

## House Committee on Administration of Criminal Justice

Minutes of Meeting  
2017 Regular Session  
May 17, 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 9:04 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 Barbara M. Norton  
Representative Steve E. Pylant, vice chairman  
Representative John M. Stefanski

#### **STAFF MEMBERS PRESENT:**

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

#### **ADDITIONAL ATTENDEES PRESENT:**

Jordan Zeringue, clerk

Madeline Murphy, clerk  
Janet Anthony, sergeant at arms

### **III. DISCUSSION OF LEGISLATION**

#### **House Bill No. 424 by Representative Lyons**

Representative Lyons presented House Bill No. 424, which amends provisions of law regarding the claim of self defense in the use of force or violence and justifiable homicide.

Nathan Gifford, Team SASS, 16087 Goudeaux Road, Tickfaw, Louisiana, 70466, (985) 974-7265, spoke in opposition to House Bill No. 424.

Wade Duty, Louisiana Shooting Association, P. O. Box 3841, Baton Rouge, Louisiana, 70821, (225) 344-0037, spoke in opposition to House Bill No. 424.

Colonel Rob Maness, Louisiana Self Defense Coalition, no address provided, (985) 218-0135, spoke in opposition to House Bill No. 424.

Judith Newman, Home Defense Foundation, 1705 N. Sibley Street, Metairie, Louisiana, 70003, (504) 466-4733, spoke in opposition to House Bill No. 424.

Mike Weinberger, Home Defense Foundation, 827 Port Street, New Orleans, Louisiana, 70117, (504) 265-0647, spoke in opposition to House Bill No. 424.

Woodward Logan, Home Defense Foundation, no address provided, (504) 236-5894, spoke in opposition to House Bill No. 424.

Alicia Taylor, 5496 Grand Bayou Drive, New Orleans, Louisiana, 70129, (504) 218-6336, spoke in opposition to House Bill No. 424.

Allan Boggs, 3015 Seine Street, Algiers, Louisiana, 70114, (504) 717-7575, spoke in opposition to House Bill No. 424.

Representative Terry Landry offered a motion to voluntarily defer action on House Bill No. 424. Without objection, action on House Bill No. 424 was voluntarily deferred by a vote of 14 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Crews, Dwight, Gaines, Hazel, Hodges, Howard, Terry Landry, Marcelle, Marino, Norton, and Pylant voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 in support and 37 in opposition. Witness cards are included in the committee records.

**House Bill No. 489 by Representative Leger**

Representative Leger presented House Bill No. 489, which reinvests money from savings realized as a result of reforms to the criminal justice system and requires the collection of data in this regard.

Representative Hazel offered amendments to:

- (1) Provide that the La. Commission on Law Enforcement and Administration of Criminal Justice, instead of the La. Supreme Court, shall work in conjunction with the Dept. of Public Safety and Corrections to collect, track, analyze, forecast, and distribute the data.
- (2) Change the date that the data and information is to be provided to the entities listed in proposed law from Dec. 31, 2017, to June 30, 2018.
- (3) Instead of authorizing the Dept. of Public Safety and Corrections to contract with third parties for the collection, tracking, analysis, forecasting, and distribution of the information and data, authorize the department to enter into a memorandum of understanding or a cooperative endeavor agreement with a third party for such purposes.
- (4) Remove sentencing data from the type of information that is to be collected.
- (5) Expand the provision regarding the collection of information on work release programs to include all types of work release programs.
- (6) With regard to the collection of data on the reinvestment of savings, provide that the data shall continue and include legislative measures from future legislative sessions.
- (7) Provide that the FY 2018-19 and thereafter, 20% of the annual savings shall be allocated for juvenile justice initiatives and programs.
- (8) Clarify the language regarding the distribution of funds that are deemed to be a bond fide obligation.

Representative Hazel 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 Bacala, Bagneris, Crews, Dwight, Gaines, Hazel, Hodges, Howard, Terry Landry, Marino, Norton, Pylant, and Stefanski voted yea. Representative Mack abstained.

Secretary James LeBlanc, Department of Public Safety and Corrections, 504 Mayflower Street, Baton Rouge, Louisiana, 70802, (225) 342-6740, spoke for informational purposes only.

Representative Terry Landry offered a motion to report House Bill No. 489 with amendments. Without objection, House Bill No. 489 was reported with amendments by a vote of 15 yeas, 0 nays, and 1 abstention. Representatives Bacala, Carpenter, Crews, Dwight, Gaines, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea. Representative Mack abstained.

Witness cards submitted by individuals who did not speak are as follows: 47 in support and 1 for informational purposes only. Witness cards are included in committee records.

### **House Bill No. 116 by Representative Dwight**

Representative Dwight presented House Bill No. 116, which provides relative to the registration and rights of crime victims.

Representative Terry Landry offered amendments to:

- (1) Provide that certain victim's reentry statement and request that the inmate be subject to certain proximity or contact restriction does not apply to an inmate who is being released by diminution of sentence for good behavior or "good time".
- (2) Provide that the victim's reentry statement is not binding on the committee on parole, but shall be considered in concert with other relevant information when setting parole conditions.
- (3) Clarify that the system to be developed by the La. Commission on Law Enforcement and Administration of Criminal Justice will allow for an agency to electronically submit the uniform victim notice and registration form and allow the victim to receive all notices electronically.

Representative Terry Landry offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas and 0 nays. Representatives Bacala, Bagneris, Carpenter, Crews, Dwight, Gaines, Hazel, Hodges, James, Terry Landry, Marino, and Pylant voted yea.

Representative Terry Landry offered a motion to report House Bill No. 116 with amendments. Without objection, House Bill No. 116 was reported with amendments by a vote of 13 yeas and 0 nays. Representatives Bacala, Bagneris, Carpenter, Crews, Dwight, Gaines, Hazel, Hodges, James, Terry Landry, Marino, Norton, and Pylant voted yea.

Witness cards submitted by individuals who did not speak are as follows: 30 in support. Witness cards are included in committee records.

### **House Concurrent Resolution No. 64 by Representative Dwight**

Representative Dwight presented House Concurrent Resolution No. 64, which directs the Department of Public Safety and Corrections, in conjunction with the Louisiana Sheriffs' Association, to study methods of oversight for inmates participating in work release programs.

Representative Mack offered a motion to report House Concurrent Resolution No. 64 favorably. Without objection, House Concurrent Resolution No. 64 was reported favorably by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bagneris, Carpenter, Crews, Dwight, Gaines, Hazel, James, Terry Landry, Marino, and Pylant voted yea. Representative Mack abstained.

#### **Senate Bill No. 28 by Senator Morrish**

On behalf of Senator Morrish, Lee Mollett, ATS, 511 East Frontage Road, Iowa, Louisiana, 70647, (337) 515-2154, presented Senate Bill No. 28, which provides relative to facilities providing housing to individuals referred by judicial agencies.

Representative Mack offered a motion to report Senate Bill No. 28 favorably. Without objection, Senate Bill No. 28 was reported favorably by a vote of 13 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bagneris, Carpenter, Crews, Dwight, Gaines, Hazel, James, Terry Landry, Marino, Norton, Pylant, and Stefanski voted yea. Representative Mack abstained.

#### **Senate Bill No. 70 by Senator Donahue**

On behalf of Senator Donahue, Collin Sims, Chief Criminal Assistant District Attorney, Covington, Louisiana, no address provided, (985) 400-0016, presented Senate Bill No. 70, which makes misbranding or adulteration of drugs under certain circumstances a felony.

Representative Norton offered a motion to report Senate Bill No. 70 favorably. Without objection, Senate Bill No. 70 was reported favorably by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bagneris, Carpenter, Dwight, Hazel, Howard, Terry Landry, Marcelle, Marino, 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 committee records.

#### **House Concurrent Resolution No. 26 by Representative Moreno**

Representative Moreno presented House Concurrent Resolution No. 26, which directs the Louisiana State Police Crime Lab to study and make recommendations for the implementation of a tracking system relative to the status of sexual assault collection kits.

Representative Hazel offered amendments to:

- (1) Require the attorney general to study and make recommendations, in conjunction with the state police crime lab, on the implementation of a sexual assault collection kit tracking system.
- (2) Direct the state police crime lab and the attorney to solicit and obtain input from the La. Commission on Law Enforcement and Administration of Criminal Justice, the La. Foundation Against Sexual Assault, Sexual Assault Trauma Awareness and Response, and other stakeholders.
- (3) Make technical corrections.

Representative Hazel 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, Crews, Dwight, Hazel, Howard, Terry Landry, Marcelle, Marino, Norton, and Stefanski voted yea. Representative Mack abstained.

Representative Norton offered a motion to report House Concurrent Resolution No. 26 with amendments. Without objection, House Concurrent Resolution No. 26 was reported with amendments by a vote of 15 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bagneris, Carpenter, Crews, Dwight, Gaines, Hazel, Howard, James, Terry Landry, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea. Representative Mack abstained.

### **House Bill No. 249 by Representative Magee**

Representative Magee presented House Bill No. 249, which provides relative to the payment of fines, fees, costs, restitution, and other monetary obligations related to an offender's conviction.

Representative Mack offered amendments to:

- (1) Remove the provision that presumes "substantial financial hardship" if the defendant has been deemed "indigent" for purposes of appointment of counsel pursuant to present law.
- (2) Authorize the judge to refer any unpaid monetary obligation that remains at the end of the defendant's probation period to the office of debt recovery in the Dept. of Revenue pursuant to present law.
- (3) For the purpose of the provisions of present law regarding the recovery of unpaid debt by the office of debt recovery, amend the definition of "agency" to include courts only for the purpose of recovering unpaid monetary obligations that remain at the end of the defendant's probation period.

Representative Mack offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 15 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bagneris, Carpenter, Crews, Dwight, Gaines, Hazel, Howard, James, Terry Landry, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea. Representative Mack abstained.

Judge Bob Morrison, Louisiana District Judges Association, P. O. Box 788, Amite, Louisiana, 70422, (985) 748-9497, spoke in opposition to House Bill No. 249.

Judge Jules Edwards, P. O. Box 3568, Lafayette, Louisiana, 70501, (337) 269-5708, spoke in opposition to House Bill No. 249.

Carolyn Stapleton, 645 Morrow Avenue, Zachary, Louisiana, 70791, (225) 978-9567, spoke in opposition to House Bill No. 249.

Brigitte Neiland, LABI, 3113 Valley Creek Drive, Baton Rouge, Louisiana, 70808, (225) 925-5388, spoke in support of House Bill No. 249.

Sheriff Craig Webre, Lafourche Parish Sheriff's Office, 200 Canal Boulevard, Thibodaux, Louisiana, 70301, (985) 438-9481, spoke in support of House Bill No. 249.

Representative Marcelle offered a motion to report House Bill No. 249 with amendments. Without objection, House Bill No. 249 was reported with amendments by a vote of 13 yeas and 3 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Gaines, Hodges, Howard, James, Terry Landry, Marcelle, Marino, and Norton voted yea. Representatives Crews, Hazel, and Pylant voted nay.

Witness cards submitted by individuals who did not speak are as follows: 29 in support and 1 for informational purposes only. Witness cards are included in the committee records.

### **House Bill No. 101 by Representative Terry Landry**

Representative Terry Landry presented House Bill No. 101, which eliminates the death penalty for offenses committed on or after August 1, 2017.

Shelton Fabre, Louisiana Conference of Catholic Bishops, P. O. Box 505, Schriever, Louisiana, 70395, (985) 850-3124, spoke in support of House Bill No. 101.

Rev. Dr. Gerard Robinson, Sr., McKowen Baptist Church, 1255 Louise Street, Baton Rouge, Louisiana, 70802, no number provided, spoke in support of House Bill No. 101.

Keith Richard, Elevate Church, 4624 Kilkenney Drive, Baton Rouge, Louisiana, 70814, (225) 308-9906, spoke in support of House Bill No. 101.

Brandi Melissa, Victim's Rights, Baton Rouge, Louisiana, no number provided, spoke in support of House Bill No. 101.

Alex Lucas, 252 Soniat Avenue, Harahan, Louisiana, 70123, (504) 734-3216, spoke in support of House Bill No. 101.

Sophie Trist, 691 Kiskatom Lane, Mandeville, Louisiana, 70471, (985) 373-3377, spoke in support of House Bill No. 101.

Ray Krone, Witness to Innocence, 420 Cherry Hill Road, Newport, Tennessee, 37821, (602) 309-9494, spoke in support of House Bill No. 101.

Randal Padgett, Witness to Innocence, 5947 Pleasant Hill Road, Guntersville, Alabama, 35976, (256) 878-9418, spoke in support of House Bill No. 101.

Gary Drinkard, Witness to Innocence, Moulton, Alabama, 35650, (256) 590-1178, spoke in support of House Bill No. 101.

Tom Lowenstein, no address provided, (504) 450-1643, spoke in support of House Bill No. 101.

Robert Dunham, Death Penalty Information Center, 1015 18<sup>th</sup> Street NW, Suite 704, Washington, D.C., 20036, (202) 289-2275, spoke for informational purposes only.

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.

Hugo Holland, Louisiana District Attorneys Association, 1045 Nicholson Drive, Baton Rouge, Louisiana, 70802, (225) 345-0171, spoke in opposition to House Bill No. 101.

Edie Triche, 435 Grand Coulee, LaPlace, Louisiana, 70068, (985) 652-2047, spoke in opposition to House Bill No. 101.

Bridget Divant, 40<sup>th</sup> JDC, District Attorney, 1710 Cannes Drive, LaPlace, Louisiana, 70068, (985) 652-9757, spoke in opposition to House Bill No. 101.

Representative Stefanski offered an amendment to authorize the conducting of a proposition election in October of 2017 to determine whether the death penalty should be repealed in Louisiana. Representative Stefanski offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 17 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Gaines, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea.



Representative Marcelle offered a motion to report House Bill No. 101 with amendments, to which Representative Mack objected. The secretary called the roll, and the motion failed to pass by a vote of 8 yeas and 9 nays. Representatives Bagneris, Carpenter, Gaines, James, Terry Landry, Marcelle, Marino, and Stefanski voted yea. Representatives Mack, Bacala, Crews, Dwight, Hazel, Hodges, Howard, Norton, and Pylant voted nay.

Witness cards submitted by individuals who did not speak are as follows: 25 in support and 15 in opposition. Witness cards are included in the committee records.

### **House Bill No. 519 by Representative Emerson**

Representative Emerson presented House Bill No. 519, which modifies the Provisional Licenses for Ex-Offenders Act to create the Licenses for Ex-Offenders Act.

Representative Mack offered an amendment to restore present law that provides that a licensing entity shall not be required to issue a license to any person convicted of any grade of homicide, a crime of violence, or a sex offense as those terms are defined by present law. Representative Mack offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 9 yeas and 0 nays. Representatives Mack, Bacala, Crews, Hazel, Howard, Marino, Norton, Pylant, and Stefanski voted yea.

Representative Marino offered a motion to report House Bill No. 519 with amendments. Without objection, House Bill No. 519 was reported with amendments by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bagneris, Crews, Gaines, Hazel, Howard, James, Marcelle, Marino, Norton, and Stefanski voted yea. Representative Mack abstained.

Witness cards submitted by individuals who did not speak are as follow: 35 in support. Witness cards are included in committee records.

### **House Bill No. 110 by Representative Billiot**

Representative Billiot presented House Bill No. 110, which provides relative to the procedure for designating certain crimes in the court minutes as crimes of violence.

Jody Fortunato, Jefferson Parish District Attorney's Office, 200 Derbigny Street, Gretna, Louisiana, 70053, (504) 368-1020 spoke in support of House Bill No. 110.

Judge Bob Morrison, Louisiana District Judges Association, P. O. Box 788, Amite, Louisiana, 70422, (985) 748-9497, spoke in support of House Bill No. 110.

Representative Bacala offered a motion to report House Bill No. 110 favorably. Without objection, House Bill No. 110 was reported favorably by a vote of 10 yeas, 0 nays, and 1 abstention.

Representatives Bacala, Crews, Gaines, Hazel, Howard, James, Marino, Norton, Pylant, and Stefanski voted yea. Representative Mack abstained.

Witness cards submitted by individuals who did not speak are as follows: 9 in support and 2 in opposition. Witness cards are included in the committee records.

### **House Bill No. 186 by Representative Bagley**

Representative Bagley and Representative Horton presented House Bill No. 186, which provides an exception to the crime of illegal carrying of weapons for certain first responders.

Shane Spillman, PFAA, 8264 One Calais Avenue, Suite C, Baton Rouge, Louisiana, 70809, (225) 360-3380, spoke in opposition to House Bill No. 186.

Representative Howard offered a motion to report House Bill No. 186 favorably, to which Representative Norton objected. The secretary called the roll, and House Bill No. 186 was reported favorably by a vote of 8 yeas and 4 nays. Representatives Bacala, Bagneris, Crews, Gaines, Hazel, Howard, Pylant, and Stefanski voted yea. Representatives James, Terry Landry, Marino, and Norton voted nay.

### **House Bill No. 219 by Representative Leopold**

Representative Leopold presented House Bill No. 219, which provides relative to the discharge of bail obligations and bond forfeiture judgments.

Representative Hazel offered amendments to:

- (1) Provide that a surety's bail obligation is relieved upon conviction in any case.
- (2) Remove proposed law provision authorizing a surety to provide a copy of the certificate of surrender after a rule to show cause is filed by a prosecuting attorney for a bond forfeiture judgment.

Representative Hazel 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, Crews, Hazel, Howard, Terry Landry, Marino, Norton, and Stefanski voted yea. Representative Mack abstained.

Stephen Adams, Association of Louisiana Bail Underwriters, no address provided, (504) 583-9333, spoke in support of House Bill No. 219.

Representative Hazel offered a motion to report House Bill No. 219 with amendments. Without objection, House Bill No. 219 was reported with amendments by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bagneris, Crews, Hazel, James, Marino, Norton, Pylant, and Stefanski voted yea. Representative Mack abstained.

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

### **Senate Bill No. 211 by Senator Gary Smith**

On behalf of Senator Gary Smith, Butch Browning, State Fire Marshal, 8181 Independence Boulevard, Baton Rouge, Louisiana, 70806, (225) 806-0803, presented Senate Bill No. 211, which creates the crime of engaging in life safety and property protection contracting without authority.

Representative Mack offered amendments to:

- (1) Amend proposed law relative to the remission of any fines collected to the La. Life Safety and Property Protection Fund to provide that proposed law shall apply notwithstanding the provision of present law (R.S. 15:571.11) which provides for the disposition of all criminal fines.
- (2) Change reference from "P.O.S.T. Council" to "Council on Peace Officer Standards and Training".
- (3) Make technical changes.

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

Representative Norton offered a motion to report Senate Bill No. 211 with amendments. Without objection, Senate Bill No. 211 was reported with amendments by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bagneris, Crews, Hazel, Howard, James, Marino, Norton, Pylant, and Stefanski voted yea. Representative Mack abstained.

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

**Senate Bill No. 212 by Senator Gary Smith**

Senator Gary Smith presented Senate Bill No. 212, which provides relative to peace officer training requirements.

Representative Mack offered an amendment to clarify language to provide that the reserve or part-time peace officer's ability to carry a concealed weapon is subject to the policy and procedures of the law enforcement agency with which he is employed. Representative Mack offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bagneris, Crews, Hazel, Howard, James, Marino, Norton, Pylant, and Stefanski voted yea. Representative Mack abstained.

Representative Bagneris offered a motion to report Senate Bill No. 212 with amendments. Without objection, Senate Bill No. 212 was reported with amendments by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bagneris, Crews, Hazel, Howard, James, Marino, Norton, Pylant, and Stefanski 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 committee records.

**IV. OTHER BUSINESS**

There was no other business.

**V. ANNOUNCEMENTS**

There were no announcements.

**VI. ADJOURNMENT**

The meeting was adjourned at 2:28 p.m.

Respectfully submitted,

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

Date adopted: