

House Committee on Administration of Criminal Justice

Minutes of Meeting
2016 Regular Session
May 10, 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 9:29 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 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 Bryan Adams
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
Kelly C. Fogleman, attorney

ADDITIONAL ATTENDEES PRESENT:

Janet Anthony, sergeant at arms
Myrtis Jarrell, sergeant at arms
Victoria Langston, clerk
J'nai Bayone, clerk

III. DISCUSSION OF LEGISLATION**House Bill No. 67 by Representative Bacala**

Representative Bacala presented House Bill No. 67, which provides relative to the possession and consumption of alcoholic beverages by persons under the age of 18.

Jeff Sandford, Libertarian Party, 760 Acadia, Baton Rouge, LA 70802, (225)525-2371, spoke in opposition to House Bill No. 67.

Representative Hodges offered a motion to report House Bill No. 67 favorably, to which Representative Marcelle objected. The secretary called the roll, and by a vote of 4 yeas and 5 nays, the motion failed to pass. Representatives Bacala, Dwight, Hodges, and Howard voted yeas. Representatives Mack, Bagneris, Carpenter, Terry Landry, and Marcelle voted nays.

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

Further action was taken by the committee on House Bill No. 67 at a meeting held on May 24, 2016. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 67.

Senate Bill No. 54 by Senator Johns

Senator Johns presented Senate Bill No. 54, which creates a pilot program (Statewide Motor Vehicle Theft and Uninsured Motorists Identification Program) involving the use of license plate recognition devices for certain purposes. He provided the committee members with a hand-out from the *National Law Review*, included in this file as Exhibit "A".

John DeRosier, Calcasieu Parish District Attorney, P.O. Box 3206, Lake Charles, LA 70602-3206, (337)437-3405, spoke in support of Senate Bill No. 54.

Charles J. Balley, Plaquemines Parish District Attorney, no address provided, Belle Chasse, LA 70030, (504)297-5146, spoke in support of Senate Bill No. 54.

Ricky L. Babin, 23rd Judicial District, 308 East Railroad Ave., Gonzales, LA 70737, (225)473-6777, spoke in support of Senate Bill No. 54.

E. Pete Adams, executive director, Louisiana District Attorneys Association, 1645 Nicholson Drive, Baton Rouge, LA 70802, (225)343-0171, spoke in support of Senate Bill No. 54.

Lt. Rodney Hyatt, Louisiana State Police, 7919 Independence Blvd., Baton Rouge, LA 70802, (985)381-4985, spoke for information only on Senate Bill No. 54.

Daniel E. Hayes, Libertarian Party, 216 Manson Ave., Apt. B, Metairie, LA 70001, (504)258-6176, spoke in opposition to Senate Bill No. 54.

A. Hays Town, III, J.D., Louisiana Association of Criminal Defense Lawyers, P.O. Box 800811, Baton Rouge, LA 70802, (225)938-4208, spoke in opposition to Senate Bill No. 54.

Wendy Adams, Libertarian Party of Orleans Parish, 121 Rosa Ave., Metairie, LA 70005, (504)654-7627, spoke in opposition to Senate Bill No. 54.

Richard Brown, 824 Sessions Ln., Kenner, LA 70053, (504)467-7890, spoke in opposition to Senate Bill No. 54.

Jeff Sandford, Libertarian Party, 760 Acadia, Baton Rouge, LA 70802, (225)525-2371, spoke in opposition to Senate Bill No. 54.

Representative Bacala offered a motion to report Senate Bill No. 54 favorably, to which Representative Marcelle objected. The secretary called the roll, and by a vote of 5 yeas, 6 nays, and 1 abstention, the motion failed to pass. Representatives Bacala, Dwight, Hazel, Howard, and Terry Landry voted yea. Representatives Bagneris, Carpenter, Hodges, James, Marcelle, and Norton voted nay. Representative Mack abstained.

Representative Mack offered a motion to voluntarily defer action on Senate Bill No. 54. Without objection, action on Senate Bill No. 54 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.

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

Further action was taken by the committee on Senate Bill No. 54 at a meeting held on May 18, 2016. Please check for the subsequent action to complete the record of discussion and motions on Senate Bill No. 54.

Senate Bill No. 377 by Senator Peacock

Senator Peacock presented Senate Bill No. 377, which requires National Human Trafficking Resource Center hotline information to be posted at hotels.

Representative Mack offered an amendment to make technical changes. Representative Mack 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, Bacala, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, and Norton voted yea.

Representative Howard offered a motion to report Senate Bill No. 377 with amendments. Without objection, Senate Bill No. 377 was reported with amendments by a vote of 8 yeas and 0 nays. Representatives Mack, Bagneris, Carpenter, Hazel, Howard, James, Terry Landry, and Norton 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.

Senate Bill No. 141 by Senator Claitor

On behalf of the author, Representative Mack offered a motion to voluntarily defer action on Senate Bill No. 141, which provides relative to crimes involving the use of unmanned aircraft systems. Without objection, action on Senate Bill No. 141 was voluntarily deferred by a vote of 8 yeas and 0 nays. Representatives Mack, Bagneris, Carpenter, Hazel, Howard, James, Terry Landry, and Norton voted yea.

House Concurrent Resolution No. 102 by Representative Leger

On behalf of Representative Leger, Representative Terry Landry presented House Concurrent Resolution No. 102, which creates the Louisiana Juvenile Detention Alternatives Initiative Statewide Leadership Collaborative.

Representative Terry Landry offered a motion to report House Concurrent Resolution No. 102 favorably. Without objection, House Concurrent Resolution No. 102 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, 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.

Senate Bill No. 453 by Senator White

Senator White presented Senate Bill No. 453, which adds Medicaid fraud to crimes governed by racketeering laws.

Frederick A. Duhe, Jr., Louisiana Department of Justice, no address provided, (225)326-6202, spoke for information only on Senate Bill No. 453.

Representative Carpenter offered a motion to report Senate Bill No. 453 favorably. Without objection, Senate Bill No. 453 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, Terry Landry, Marcelle, and Norton 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.

Senate Concurrent Resolution No. 38 by Senator Bishop

Senator Bishop presented Senate Concurrent Resolution No. 38, which urges and requests the committee on parole to conduct a comprehensive review of the last ten years of parole matters and report its findings.

Representative Mack offered an amendment to make a technical correction regarding the terminology used to identify the committee on parole. 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, Bacala, Bagneris, Carpenter, Hazel, Hodges, Howard, Terry Landry, Marcelle, and Norton voted yea.

Representative Terry Landry offered a motion to report Senate Concurrent Resolution No. 38 with amendments. Without objection, Senate Concurrent Resolution No. 38 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Hazel, Hodges, Howard, Terry Landry, Marcelle, and Norton voted yea.

Senate Bill No. 123 by Senator Claitor

Senator Claitor presented Senate Bill No. 123, which revises and reorganizes Code of Criminal Procedure articles and Revised Statutes relative to bail.

Representative Mack offered an amendment to make technical corrections. 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, Bacala, Bagneris, Carpenter, Hazel, Hodges, Howard, Terry Landry, Marcelle, and Norton voted yea.

Debbie D. Hudnall, Louisiana Clerks of Court Association, 10202 Jefferson Highway, Building A, Baton Rouge, LA 70809, (225)293-1162, spoke in opposition to Senate Bill No. 123.

Sarah Tirrell, Louisiana State Law Institute, Paul M. Hebert Law Center Room W127, Baton Rouge, LA 70803, spoke for information only on Senate Bill No. 123.

Arthur A. Morrell, clerk, Criminal District Court, 2700 Tulane Ave., New Orleans, LA 70117, (504)658-9000, spoke in opposition to Senate Bill No. 123.

Keith Johnson, clerk's office, 2026 Tennessee St., New Orleans, LA 70117, (504)658-9000, spoke in opposition to Senate Bill No. 123.

Representative Mack offered a motion to report Senate Bill No. 123 with amendments. Without objection, Senate Bill No. 123 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Hazel, Howard, Terry Landry, Marcelle, and Norton voted yea.

Witness cards submitted by individuals who did not speak are as follows: 6 in support and 1 for information only. Witness cards are included in the committee records.

Senate Bill No. 35 by Senator Gatti

Senator Gatti presented Senate Bill No. 35, which requires insurance for persons handling explosives.

Representative Mack offered an amendment to change one-half million to two-hundred thousand. Representative Mack 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, Bacala, Bagneris, Carpenter, Hazel, Howard, Terry Landry, Marcelle, and Norton voted yea.

Representative Mack offered a motion to involuntarily defer action on Senate Bill No. 35. Without objection, action on Senate Bill No. 35 was involuntarily deferred by a vote of 10 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Hazel, Hodges, Howard, Terry Landry, Marcelle, and Norton voted yea.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 12:37 p.m.

Respectfully submitted,

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