Capitol.

# Drug Offense Reform



Minor drug offenses are another example of how poor people can get trapped in the criminal justice system. For example, studies show that people of all races and economic statuses use marijuana at about the same rates, but poor people, young people and, especially, Black and brown people are far more likely to be arrested and charged with marijuana crimes than wealthier people and white people.

One of our long-term goals at Louisiana Progress is to end the “War on Drugs” and ultimately eliminate its disproportionately harmful impact on low-income communities. But we can only do that one brick at a time. This year, we partnered with legislators to introduce three bills that helped us move the conversation forward, and one of them ultimately passed:

- [House Bill 286](#) by Rep. Delisha Boyd makes it easier and cheaper for people to expunge first-time, simple marijuana possession charges from their records.
- [House Bill 351](#) by Rep. Mandie Landry was an attempt to ensure that a medical marijuana patient has the same workplace protections as someone with a prescription for a controlled substance.
- [House Bill 620](#) by Rep. Barbara Freiberg was a bill to establish a tax rate in the event the Louisiana legislature ever legalizes the adult-use marijuana industry, and dictate where that eventual tax revenue would go. Details of the bill included:
  - 15% state sales tax on top of existing state/local sales taxes (= ~25% total tax), with revenue distributed as follows:
  - 50% to state general fund
  - 30% to directly fund the justice system and relieve the reliance on user-pay, aka criminal fines and fees
  - 20% to early childhood care & education

House bills 351 and 620 didn’t pass, but the committee hearings and news coverage they received helped us move the needle on these issues and gave us opportunities to educate elected officials and the public on problems like criminalizing low-level drug offenses and the user-pay criminal justice system, early childhood care and education, and discrimination against people with medical marijuana recommendations.

We were also able to present economic projections that were developed by experts at the Vicente Law Firm showing that a legal adult-use marijuana market in Louisiana would likely become a \$1 billion industry in a few short years, and that it would bring in more than \$200 million in annual tax revenue under our proposed tax plan.

Our College Fellow Nathaniel Dela Pena was a key part of the campaigns to support these bills, and he describes his experience advocating for them, and what he witnessed in the legislature more generally this session, in the essay below.

# Progress Fellow Perspective

By Nathaniel Dela Peña, Louisiana State University

As I reflect on my work and Louisiana Progress's work for the 2023 Louisiana legislative session, I believe this session has been grueling and difficult due to the increasing partisanship within the legislature. From unnecessarily vitriolic encounters between the right and left to a concerning fascination in joining the ongoing national culture wars, there are many reasons why one should look to the future with concern.

However, I am proud to work with a team that has tried to overcome this gloomy political environment. While the bill I have spent time researching, House Bill 620, did not pass out of committee, I am proud that some of our most important bills have made it out of committee and made it to the governor's desk.

As a fellow, I was responsible for dealing with the research of a potential cannabis tax bill, HB 620. This bill would have set up a tax system in the event the legislature ever legalizes adult-use marijuana in Louisiana. Starting in the fall of 2022, I researched all the states that have legalized recreational cannabis, looking at their taxation rates, taxation structures, which sectors states chose to invest the revenue from their cannabis tax, and the effectiveness of their taxes. And in the spring of 2023, I focused on the campaign aspect of the bill, trying to create talking points and highlighting the reasons we selected our proposed tax rate, tax structure, and division of projected revenue.

Even though the bill I worked on did not pass, I believe that I have contributed, along with my other fellows and our partners in the advocacy community, to an ever-growing movement based on the fact that cannabis is a popular product that Louisiana can take advantage of through legalization and taxation.

I have now experienced three state legislative sessions. Each of the legislative sessions created a different feeling within all of us, but undoubtedly, the legislative session this year was different from my first two. I felt that the political environment within the Legislature became incredibly heated and vitriolic, imitating the national political environment. We can especially see that in the interactions between legislators. In the earlier weeks of the session, we saw Sen. Stewart Cathey and Sen. Regina Barrow almost get into a physical fight over a seemingly innocuous bill dealing with property tax revenue. Even members of the same party got riled up against one another. On the hectic last day of the session, Speaker Schexnayder was heckled by the conservative wing of the state house Republicans for rushing the passage of the final budget for the year, complaining that not enough time was given to legislators to peruse the bill's contents.

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# Progress Fellow Perspective

By Nathaniel Dela Peña, Louisiana State University (Continued)

Sadly, a significant number of legislators desperately pushed national agendas onto the affairs of our state, delving into the playbook of the far-right. Fear of “Others” played a major role in their quixotic attempt to return Louisiana to a nonexistent yet idealized version of our state they seem to have made up in their minds. They appear determined to create a Louisiana without minority communities that fits into their so-called “Christian nationalist” mindset.

It is concerning to see so many legislators tolerate this needless hatred for others and even endorse policies such as banning foreign citizens from countries deemed enemies of the U.S. by the State Department from buying property in Louisiana (Rep. Valarie Hodges’ HB 537).

Let us not forget that many of the citizens from these countries fled to us for protection and to build for a better future. It is ridiculous to assume everyone from these countries holds loyalty to their former home, and it is concerningly reminiscent of the unjust government policies towards Japanese Americans during World War II.

While the political environment has grown even dimmer this year, I am even prouder of the accomplishments we have made in the legislature. For example, we have made it easier for people to expunge an arrest for simple marijuana possession from their records (Rep. Boyd’s HB 286), and we helped pass Sen. Royce Duplessis’s bill to automate criminal record expungements and lower the related fees (SB111).

In spite of the gloomy future, I am proud to have worked with the other fellows, the team at Louisiana Progress, and other advocacy organizations to fight for the most underrepresented people in this state. There’s a whole lot more work to be done, and I am excited to see what the folks here at Progress will do for the next legislative session.

# User-Pay Criminal Justice System & Government Debt Collection Reform



Once lower income folks get swept up for minor traffic and drug offenses, there are further layers to the system that keep them trapped there. Namely, the user-pay system and the massive government-run debt collection scheme it fuels.

The user-pay system is the name for the system where courts and law enforcement receive funding for their operations from the criminal fines and fees they levy and collect. Every state relies on user-pay to some extent, but few, if any rely on it to the same degree as Louisiana.

The user-pay system is a form of backdoor, predatory taxation where criminal justice system actors fund their operations through this type of self-generated income. Those operations need to be funded, but attempting to attain the majority of that funding off the backs of the people who can least afford it is an unstable approach that only serves to further trap people in cycles of criminalization and poverty.

This approach also creates a perverse incentive system for court and law enforcement officials because they are incentivized to create new fines, fees, and costs, aggressively levy those fines, fees, and costs, and then spend vast resources attempting to collect the debts they've created. When people talk about the criminal justice system being "broken," this is the epitome of what they are describing.

We attempted, and found some success, in reforming this system during the 2023 legislative session by working with legislators to file and support the following bills:

- [House Bill 168](#) by Rep. Mandie Landry would have eliminated an unconstitutional \$100 criminal fine that funds the D.A.R.E. program.
- [House Bill 422](#) by Rep. Denise Marcelle would have reduced the Office of Debt Recovery's collection fee from 25% to 15%.
- [House Bill 477](#) (Act 87) by Rep. Vincent Pierre requires state and local agencies that refer uncollected debt to the state's Office of Debt Recovery to provide more data and transparency for those debts.
- [House Bill 568](#) (Act 377), by Rep. Tammy Phelps provides a five-day grace period the first time someone's auto insurance lapses before the state Office of Motor Vehicles starts charging fines.
- [Senate Bill 111](#), by Sen. Royce Duplessis will significantly reform Louisiana's expensive and burdensome criminal record expungement process.

House Bills 477 and 568, and Senate Bill 111, all passed and were signed by the Governor. They will provide greater transparency into how the state government's massive debt collection scheme operates, significantly reduce the number of times people are charged an exorbitant and unnecessary fee for making a simple, easily correctable mistake, and will begin the process of overhauling Louisiana's worst- and most expensive-in-the-nation criminal record expungement process.

# User-Pay Criminal Justice System & Government Debt Collection Reform



House Bills 168 and 422 failed in committee, but after the hearing on 422 Department of Revenue Secretary Kevin Richard promulgated internal department rules lowering that collection fee to 15%. HB168 was met with stiff resistance, despite the fact the federal government stopped funding DARE 25 years ago because it was long ago proven to be ineffective and unnecessarily costly. The State Supreme Court has also ruled that fines like these, where criminal justice system money goes to fund non-criminal justice system entities, are illegal.

We partnered very closely with the Justice & Accountability Center of Louisiana on these bills, and we plan to continue that collaboration into the future as we work to fix the user-pay system. Our College Fellow Merrilee Montgomery also played an instrumental role in our work on many of these bills, and she provides her reflections on that process in the essay below.



# Progress Fellow Perspective

By Merrilee Montgomery, Tulane University

I joined Louisiana Progress as a College Fellow in the summer of 2021. During the 2021-2022 school year, leading up to the 2022 Legislative Session, I focused on super PAC campaign funding, legislator pay, and digital advertisements in election campaigns. When the Louisiana Progress College Fellows regrouped after the 2022 session, I was excited to be reassigned to study the role of money in the criminal justice system, after spending the previous year studying money in election campaigns.

During the Fall of 2022, I read many reports and news stories about the role of fines and fees in the criminal justice system, and the way that fines and fees create a disparate burden on low income communities. These reports quoted statistics from both original research and from other organizations, as well as accounts of personal experiences with the criminal justice system. I concluded that, to make the strongest argument for any fines and fees reform in the 2023 Legislative session, Louisiana Progress should be able to provide the most accurate and complete statistics on the collection and disbursement of fines and fees. Personal accounts are easy to dismiss because they require genuine concern about the person providing the account; and that is not always guaranteed.

Around October of 2022, Louisiana Progress's Executive Director, Peter Robins-Brown, asked me to look at reports from local governments that were provided to the Louisiana Legislative Auditor in response to Act 87 of the 2021 legislative session. Those reports were supposed to provide deeper insight into how much money local governments were collecting in fines and fees, and how they were using that money. I tried to read through these reports to understand the movement of fines and fees from a citizen to different state agencies.

However, the reports were not consistent in classifying disbursements or in naming the entities to which disbursements were sent. These reports listed disbursements from sources not reported in collections. I eventually decided that, in order to wrap my mind around the movement of fines and fees money around Louisiana, I needed to put all the reports in some common form.

Over the 2022 Christmas break, I compiled the fines and fees collection and disbursement data into one spreadsheet. I analyzed and visualized this data and created a dashboard to share this data with the hopes that other people who do not have the time to read reports from 63 parishes (Orleans did not provide a report) could see the inconsistencies in reporting, and the variation in collection and spending. I hoped to further Louisiana Progress's anti-poverty-through-decriminalization agenda by providing supporting statistics and by understanding the details of fines and fees circulation in Louisiana.

In January 2023, I did an anti-racism training that identified "worship of the written word" as a pillar of White Supremacy, or an attitude that can easily be co-opted to support White Supremacy. I did not understand at the time how written documentation of a phenomenon or event could serve White Supremacy. After all, isn't knowledge power and education a privilege? After seeing the amount of research and thought that goes into crafting Louisiana's legal code, I think I understand what that training was describing.

# Progress Fellow Perspective

By Merrilee Montgomery, Tulane University (Continued)

Although our College Fellows term is only 12 weeks, the legal calendar goes from session to session, and the work we do as College Fellows falls into this rhythm. We spend the offseason researching issues, crafting solutions, building coalitions, and finding bill sponsors. At first glance, the outcomes of the session depend on the effort that legislators and advocacy groups put into their bills and causes in the offseason. In reality, the research can direct our bills and our work, but it doesn't get legislation passed.

The power of the written word—our codified knowledge—breaks down when you can't appeal to the emotions of the people who possess power. Opposing statistics have been cited on the same issue. Five minutes of proponent testimony can beat two hours of opposing testimony, and vice versa. I've learned that policy is a strange, semi-opaque veneer that is used to codify and provide legitimacy to different peoples' realities and experiences. Policy is simply layered over reality to preserve and legitimize it.

For example, we did monumental research and negotiation for House Bill 422 to lower the Office of Debt Recovery's (ODR) collection fee from 25% to 15%. The bill acknowledged the reality that the current 25% increase stacked on top of debts referred to ODR is a ridiculous and sometimes insurmountable burden on the people who bear the debt. Yet, the bill died in a House committee. This reality did not receive that veneer of legal recognition. In such a way, written words are just the realities that have been given legitimacy. Some bills are not passed, some books are not published, some experiences are not recorded, some histories are hidden. These are all realities that wither out of public view, without receiving the validation provided by the written word and record.

I spent much of the offseason researching costs and financial flows associated with the criminal justice system. I balked at the inconsistent reporting and inaccessibility of reports. It seems inane to argue based on narratives alone. Data or the "written word" is needed to legitimize people's experience—especially if we want to help publicize the experiences of groups that have historically been ignored. You must prove new discoveries, even if the "discovery" is subjective. Columbus's "discovery" was not really of a "new" land, but of a Native people's history, culture, and community knowledge.

At this systematic disadvantage, out-maneuvering our opposition requires some feat of argument that I am always excited to see Louisiana Progress and our allies succeed at. Some part of me wants to rely on attrition. Many of the legislators that oppose us are old, and part of me thinks that some attitudes will just age out by generation. At the same time, we know that power structures will reproduce themselves and evolve with time. I may outlive some of the people on the other side of the table; however, I will not outlive the ideas they represent.

Although our advocacy work can feel cyclical and up-hill, I have enjoyed the last year of research, brainstorming, and running around the Capitol. I am excited by Louisiana Progress's successes and accomplishments during this Legislative Session, and I have learned as much about our society from the bills that failed as I did from the ones that passed.

# Other Priorities: Clean Air & Water and Consumer Protections



The bills and campaigns you have read about to this point were our primary focuses this legislative session, but we also supported our partners on other initiatives. We chose to support all of the policies below because we believe they further our mission of improving racial and economic justice in Louisiana. Unfortunately, none of the bills passed, but in many cases they were excellent opportunities to present information that we think will help move the ball forward on the issues they attempted to address.

[Senate Bill 90](#) by Sen. Robert Mills to require the state to charge private entities fair market value when they withdraw surface water from Louisiana's waterways ([The Water Collaborative](#)).

[House Bill 180](#) by Rep. Matthew Willard to require landlords to provide more transparency about criminal background checks on rental applications ([Step Up Louisiana](#), [Voice Of The Experienced](#), [Justice & Accountability Center of Louisiana](#) & [Louisiana Fair Housing Action Center](#)).

[House Bill 252](#) by Rep. Robby Carter to bar auto insurers from including ad spending in the base rates they charge their customers ([Real Reform Louisiana](#)).

We also worked with our friends in the environmental justice movement, including the [Alliance for Affordable Energy](#), [Sierra Club–Delta Chapter](#), and [Taproot Earth](#) to push back on what seemed like unquestioning acceptance of the “false solution” of carbon capture and sequestration. Our role was to provide government relations support to their work on the following bills:

- [House Bill 10](#) by Rep. Robby Carter would have removed eminent domain authority from carbon dioxide storage facility operators.
- [House Bill 35](#) by Rep. Robby Carter would have prohibited carbon dioxide sequestration projects in St. Helena Parish.
- [House Bill 120](#) by Rep. Nicky Muscarello would have prohibited the permitting of certain above-surface structures on Lake Maurepas and Lake Pontchartrain.
- [House Bill 267](#) by Rep. Bill Wheat would have placed a moratorium on carbon dioxide sequestration projects on Lake Maurepas and the Maurepas Swamp Wildlife Management Area.
- [House Bill 308](#) by Rep. Bill Wheat would have required an environmental impact statement as part of the coastal use permit application process for certain uses of Lake Maurepas and the Maurepas Swamp Wildlife Management Area.
- [House Bill 312](#) by Rep. Robby Carter would have provided relative to liability and damages resulting from carbon sequestration.
- [House Bill 454](#) by Rep. Sherman Mack would have required a local election for the approval of carbon dioxide sequestration within a parish.

# Bills Opposed: Protecting Your Rights



Finally, we also tried to make sure four bills didn't pass. Fighting against all of these was a group effort, and the bulk of the success in those efforts goes to our partners.

- [House Bill 85](#) by Rep. Mike Johnson ostensibly would have allowed law enforcement officers to enforce an arbitrary 25-foot perimeter around themselves while performing their duties. Although, it was written so broadly as to give that power to any law enforcement officer, regardless of circumstances, even, possibly, while they were off-duty. The bill passed in the legislature, but was vetoed by Governor Edwards. [The ACLU of Louisiana](#), [Louisiana Association of Criminal Defense Lawyers](#), and many others led the way in that battle.
- [House Bill 265](#) by Rep. Bryan Fontenot sought to almost entirely repeal a bill we worked on in 2022 with then-Rep., now-Senator Royce Duplessis that set limits on when the media can publish mugshots. While HB265 ended up passing, it was significantly watered down to keep it from undermining the spirit of that previous bill. We once again partnered with the Justice & Accountability Center, who we had also partnered with on the bill last year, to push back on this one.
- [House Bill 498](#) by Rep. John Stefanski would have set a mandatory minimum bail amount, which would have kept anyone without solid or significant financial means trapped in jail while awaiting trial. This bill made it out of committee, but never came up for a vote on the House floor. Opposition to this bill was so extensive that it would take a whole page to list everyone.
- [House Bill 648](#) by Rep. Gabe Firment was known as the gender-affirming care ban. It's similar to bills that have been passed in other states. We opposed it because we believe it isn't necessary—the government shouldn't be involved in people's personal health decisions—and it is part of a national effort to attack and demonize transgender youth. The bill appeared dead in a Senate committee, but Senate Republicans revived it and ultimately made sure it passed through the legislature. Governor Edwards then vetoed it, before seeing his veto overridden in a special session. [Louisiana Trans Advocates](#), [REJAC–New Orleans](#), the [ACLU of Louisiana](#), [Step Up Louisiana](#), and many other advocates played key roles in this fight.

# From the Streets to the Seats of Power

**Louisiana Progress** is a solutions-driven organization that partners with advocacy organizations, community leaders, activists, students—through our College Fellows program—and elected officials across the political spectrum. Working with our partners, we identify real problems facing Louisiana communities, develop grassroots-driven solutions to those problems, and build strategic coalitions and campaigns to turn those solutions into effective policies.

**Louisiana** is stuck at the bottom of all the good lists because our politics are dominated by special interests that benefit from the status quo. Louisiana needs new ideas and a new generation of leaders who challenge the systemic cronyism and corruption of the past. We must work together to make sure people are informed about the issues that impact their lives, engaged in politics and in their communities, and mobilized to make the change they want to see.

“Never doubt that a small group of thoughtful, committed citizens can change the world: indeed, it’s the only thing that ever has.”

**Margaret Mead**

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