

House Committee on Administration of Criminal Justice

Minutes of Meeting
2016 Regular Session
May 11, 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 Bryan Adams
Representative Tony Bacala
Representative John H. Bagneris
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 C. Denise Marcelle
Representative Barbara M. Norton
Representative Steve E. Pylant, vice chairman

MEMBERS ABSENT:

Representative Barbara W. Carpenter
Representative Joseph P. Lopinto III

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

Victoria Langston, clerk
J'nai Bayone, clerk
Myrtis Jarrell, sergeant at arms
Janet Anthony, sergeant at arms
Evan Fitzpatrick, clerk
Patrick Quinn, clerk

III. DISCUSSION OF LEGISLATION**Senate Bill No. 60 by Senator Martiny**

Senator Martiny presented Senate Bill No. 60, which provides relative to the crime of organized retail theft.

Michael Ranatza, executive director, Louisiana Sheriffs' Association, 1175 Nicholson Drive, Baton Rouge, LA 70802, (225)343-8402, spoke in support of Senate Bill No. 60.

Molly Brandon, Louisiana Sheriffs' Association, 1175 Nicholson Drive, Baton Rouge, LA 70802, (225)343-8402, spoke in support of Senate Bill No. 60.

Representative Howard offered a motion to report Senate Bill No. 60 favorably. Without objection, Senate Bill No. 60 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Dwight, Gaines, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, 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. 196 by Senator Cortez

Senator Cortez presented Senate Bill No. 196, which limits the judge's discretion with regard to mandatory sentences for certain offenses involving the possession, use, or discharge of a firearm when the felony results in a fatality.

Renee Rivault, 123 Green Meadow Rd., Lafayette, LA 70503, (337)898-9366, spoke in support of Senate Bill No. 196.

Kevin Rivault, 123 Green Meadow Rd., Lafayette, LA 70503, (337)277-6956, spoke in support of Senate Bill No. 196.

Kyla Romanach, Louisiana Association of Criminal Defense Lawyers, 5322 Parkforest Dr., Baton Rouge, LA 70816, (225)338-0235, spoke in opposition to Senate Bill No. 196.

Jason Robideaux, Guilbeau and Robideaux, Louisiana Association of Criminal Defense Lawyers, 106 W. Congress St., Lafayette, LA 70505, (337)232-7240, spoke in opposition to Senate Bill No. 196. He offered for the file, Exhibits 1 through 6, from the court of appeal, third circuit, *State of Louisiana v. Seth Paul Fontenot*.

Tammy Rivault, 8251 N. Harts Mill Lane, Baton Rouge, LA 70808, (225)205-1110, spoke in support of Senate Bill No. 196.

Matt Chiasson, 215 Flagstone Ct., Lafayette, LA 70503, (337)291-2720, spoke in support of Senate Bill No. 196.

Michael Brandner, 3901 Ridgelake Dr., Unit 6B, Metairie, LA 70002, (504)616-6405, spoke in support of Senate Bill No. 196.

Representative Adams offered a motion to report Senate Bill No. 196 favorably, to which Representative Pylant objected. The secretary called the roll, and Senate Bill No. 196 was reported favorably by a vote of 7 yeas and 6 nays. Representatives Adams, Bacala, Dwight, Hazel, Howard, James, and Terry Landry voted yea. Representatives Mack, Bagneris, Hodges, Marcelle, Norton, and Pylant voted nay.

Witness cards submitted by individuals who did not speak are as follows: 4 in support and 1 in opposition. Witness cards are included in the committee records.

Senate Bill No. 301 by Senator Morrell

Senator Morrell presented Senate Bill No. 301, which creates the Juvenile Justice Accountability and Cost Effectiveness Act of 2016.

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

Joshua Perry, Louisiana Center for Children's Rights, 1100 Milton St., New Orleans, LA 70123, no phone number provided, spoke in support of Senate Bill No. 301.

Representative Bagneris offered a motion to report Senate Bill No. 301 with amendments. Without objection, Senate Bill No. 301 was reported with amendments by a vote of 11 yeas and 0 nays.

Representatives Mack, Adams, Bacala, Bagneris, Dwight, Hazel, Hodges, Howard, James, Norton, and Pylant voted yea.

Witness cards submitted by individuals who did not speak are as follows: 28 in support and 2 for information only. Witness cards are included in the committee records.

Senate Bill No. 302 by Senator Morrell

Senator Morrell presented Senate Bill No. 302, which creates the Safe and Fair Return Act of 2016.

Representative Mack offered an amendment to alphabetize the definitions and to make other technical corrections. 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, Bagneris, Dwight, Hazel, Hodges, Howard, James, Norton, and Pylant voted yea.

Joshua Perry, Louisiana Center for Children's Rights, 1100 Milton St., New Orleans, LA 70123, no phone number provided, spoke in support of Senate Bill No. 302.

Representative Norton offered a motion to report Senate Bill No. 302 with amendments. Without objection, Senate Bill No. 302 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Norton, and Pylant voted yea.

Witness cards submitted by individuals who did not speak are as follows: 31 in support and 1 for information only. Witness cards are included in the committee records.

Senate Bill No. 303 by Senator Morrell

Senator Morrell presented Senate Bill No. 303, which provides for educational programs in juvenile justice facilities.

Joshua Perry, Louisiana Center for Children's Rights, 1100 Milton St., New Orleans, LA 70123, no phone number provided, spoke in support of Senate Bill No. 303.

Representative Adams offered a motion to report Senate Bill No. 303 favorably. Without objection, Senate Bill No. 303 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Norton, and Pylant voted yea.

Witness cards submitted by individuals who did not speak are as follows: 31 in support and 1 for information only. Witness cards are included in the committee records.

Senate Bill No. 323 by Senator Morrell

On behalf of Senator Morrell, Representative Mack offered a motion to voluntarily defer action on Senate Bill No. 323, which provides with respect to fuel sales at qualified truck stop facilities which operate video draw poker devices. Without objection, action on Senate Bill No. 323 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Norton, and Pylant voted yea.

Senate Bill No. 324 by Senator Morrell

Senator Morrell presented Senate Bill No. 324, which raises the age for consideration as a juvenile in the criminal justice system and creates the Louisiana Juvenile Jurisdiction Planning and Implementation Committee.

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 12 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Norton, and Pylant voted yea.

Joshua Perry, Louisiana Center for Children's Rights, 1100 Milton St., New Orleans, LA 70123, no phone number provided, spoke in support of Senate Bill No. 324. He provided the committee members a packet, included in this file as Exhibit "A", from the Louisiana Center for Children's Rights.

E. Pete Adams, executive director, Louisiana District Attorneys Association, 1645, Nicholson Dr., Baton Rouge, LA 70802, (225)343-0171, spoke for information only on Senate Bill No. 324.

Representative Mack offered a motion to report Senate Bill No. 324 with amendments. Without objection, Senate Bill No. 324 was reported with amendments by a vote of 13 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, Norton, and Pylant voted yea.

Witness cards submitted by individuals who did not speak are as follows: 40 in support and 1 for information only. Witness cards are included in the committee records.

Senate Bill No. 295 by Senator Peterson

Senator Peterson presented Senate Bill No. 295, which provides relative to non-gaming economic development by the casino operator.

Dan Real, Caesars Entertainment, 5666 Evelyn Ct., New Orleans, LA 70123, (504)319-9794, spoke in support of Senate Bill No. 295.

Randy Haynie, Caesars Entertainment, P.O. Box 44032, Baton Rouge, LA 70802, (225)336-4143, spoke in support of Senate Bill No. 295.

Kathleen Benfield, Louisiana Family Forum, 655 St. Ferdinand, Baton Rouge, LA 70802, (225)344-8533, spoke in opposition to Senate Bill No. 295.

Representative Norton offered a motion to report Senate Bill No. 295 favorably. Without objection, Senate Bill No. 295 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, 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: 2 in support and 2 in opposition. Witness cards are included in the committee records.

Senate Bill No. 102 by Senator Gary Smith

Senator Gary Smith presented Senate Bill No. 102, which provides relative to firearm-free zones.

Representative Pylant offered a motion to report Senate Bill No. 102 favorably. Without objection, Senate Bill No. 102 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Dwight, Gaines, Hazel, Howard, James, Terry Landry, 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.

Senate Bill No. 171 by Senator Gary Smith

Senator Gary Smith presented Senate Bill No. 171, which creates the crime of infliction of serious injury or death on a public road user.

Representative Mack offered amendments to: (1) amend the elements of the offense to require the victim to have used reasonable care in the use of the road; (2) amend the elements of the offense to remove from proposed law instances where the injury or death of the victim was "proximately" caused by the offender's operation of the motor vehicle in a careless manner; (3) amend the penalty provisions relative to offenses which result in the death of the victim to decrease the maximum term of imprisonment from five years to two years and to provide additional penalty options including participation in a court-approved motor vehicle accident prevention program, performance of community service, and suspension of driving privileges; and (4) add a definition of "careless manner". Representative Mack 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,

Adams, Bagneris, Dwight, Gaines, Hazel, Howard, James, Terry Landry, Norton, and Pylant voted yea.

Representative Norton offered a motion to report Senate Bill No. 171 with amendments. Without objection, Senate Bill No. 171 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Mack, Bacala, Dwight, Gaines, Howard, James, Terry Landry, Marcelle, Norton, and Pylant voted yea.

Witness cards submitted by individuals who did not speak are as follows: 33 in support and 4 for information only. Witness cards are included in the committee records.

Senate Bill No. 394 by Senator Carter

On behalf of Senator Carter, Representative Terry Landry presented Senate Bill No. 394, which provides relative to unlawful playing of gaming devices by persons under the age of 21.

Randy Haynie, Caesars Entertainment, P.O. Box 44032, Baton Rouge, LA 70802, (225)336-4143, spoke in support of Senate Bill No. 394.

Representative Marcelle offered a motion to report Senate Bill No. 394 favorably. Without objection, Senate Bill No. 394 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Dwight, Howard, James, Terry Landry, Marcelle, Norton, and Pylant voted yea.

Senate Bill No. 180 by Senator Mills

On behalf of Senator Mills, Representative Mack presented Senate Bill No. 180, which provides exemption from prosecution for anyone lawfully in possession of medical marijuana.

Representative Terry Landry offered a motion to report Senate Bill No. 180 favorably. Without objection, Senate Bill No. 180 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Mack, Adams, Bacala, Bagneris, Dwight, Howard, James, Terry Landry, Marcelle, 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.

Senate Bill No. 188 by Senator Johns

On behalf of Senator Johns, Representative Mack offered a motion to voluntarily defer action on Senate Bill No. 188, which provides relative to Charitable Gaming. Without objection, action on Senate Bill No. 188 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Mack,

Adams, Bacala, Bagneris, Dwight, Howard, James, Terry Landry, Marcelle, Norton, 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 11:48 a.m.

Respectfully submitted,

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