

House Committee on Administration of Criminal Justice

Minutes of Meeting
2016 Regular Session
March 23, 2016

I. CALL TO ORDER

Representative Sherman Q. Mack, chairman of the House Committee on Administration of Criminal Justice, called the meeting to order at 9:33 a.m. in Room 6, in the state capitol in Baton Rouge, Louisiana. The secretary called the roll.

II. ROLL CALL

MEMBERS PRESENT:

Representative Sherman Q. Mack, chairman
Representative Bryan Adams
Representative Tony Bacala
Representative John H. Bagneris
Representative Barbara W. Carpenter
Representative Stephen C. Dwight
Representative Lowell C. "Chris" Hazel
Representative Valarie Hodges
Representative Frank A. Howard
Representative Edward C. "Ted" James II
Representative Terry C. Landry, Sr.
Representative C. Denise Marcelle
Representative Barbara M. Norton

MEMBERS ABSENT:

Representative Randal L. Gaines
Representative Joseph P. Lopinto III
Representative Steve E. Pylant, vice chairman

STAFF MEMBERS PRESENT:

Lori Hutson, secretary
A. Gregory Riley, attorney
Michelle Fontenot, division director

ADDITIONAL ATTENDEES PRESENT:

Janet Anthony, sergeant at arms
J'Nai Bayone, clerk

III. DISCUSSION OF LEGISLATION**House Bill No. 197 by Representative Pylant**

On behalf of Representative Pylant, Representative Mack offered a motion to voluntarily defer action on House Bill No. 197, which creates the crime of failure to properly operate a child care center. Without objection, action on House Bill No. 197 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Mack, Bacala, Carpenter, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, and Norton voted yea.

House Bill No. 227 by Representative Pylant

On behalf of Representative Pylant, Representative Mack offered a motion to voluntarily defer action on House Bill No. 227, which provides relative to the crime of obstruction of justice. Without objection, action on House Bill No. 227 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, and Norton voted yea.

Chairman Mack moved to other business, item IV on the agenda, and introduced Louisiana State Fire Marshall H. "Butch" Browning, Jr.

House Bill No. 42 by Representative Dwight

Representative Dwight presented House Bill No. 42, which provides for time limitations for prosecution of video voyeurism.

John DeRosier, district attorney of Calcasieu Parish, P.O. Box 3206, Lake Charles, LA 70602-3206, (337)437-3405, spoke in support of House Bill No. 42.

E. King Alexander, Louisiana Association of Criminal Defense Lawyers, P.O. Box 3757, 1032 Ryan Street, Lake Charles, LA 70602-6027, (337)436-1718, spoke in opposition to House Bill No. 42.

Representative Hazel offered a motion to report House Bill No. 42 favorably. Without objection, House Bill No. 42 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Hazel, Howard, James, Terry Landry, Marcelle, and Norton voted yea.

Witness cards submitted by individuals who did not speak are as follows: 3 in support, and 1 in opposition. Witness cards are included in the committee records.

House Bill No. 688 by Representative LeBas

Representative LeBas presented House Bill No. 688, which adds substances to Schedules II and IV of the Uniform Controlled Dangerous Substances Law.

On behalf of the author, Representative Hazel offered amendments to make technical nomenclature changes only. Representative Hazel offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Hazel, Howard, James, Terry Landry, Marcelle, and Norton voted yea.

Representative Bacala offered a motion to report House Bill No. 688 with amendments. Without objection, House Bill No. 688 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Hazel, Howard, James, Terry Landry, Marcelle, and Norton voted yea.

Witness cards submitted by individuals who did not speak are as follows: 3 in support, and 1 for information only. Witness cards are included in the committee records.

House Bill No. 172 by Representative Jefferson

Representative Jefferson presented House Bill No. 172, which provides with respect to credit for time served pending a technical parole violation.

Representative Norton offered a motion to report House Bill No. 172 favorably. Without objection, House Bill No. 172 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Hazel, Howard, James, Terry Landry, Marcelle, and Norton voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 in support, and 1 for information only. Witness cards are included in the committee records.

House Bill No. 180 by Representative Jefferson

Representative Jefferson presented House Bill No. 180, which provides with respect to probation violations.

On behalf of the author, Representative Mack offered an amendment to change the language from mandatory to permissive regarding a sentence running concurrently unless the judge orders that the

sentence run consecutively. Representative Mack offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 11 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Hazel, Howard, James, Terry Landry, Marcelle, and Norton voted yea.

E. Pete Adams, executive director, Louisiana District Attorneys Association, 1645 Nicholson Drive, Baton Rouge, LA 7082-8143, submitted a card in opposition to House Bill No. 180, but spoke in support after the amendments were adopted.

Representative Marcelle offered a motion to report House Bill No. 180 with amendments. Without objection, House Bill No. 180 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Hazel, Howard, James, Terry Landry, Marcelle, and Norton voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 in support, and 1 for information only. Witness cards are included in the committee records.

House Bill No. 366 by Representative Adams

On behalf of Representative Adams, Natalie LaBorde, legislative liaison, Department of Public Safety and Corrections, P.O. Box 94304, Baton Rouge, LA 70804, (337)654-6718, presented House Bill No. 366, which provides with respect to parole supervision fees.

Representative Norton offered a motion to report House Bill No. 366 favorably. Without objection, House Bill No. 366 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Hazel, Howard, James, Terry Landry, Marcelle, and Norton voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 for information only. Witness cards are included in the committee records.

House Bill No. 403 by Representative Smith

On behalf of Representative Smith, Representative James presented House Bill No. 403, which provides for membership of the reentry advisory council.

Natalie LaBorde, legislative liaison, Department of Public Safety and Corrections, P.O. Box 94304, Baton Rouge, LA 70804, (337)654-6718, spoke for information only.

Representative James offered amendments to: (1) add an additional member by allowing the secretary of the Department of Public Safety and Corrections to appoint a member of its medical staff; (2) would change proposed law appointment for the Louisiana Housing Corporation from

chairman of the board to executive director of the board; (3) to add the Louisiana Inter-faith Conference as an alternative nominating organization to the Louisiana Chaplains' Association; and (4) to change the quorum requirement due to the additional members. Representative James offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Carpenter, Dwight, Hazel, Howard, James, Terry Landry, Marcelle, and Norton voted yea.

Representative Terry Landry offered a motion to report House Bill No. 403 with amendments. Without objection, House Bill No. 403 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Carpenter, Dwight, Hazel, Howard, James, Terry Landry, Marcelle, and Norton voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 for information only. Witness cards are included in the committee records.

House Bill No. 190 by Representative Connick

Representative Connick presented House Bill No. 190, which provides with respect to the disposition of sensitive criminal evidence.

Sunny Funk, district attorney's office of Jefferson Parish, 200 Derbigny Street, Gretna, LA 70053, (504)368-1020, spoke in support of House Bill No. 190.

E. Pete Adams, executive director, Louisiana District Attorneys Association, 1645 Nicholson Drive, Baton Rouge, LA 70802-8143, spoke in support of House Bill No. 190.

Representative Norton offered a motion to report House Bill No. 190 favorably. Without objection, House Bill No. 190 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Mack, Bacala, Carpenter, Dwight, Hazel, Howard, James, Terry Landry, Marcelle, and Norton voted yea.

Witness cards submitted by individuals who did not speak are as follows: 4 in support. Witness cards are included in the committee records.

House Bill No. 210 by Representative Connick

Representative Connick presented House Bill No. 210, which provides relative to time limits for institution of prosecution of certain sex offenses.

Sunny Funk, district attorney's office of Jefferson Parish, 200 Derbigny Street, Gretna, LA 70053, (504)368-1020, spoke in support of House Bill No. 210.

E. King Alexander, Louisiana Association of Criminal Defense Lawyers, P.O. Box 3757, 1032 Ryan Street, Lake Charles, LA 70602-6027, (337)436-1718, spoke in opposition to House Bill No. 210.

Representative Hazel offered a motion to report House Bill No. 210 favorably. Without objection, House Bill No. 210 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Hazel, Howard, James, Terry Landry, Marcelle, and Norton voted yea.

Witness cards submitted by individuals who did not speak are as follows: 5 in support, and 1 in opposition. Witness cards are included in the committee records.

House Bill No. 590 by Representative Leopold

Representative Leopold presented House Bill No. 590, which provides with respect to prior bad acts in domestic violence and cruelty to juveniles cases.

Robert White, Louisiana District Attorneys Association, district attorney's office of Plaquemine Parish, 102 Avenue G, Belle Chasse, LA 70037, (504)297-5146, spoke in support of House Bill No. 590.

Sunny Funk, district attorney's office of Jefferson Parish, 200 Derbigny Street, Gretna, LA 70053, (504)368-1020, spoke in support of House Bill No. 590.

Representative Norton offered a motion to report House Bill No. 590 favorably. Without objection, House Bill No. 590 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Hazel, Howard, James, Terry Landry, Marcelle, and Norton voted yea.

Witness cards submitted by individuals who did not speak are as follows: 5 in support. Witness cards are included in the committee records.

House Bill No. 194 by Representative James

Representative James presented House Bill No. 194, which provides for exemption of expungement fees in certain circumstances.

E. Pete Adams, executive director, Louisiana District Attorneys Association, 1645 Nicholson Drive, Baton Rouge, LA 70802-8143, spoke for information only.

Representative Terry Landry offered an amendment to add qualifying language regarding the exemption of expungement fees in certain cases. Representative Terry Landry offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 11

yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Hazel, Howard, James, Terry Landry, Marcelle, and Norton voted yea.

Representative Marcelle offered a motion to report House Bill No. 194 with amendments. Without objection, House Bill No. 194 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Hazel, Howard, James, Terry Landry, Marcelle, and Norton voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 in support. Witness cards are included in the committee records.

IV. OTHER BUSINESS

Louisiana State Fire Marshal, H. "Butch" Browning, Jr., 8181 Independence Blvd., Baton Rouge, LA 70806, (225)925-4911, detailed the duties and responsibilities of the fire marshal's office.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 11:18 a.m.

Respectfully submitted,

Chairman Sherman Q. Mack
House Committee on Administration of Criminal Justice