

SUPREME COURT OF LOUISIANA

No. 96-CA-1978

SAFETY NET FOR ABUSED PERSONS

v.

**HONORABLE ROBERT SEGURA AND
HONORABLE KATHRYN BOUDREAUX**

**ON APPEAL FROM THE COURT OF APPEAL,
THIRD CIRCUIT, STATE OF LOUISIANA**

KIMBALL, J., concurring in part and dissenting in part.

I concur with the majority's conclusion that La. R.S. 13:1906 is unconstitutional in the civil context. However, because the additional fee imposed by La. R.S. 13:1906 on all criminal defendants is intricately related to the administration of the criminal justice system, I am compelled to dissent from the majority's contrary holding.

According to the majority, the charge imposed by La. R.S. 13:1906 is not related in any way to the criminal justice system. In my view, this statement represents a fundamental misunderstanding of the relationship between domestic violence and the criminal justice system. U.S. Department of Justice statistics reveal that from 1987-1992, intimates (spouse, ex-spouse, boyfriend, girlfriend) committed an annual average of 621,015 rapes, robberies, or assaults, representing more than 13% of all these violent victimizations. BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, LEAFLET NO. NCJ-149259, VIOLENCE BETWEEN INTIMATES 1 (1994). According to the Federal Bureau of Investigation, of the 22,540 murders committed nationwide in 1992, 15% of these murders involved a victim described in police records as an intimate of the killer. *Id.* The 1984 report of the U.S. Attorney General's Task Force on Family Violence recommended that family violence be recognized and responded to as a criminal activity and that law enforcement officials, prosecutors, and judges develop a coordinated response to family violence. U.S. DEP'T OF JUSTICE, ATTORNEY GENERAL'S TASK FORCE ON DOMESTIC VIOLENCE, FINAL REPORT (1994).

Safety Net for Abused Persons, Inc. (SNAP) is a program designed to assist through education and counseling both the victims and the perpetrators of domestic violence. SNAP provides victims of domestic violence with assistance in obtaining access to civil and criminal courts. Through programs implemented by SNAP, victims of domestic violence learn how to utilize the court system in order to protect themselves and their children.

The above quoted statistics compiled by the U.S. Department of Justice and the Federal Bureau of Investigation show the criminal justice system is inundated with cases involving domestic violence. Thus, I fail to understand how the majority could conclude that the fee imposed by La. R.S. 13:1906 is not sufficiently related to the administration of the criminal justice system.

For these reasons, I respectfully dissent from the portion of the majority's opinion which holds that the fee imposed by La. R.S. 13:1906 in criminal cases violates La. Const. Art. II, § 2.