

House Committee on Administration of Criminal Justice

Minutes of Meeting
2016 Regular Session
April 13, 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 9:30 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 Randal L. Gaines
Representative Lowell C. "Chris" Hazel
Representative Valarie Hodges
Representative Frank A. Howard
Representative Edward C. "Ted" James II
Representative Terry C. Landry, Sr.
Representative Joseph P. Lopinto III
Representative Barbara M. Norton
Representative Steve E. Pylant, vice chairman

MEMBERS ABSENT:

Representative C. Denise Marcelle

STAFF MEMBERS PRESENT:

Lori Hutson, secretary
A. Gregory Riley, attorney
Kelly C. Fogleman, attorney

ADDITIONAL ATTENDEES PRESENT:

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

III. DISCUSSION OF LEGISLATION**House Bill No. 140 by Representative Howard**

Representative Howard presented House Bill No. 140, which adds current and retired attorney generals and designated assistant attorneys general to list of officials who can carry concealed weapons.

Attorney General Jeff Landry, Department of Justice, Livingston Building, Baton Rouge, LA 70804, Landry.J@ag.louisiana.gov, spoke in support of House Bill No. 140.

Representative Howard offered an amendment to add assistant attorneys general to the list of those who can lawfully carry concealed weapons. Representative Howard offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 9 yeas and 0 nays. Representatives Mack, Adams, Bacala, Carpenter, Dwight, Hodges, Howard, Terry Landry, and Pylant voted yea.

Representative Terry Landry offered a motion to report House Bill No. 140 with amendments. Without objection, House Bill No. 140 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Carpenter, Dwight, Hodges, Howard, James, Terry Landry, and Pylant voted yea.

House Bill No. 223 by Representative Terry Landry

Representative Terry Landry presented House Bill No. 223, which provides with respect to illegal carrying of weapons.

Representative Terry Landry offered an amendment to exempt the possession of marijuana of 14 grams or less from additional penalties of possession of a firearm while possessing a controlled dangerous substance. 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, Adams, Bacala, Bagneris, Carpenter, Dwight, Hodges, Howard, James, Terry Landry, and Pylant voted yea.

S. Christie Smith, IV, Louisiana Association of Criminal Defense Lawyers, P.O. Box 82531, Baton Rouge, LA 70884, (225)967-7640, spoke in support of House Bill No. 223.

Representative Bacala offered a motion to report House Bill No. 223 with amendments. Without objection, House Bill No. 223 was reported with amendments by a vote of 13 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Norton, and Pylant voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 in support and 6 in opposition. Witness cards are included in the committee records.

The committee recessed at 9:44 a.m. The committee reconvened at 9:47a.m.

House Bill No. 440 by Representative Jackson

Representative Jackson presented House Bill No. 440, which provides relative to parole for persons convicted of crimes of violence and provides for the creation and administration of the Programs to Reduce Recidivism Fund.

Representative Norton offered a motion to report House Bill No. 440 favorably. Without objection, House Bill No. 440 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Norton, and Pylant 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. 802 by Representative Jackson

Representative Jackson presented House Bill No. 802, which creates a procedure for designating certain crimes in the court minutes as a crime of violence and provides relative to the benefits and restrictions based on such designation.

Representative Norton offered amendments to provide that the designation by the court as a crime of violence in the court minutes is only for the purpose of determining whether the defendant is eligible for suspension or deferral of sentence or for participation in a drug division probation program and to remove the provisions of proposed law regarding reentry preparation programs, community resource centers, rehabilitation and workforce development programs, sentencing of habitual offenders, diminution of sentence, parole eligibility, and eligibility to receive technical violations. Therefore, any person convicted of a crime of violence as defined by present law (R.S. 14:2(B)) will be subject to present law provisions for these matters regardless of how the court designates the person's offense in the court minutes pursuant to proposed law. Representative Norton 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, Bacala, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Norton, and Pylant voted yea.

Representative Norton offered a motion to report House Bill No. 802 with amendments. Without objection, House Bill No. 802 was reported with amendments by a vote of 14 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Lopinto, Norton, and Pylant voted yea.

Witness cards submitted by individuals who did not speak are as follows: 6 in support. Witness cards are included in the committee records.

House Bill No. 4 by Representative Ivey

Representative Ivey presented House Bill No. 4, a constitutional amendment, which provides that the right to keep and bear arms includes the right to carry a concealed handgun without a permit or license. He provided the committee members copies of a signed petition included in this file as Exhibit "A".

Thomas E. Davis, Jr., 209 S. General Pershing St., Hammond, LA 70403, (985)345-8989, spoke in support of House Bill No. 4.

Victor Caban, Louisiana Carry, 1076 Hwy. 856, Rayville, LA 71269, (318)280-4647, spoke in support of House Bill No. 4.

Bradley Gulotta, Gun Rights Across America, 13198 Vitarno Ln., Independence, LA 70443, (985)969-4164, spoke in support of House Bill No. 4.

Daniel E. Hayes, Libertarian Party, 216 Manson Ave., New Orleans, LA, (504)258-6176, spoke in support of House Bill No. 4.

Victoria Coy, Louisiana Violence Reduction Coalition, 323 Tricou St., New Orleans, LA 70117, (985)264-6524, spoke in opposition to House Bill No. 4.

Sara Cusimano, Moms Demand Action for Gun Sense, 4508 Burke Dr., Metairie, LA 70003, (504)610-4768, spoke in opposition to House Bill No. 4.

Zoe Graver, Louisiana Violence Reduction Coalition, 650 North 6th St., Baton Rouge, LA 70802, (503)956-1284, spoke in opposition to House Bill No. 4.

Representative Terry Landry offered a motion to involuntarily defer action on House Bill No. 4. Without objection, action on House Bill No. 4 was involuntarily deferred by a vote of 14 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Carpenter, Dwight, Gaines, Hazel, Howard, James, Terry Landry, Lopinto, Norton, and Pylant voted yea.

Witness cards submitted by individuals who did not speak are as follows: 10 in support and 21 in opposition. Witness cards are included in the committee records.

House Bill No. 6 by Representative Ivey

Representative Ivey presented House Bill No. 6, which excludes carrying a concealed handgun from the crime of illegal carrying of weapons for certain persons.

Bradley Gulotta, Gun Rights Across America, 13198 Vitrano Ln., Independence, LA 70443, (985)969-4164, spoke in support of House Bill No. 6.

Thomas E. Davis, Jr., 209 S. General Pershing St., Hammond, LA 70403, (985)345-8989, spoke in support of House Bill No. 6.

Victoria Coy, Louisiana Violence Reduction Coalition, 323 Tricou St., New Orleans, LA 70117, (985)264-6524, spoke in opposition to House Bill No. 6.

Sara Cusimano, Moms Demand Action for Gun Sense, 4508 Burke Dr., Metairie, LA 70003, (504)610-4768, spoke in opposition to House Bill No. 6.

Representative Adams offered a motion to involuntarily defer action on House Bill No. 6, to which Representative Bacala objected. The secretary called the roll, and action on House Bill No. 6 was involuntarily deferred by a vote of 8 yeas and 4 nays. Representatives Adams, Bagneris, Carpenter, Gaines, Hazel, James, Terry Landry, and Norton voted yea. Representatives Bacala, Dwight, Howard, and Pylant voted nay.

Witness cards submitted by individuals who did not speak are as follows: 12 in support and 24 in opposition. Witness cards are included in the committee records.

House Bill No. 315 by Representative Ivey

Representative Ivey presented House Bill No. 315, which provides with respect to an enhanced concealed handgun permit.

Bradley Gulotta, Gun Rights Across America, 13198 Vitrano Ln., Independence, LA 70443, (985)969-4164, spoke in support of House Bill No. 315.

Ellie Albrit, Moms Demand Action, 2827 Chippewa, New Orleans, LA 70115, (631)807-9722, spoke in opposition to House Bill No. 315.

Geoff Dancy, Tulane University, 1012 Toledo St., New Orleans, LA 70112, (940)367-6150, spoke in opposition to House Bill No. 315.

Shannon Holteman, 21 Richmond Pl., New Orleans, LA 70115, (504)861-9155, spoke in opposition to House Bill No. 315.

John Troutman, 223 Beverly Dr., Lafayette, LA 70503, (337)780-9090, spoke in opposition to House Bill No. 315.

Representative Gaines offered a motion to involuntarily defer action on House Bill No. 315. Without objection, action on House Bill No. 315 was involuntarily deferred by a vote of 12 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Gaines, Hazel, Howard, James, Terry Landry, Norton, and Pylant voted yea.

Witness cards submitted by individuals who did not speak are as follows: 5 in support and 21 in opposition. Witness cards are included in the committee records.

House Bill No. 317 by Representative Ivey

Representative Ivey presented House Bill No. 317, which increases penalty provisions for certain crimes when a firearm is possessed, discharged, or used.

Representative James offered a motion to involuntarily defer action on House Bill No. 317, to which Representative Bacala objected and offered a substitute motion to report House Bill No. 317 favorably, to which Representative James objected. The secretary called the roll, and by a vote of 5 yeas and 8 nays, the motion failed to pass. Representatives Adams, Bacala, Dwight, Howard, and Pylant voted yea. Representatives Bagneris, Carpenter, Gaines, Hazel, James, Terry Landry, Lopinto, and Norton voted nay.

The original motion offered by Representative James to involuntarily defer action on House Bill No. 317 was considered, to which Representative Pylant objected. The secretary called the roll, and action on House Bill No. 317 was involuntarily deferred by a vote of 8 yeas and 5 nays. Representatives Bagneris, Carpenter, Gaines, Hazel, James, Terry Landry, Lopinto, and Norton voted yea. Representatives Adams, Bacala, Dwight, Howard, and Pylant voted nay.

Witness cards submitted by individuals who did not speak are as follows: 3 in support and 2 in opposition. Witness cards are included in the committee records.

House Bill No. 318 by Representative Ivey

Representative Ivey presented House Bill No. 318, which creates the crime of failure to identify the possession of a concealed handgun to a law enforcement officer.

On behalf of the author, Representative Mack offered an amendment to provide penalties for failure to notify a law enforcement officer if a concealed weapon is on his person. Representative Mack

offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 14 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Carpenter, Dwight, Gaines, Hazel, Howard, James, Terry Landry, Lopinto, Norton, and Pylant voted yea.

Bradley Gulotta, Gun Rights Across America, 13198 Vitrano Ln., Independence, LA 70443, (985)969-4164, spoke in opposition to House Bill No. 318.

S. Christie Smith, IV, Louisiana Association of Criminal Defense Lawyers, 3043 Old Forge Dr., Ste. A, Baton Rouge, LA 70884, (225)767-7640, spoke in opposition to House Bill No. 318.

On behalf of the author, Representative Mack offered a motion to voluntarily defer action on House Bill No. 318. Without objection, action on House Bill No. 318 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Gaines, Hazel, Howard, James, Terry Landry, Norton, and Pylant voted yea.

House Bill No. 319 by Representative Ivey

Representative Ivey presented House Bill No. 319, which provides a definition of a "concealed" weapon.

On behalf of the author, Representative Mack offered a motion to voluntarily defer action on House Bill No. 319. Without objection, action on House Bill No. 319 was voluntarily deferred by a vote of 13 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Gaines, Hazel, Howard, James, Terry Landry, Lopinto, Norton, and Pylant voted yea.

House Bill No. 320 by Representative Ivey

Representative Ivey presented House Bill No. 320, which increases penalties for possession of a firearm during the commission of a crime of violence.

Representative Pylant offered a motion to report House Bill No. 320 favorably. Without objection, House Bill No. 320 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Gaines, Hazel, Howard, James, Terry Landry, Norton, and Pylant voted yea.

Witness cards submitted by individuals who did not speak are as follows: 3 in support and 2 in opposition. Witness cards are included in the committee records.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 12:32 p.m.

Respectfully submitted,

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