

House Committee on Administration of Criminal Justice

Minutes of Meeting
2016 Regular Session
April 20, 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 9:28 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 Joseph P. Lopinto III
Representative Steve E. Pylant, vice chairman

MEMBERS ABSENT:

Representative Randal L. Gaines
Representative C. Denise Marcelle
Representative Barbara M. Norton

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

Janet Anthony, sergeant at arms

III. DISCUSSION OF LEGISLATION**House Bill No. 938 by Representative Adams**

On behalf of the author, Representative Mack offered a motion to voluntarily defer action on House Bill No. 938, which creates the crime of unlawful display of profane material in historic districts. Without objection, action on House Bill No. 938 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Mack, Adams, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, Terry Landry, and Pylant voted yea.

House Bill No. 990 by Representative Pylant

On behalf of the author, Representative Mack offered a motion to voluntarily defer action on House Bill No. 990, which provides with respect to correctional facilities. Without objection, action on House Bill No. 990 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Mack, Adams, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, Terry Landry, and Pylant voted yea.

House Bill No. 994 by Representative Pylant

On behalf of the author, Representative Mack offered a motion to voluntarily defer action on House Bill No. 994, which provides relative to contracts for additional housing for individuals in the custody of the Department of Public Safety and Corrections. Without objection, action on House Bill No. 994 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Mack, Adams, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, Terry Landry, and Pylant voted yea.

House Bill No. 1018 by Representative Gregory Miller

On behalf of the author, Representative Mack offered a motion to voluntarily defer action on House Bill No. 1018, which provides relative to the authority of a justice of the peace. Without objection, action on House Bill No. 1018 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Mack, Adams, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, Terry Landry, and Pylant voted yea.

House Bill No. 992 by Representative Connick

Representative Connick presented House Bill No. 992, which amends certain definitions for purposes of sex offender registration and notification requirements.

Representative Hazel offered a motion to report House Bill No. 992 favorably. Without objection, House Bill No. 992 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Mack, Adams, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, Terry Landry, and Pylant voted yea.

House Bill No. 1008 by Representative Connick

Representative Connick presented House Bill No. 1008, which amends the sex offender registration and notification form used by courts.

Representative Mack offered a motion to report House Bill No. 1008 favorably. Without objection, House Bill No. 1008 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Mack, Adams, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, Terry Landry, and Pylant voted yea.

House Bill No. 1052 by Representative Henry

Representative Henry presented House Bill No. 1052, which creates the Swift And Certain Probation Pilot Program.

Judge Scott Schlegel, 24th Judicial District Court, 200 Derbigny St., Gretna, LA 70053, (504)364-3876, spoke in support of House Bill No. 1052.

Representative Mack offered an amendment to provide that proposed law shall become effective upon signature of the governor. Representative Mack offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 10 yeas and 0 nays. Representatives Mack, Adams, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, Terry Landry, and Pylant voted yea.

Representative Carpenter offered a motion to report House Bill No. 1052 with amendments. Without objection, House Bill No. 1052 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Mack, Adams, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, Terry Landry, Lopinto, and Pylant voted yea.

House Bill No. 813 by Representative Henry

Representative Henry presented House Bill No. 813, which provides relative to information required to be provided by sex offenders and the use of such information.

Representative Mack offered an amendment in the form of a substitute bill to authorize limited disclosure of telephone numbers, e-mail addresses, online screen names, and other online identities associated with a person who is required to register as a sex offender. 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, Adams, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, Terry Landry, Lopinto, and Pylant voted yea.

Mike Cormaci, 516 E. Rutland, Covington, LA 70453, (985)778-9991, spoke in support of the substitute for House Bill No. 813.

Representative Mack offered a motion to report House Bill No. 813 by substitute. Without objection, House Bill No. 813 was reported by substitute by a vote of 12 yeas and 0 nays. Representatives Mack, Adams, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Lopinto, and Pylant voted yea.

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

House Bill No. 254 by Representative Havard

Representative Havard presented House Bill No. 254, which provides with respect to certain electronic tracking devices. He provided a hand-out for the committee members, included in this file as Exhibit "A".

Representative Mack offered a motion to report House Bill No. 254 favorably. Without objection, House Bill No. 254 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Mack, Adams, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, Terry Landry, Lopinto, and Pylant voted yea.

House Bill No. 328 by Representative Lopinto

Representative Lopinto presented House Bill No. 328, which provides sanctions for technical violations of drug division probation programs. He presented a substitute bill for House Bill No. 328, which would authorize up to a 180-day sanction for a technical violation of drug division probation.

Judge Scott Schlegel, 24th Judicial District Court, 200 Derbigny St., Gretna, LA 70053, (504)364-3876, spoke in support of the substitute for House Bill No. 328.

Representative Mack offered a motion to report House Bill No. 328 by substitute. Without objection, House Bill No. 328 was reported by substitute by a vote of 11 yeas and 0 nays. Representatives Mack, Adams, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, Terry Landry, Lopinto, and Pylant voted yea.

Witness cards submitted by individuals who did not speak are as follows: 14 in support. Witness cards are included in the committee records.

House Bill No. 983 by Representative Garofalo

On behalf of the author, Representative Mack offered a motion to voluntarily defer action on House Bill No. 983, which provides with respect to Medicaid fraud. Without objection, action on House Bill No. 983 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Mack, Adams, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, Terry Landry, Lopinto, and Pylant voted yea.

House Bill No. 931 by Representative White

This is a continuation of the discussion on House Bill No. 931 from a meeting held on April 7, 2016. Please check for the prior action to complete the record of discussion and motions on House Bill No. 931.

Representative White presented House Bill No. 931, which amends provisions of law regarding domestic abuse battery.

Representative Mack offered a motion to withdraw the amendments, adopted on April 7, 2016, that added definitions of domestic abuse and coercive control. Without objection, the amendments were withdrawn by a vote of 11 yeas and 0 nays. Representatives Mack, Adams, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, Terry Landry, Lopinto, and Pylant voted yea.

Representative Mack offered an amendment to delete the provision which provided for mandatory minimum sentences if the domestic abuse battery is part of a pattern of intentional and repeated acts of domestic abuse. 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, Adams, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, Terry Landry, Lopinto, and Pylant voted yea.

Representative Mack offered a motion to report House Bill No. 931 with amendments. Without objection, House Bill No. 931 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Mack, Adams, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, Terry Landry, Lopinto, and Pylant voted yea.

House Concurrent Resolution No. 59 by Representative Marcelle

On behalf of Representative Marcelle, Representative Mack presented House Concurrent Resolution No. 59, which creates a task force to study and make recommendations concerning the use of body cameras by law enforcement agencies in this state.

On behalf of the author, Representative Carpenter offered an amendment to add two additional members to the task force. Representative Carpenter 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, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, Terry Landry, Lopinto, and Pylant voted yea.

Representative Carpenter offered a motion to report House Concurrent Resolution No. 59 with amendments, to which Representative Lopinto objected. Representative Carpenter withdrew the motion, Representative Lopinto withdrew the objection, and no action was taken on this motion.

Representative Mack offered a motion to voluntarily defer action on House Concurrent Resolution No. 59. Without objection, House Concurrent Resolution No. 59 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Mack, Adams, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Lopinto, and Pylant voted yea.

Further action was taken by the committee on House Concurrent Resolution No. 59 at a later point in the meeting. Please check for the subsequent action to complete the record of discussion and motions on House Concurrent Resolution No. 59.

The committee recessed at 10:06 am. The committee reconvened at 10:20am.

House Bill No. 547 by Representative Jackson

Representative Jackson presented House Bill No. 547, which provides for the development of a uniform form for determining indigency of an accused person.

On behalf of the author, Representative Mack offered amendments to remove references to the indigency review panel in proposed law and to add a provision requiring the judicial administrator of the Louisiana Supreme Court to develop a form to be used by the court to determine indigency. Representative Mack 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, Hodges, Howard, James, Terry Landry, and Pylant voted yea.

James E. Stewart, Caddo district attorney, 501 Texas St., Shreveport, LA 70001, (318)226-6996, spoke in support of House Bill No. 547.

Representative Hazel offered a motion to report House Bill No. 547 with amendments. Without objection, House Bill No. 547 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Mack, Adams, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Lopinto, and Pylant voted yea.

Witness cards submitted by individuals who did not speak are as follows: 11 in support and 1 for information only. Witness cards are included in the committee records.

House Concurrent Resolution No. 59 by Representative Marcelle

This is a continuation of the discussion on House Concurrent Resolution No. 59 from earlier in the meeting. Please check for the prior action to complete the record of discussion and motions on House Concurrent No. 59.

Representative Marcelle presented House Concurrent Resolution No. 59, which creates a task force to study and make recommendations concerning the use of body cameras by law enforcement agencies in this state.

Representative Mack offered a motion to report House Concurrent Resolution No. 59 favorably. Without objection, House Concurrent Resolution No. 59 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Mack, Adams, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Lopinto, and Pylant voted yea.

Further action was taken by the committee on House Concurrent Resolution No. 59 at a later point in the meeting. Please check for the subsequent action to complete the record of discussion and motions on House Concurrent Resolution No. 59.

House Bill No. 800 by Representative Lance Harris

Representative Lance Harris presented House Bill No. 800, which prohibits sex offenders from conducting sales door-to-door.

Representative Howard offered a motion to report House Bill No. 800 favorably. Without objection, House Bill No. 800 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Carpenter, Hazel, Howard, Terry Landry, Lopinto, and Pylant voted yea.

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

House Bill No. 953 by Representative Lance Harris

Representative Lance Harris presented House Bill No. 953, which amends the provisions of law regarding hate crimes.

Representative Adams offered a motion to report House Bill No. 953 favorably. Without objection, House Bill No. 953 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Carpenter, Dwight, Hazel, Howard, Terry Landry, Lopinto, and Pylant voted yea.

The committee recessed at 10:37 a.m. The committee reconvened at 10:45 a.m.

House Concurrent Resolution No. 59 by Representative Marcelle

This is a continuation of the discussion on House Concurrent Resolution No. 59 from earlier in the meeting. Please check for the prior action to complete the record of discussion and motions on House Concurrent Resolution No. 59.

Representative Mack offered a motion to reconsider the previous motion to voluntarily defer action on House Concurrent Resolution No. 59. Without objection, House Concurrent Resolution No. 59 was reconsidered by a vote of 10 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Carpenter, Dwight, Hazel, Howard, Lopinto, and Pylant voted yea.

Representative Mack offered a motion to reconsider the previous motion of favorably on House Concurrent Resolution No. 59. Without objection, House Concurrent Resolution No. 59 was reconsidered by a vote of 10 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Carpenter, Dwight, Hazel, Howard, Lopinto, and Pylant voted yea.

Representative Mack offered a motion to report House Concurrent Resolution No. 59 with amendments. Without objection, House Concurrent Resolution No. 59 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Carpenter, Dwight, Hazel, Howard, Lopinto, and Pylant voted yea.

House Bill No. 962 by Representative Smith

On behalf of the author, Representative Mack offered a motion to voluntarily defer action on House Bill No. 962, which provides relative to a registry of persons convicted of certain domestic violence offenses. Without objection, action on House Bill No. 962 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Carpenter, Dwight, Hazel, Howard, Lopinto, and Pylant voted yea.

House Bill No. 963 by Representative Smith

On behalf of the author, Representative Mack offered a motion to voluntarily defer action on House Bill No. 963, which provides with respect to conditional release and release from probation supervision in certain cases. Without objection, action on House Bill No. 963 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Carpenter, Dwight, Hazel, Howard, Lopinto, and Pylant voted yea.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 10:47 a.m.

Respectfully submitted,

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