

House Committee on Administration of Criminal Justice

Minutes of Meeting
2017 Regular Session
April 26, 2017

I. CALL TO ORDER

Representative Sherman Q. Mack, chairman of the House Committee on Administration of Criminal Justice, called the meeting to order at 9:05 a.m. in Room 6, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Sherman Q. Mack, chairman
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 C. Denise Marcelle
Representative Joseph A. Marino, III
Representative Barbara M. Norton
Representative Steve E. Pylant, vice chairman
Representative John M. Stefanski

MEMBERS ABSENT:

Representative John H. Bagneris

STAFF MEMBERS PRESENT:

Kelly C. Fogleman, attorney
Katie LeLeux, attorney
Alicia Spivey, secretary

ADDITIONAL ATTENDEES PRESENT:

Annie Beckstrom, clerk
Janet Anthony, sergeant at arms
Angela McKight, sergeant at arms

III. DISCUSSION OF LEGISLATION**House Bill No. 410 by Representative Jackson**

Representative Jackson presented House Bill No. 410, which provides relative to the quorum necessary for the Public Defender Board to transact business.

Representative Mack offered a motion to report House Bill No. 410 favorably. Without objection, House Bill No. 410 was reported favorably by a vote of 14 yeas, 0 nays, and 1 abstention. Representatives Marino, Pylant, Stefanski, Bacala, Carpenter, Dwight, Gaines, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, and Norton voted yea. Representative Mack abstained.

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

House Bill No. 155 by Representative Danahay

Representative Danahay presented House Bill No. 155, which adds the House and Governmental Affairs Committee as an entity eligible to receive criminal history record information.

Representative Terry Landry offered a motion to report House Bill No. 155 favorably. Without objection, House Bill No. 155 was reported favorably by a vote of 14 yeas, 0 nays, and 1 abstention. Representatives Marino, Pylant, Stefanski, Bacala, Carpenter, Dwight, Gaines, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, and Norton voted yea. Representative Mack abstained.

House Bill No. 332 by Representative Terry Brown

Representative Terry Brown presented House Bill No. 332, which provides relative to service of a notice of warrant for arrest when a defendant fails to appear in court.

Tammy Foster, Sabine Parish, Clerk of Court, 53532 Highway 191, Florien, Louisiana, 71429, (318) 256-6223, spoke in support of House Bill No. 332.

Further action was taken by the committee on House Bill No. 332 at a later point in the meeting. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 332.

House Bill No. 27 by Representative Connick

Representative Connick presented House Bill No. 27, which provides assistance and protection from domestic abuse to all persons presently or formerly living in the same residence as spouses.

Sunny Funk, Jefferson Parish District Attorney, 200 Derbigny Street, Gretna, Louisiana, 70053, (504) 368-1020, spoke in support of House Bill No. 27.

Jody Fortunato, Jefferson Parish District Attorney's Office, 200 Derbigny Street, Gretna, Louisiana, 70053, (504) 368-1020, spoke in support of House Bill No. 27.

Representative Marcelle offered a motion to report House Bill No. 27 favorably. Without objection, House Bill No. 27 was reported favorably by a vote of 14 yeas, 0 nays, and 1 abstention. Representatives Marino, Pylant, Stefanski, Bacala, Carpenter, Dwight, Gaines, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, and Norton voted yea. Representative Mack abstained.

Witness cards submitted by individuals who did not speak are as follows: 26 in support and 2 in opposition. Witness cards are included in the committee records.

House Bill No. 110 by Representative Billiot

On behalf of Representative Billiot, Representative Mack offered a motion to voluntarily defer action on House Bill No. 110, which provides relative to the procedure for designating certain crimes in the court minutes as crimes of violence. Without objection, action on House Bill No. 110 was voluntarily deferred by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Bacala, Carpenter, Dwight, Gaines, Hazel, Hodges, Howard, Terry Landry, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea. Representative Mack abstained.

House Bill No. 124 by Representative Billiot

On behalf of Representative Billiot, Representative Mack offered a motion to voluntarily defer action on House Bill No. 124, which provides relative to the dissemination of material obtained through discovery or compulsory processes. Without objection, action on House Bill No. 124 was voluntarily deferred by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Bacala, Carpenter, Dwight, Gaines, Hazel, Hodges, Howard, Terry Landry, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea. Representative Mack abstained.

House Bill No. 204 by Representative Billiot

Representative Billiot presented House Bill No. 204, which provides relative to the information provided to the Dept. of Public Safety and Corrections when offenders are sentenced to its custody.

Representative Mack offered amendments to change the effective date to December 1, 2017 and make technical corrections. Representative Mack offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Marino, Pylant, Stefanski, Bacala, Carpenter, Dwight, Gaines, Hazel, Hodges, Howard, Terry Landry, Marcelle, and Norton voted yea. Representative Mack abstained.

Judge Bob Morrison, P.O. Box 788, Amite, Louisiana, 70422, (985) 749-9495, spoke in support of House Bill No. 204.

Representative Marcelle offered a motion to report House Bill No. 204 with amendments. Without objection, House Bill No. 204 was reported with amendments by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Marino, Pylant, Stefanski, Bacala, Carpenter, Gaines, Hazel, Hodges, Howard, Terry Landry, Marcelle, and Norton voted yea. Representative Mack abstained.

House Bill No. 135 by Representative Hodges

Representative Hodges presented House Bill No. 135, which prohibits sanctuary policies, in the form of a substitute bill.

Attorney General Jeff Landry, 1885 North Third Street, Baton Rouge, Louisiana, 70802, (225) 326-6079, spoke in support of House Bill No. 135.

Colonel Rob Maness, Ret., Louisiana Power Coalition, Madisonville, Louisiana, 70447, (985) 218-0135, spoke in support of House Bill No. 135.

Jonathan Davis, Capital City Young Republicans, 12562 N. Lakeshore Drive, Walker, Louisiana, 70785, (225) 907-4715, spoke in support of House Bill No. 135.

Gisela M. Chevalier, 3226 Idaho Drive, Kenner, Louisiana, 70085, (504) 905-8639, spoke in support of House Bill No. 135.

Susan Nelson, LA Partnership for Children and Families, 13609 Landmark Drive, Baton Rouge, Louisiana, 70810, (225) 229-2498, spoke in opposition to House Bill No. 135.

Rev. Dan Krutz, Louisiana Interchurch Conference, 527 North Boulevard, 4th Floor, Baton Rouge, Louisiana, (225) 344-0134, spoke in opposition to House Bill No. 135.

Dr. Page Brooks, Canal Street Church, 4302 Canal Street, New Orleans, Louisiana, 70119, (504) 913-5029, spoke in opposition to House Bill No. 135.

Sue Weishar, Jesuit Social Research Institute, Loyola University, New Orleans, Louisiana, (504) 864-7749, spoke in opposition to House Bill No. 135.

Melissa Yarborough, Together Louisiana, 4409 Hyacinth Avenue, Baton Rouge, Louisiana, 70808, (225) 276-2993, spoke in opposition to House Bill No. 135.

Edgar Cage, Together Louisiana, 4302 Melban Street, Baker, Louisiana, 70218, (225) 274-5808, spoke in opposition to House Bill No. 135.

Zach Butterworth, City of New Orleans, 1300 Perdido, New Orleans, Louisiana, (504) 669-4111, spoke in opposition to House Bill No. 135.

Professor Laila Hlass, Tulane Law School, 6329 Freret Street, New Orleans, Louisiana, 70118, (504) 862-8815, spoke in opposition to House Bill No. 135.

Rob Tassman, Louisiana Conference of Catholic Bishops, 2431 S. Acadian Thruway, Suite 250, Baton Rouge, Louisiana, 70808, (225) 326-9513, spoke in opposition to House Bill No. 135.

Coleman Ridley, Business Community of New Orleans, 1615 Poydras, Suite 253, New Orleans, Louisiana, 70112, no number provided, spoke in opposition to House Bill No. 135.

Chief John Thomas, New Orleans Police Department, 7325 Thames Street, New Orleans, Louisiana, 70120, (504) 235-6573, spoke in opposition to House Bill No. 135.

Representative Marcelle offered a motion to involuntarily defer action on House Bill No. 135, to which Representative Hodges objected. Representative Bacala offered a substitute motion to report House Bill No. 135 by substitute, to which Representative Norton objected. The secretary called the roll, and House Bill No. 135 was reported by substitute by a vote of 8 yeas and 7 nays. Representatives Mack, Pylant, Stefanski, Bacala, Dwight, Hazel, Hodges, and Howard voted yea. Representatives Marino, Carpenter, Gaines, James, Terry Landry, Marcelle, and Norton voted nay.

Witness cards submitted by individuals who did not speak are as follows: 10 in support, 49 in opposition, and 2 for informational purposes only. Witness cards are included in the committee records.

House Concurrent Resolution No. 26 by Representative Moreno

On behalf of Representative Moreno, Representative Mack offered a motion to voluntarily defer action on House Concurrent Resolution No. 26, which directs the Louisiana State Crime Lab to study and make recommendations for the implementation of a tracking system relative to the status of sexual assault collection kits. Without objection, action on House Concurrent Resolution No. 26 was voluntarily deferred by a vote of 14 yeas, 0 nays, and 1 abstention. Representatives Marino, Pylant, Stefanski, Bacala, Carpenter, Dwight, Gaines, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, and Norton voted yea. Representative Mack abstained.

House Concurrent Resolution No. 13 by Representative Moreno

Representative Moreno presented House Concurrent Resolution No. 13, which directs the La. State Police Crime Lab to study and make recommendations regarding the use of "familial DNA" in Louisiana.

Representative Mack offered a motion to voluntarily defer action on House Concurrent Resolution No. 13. Without objection, action on House Concurrent Resolution No. 13 was voluntarily deferred by a vote of 14 yeas, 0 nays, and 1 abstention. Representatives Marino, Pylant, Stefanski, Bacala, Carpenter, Dwight, Gaines, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, and Norton voted yea. Representative Mack abstained.

House Bill No. 223 by Representative Moreno

Representative Moreno presented House Bill No. 223, which expands the application of domestic abuse battery, domestic abuse aggravated assault, and other provisions of law regarding domestic abuse to dating partners.

Representative Carpenter offered a motion to report House Bill No. 223 favorably. Without objection, House Bill No. 223 was reported favorably by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Marino, Stefanski, Bacala, Carpenter, Dwight, Gaines, Hazel, Hodges, Howard, and Terry Landry voted yea. Representative Mack abstained.

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

House Bill No. 332 by Representative Terry Brown

This is a continuation of the discussion on House Bill No. 332 from earlier in the meeting. Please check for the prior action to complete the record of discussion and motions on House Bill No. 332.

Representative Terry Brown presented House Bill No. 332, which provides relative to service of a notice of warrant for arrest when a defendant fails to appear in court.

Debbie Hudnall, Louisiana Clerks of Courts Association, 10202 Jefferson Highway, Building A, Baton Rouge, Louisiana, 70809, (225) 293-1162, spoke in support of House Bill No. 332.

Representative Howard offered amendments to:

- (1) Amend the proposed law requirement for the clerk to send notice of warrant for arrest to the commercial surety to parties to receive notice if the proper mailing addresses and electronic addresses are filed in the record.
- (2) Restore present law relative to the requirement for notice of warrant for arrest to be sent by electronic means to the bail agent or bondsman, if any, and the personal surety and remove the requirement that the notice be sent to the defendant.
- (3) Add an effective date of January 1, 2018.

Representative Howard offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Marino, Stefanski, Bacala, Carpenter, Dwight, Gaines, Hazel, Hodges, Howard, and Terry Landry voted yea. Representative Mack abstained.

Representative Terry Landry offered a motion to report House Bill No. 332 with amendments. Without objection, House Bill No. 332 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Mack, Marino, Stefanski, Bacala, Dwight, Gaines, Hazel, Howard, and Terry Landry voted yea.

House Bill No. 455 by Representative Abramson

On behalf of Representative Abramson, Emma Devillier, Office of the Attorney General, P. O. Box 94005, Baton Rouge, Louisiana, 70804, (225) 326-6200, presented House Bill No. 455, which provides relative to sex offender registration and notification.

Representative Mack offered a motion to report House Bill No. 455 favorably. Without objection, House Bill No. 455 was reported favorably by a vote of 8 yeas, 0 nays, and 1 abstention. Representatives Marino, Stefanski, Bacala, Dwight, Gaines, Hazel, Howard, and Terry Landry voted yea. Representative Mack abstained.

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. 83 by Representative Marino

Representative Marino presented House Bill No. 83, which authorizes an incarcerated defendant to appear at certain proceedings by way of simultaneous audio-visual transmission.

Natalie LaBorde, Department of Corrections, (225) 342-8131, spoke in support of House Bill No. 83.

Judge Bob Morrison, Louisiana District Judges Association, P.O. Box 788, Amite, Louisiana, 70422, (985) 748-9445, spoke in support of House Bill No. 83

Thomas Frampton, Orleans Public Defender, 2600 Tulane Avenue, Suite 700, New Orleans, Louisiana, 70119, (504) 827-8165, spoke in opposition to House Bill No. 83.

Carol Kolinchak, Louisiana Public Defender Board, 301 North Main Street, Baton Rouge, Louisiana, 70804, (225) 219-9305, spoke for informational purposes only.

Representative Stefanski offered a motion to report House Bill No. 83 favorably. Without objection, House Bill No. 83 was reported favorably by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Marino, Pylant, Stefanski, Bacala, Dwight, Hazel, Hodges, Howard, and Terry Landry voted yea. Representative Mack abstained.

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

House Bill No. 499 by Representative Schroder

Representative Schroder presented House Bill No. 499, which provides relative to the crime of stalking.

Kim Sport, United Way SELA, 2515 Canal Street, New Orleans, Louisiana, 70119, (504) 453-3313, spoke in support of House Bill No. 499.

Phillip Gouaux, 1421 Hyland Drive, Lockport, Louisiana, 70374, (985) 209-1499, spoke in support of House Bill No. 499.

Todd Murphy, representing self, no address provided, (504) 259-7575, spoke in support of House Bill No. 499.

Representative Mack offered amendments to:

- (1) Removed proposed changes to retain provisions of present law with regard to the discretionary granting of a protective order against a person convicted of stalking upon motion of the district attorney or court.
- (2) Add language that would require the issuance of a protective order, with the same terms as provided for by present law, if the defendant is placed on probation for a stalking conviction.
- (3) Provide that the present law exception for private investigators does not apply if the private investigator was retained for the purpose of harassing the victim by a person charged with an offense involving sexual assault or who is subject to a protective order or temporary restraining order obtained by a victim of sexual assault.

Representative Mack offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Marino, Pylant, Stefanski, Bacala, Dwight, Gaines, Hodges, Howard, and Terry Landry voted yea. Representative Mack abstained.

Victoria Coy, Louisiana Violence Reduction Coalition, 323 Tricou Street, New Orleans, Louisiana, 70117, no number provided, spoke in support of House Bill No. 499.

Representative Bacala offered a motion to report House Bill No. 499 with amendments. Without objection, House Bill No. 499 was reported with amendments by a vote of 8 yeas, 0 nays, and 1 abstention. Representatives Marino, Pylant, Stefanski, Bacala, Dwight, Gaines, Hodges, and Terry Landry voted yea. Representative Mack abstained.

Witness cards submitted by individuals who did not speak are as follows: 21 in support. Witness cards are included in the committee records.

House Bill No. 509 by Representative Schroder

Representative Schroder presented House Bill No. 509, which provides relative to temporary restraining orders.

Kim Sport, United Way SELA, 2515 Canal Street, New Orleans, Louisiana, 70119, (504) 453-3313, spoke in support of House Bill No. 509.

Representative Mack offered amendments to:

- (1) Remove the provisions of proposed law relative to the issuance of temporary restraining orders, protective orders, and the prohibitions on the possession of firearms under the present law Protection from Family Violence Act.
- (2) Add language that would require as a condition of bail for persons convicted of certain offenses that the defendant be prohibited from communicating with the victim or an immediate family member of the victim.

Representative Mack offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 8 yeas, 0 nays, and 1 abstention. Representatives Marino, Pylant, Stefanski, Bacala, Dwight, Gaines, Hodges, and Terry Landry voted yea. Representative Mack abstained.

Judge Bob Morrison, Louisiana District Judges Association, P. O. Box 788, Amite, Louisiana, 70422, (985) 748-9445, spoke in opposition to House Bill No. 509.

Representative Mack offered a motion to report House Bill No. 509 with amendments. Without objection, House Bill No. 509 was reported with amendments by a vote of 8 yeas, 0 nays, and 1 abstention. Representatives Marino, Pylant, Stefanski, Bacala, Dwight, Gaines, Hodges, and Terry Landry voted yea. Representative Mack abstained.

Witness cards submitted by individuals who did not speak are as follows: 23 in support. Witness cards are included in the committee records.

House Bill No. 61 by Representative Foil

On behalf of Representative Foil, Representative Mack offered a motion to voluntarily defer action on House Bill No. 61, which provides for the issuance of summons for misdemeanors or for certain felony charges. Without objection, action on House Bill No. 61 was voluntarily deferred by a vote of 8 yeas, 0 nays, and 1 abstention. Representatives Marino, Pylant, Stefanski, Bacala, Dwight, Gaines, Hodges, and Terry Landry voted yea. Representative Mack abstained.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 12:44 p.m.

Respectfully submitted,

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

Date adopted: