

House Committee on Judiciary

Minutes of Meeting
2016 Regular Session
March 31, 2016

I. CALL TO ORDER

Representative Katrina R. Jackson, chairman of the House Committee on Judiciary, called the meeting to order at 9:30 a.m. in Room 1, in the State Capitol in Baton Rouge, Louisiana. The secretary called the roll.

II. ROLL CALL

MEMBERS PRESENT:

Representative Katrina R. Jackson, chairman
Representative Bryan Adams
Representative John H. Bagneris
Representative Chad Brown
Representative Gary M. Carter, Jr.
Representative Robby Carter
Representative Jean-Paul P. Coussan
Representative Randal L. Gaines
Representative Jimmy Harris
Representative Lowell C. "Chris" Hazel
Representative Valarie Hodges
Representative Mike Johnson, vice chair
Representative Robert A. Johnson
Representative Christopher J. Leopold
Representative Joseph P. Lopinto III
Representative Tanner D. Magee
Representative Robert E. Shadoin

MEMBERS ABSENT:

Representative John C. "Jay" Morris, III

STAFF MEMBERS PRESENT:

Michelle D. Fontenot, legal division director
Lisha Landry, attorney
Diane Merritt, secretary

ADDITIONAL ATTENDEES PRESENT:

Beverly Vincent, sergeant at arms
Victoria Langston, clerk

III. DISCUSSION OF LEGISLATION**House Bill No. 55 by Representative Dwight**

On behalf of the author, Representative Jackson offered a motion to voluntarily defer action on House Bill No. 55, which provides for the dismissal of certain criminal charges upon completion of the Veterans Court program. Without objection, action on House Bill No. 55 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Jimmy Harris, Hazel, Hodges, Magee, and Shadoin voted yea.

House Bill No. 79 by Representative Terry Brown

On behalf of the author, Representative Jackson offered a motion to voluntarily defer action on House Bill No. 79, which provides relative to the use of certain court funds in the Thirty-Ninth Judicial District. Without objection, action on House Bill No. 79 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Jimmy Harris, Hazel, Hodges, Magee, and Shadoin voted yea.

House Bill No. 408 by Representative Hazel

Representative Hazel offered a motion to voluntarily defer action on House Bill No. 408, which provides relative to persons eligible for veterans courts. Without objection, action on House Bill No. 408 was voluntarily deferred by a vote of 13 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Jimmy Harris, Hazel, Hodges, Leopold, Magee, and Shadoin voted yea.

House Bill No. 463 by Representative Billiot

On behalf of the author, Representative Jackson offered a motion to voluntarily defer action on House Bill No. 463, which amends eligibility requirements to participate in the Veterans Court program. Without objection, action on House Bill No. 463 was voluntarily deferred by a vote of 13 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Jimmy Harris, Hazel, Hodges, Leopold, Magee, and Shadoin voted yea.

House Bill No. 667 by Representative Reynolds

On behalf of the author, Representative Hazel offered a motion to voluntarily defer action on House Bill No. 667, which provides relative to distribution of alcoholic beverages. Without objection, action on House Bill No. 667 was voluntarily deferred by a vote of 13 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Jimmy Harris, Hazel, Hodges, Leopold, Magee, and Shadoin voted yea.

House Bill No. 773 by Representative Marcelle

On behalf of the author, Representative Gary Carter offered a motion to voluntarily defer action on House Bill No. 773, which provides for court costs collected in criminal cases. Without objection, action on House Bill No. 773 was voluntarily deferred by a vote of 13 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Jimmy Harris, Hazel, Hodges, Leopold, Magee, and Shadoin voted yea.

House Bill No. 827 by Representative Hilferty

On behalf of the author, Representative Magee offered a motion to voluntarily defer action on House Bill No. 827, which provides for public contempt proceedings. Without objection, action on House Bill No. 827 was voluntarily deferred by a vote of 13 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Jimmy Harris, Hazel, Hodges, Leopold, Magee, and Shadoin voted yea.

House Bill No. 715 by Representative Adams

Representative Adams offered a motion to voluntarily defer action on House Bill No. 715, which exempts certain products from the size limitations on containers of beverages of high alcoholic content. Without objection, action on House Bill No. 715 was voluntarily deferred by a vote of 14 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Jimmy Harris, Hazel, Hodges, Leopold, Lopinto, Magee, and Shadoin voted yea.

House Bill No. 68 by Representative Bacala

Representative Bacala presented House Bill No. 68, which authorizes the use of electronic signatures on temporary restraining orders and protective orders.

Gary Bennett, assistant executive director, Louisiana Sheriffs' Association, 1175 Nicholson Dr., Baton Rouge, LA 70802, (225) 343-8402, testified in support of House Bill No. 68.

Representative Magee offered a motion to report House Bill No. 68 favorably. Without objection, House Bill No. 68 was reported favorably by a vote of 15 yeas and 0 nays. Representatives Jackson,

Adams, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Jimmy Harris, Hazel, Hodges, Mike Johnson, Leopold, Lopinto, Magee, and Shadoin 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.

House Bill No. 91 by Representative Hill

Representative Hill presented House Bill No. 91, which provides for a mayor's court in the village of Elizabeth.

Mayor Wayne Earl, Village of Elizabeth, P.O. Box 129, Elizabeth, LA 70638, (318) 491-1360, testified in support of House Bill No. 91.

Police Chief Alan Shannon Ware, Village of Elizabeth, P.O. Box 212, Elizabeth, LA 70638, (318) 452-2514, testified in support of House Bill No. 91.

Representative Robby Carter offered a motion to report House Bill No. 91 favorably. Without objection, House Bill No. 91 was reported favorably by a vote of 15 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Jimmy Harris, Hazel, Hodges, Mike Johnson, Leopold, Lopinto, Magee, and Shadoin voted yea.

House Bill No. 70 by Representative Terry Brown

Representative Terry Brown presented House Bill No. 70, which provides for a mayor's court in the village of Creola.

Mayor Danny Moore, Village of Creola, 241 Grays Creek Rd., Dry Prong, LA 71423, (318) 640-0430, testified in support of House Bill No. 70.

Representative Adams offered a motion to report House Bill No. 70 favorably. Without objection, House Bill No. 70 was reported favorably by a vote of 15 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Jimmy Harris, Hazel, Hodges, Mike Johnson, Leopold, Lopinto, Magee, and Shadoin 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. 136 by Representative Mack

Representative Mack presented House Bill No. 136, which extends the collection of the special cost assessed in criminal cases for the district indigent defender fund.

Reginald J. McIntyre, chief public defender, 21st Judicial District, P.O. Box 507, Hammond, LA 70405, (985) 320-5873, testified in support of House Bill No. 136.

Representative Magee offered a motion to report House Bill No. 136 favorably. Without objection, House Bill No. 136 was reported favorably by a vote of 15 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Jimmy Harris, Hazel, Hodges, Mike Johnson, Robert Johnson, Lopinto, Magee, and Shadoin voted yea.

Witness cards submitted by individuals who did not speak are as follows: 3 in support and 1 for information only. Witness cards are included in the committee records.

House Bill No. 76 by Representative Havard

Representative Havard presented House Bill No. 76, which provides for the functions of jury commissions in East Feliciana Parish and West Feliciana Parish.

Representative Robby Carter offered a motion to report House Bill No. 76 favorably. Without objection, House Bill No. 76 was reported favorably by a vote of 15 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Jimmy Harris, Hazel, Hodges, Mike Johnson, Robert Johnson, Lopinto, Magee, and Shadoin voted yea.

House Bill No. 92 by Representative James

Representative James presented House Bill No. 92, which repeals the warrant recall fees collected to fund a misdemeanor jail in East Baton Rouge Parish.

Judge Janice Clark, 19th Judicial District Court, 300 North Blvd., Baton Rouge, LA 70802, (225) 389-5012, testified in support of House Bill No. 92.

Representative C. Denise Marcelle, District 61, 1824 N. Acadian Thruway W., Baton Rouge, LA 70802, (225) 359-9362, testified in support of House Bill No. 92.

District Attorney, Hiller Moore, 222 St. Louis St., Suite 550, Baton Rouge, LA 70802, (225) 389-3400, testified in opposition to House Bill No. 92.

Representative Bagneris offered a motion to report House Bill No. 92 favorably, to which Representative Hazel objected. The secretary called the roll, and House Bill No. 92 was reported favorably by a vote of 12 yeas and 4 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Robby Carter, Gaines, Jimmy Harris, Leopold, Lopinto, Magee, and Shadoin voted yea. Representatives Coussan, Hazel, Hodges, and Mike Johnson voted nay.

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.

Representative Mike Johnson in chair.

House Bill No. 549 by Representative Jackson

Representative Jackson presented House Bill No. 549, which provides relative to clerks of courts of district courts as ex officio recorders.

Robert Reiger, representing Louisiana Land Title Association, 450 Laurel St., Baton Rouge, LA 70801, (225) 202-6147, testified in support of House Bill No. 549.

Representative Jackson offered amendments which:

- (1) Add a \$50 recordation fee for cancellation of a mortgage, lien, or privilege which includes one clerk-certified copy.
- (2) Delete the proposed \$10 charge for cancelling a lien for paving or installing a sewerage system.
- (3) Delete the provision that the clerk of the 24th Judicial District Court may collect additional fees not to exceed 25% of that found in proposed law to fund the payment of deputy clerks' salaries in Jefferson Parish.
- (4) Add an effective date of October 1, 2016.

David Boneno, Louisiana Banker's Association, 5555 Bankers Ave., Baton Rouge, LA 70808, (225) 214-4836, testified in support of House Bill No. 549.

Representative Jackson offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 13 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Coussan, Jimmy Harris, Mike Johnson, Robert Johnson, Leopold, Lopinto, Magee, and Shadoin voted yea.

Representative Coussan offered a motion to report House Bill No. 549 with amendments. Without objection, House Bill No. 549 was reported with amendments by a vote of 13 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Coussan, Jimmy Harris, Mike Johnson, Robert Johnson, Leopold, Lopinto, Magee, and Shadoin 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. 627 by Representative Jackson

Representative Jackson presented House Bill No. 627, which provides relative to court costs in Mayor's Courts.

Representative Jackson offered amendments which:

- (1) Authorize, instead of requiring, mayor's courts to impose additional court costs not to exceed \$20 for each defense defined by ordinance or traffic violation for a municipal ordinance violation conviction.
- (2) Extend the effectiveness of a present law provision regarding the collection of additional court costs for mayor's courts in certain municipalities (R.S. 33:447.11) from August 1, 2016 to August 1, 2020.
- (3) Add an emergency effective date.

Representative Jackson offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 14 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Coussan, Gaines, Jimmy Harris, Mike Johnson, Robert Johnson, Leopold, Lopinto, Magee, and Shadoin voted yea.

Representative Gary Carter offered a motion to report House Bill No. 627 with amendments. Without objection, House Bill No. 627 was reported with amendments by a vote of 15 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Coussan, Gaines, Jimmy Harris, Hazel, Mike Johnson, Robert Johnson, Leopold, Lopinto, Magee, and Shadoin voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 in support and 1 for information only. Witness cards are included in the committee records.

House Bill No. 633 by Representative Adams

Representative Adams presented House Bill No. 633, which provides relative to size limitations on containers of wine sold or shipped in this state.

Representative Adams offered a motion to report House Bill No. 633 favorably. Without objection, House Bill No. 633 was reported favorably by a vote of 14 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Gaines, Jimmy Harris, Hazel, Mike Johnson, Robert Johnson, Leopold, Lopinto, Magee, and Shadoin 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.

House Bill No. 834 by Representative Berthelot

On behalf of the author, Karen White, Louisiana Municipal Association, 700 N. 10th St., Baton Rouge, LA 70802, (225) 344-5001, presented House Bill No. 834, which authorizes temporary deferral of court costs by certain governmental parties and agents and provides for the collection of such deferred costs.

Representative Jackson offered a motion to report House Bill No. 834 favorably. Without objection, House Bill No. 834 was reported favorably by a vote of 14 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Hazel, Mike Johnson, Robert Johnson, Leopold, Lopinto, Magee, and Shadoin 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. 893 by Representative Thibaut

On behalf of the author, Representative Shadoin offered a motion to voluntarily defer action on House Bill No. 893, which provides relative to tobacco dealers. Without objection, action on House Bill No. 893 was voluntarily deferred by a vote of 14 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Hazel, Mike Johnson, Robert Johnson, Leopold, Lopinto, Magee, and Shadoin voted yea.

House Bill No. 31 by Representative Shadoin

Representative Shadoin presented House Bill No. 31, which establishes a legal holiday in Union Parish.

Representative Shadoin offered a motion to report House Bill No. 31 favorably. Without objection, House Bill No. 31 was reported favorably by a vote of 14 yeas and 0 nays. Representatives Jackson, Adams, Bagneris, Chad Brown, Gary Carter, Robby Carter, Coussan, Hazel, Mike Johnson, Robert Johnson, Leopold, Lopinto, Magee, and Shadoin voted yea.

IV. OTHER BUSINESS

There was no other business

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 11:18 a.m.

Respectfully submitted,

Chairman Katrina R. Jackson
House Committee on Judiciary