

House Committee on Administration of Criminal Justice

Minutes of Meeting
2017 Regular Session
May 2, 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 9:09 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 John H. Bagneris
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 Barbara M. Norton
Representative Steve E. Pylant, vice chairman
Representative John M. Stefanski

MEMBERS ABSENT:

Representative Joseph A. Marino, III

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

Janet Anthony, sergeant at arms

III. DISCUSSION OF LEGISLATION**House Bill No. 225 by Representative Pearson**

Representative Pearson presented House Bill No. 225, which adds certain substances to the Uniform Controlled Dangerous Substances Law.

Representative Mack offered amendments to:

- (1) Add an exception to the present law definition of "marijuana" for cannabidiol when it is contained in a drug product approved by the U.S. Food and Drug Administration.
- (2) Add AH-7921 to Schedule I.
- (3) Add Dronabinol to Schedule II.
- (4) Add Cannabidiol to Schedule V.

Representative Mack offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Bacala, Carpenter, Dwight, Gaines, Hazel, Howard, James, Terry Landry, Marcelle, Norton, and Stefanski voted yea. Representative Mack abstained.

Representative Howard offered a motion to report House Bill No. 225 with amendments. Without objection, House Bill No. 225 was reported with amendments by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Bacala, Carpenter, Dwight, Gaines, Hazel, Howard, James, Terry Landry, Marcelle, Norton, and Stefanski voted yea. Representative Mack abstained.

Witness cards submitted by individuals who did not speak are as follows: 7 in support and 1 for informational purposes only. Witness cards are included in the committee records.

House Bill No. 78 by Representative Dwight

Representative Dwight presented House Bill No. 78, which provides relative to the penalties for possession of phencyclidine.

John DeRosier, Calcasieu Parish District Attorney, P.O. Box 3206, Lake Charles, Louisiana, 70602, (337) 437-3400, spoke in support of House Bill No. 78.

Representative Howard offered a motion to report House Bill No. 78 favorably. Without objection, House Bill No. 78 was reported favorably by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Bacala, Carpenter, Dwight, Gaines, Hazel, Howard, James, Marcelle, Norton, Pylant, and Stefanski voted yea. Representative Mack abstained.

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

House Concurrent Resolution No. 15 by Representative Cox

Representative Cox presented House Concurrent Resolution No. 15, which recognizes the Natchitoches Tribe of Louisiana as an Indian tribe of the state.

Michael Alemond, Natchitoches Tribe of Louisiana, 22555 County Road 12, Foley, Alabama, (251) 424-5734, spoke in support of House Concurrent Resolution No. 15.

Belinda Brooks, Natchitoches Tribe of Louisiana, 111 Airport Road, Oak Grove, Louisiana, 71263, (318) 282-3559, spoke in support of House Concurrent Resolution No. 15.

Fred Simon, Natchitoches Tribe of Louisiana, 315 Third Street, Pioneer, Louisiana, 71266, no number provided, spoke in support of House Concurrent Resolution No. 15.

Representative Norton offered a motion to report House Concurrent Resolution No. 15 favorably. Without objection, House Concurrent Resolution No. 15 was reported favorably by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Bacala, Carpenter, Hazel, Howard, James, Terry Landry, Marcelle, Norton, and Stefanski voted yea. Representative Mack abstained.

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

House Bill No. 205 by Representative Bouie

Representative Bouie presented House Bill No. 205, which provides relative to the length of time certain applicants are required to wait before applying for a pardon or commutation of sentence.

Representative Norton offered a motion to report House Bill No. 205 favorably. Without objection, House Bill No. 205 was reported favorably by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bagneris, Carpenter, Gaines, Hazel, Howard, James, Terry Landry, Marcelle, Norton, Pylant, and Stefanski voted yea. Representative Mack abstained.

Witness cards submitted by individuals who did not speak are as follows: 27 in support and 9 in opposition. Witness cards are included in the committee records.

House Bill No. 268 by Representative Jimmy Harris

Representative Jimmy Harris presented House Bill No. 268, which provides relative to criminal history records checks for agencies with access to federal tax information, criminal history record information, or state issued REAL ID information.

Representative Mack offered amendments to:

- (1) Require criminal history records checks for any current or prospective employee, contractor, or subcontractor for an agency with access to federal tax information.
- (2) Require the local criminal history records check to be sent to any jurisdiction where the current or prospective employee, contractor, or subcontractor has lived, worked, or attended school within the last five years.
- (3) Remove proposed law provisions requiring that the promulgation of rules and regulations be done in consultation with the agencies listed in the proposed law.

Representative Mack offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bagneris, Carpenter, Hazel, Howard, James, Terry Landry, Marcelle, Norton, Pylant, and Stefanski voted yea. Representative Mack abstained.

Kimberly Robinson, Louisiana Department of Revenue, 617 North Third Street, Baton Rouge, Louisiana, 70802, spoke for informational purposes on House Bill No. 268.

Representative Terry Landry offered a motion to report House Bill No. 268 with amendments. Without objection, House Bill No. 268 was reported with amendments by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, Norton, Pylant, and Stefanski voted yea. Representative Mack abstained.

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

House Bill No. 45 by Representative Mack

Representative Mack offered a motion to voluntarily defer action on House Bill No. 45, which provides relative to sentencing and parole of certain juvenile offenders sentenced to life imprisonment and terms of imprisonment of more than thirty years. Without objection, action on House Bill No. 45 was voluntarily deferred by a vote of 13 yeas, 0 nays, and 1 abstention.

Representatives Bacala, Bagneris, Carpenter, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, Norton, Pylant, and Stefanski voted yea. Representative Mack abstained.

House Bill No. 74 by Representative Marcelle

Representative Marcelle presented House Bill No. 74, which provides relative to disposition of children after adjudication of certain felony-grade delinquent acts.

Representative Marcelle offered an amendment to make a technical correction to the provision of proposed law that amends the definition of "secure placement". Representative Marcelle offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bagneris, Carpenter, Dwight, Hazel, Hodges, James, Terry Landry, Marcelle, Pylant, and Stefanski voted yea. Representative Mack abstained.

Judge Paul Young, Caddo Parish Juvenile Court, 1835 Spring Street, Shreveport, Louisiana, 71101, (318) 393-4094, spoke in support of House Bill No. 74.

Judge Pamela Johnson, East Baton Rouge Juvenile Court, 8333 Veteran Boulevard, Baton Rouge, Louisiana, 70811, (225) 354-1208, spoke in support of House Bill No. 74.

Representative Rob Shadoin spoke in support of House Bill No. 74.

Representative Bagneris offered a motion to report House Bill No. 74 with amendments, to which Representative Bacala objected. The secretary called the roll, and House Bill No. 74 was reported with amendments by a vote of 9 yeas and 4 nays. Representatives Bagneris, Carpenter, Gaines, Howard, James, Terry Landry, Marcelle, Norton, and Stefanski voted yea. Representatives Bacala, Hazel, Hodges, and Pylant voted nay.

Witness cards submitted by individuals who did not speak are as follows: 25 in support, 13 in opposition, and 3 for informational purposes only. Witness cards are included in the committee records.

House Bill No. 506 by Representative Jefferson

Representative Jefferson presented House Bill No. 506, which provides relative to juvenile records and proceedings.

Representative Mack offered amendments to:

- (1) Make a correction to clarify the proposed expungement provisions apply to the reports as well as the records of the agency.

- (2) Amend the proposed expungement forms to conform with the provisions of proposed law and make other technical corrections to the proposed expungement forms.
- (3) With regard to the prohibition against destruction of records and state police's duty to remove all records and identifiable information from its database, correct a citation in present law referencing the provisions that provide for the expungement of records of criminal arrests and convictions.
- (4) Make other technical corrections.

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 Bacala, Bagneris, Carpenter, Hazel, Howard, James, Norton, Pylant, and Stefanski voted yea. Representative Mack abstained.

Karen Hallstrom, Louisiana State Law Institute, Paul M. Hebert Law Center, Room W127, University Station, Baton Rouge, Louisiana, 70803, no number provided, spoke for informational purposes on House Bill No. 506.

Representative Norton offered a motion to report House Bill No. 506 with amendments. Without objection, House Bill No. 506 was reported with amendments by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bagneris, Carpenter, Hazel, Howard, James, Terry Landry, Marcelle, Norton, and Stefanski voted yea. Representative Mack abstained.

Witness cards submitted by individuals who did not speak are as follows: 14 in support and 1 for informational purposes only. Witness cards are included in the committee records.

House Bill No. 302 by Representative Lance Harris

Representative Lance Harris presented House Bill No. 302, which increases the maximum amount of parole supervision fees.

Representative Howard offered an amendment to add language requiring the funds received from the proposed increase in supervision fees to be dedicated to the recruitment and retention of adult probation and parole officers without supplanting any budget funds used for those purposes. Representative Howard offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bagneris, Carpenter, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, Norton, Pylant, and Stefanski voted yea. Representative Mack abstained.

Thomas Bickham, Department of Corrections, 504 Mayflower, Baton Rouge, Louisiana, 70802, no number provided, spoke for informational purposes only on House Bill No. 302.

Francisco Dean, Louisiana Fraternal Order of Police Lodge 50, Pearl River, Louisiana, 70452, (985) 774-8570, spoke in support of House Bill No. 302.

Checo Yancy, VOTE, 2022 St. Bernard Avenue, New Orleans, Louisiana, 70116, (504) 270-5245, spoke in opposition to House Bill No. 302.

Representative Bacala offered a motion to report House Bill No. 302 with amendments, to which Representative James objected. The secretary called the roll, and House Bill No. 302 was reported with amendments by a vote of 8 yeas and 7 nays. Representatives Mack, Bacala, Dwight, Hazel, Hodges, Howard, Pylant, and Stefanski voted yea. Representatives Bagneris, Carpenter, Gaines, James, Terry Landry, Marcelle, and Norton voted nay.

Witness cards submitted by individuals who did not speak are as follows: 73 in support, 5 in opposition. Witness cards are included in the committee records.

House Bill No. 215 by Representative Hunter

On behalf of Representative Hunter, Representative Mack offered a motion to voluntarily defer action on House Bill No. 215, which provides for the time limitations for prosecution of bank fraud. Without objection, action on House Bill No. 215 was voluntarily deferred by a vote of 14 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bagneris, Carpenter, Dwight, Gaines, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, Norton, Pylant, and Stefanski voted yea. Representative Mack abstained.

House Bill No. 429 by Representative Pylant

On behalf of Representative Pylant, Representative Mack offered a motion to voluntarily defer action on House Bill No. 429, which provides relative to the salary and deducted expenses of an inmate in a work release program or workforce development work release program. Without objection, action on House Bill No. 429 was voluntarily deferred by a vote of 14 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bagneris, Carpenter, Dwight, Gaines, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, Norton, Pylant, and Stefanski 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 12:23 p.m.

Respectfully submitted,

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

Date adopted: