

## House Committee on Administration of Criminal Justice

Minutes of Meeting  
2016 Regular Session  
May 4, 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 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 C. Denise Marcelle  
Representative Barbara M. Norton  
Representative Steve E. Pylant, vice chairman

#### MEMBERS ABSENT:

Representative John H. Bagneris

#### STAFF MEMBERS PRESENT:

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

**ADDITIONAL ATTENDEES PRESENT:**

Vivian Hurst, sergeant at arms  
J'nai Bayone, clerk  
Janet Anthony, sergeant at arms  
Victoria Langston, clerk

**III. DISCUSSION OF LEGISLATION****Senate Bill No. 70 by Senator Long**

Senator Long presented Senate Bill No. 70, which prohibits sex offenders from soliciting business door to door.

Representative Howard offered an amendment to prohibit a person who is registering as a sex offender from engaging in employment as a door-to-door solicitor, peddler, or itinerant vendor selling any type of goods or services. Representative Howard 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, Bacala, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, and Pylant voted yea.

Representative Howard offered a motion to report Senate Bill No. 70 with amendments. Without objection, Senate Bill No. 70 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Mack, Adams, Bacala, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, and Pylant voted yea.

Witness cards submitted by individuals who did not speak are as follows: 10 in support and 1 for information only. Witness cards are included in the committee records.

**Senate Concurrent Resolution No. 17 by Senator Johns**

Senator Johns presented Senate Concurrent Resolution No. 17, which creates the Riverboat Economic Development and Gaming Task Force.

Chairman Ronnie Jones, Louisiana Gaming Control Board, 7919 Independence Blvd., Baton Rouge, LA 70806, (225)925-1846, spoke for information only on Senate Concurrent Resolution No. 17.

Representative Adams offered a motion to report Senate Concurrent Resolution No. 17 favorably. Without objection, Senate Concurrent Resolution No. 17 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Mack, Adams, Bacala, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, and Pylant 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.

### **Senate Bill No. 90 by Senator Johns**

Senator Johns presented Senate Bill No. 90, which amends the threshold age of the victim for certain elements and penalty provisions of the crimes of human trafficking and trafficking of children for sexual purposes.

Representative Mack offered amendments to: (1) amend the crime of human trafficking to prohibit the trafficking of persons under the age of 21 years for the purpose of engaging in commercial sexual activity regardless of whether the offender used force, fraud, or coercion; to provide that it shall not be a defense to prosecution that the offender did not know the age of the victim or that the victim consented to the prohibited activity; and provide penalties for offenders who commit this particular offense; (2) require persons convicted of human trafficking of a person under the age of 21 years to register and provide notification as a sex offender; (3) delete the changes to the present law crime of trafficking of children for sexual purposes (R.S. 14:46.3); and (4) make technical corrections by removing other provisions from the bill that are no longer necessary due to other amendments. Representative Mack offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Mack, Adams, Bacala, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, and Pylant voted yea.

Representative Mack offered a motion to report Senate Bill No. 90 with amendments. Without objection, Senate Bill No. 90 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Mack, Adams, Bacala, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, and Pylant 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. 1090 by Representative Glover**

On behalf of the author, Representative Mack offered a motion to voluntarily defer action on House Bill No. 1090, which provides relative to the provision of indigent defense services to capital defendants. Without objection, action on House Bill No. 1090 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Mack, Adams, Bacala, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, and Pylant voted yea.

**House Bill No. 1116 by Representative Glover**

Representative Glover presented House Bill No. 1116, which provides for compensation for wrongful conviction and imprisonment. He provided a video of a news story regarding the wrongful conviction of Glenn Ford and his subsequent release.

Kristin Wenstorm, Innocence Project of New Orleans, 4051 Ulloa St., New Orleans, LA 70119, (504)943-1902, spoke in support of House Bill No. 1116.

Ansel M. Stroud, III, family of Glen Ford, 920 Pierremont, Ste. 420, Shreveport, LA 71106, (318)798-1021, spoke in support of House Bill No. 116.

E. Pete Adams, executive director, Louisiana District Attorneys Association, 1645 Nicholson Drive, Baton Rouge, LA 70802-8143, (225)343-0171, spoke in opposition to House Bill No. 1116.

Dr. Phillip Rozeman, family of Isadore Rozeman, 510 Longleaf Rd., Shreveport, LA 71106, (318)426-7401, spoke in opposition to House Bill No. 1116.

Colin Clark, assistant attorney general, Louisiana State Attorney General's Office, P.O. Box 94005, Baton Rouge, LA 70804, (225)326-6200, spoke for information only.

Representative Norton offered a motion to report House Bill No. 1116 favorably, to which Representative Lopinto objected. The secretary called the roll, and by a vote of 6 yeas and 9 nays, the motion failed to pass. Representatives Carpenter, Gaines, James, Terry Landry, Marcelle, and Norton voted yea. Representatives Mack, Adams, Bacala, Dwight, Hazel, Hodges, Howard, Lopinto, and Pylant voted nay.

Witness cards submitted by individuals who did not speak are as follows: 10 in support and 7 in opposition. Witness cards are included in the committee records.

**House Bill No. 1115 by Representative Glover**

On behalf of the author, Representative Mack offered a motion to voluntarily defer action on House Bill No. 1115, which amends provisions regarding the public availability of certain records of the gaming control board. Without objection, action on House Bill No. 1115 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Mack, Adams, Bacala, Carpenter, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Lopinto, and Pylant voted yea.

**Senate Bill No. 287 by Senator Ward**

Senator Ward presented Senate Bill No. 287, which provides for the revocation of P.O.S.T. certification for peace officers convicted of malfeasance in office.

Representative Bacala offered a motion to report Senate Bill No. 287 favorably. Without objection, Senate Bill No. 287 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Mack, Adams, Bacala, 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: 3 in support. Witness cards are included in the committee records.

**Senate Bill No. 73 by Senator White**

Senator White presented Senate Bill No. 73, which provides relative to the crime of resisting an officer.

Representative Lopinto offered an amendment to add that the interference shall be "knowing" to constitute commission of the crime. Representative Lopinto offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 12 yeas and 0 nays. Representatives Mack, Adams, Bacala, Carpenter, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Lopinto, and Pylant voted yea.

Representative Lopinto offered a motion to report Senate Bill No. 73 with amendments. Without objection, Senate Bill No. 73 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Mack, Adams, Bacala, 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, 3 in opposition, and 1 for information only. Witness cards are included in the committee records.

**House Bill No. 264 by Representative Mack**

Representative Mack presented House Bill No. 264, which provides with respect to sentencing of juvenile offenders sentenced to life imprisonment for certain offenses.

E. Pete Adams, executive director, Louisiana District Attorneys Association, 1645 Nicholson Dr., Baton Rouge, LA 70802-8143, (225)343-0171, spoke in support of House Bill No. 264.

Jill Pasguarella, Louisiana Center for Children's Rights, 1100 B. Milton St., New Orleans, LA 70122, (504)658-6854, spoke in opposition to House Bill No. 264.

Representative Mack offered a motion to report House Bill No. 264 favorably. Without objection, House Bill No. 264 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Mack, Adams, Bacala, Dwight, Gaines, Hazel, Howard, James, Terry Landry, Marcelle, Norton, and Pylant voted yea.

Witness cards submitted by individuals who did not speak are as follows: 4 in support and 25 in opposition. Witness cards are included in the committee records.

### **House Bill No. 1076 by Representative Gregory Miller**

Representative Gregory Miller presented House Bill No. 1076, which provides relative to notifications to school administrators of certain delinquency records.

Representative Adams offered an amendment to limit access of records to the school where the child is enrolled. Representative Adams offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 12 yeas and 0 nays. Representatives Mack, Adams, Bacala, Dwight, Gaines, Hazel, Howard, James, Terry Landry, Marcelle, Norton, and Pylant voted yea.

Mike Myers, Red River United, 1726 Line Ave., Shreveport, LA 70001, (318)470-7731, spoke in support of House Bill No. 1076.

Representative Mack offered a motion to voluntarily defer action on House Bill No. 1076. Without objection, action on House Bill No. 1076 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Mack, Adams, Bacala, Carpenter, Dwight, Gaines, Hazel, Howard, Terry Landry, Norton, and Pylant voted yea.

Witness cards submitted by individuals who did not speak are as follows: 3 in support and 5 in opposition. Witness cards are included in the committee records.

### **Senate Bill No. 152 by Senator Claitor**

On behalf of Senator Claitor, Representative Mack presented Senate Bill No. 152, which repeals provision that any person entering an alcoholic beverage outlet is deemed to consent to a search which was declared unconstitutional.

Representative Howard offered a motion to report Senate Bill No. 152 favorably. Without objection, Senate Bill No. 152 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Mack, Adams, Bacala, Carpenter, Dwight, Gaines, Hazel, Howard, Terry Landry, Norton, and Pylant voted yea.

**Senate Bill No. 153 by Senator Claitor**

On behalf of Senator Claitor, Representative Mack presented Senate Bill No. 153, which removes certain provisions regarding prosecution of the possession of a firearm with obliterated, removed, changed, or altered number or mark which were declared unconstitutional.

Representative Howard offered a motion to report Senate Bill No. 153 favorably. Without objection, Senate Bill No. 153 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Mack, Adams, Bacala, Carpenter, Dwight, Gaines, Hazel, Howard, Terry Landry, Norton, and Pylant 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.

**Senate Bill No. 219 by Senator Claitor**

On behalf of Senator Claitor, Representative Mack presented Senate Bill No. 219, which provides relative to the distribution of forfeitures of criminal bail bonds.

Sarah Tirrell, East Baton Rouge District Attorney, 222 St. Louis St., 5<sup>th</sup> floor, Baton Rouge, LA 70802, (225)389-5485, spoke in support of Senate Bill No. 219.

Representative Howard offered a motion to report Senate Bill No. 219 favorably. Without objection, Senate Bill No. 219 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Mack, Adams, Bacala, Carpenter, Dwight, Gaines, Hazel, Howard, Terry Landry, Norton, and Pylant 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.

**Senate Bill No. 334 by Senator Claitor**

Senator Claitor presented Senate Bill No. 334, which repeals certain provisions of the Code of Criminal Procedure declared unconstitutional.

Representative Mack offered an amendment to repeal present law (R.S.15:114), relative to the rotation and selection of grand juries in Orleans Parish, which was held to be unconstitutional by *State v. Dilosa*, 848 S. 2d 546 (La. 2003). 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, Bacala, Carpenter, Dwight, Gaines, Hazel, Howard, Terry Landry, Norton, and Pylant voted yea.

Representative Mack offered a motion to report Senate Bill No. 334 with amendments. Without objection, Senate Bill No. 334 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Mack, Adams, Bacala, Carpenter, Dwight, Gaines, Hazel, Howard, Terry Landry, Norton, and Pylant voted yea.

#### **House Bill No. 554 by Representative Marcelle**

Representative Marcelle presented House Bill No. 554, which provides with respect to parole eligibility of juvenile offenders for certain offenses.

Representative Marcelle offered amendments to: (1) add language to amend the condition that the juvenile be required to serve the following number of years prior to becoming parole eligible: (a) for non-homicide offenses-decreases the number of years the offender is required to serve from 30 years to 20 years, (b) for homicide offenses - decreases the number of years the offender is required to serve from 35 years to 25 years; (2) provide eligibility for parole consideration for any person serving a sentence, other than a live sentence, who was under the age of 18 years at the time of the commission of the offense upon serving fifteen years of the sentence imposed unless the person is eligible for parole at an earlier date; and (3) repeal present law provision (C.Cr.P.Art.878.1) that provides for a sentencing hearing to determine whether certain juvenile offenders should be sentenced to life imprisonment for the commission of 1<sup>st</sup> degree or 2<sup>nd</sup> degree murder. Representative Marcelle offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 13 yeas and 0 nays. Representatives Mack, Adams, Bacala, Carpenter, Dwight, Gaines, Hazel, Hodges, Howard, Terry Landry, Marcelle, Norton, and Pylant voted yea.

Jill Pasguarella, Louisiana Center for Children's Rights, 1100 B. Milton St., New Orleans, LA 70122, (504)658-6854, spoke in support of House Bill No. 554.

The committee recessed at 12:19 p.m. The committee reconvened at 12:20 p.m.

Representative Marcelle offered a motion to report House Bill No. 554 with amendments. Without objection, House Bill No. 554 was reported with amendments by a vote of 14 yeas and 0 nays. Representatives Mack, Adams, Bacala, Carpenter, Dwight, Gaines, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, Norton, and Pylant voted yea.

Witness cards submitted by individuals who did not speak are as follows: 25 in support and 6 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 12:22 p.m.

Respectfully submitted,

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