

House Committee on Administration of Criminal Justice

Minutes of Meeting
2017 Regular Session
May 23, 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 9:08 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 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 John M. Stefanski

MEMBERS ABSENT:

Representative Barbara W. Carpenter
Representative Steve E. Pylant, vice chairman

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

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

III. DISCUSSION OF LEGISLATION**Senate Bill No. 146 by Senator Claitor**

Senator Claitor presented Senate Bill No. 146, which provides relative to the Habitual Offender Law.

Representative Marino offered amendments to:

- (1) Restore present law which provides that for a fourth or subsequent felony, the person shall be sentenced for a determinate term not less than the longest prescribed for a first conviction but in no event less than 20 years and not more than his natural life.
- (2) Provide that the five- or 10-year period which must elapse between the current and prior offense for the habitual offender law not to apply begins upon the expiration of the correctional supervision, or term of imprisonment if the offender is not placed on supervision following imprisonment, for the previous conviction or convictions.
- (3) Amend the citation to provide the specific provision of present law that defines "sex offense" (R. S. 15:541).
- (4) Make technical corrections.

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

E. Pete Adams, Louisiana District Attorneys Association, 1645 Nicholson Drive, Baton Rouge, Louisiana, 70802, no number provided, spoke in support of Senate Bill No. 146.

Representative Marcelle offered a motion to report Senate Bill No. 146 with amendments. Without objection, Senate Bill No. 146 was reported with amendments by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Bagneris, Crews, Dwight, Howard, James, Terry Landry, Marcelle, Marino, Norton, and Stefanski voted yea. Representative Mack abstained.

Witness cards submitted by individuals who did not speak are as follows: 8 in support and 1 for informational purposes only. Witness cards are included in the committee records.

Senate Bill No. 76 by Senator Lambert

Senator Lambert presented Senate Bill No. 76, which provides for venue in certain criminal cases.

Representative Mack offered a motion to report Senate Bill No. 76 favorably. Without objection, Senate Bill No. 76 was reported favorably by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Bagneris, Crews, Dwight, Howard, James, Terry Landry, Marino, Norton, and Stefanski voted yea. Representative Mack abstained.

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

House Concurrent Resolution No. 73 by Representative Abraham

Representative Abraham presented House Concurrent Resolution No. 73, which directs the Department of Public Safety and Corrections to study the use of judicial referral agency residential facilities in work release programs and as an alternative to other incarceration programs.

Representative Norton offered a motion to report House Concurrent Resolution No. 73 favorably. Without objection, House Concurrent Resolution No. 73 was reported favorably by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Bagneris, Crews, Dwight, Howard, James, Terry Landry, Marino, Norton, and Stefanski voted yea. Representative Mack abstained.

Senate Bill No. 128 by Senator Milkovich

Senator Milkovich presented Senate Bill No. 128, which prohibits cutting, resection, excision, harvesting, or removal of a body part, organ, or tissue of an aborted unborn child for sale, commerce, transport, research, or profit.

Representative Mack offered an amendment to make technical changes to the title of the bill. 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 Bagneris, Crews, Dwight, Hodges, Howard, James, Terry Landry, Marino, Norton, and Stefanski voted yea. Representative Mack abstained.

Colonel Rob Maness, Louisiana Power Coalition, Madisonville, Louisiana, 70447, (985) 218-0135, spoke in support of Senate Bill No. 128.

Ben Clapper, Louisiana Right to Life, 200 Robert E. Lee Boulevard, New Orleans, Louisiana, 70124, (504) 875-6520, spoke in support of Senate Bill No. 128.

Alicia Breaux, 74355 Highway 437, Covington, Louisiana, 70435, (985) 809-1006, spoke in opposition to Senate Bill No. 128.

Angela Adkins, Louisiana NOW, Legislative Director, P. O. Box 66706, Baton Rouge, Louisiana, 70896, no number provided, spoke in opposition to Senate Bill No. 128.

Witness cards submitted by individuals who did not speak are as follows: 2 in support and 5 in opposition. Witness cards are included in the committee records.

Representative Hodges offered a motion to report Senate Bill No. 128 with amendments. Without objection, Senate Bill No. 128 was reported with amendments by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bagneris, Crews, Dwight, Hodges, Howard, Terry Landry, Marcelle, Marino, and Stefanski voted yea. Representative Mack abstained.

Senate Bill No. 163 by Senator Mizell

Senator Mizell presented Senate Bill No. 163, which provides an exemption from the requirement that state prisons purchase goods from Prison Enterprises, if the goods can be purchased for less in the parish in which the facility is located.

Representative Mack offered an amendment to correct the short titles and citations referncing the Hudson Initiative (R.S. 39:2001 et seq.) and the Veteran Initiative (R.S. 39:2171 et seq.). 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, Dwight, Hodges, Howard, Terry Landry, Marcelle, Marino, and Stefanski voted yea. Representative Mack abstained.

Representative Terry Landry offered a motion to report Senate Bill No. 163 with amendments. Without objection, Senate Bill No. 163 was reported with amendments by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bagneris, Crews, Dwight, Hodges, Howard, Terry Landry, Marino, and Stefanski voted yea. Representative Mack abstained.

House Concurrent Resolution No. 79 by Representative White

On behalf of Representative White, Representative Mack presented House Concurrent Resolution No. 79, which requests the Louisiana State Law Institute to study state laws governing domestic abuse, domestic violence, and stalking.

Representative Mack offered a motion to report House Concurrent Resolution No. 79 favorably. Without objection, House Concurrent Resolution No. 79 was reported favorably by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bagneris, Crews, Dwight, Hodges, Howard, Terry Landry, Marino, and Stefanski voted yea. Representative Mack abstained.

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

Senate Bill No. 195 by Senator Cortez

On behalf of Senator Cortez, Representative Landry presented Senate Bill No. 195, which provides relative to the suspension of racing privileges.

Representative Howard offered a motion to report Senate Bill No. 195 favorably. Without objection, Senate Bill No. 195 was reported favorably by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bagneris, Crews, Dwight, Hodges, Howard, James, Terry Landry, Marino, 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 10:06 a.m.

Respectfully submitted,

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

Date adopted: