

House Committee on Administration of Criminal Justice

Minutes of Meeting
2017 Regular Session
May 10, 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 9:27 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 Raymond J. Crews
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 Steve E. Pylant, vice chairman
Representative John M. Stefanski

MEMBERS ABSENT:

Representative Barbara M. Norton

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

Janet Anthony, sergeant at arms
Madeline Murphy, clerk
Jordan Zeringue, clerk

III. DISCUSSION OF LEGISLATION**House Concurrent Resolution No. 30 by Representative McFarland**

On behalf of Representative McFarland, Representative Mack offered a motion to report House Concurrent Resolution No. 30 favorably, which directs the secretary of the Dept. of Public Safety and Corrections to determine the feasibility and potential savings of privatizing correctional facilities and using the savings for programs for state offenders housed at local facilities. Without objection, House Concurrent Resolution No. 30 was reported favorably by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Bagneris, Carpenter, Crews, Gaines, Howard, James, Terry Landry, Marcelle, Marino, and Pylant voted yea. Representative Mack abstained.

House Bill No. 68 by Representative Ivey

Representative Ivey presented House Bill No. 68, which exempts certain Louisiana residents from the crime of illegal carrying of weapons when the firearm is legally obtained, manufactured, and possessed.

Brian McHenry, Louisiana Carry, 319 Hickory Street, West Monroe, Louisiana, 71291, (318) 450-5191, spoke in support of House Bill No. 68.

Reverend Jeff Eagles, Louisiana Carry, 130 Greenhouse Road, Transylvania, Louisiana, 71286, (318) 439-7392, spoke in support of House Bill No. 68.

Joshua Malone, Louisiana Carry, 15 Butch Andries Road, Elmer, Louisiana, 71424, (318) 623-0249, spoke in support of House Bill No. 68.

ShaRonda Parker, 3415 Ocala Avenue, Baton Rouge, Louisiana, 70814, (225) 302-7480, spoke in support of House Bill No. 68.

Everett Baudean, 630 Riveroaks Drive, Baton Rouge, Louisiana, 70815, (504) 237-6543, spoke in support of House Bill No. 68.

Doug Inwood, Louisiana Carry, 4281 County Hill Drive, Baton Rouge, Louisiana, 70820, (225) 756-4804, spoke in support of House Bill No. 68.

Kenneth Flaming, 17012 Pelican Road, Erath, Louisiana, 70533, (337) 315-9239, spoke in support of House Bill No. 68.

Jimmy Williams, Constitution Party of Louisiana, 329 Evergreen Street, West Monroe, Louisiana, 71292, (318) 323-1291, spoke in support of House Bill No. 68.

Bradley Gulotta, Gun Rights Across America, 13198 Vitrano Lane, Independence, Louisiana, 70443, (985) 969-4164, spoke in support of House Bill No. 68.

Charles Saucier, Libertarian Party of Louisiana, 42082 Meadow Lane, Ponchatoula, Louisiana, 70454, (985) 687-2794, spoke in support of House Bill No. 68.

Daniel Hayes, Libertarian Party, 215 Manson Avenue, Apt. B, Metairie, Louisiana, 70001, (504) 258-6176, spoke in support of House Bill No. 68.

Spencer Parker, 3415 Ocala Avenue, Baton Rouge, Louisiana, 70814, (225) 772-5798, spoke in support of House Bill No. 68.

Joshua Davis, 4135 Strand Drive, Baton Rouge, Louisiana, 70809, (225) 610-0318, spoke in support of House Bill No. 68.

Louis White, Greater New Orleans Tea Party, 3220 North Arnolt Road, Metairie, Louisiana, 70002, (504) 402-6686, spoke in support of House Bill No. 68.

Victoria Coy, Louisiana Violence Reduction Coalition, 323 Tricou Street, New Orleans, Louisiana, 70117, no number provided, spoke in support of House Bill No. 68.

Lori Maraist, Moms Demand Action, 208 Brentwood Boulevard, Lafayette, Louisiana, 70506, (337) 993-3328, spoke in opposition to House Bill No. 68.

Cissy Rowley, Moms Demand Action, 816 Old Metairie Place, Metairie, Louisiana, 70001, (504) 615-1962, spoke in opposition to House Bill No. 68.

Shannon Holtzman, 21 Richmond Place, New Orleans, Louisiana, 70115, (504) 556-4148, spoke in opposition to House Bill No. 68.

Representative James offered a motion to involuntarily defer action on House Bill No. 68, to which Representative Hodges objected. The secretary called the roll, and action on House Bill No. 68 was involuntarily deferred by a vote of 8 yeas and 5 nays. Representatives Bagneris, Carpenter, Gaines, Howard, James, Terry Landry, Marcelle, and Marino voted yea. Representatives Mack, Crews, Hodges, Pylant, and Stefanski voted nay.

Witness cards submitted by individuals who did not speak are as follows: 13 in support, 20 in opposition. Witness cards are included in the committee records.

House Bill No. 61 by Representative Foil

Representative Foil presented House Bill No. 61, which provides for the issuance of summons for misdemeanors or for certain felony charges.

Representative Mack offered an amendment to make proposed law apply only to misdemeanors. Representative Mack offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Bagneris, Carpenter, Crews, Gaines, Hodges, Howard, Terry Landry, Marino, and Pylant voted yea. Representative Mack abstained.

Representative Pylant offered a motion to voluntarily defer action on House Bill No. 61. Without objection, action on House Bill No. 61 was voluntarily deferred by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Bagneris, Carpenter, Crews, Dwight, Gaines, Hodges, Howard, James, Terry Landry, Marcelle, Marino, and Pylant voted yea. Representative Mack abstained.

Senate Bill No. 42 by Senator Johns

Senator Johns presented Senate Bill No. 42, which creates the Louisiana Human Trafficking Prevention Commission and Advisory Board.

Professor Lucy McGough, Louisiana State Law Institute, Paul M. Hebert Law Center, Room W127, University Station, Baton Rouge, Louisiana, 70803, no number provided, spoke for informational purposes only on Senate Bill No. 42.

Representative Mack offered an amendment to add an effective date upon signature of the governor or lapse of time for gubernatorial action. Representative Mack 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 Carpenter, Crews, Dwight, Gaines, Hazel, Hodges, Howard, James, Terry Landry, Marino, and Pylant voted yea. Representative Mack abstained.

Representative Mack offered an amendment to add a member nominated by the La. Chapter of the American Academy of Pediatrics or its designee to the advisory board. Representative Mack 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 Carpenter, Crews, Dwight, Gaines, Hazel, Hodges, Howard, James, Terry Landry, Marino, and Pylant voted yea. Representative Mack abstained.

Representative Dwight offered a motion to report Senate Bill No. 42 with amendments. Without objection, Senate Bill No. 42 was reported with amendments by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Carpenter, Crews, Dwight, Gaines, Hazel, Hodges, Howard, James, Terry Landry, Marino, and Pylant 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.

Senate Bill No. 41 by Senator Johns

Senator Johns presented Senate Bill No. 41, which provides for the forfeiture of currency related to the commission of certain sex offenses.

Joseph Lopinto, Jefferson Parish Sheriff's Office, 1233 Westbank Expressway, Harvey, Louisiana, 70061, no number provided, spoke in support of Senate Bill No. 41.

Representative Mack offered a motion to report Senate Bill No. 41 favorably. Without objection, Senate Bill No. 41 was reported favorably by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Bagneris, Carpenter, Crews, Dwight, Hazel, Hodges, James, Terry Landry, Marcelle, Marino, Pylant, and Stefanski voted yea. Representative Mack abstained.

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. 323 by Representative Franklin

Representative Franklin presented House Bill No. 323, which provides with respect to progressive bingo.

Representative Terry Landry offered amendments to:

- (1) Restore present law relative to every \$200 contribution deposited into a special account for a progressive bingo game, but provide that the contribution shall not constitute part of the total amount of prizes awarded during a licensed call bingo gaming session.
- (2) Clarify that the mega jackpot for a progressive bingo game shall not exceed \$100,000, if the game is played on bingo paper, bingo cards, or by using an Electronic Bingo Card Dabber Device.
- (3) Provide that the mega jackpot for a progressive mega jackpot bingo game shall not exceed \$10,000.

- (4) Require 80% of the net win from progressive bingo and progressive mega jackpot bingo games to be paid to the charitable organization and 20% of the net win from the games to be paid to the distributor.
- (5) Limit the sales of progressive mega jackpot bingo on an Electronic Bingo Card Dabber Device for any organization to six games per hour, and authorize the office of charitable gaming to suspend the sales of any organization that violates the sale of progressive mega jackpot bingo until the organization becomes compliant.
- (6) Make technical corrections.

Representative Terry Landry 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 Bagneris, Carpenter, Crews, Dwight, Gaines, Hazel, Hodges, James, Terry Landry, Marcelle, Marino, Pylant, and Stefanski voted yea. Representative Mack abstained.

Jacqueline Green, Calcasieu Council on Aging, 3950 Highway 14, Lake Charles, Louisiana, 70607, (337) 474-2583, spoke in support of House Bill No. 323.

Representative Terry Landry offered a motion to report House Bill No. 323 with amendments. Without objection, House Bill No. 323 was reported with amendments by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Bagneris, Crews, Dwight, Gaines, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, Marino, Pylant, and Stefanski voted yea. Representative Mack abstained.

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

House Bill No. 50 by Representative Dwight

Representative Dwight presented House Bill No. 50, which provides relative to the electronic monitoring of inmates participating in a work release program administered by sheriffs.

Representative Mack offered a motion to voluntarily defer action on House Bill No. 50. Without objection, action on House Bill No. 50 was voluntarily deferred by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Bagneris, Carpenter, Crews, Dwight, Gaines, Hodges, Howard, James, Terry Landry, Marcelle, Marino, Pylant, and Stefanski voted yea. Representative Mack abstained.

House Bill No. 93 by Representative Miguez

Representative Miguez presented House Bill No. 93, which authorizes an immediate family member of a state trooper to purchase his duty firearm upon death.

Representative Mack offered amendments to:

- (1) Expand proposed law to authorize an immediate family member to purchase the firearm of a qualified sheriff, deputy sheriff, or municipal police officer who was unable to do so prior to his death.
- (2) Prohibit an immediate family member from purchasing the firearm if the immediate family member is prohibited from possession of a firearm under any present state or federal law.

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 Bagneris, Carpenter, Crews, Dwight, Gaines, Hodges, Howard, James, Terry Landry, Marcelle, Marino, Pylant, and Stefanski voted yea. Representative Mack abstained.

Representative Pylant offered an amendment to provide that if more than one immediate family member seeks to purchase the firearm, the oldest immediate family member who seeks to purchase the firearm shall be entitled to do so. Representative Pylant offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Bagneris, Carpenter, Crews, Dwight, Gaines, Hodges, Howard, James, Terry Landry, Marcelle, Marino, Pylant, and Stefanski voted yea. Representative Mack abstained.

Representative Stefanski offered a motion to report House Bill No. 93 with amendments. Without objection, House Bill No. 93 was reported with amendments by a vote of 14 yeas, 0 nays, and 1 abstention. Representatives Bagneris, Carpenter, Crews, Dwight, Gaines, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, Marino, Pylant, and Stefanski voted yea. Representative Mack abstained.

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. 16 by Senator Claitor

Senator Claitor presented Senate Bill No. 16, which provides relative to certain juveniles sentenced to life without parole.

Representative Mack offered amendments to:

- (1) Retain present law with respect to parole eligibility for juvenile offenders sentenced to life imprisonment for non-homicide offenses except that it retains the provision of proposed law that decreased the amount of time such offenders are required to serve before becoming parole eligible from 30 years of the sentence imposed to 25 years of the sentence imposed.

- (2) Delete the repeal of the present law provision relative to the judicial determination of whether a juvenile offender's sentence for the first or second degree murder is to be imposed with or without parole eligibility.
- (3) Delete the repeal of the present law provision that provides relative to the parole eligibility of a juvenile offender sentenced to life imprisonment for first or second degree murder.
- (4) Delete the provision that provided proposed law shall be effective upon signature of the governor or lapse of time for gubernatorial action.
- (5) Add provisions that provide relative to parole eligibility for juvenile offenders convicted of first degree murder whose indictment for the offense is on or after August 1, 2017; for juvenile offenders convicted of second degree murder whose indictment for the offense is on or after August 1, 2017; and for juvenile offenders convicted of first or second degree murder whose indictment for the offense was prior to August 1, 2017.
- (6) Provide relative to the procedure for the judicial determination of whether a juvenile offender's sentence is to be imposed with or without parole eligibility.
- (7) Provide that a juvenile offender convicted of second degree murder whose indictment for the offense is on or after August 1, 2017, a judicial determination of the offender's parole eligibility is not required.
- (8) With regard to the hearing for the judicial determination of the offender's parole eligibility, provide that expert testimony is only necessary as determined by the court, the sole purpose of the hearing is to determine whether the sentence is to be imposed with or without parole eligibility, and the court is required to state for the record the considerations taken into account and the factual basis for its determination.

E. Pete Adams, Louisiana District Attorneys Association, 1645 Nicholson Drive, Baton Rouge, Louisiana, 70802, no number provided, spoke in support of Senate Bill No. 16 with amendments.

Judge Bob Morrison, Louisiana District Judges Association, P. O. Box 788, Amite, Louisiana, 70422, (985) 798-9445, spoke for informational purposes only.

Aaron Clark-Rizzo, Louisiana Center for Children's Rights, 1100 Milton Street, New Orleans, Louisiana, 70117, (504) 658-9500, spoke in support of Senate Bill No. 16.

Rod Noles, 4309 Wendover Boulevard, Alexandria, Louisiana, 71303, (318) 487-0707, spoke in support of Senate Bill No. 16.

James Widenhouse, Newton, Pennsylvania, 18940, (210) 883-1651, spoke in support of Senate Bill No. 16.

Billy Joe Harrington, District Attorney 10th JDC, P.O. Box 838, Natchitoches, Louisiana, 71457, (318) 357-2214, spoke in support of Senate Bill No. 16 with amendments.

Victor Jones, P. O. Box 266, Natchitoches, Louisiana, 71457, (318) 357-7802, spoke in support of Senate Bill No. 16 with amendments.

Nathan Allbritton, 8285 Highway 509, Mansfield, Louisiana, 71052, (318) 663-9885, spoke in support of Senate Bill No. 16 with amendments.

Sharon Yarbrough, 5807 Larkspur Drive, Alexandria, Louisiana, 71303, (318) 445-9232, spoke in support of Senate Bill No. 16 with amendments.

James Yarbrough, 5225 Argonne Boulevard, Alexandria Louisiana, 71303, (318) 413-7004, spoke in support of Senate Bill No. 16 with amendments.

Heather Yarbrough Johnson, 956 Stones Way Drive, Pineville, Louisiana, 71360, (318) 290-4354, spoke in support of Senate Bill No. 16 with amendments.

Cammie Maturin, H.O.P.E. Foundation, P. O. Box 13832, New Iberia, Louisiana, 70562, no number provided, spoke in support of Senate Bill No. 16 without amendments.

Emily Posner, Attorney, P.O. Box 913, New Orleans, Louisiana, 70118, no number provided, spoke in support of Senate Bill No. 16 without amendments.

Misty Jenkins, 33594 Clinton Allen Road, Denham Springs, Louisiana, 70706, (225) 810-0051, spoke in support of Senate Bill No. 16.

Dr. Loretta Sonnier, Louisiana Center for Children's Rights, 1440 Canal Avenue, New Orleans, Louisiana, 70012, (513) 805-3055, spoke in support of Senate Bill No. 16.

Dana Cummings, East Baton Rouge District Attorney, 222 St. Louis Street, Baton Rouge, Louisiana, 70804, (225) 389-8794, spoke in opposition to Senate Bill No. 16, but in favor of the proposed amendments.

Mary Magee, 2685 Cedarcrest Avenue, Baton Rouge, Louisiana, 70816, (225) 405-7567, spoke in opposition to Senate Bill No. 16.

Steve Magee, 2685 Cedarcrest Avenue, Baton Rouge, Louisiana, 70816, (225) 505-1054, spoke in opposition to Senate Bill No. 16, but in favor of the proposed amendments.

Robert Odinet, Louisiana District Attorney Association, Buchanan Street, Lafayette, Louisiana, 70501, (337) 232-5170, spoke in support of Senate Bill No. 16 with amendments.

Professor Katherine Mattes, Tulane Law School, 6329 Freret Street, New Orleans, Louisiana, 70154, no number provided, spoke in support of Senate Bill No. 16.

Jean Cantrell, 610 Shadowlawn Drive, Berwick, Louisiana, 70342, (985) 498-9044, spoke in opposition to Senate Bill No. 16.

Jill Boagni, 1502 Berwick Bend, Zachary, Louisiana, 70791, no number provided, spoke in opposition to Senate Bill No. 16.

Bert Cantrell, 610 Shadowlawn Drive, Berwick, Louisiana, 70342, no number provided, spoke in opposition to Senate Bill No. 16.

James T. Dixon, Jr. Louisiana Public Defender Board, 301 Main Street, Suite 700, Baton Rouge, Louisiana, 70825, (225) 219-9305, spoke for informational purposes only on Senate Bill No. 16.

Carol Kolinchak, Louisiana Public Defender Board, 301 Main Street, Suite 700, Baton Rouge, Louisiana, 70825, (225) 219-9305, spoke for informational purposes only on Senate Bill No. 16.

Representative Mack offered a motion to adopt the proposed amendments, to which Representative Marcelle objected. The secretary called the roll, and the amendments were adopted by a vote of 12 yeas and 2 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Gaines, Hazel, Howard, Terry Landry, Marino, Pylant, and Stefanski voted yea. Representatives James and Marcelle voted nay.

Representative Mack offered a motion to report Senate Bill No. 16 with amendments. Without objection, Senate Bill No. 16 was reported with amendments by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bagneris, Carpenter, Dwight, Gaines, Hazel, Howard, James, Terry Landry, Marcelle, Marino, Pylant, and Stefanski voted yea. Representative Mack abstained.

Witness cards submitted by individuals who did not speak are as follows: 37 in support and 16 in opposition. Witness cards are included in the committee records.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 2:01 p.m.

Respectfully submitted,

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

Date adopted: