

House Committee on Administration of Criminal Justice

Minutes of Meeting
2018 Regular Session
March 22, 2018

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 Raymond J. Crews
Representative Stephen C. Dwight
Representative Lowell C. "Chris" Hazel
Representative Valarie Hodges
Representative Frank A. Howard
Representative Edward C. "Ted" James, II
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 Randal L. Gaines
Representative Terry C. Landry, Sr.

STAFF MEMBERS PRESENT:

Kelly C. Fogleman, attorney
Michelle D. Fontenot, director
Alicia Spivey, secretary

ADDITIONAL ATTENDEES PRESENT:

Jordan Zeringue, clerk
Myrtis Jarrell, sergeant at arms
Janet Anthony, sergeant at arms
Angela McKnight, sergeant at arms
Desiree Cotton, clerk

III. DISCUSSION OF LEGISLATION**House Bill No. 424 by Representative Leger**

Representative Leger presented House Bill No. 424, which provides relative to the qualifications of persons applying for an explosives license.

On behalf of Representative Leger, Representative Hazel offered an amendment to require licensed blasters who are under the age of 21 years to be supervised by a licensed blaster who is at least 21 years old. Representative Hazel offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 14 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Hazel, Hodges, Howard, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea.

Allen T. Moss, Louisiana State Police, 7919 Independence Boulevard, Baton Rouge, LA, 70806, (225) 925-6113, spoke for informational purposes only on House Bill No. 424.

Representative Norton offered a motion to report House Bill No. 424 with amendments. Without objection, House Bill No. 424 was reported with amendments by a vote of 15 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Hazel, Hodges, Howard, James, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea.

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

House Bill No. 152 by Representative Leger

Representative Leger presented House Bill No. 152, which provides with respect to the exclusion or ejection of certain persons from gaming establishments.

Representative Marcelle offered a motion to report House Bill No. 152 favorably. Without objection, House Bill No. 152 was reported favorably by a vote of 15 yeas and 0 nays.

Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Hazel, Hodges, Howard, James, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea.

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

Representative Pylant in the chair.

House Bill No. 153 by Representative Mack

Representative Mack presented House Bill No. 153, which adds certain substances to Schedule I and Schedule II of the Uniform Controlled Dangerous Substances Law.

Representative Hazel offered a motion to report House Bill No. 153 favorably. Without objection, House Bill No. 153 was reported favorably by a vote of 15 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Hazel, Hodges, Howard, James, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea.

Witness cards submitted by individuals who did not speak are as follows: 5 in support, 1 in opposition, and 2 for informational purposes. Witness cards are included in the committee records.

House Bill No. 165 by Representative Mack

Representative Mack presented House Bill No. 165, which provides relative to the Uniform Controlled Dangerous Substances Law.

Representative Marino offered an amendment to provide that the present penalties and treatment provisions for fentanyl also apply to carfentanil. Representative Marino offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 15 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Hazel, Hodges, Howard, James, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea.

Representative Mack offered a motion to report House Bill No. 165 with amendments. Without objection, House Bill No. 165 was reported with amendments by a vote of 15 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Hazel, Hodges, Howard, James, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea.

Witness cards submitted by individuals who did not speak are as follows: 4 in support and 1 for informational purposes. Witness cards are included in the committee records.

House Bill No. 168 by Representative Mack

Representative Mack presented House Bill No. 168, which provides relative to the credit a defendant receives for time served while on probation when probation is revoked.

Judge Bob Morrison, Louisiana District Judges Association, P. O. Box 788, Amite, LA, 70422, (985) 748-9445, spoke for informational purposes only on House Bill No. 168.

Liz Mangham, Smart on Crime, 543 Spanish Town Road, Baton Rouge, LA, 70802, (225) 381-0166, spoke for informational purposes only on House Bill No. 168.

Representative Hodges offered a motion to report House Bill No. 168 favorably. Without objection, House Bill No. 168 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Hodges, Howard, Marino, Norton, Pylant, and Stefanski voted yea.

Witness cards submitted by individuals who did not speak are as follows: 6 in support, 3 in opposition, and 1 for informational purposes. Witness cards are included in the committee records.

House Bill No. 79 by Representative Mack

Representative Mack offered a motion to voluntarily defer action on House Bill No. 79, which creates the crime of abuse of persons with infirmities through electronic means and provides for criminal penalties and exceptions. Without objection, action on House Bill No. 79 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Hodges, Howard, Marino, Norton, Pylant, and Stefanski voted yea.

House Bill No. 111 by Representative Mack

Representative Mack offered a motion to voluntarily defer action on House Bill No. 111, which provides relative to the payment of restitution to the victim of a crime. Without objection, action on House Bill No. 111 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Hodges, Howard, Marino, Norton, Pylant, and Stefanski voted yea.

House Bill No. 167 by Representative Mack

Representative Mack offered a motion to voluntarily defer action on House Bill No. 167, which provides relative to the disbursement of funds to district offices from the La. Public Defender Fund. Without objection, action on House Bill No. 167 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Hodges, Howard, Marino, Norton, Pylant, and Stefanski voted yea.

Representative Mack in chair.

House Bill No. 348 by Representative Hodges

Representative Hodges presented House Bill No. 348, which requires DPS&C to report the number of inmates who are veterans.

Colonel Joey Strickland, Secretary of Veterans Affairs, 602 North 5th Street, Baton Rouge, LA, 70802, (225) 219-5000, spoke for information only on House Bill No. 348.

James LeBlanc, Secretary, Department of Safety and Corrections, 504 Mayflower Street, Baton Rouge, LA, 70802, (225) 342-6740, spoke for information only on House Bill No. 348.

Representative Hodges offered an amendment to provide that the definition of veteran include former or current members of the U.S. Armed Forces. Representative Hodges offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 12 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Hodges, Howard, James, Marino, Norton, and Pylant voted yea.

Cynthia Canezaro, Lafayette Parish Sheriff's Office, 316 West Main Street, Lafayette, LA, 70501, (337) 236-5872, spoke for information only.

Representative Carpenter offered a motion to report House Bill No. 348 with amendments. Without objection, House Bill No. 348 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Hodges, Howard, James, Marino, Norton, and Pylant voted yea.

House Bill No. 121 by Representative Coussan

Representative Coussan presented House Bill No. 121, which provides relative to the crime of unlawful restraint of a dog.

Representative Mack offered an amendment to:

1. Remove the following as specific conditions under which the tying, tethering, or restraining of the dog is considered to be inhumane, cruel, or detrimental to its health:
 - (a) Tying, tethering, or restraining the dog in any area where there is an accumulation of feces or other waste, insect infestation, rodent infestation, foul odor, or another unsanitary or dangerous condition within the radius of the restraint.

- (b) Tying, tethering, or restraining the dog in a way that restricts the dog from easily standing, sitting, lying down, turning about, and making all other normal body movements in a comfortable, normal position for the dog.
- (c) Tying, tethering, or restraining the dog in an area likely to cause injury or pain to the dog because of entanglement or because of surrounding structures.
- (d) Tying, tethering, or restraining the dog in an area that allows the dog to cross the property line of the property on which it is tethered.
- (e) Tying, tethering, or restraining the dog in a manner that exposes the dog to extreme weather conditions.

Representative Mack offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 13 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Hodges, Howard, James, Marino, Norton, Pylant, and Stefanski voted yea.

Julia Breaux, The Humane Society of the United States, 961 Harrison Avenue, New Orleans, LA, 70124, no number provided, spoke in support of House Bill No. 121.

Representative Dwight offered a motion to report House Bill No. 121 with amendments. Without objection, House Bill No. 121 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Hazel, Howard, James, Marino, Pylant, and Stefanski voted yea.

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

House Bill No. 84 by Representative Havard

Representative Havard presented House Bill No. 84, which provides relative to the authorized uses of inmate labor.

James LeBlanc, Secretary, Department of Safety and Corrections, 504 Mayflower Street, Baton Rouge, LA, 70802, (225) 342-6740, spoke for information only on House Bill No. 84.

Representative Hodges offered a motion to report House Bill No. 84 favorably, to which Representative James objected. The secretary called the roll, and House Bill No. 84 was reported favorably by a vote of 9 yeas, 3 nays, and 1 abstention. Representatives Carpenter, Crews, Dwight, Hazel, Hodges, Howard, Marino, Pylant, and Stefanski voted yea. Representatives Bagneris, James, and Norton voted nay. Representative Mack abstained.

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

House Bill No. 138 by Representative Havard

Representative Havard presented House Bill No. 138, which provides relative to the authority of the secretary of the Department of Public Safety and Corrections to appoint special agents.

James LeBlanc, Secretary, Department of Safety and Corrections, 504 Mayflower Street, Baton Rouge, LA, 70802, (225) 342-6740, spoke for information only on House Bill No. 138.

Representative Pylant offered a motion to report House Bill No. 138 favorably. Without objection, House Bill No. 138 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Mack, Bagneris, Crews, Dwight, Hazel, Hodges, Howard, James, Marino, Norton, and Pylant voted yea.

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

House Bill No. 226 by Representative Talbot

Representative Talbot presented House Bill No. 226, which prohibits the transportation of live feral swine.

Dr. James LaCour, DVM, Louisiana Department of Wildlife and Fisheries, P. O. Box 98000, Baton Rouge, LA, 70898, (225) 765-0823, spoke for information only on House Bill No. 226.

Representative Stefanski offered a motion to report House Bill No. 226 favorably. Without objection, House Bill No. 226 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Mack, Bagneris, Carpenter, Crews, Dwight, Hazel, Howard, James, Marino, Norton, Pylant, and Stefanski voted yea.

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

House Bill No. 131 by Representative Stefanski

Representative Stefanski presented House Bill No. 131, which provides relative to theft prevention programs.

Jeff Powers, Corrective Education, Co., 50114 East Fellows Creek Court, Plymouth, MI, 48170, (734) 516-3892, spoke in support of House Bill No. 131.

Representative Marino offered an amendment to add that a participant in the program shall not be required to sign an admission of guilt nor sign any binding agreement in connection with participation in the program. Representative Marino offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 11 yeas and 0 nays. Representatives Mack, Bagneris, Carpenter, Crews, Dwight, Howard, James, Marino, Norton, Pylant, and Stefanski voted yea.

Representative Norton offered a motion to report House Bill No. 131 with amendments, to which Representative Pylant objected. The secretary called the roll, and House Bill No. 131 was reported with amendments by a vote of 8 yeas, 1 nays, and 1 abstention. Representatives Bacala, Carpenter, Crews, Dwight, Howard, Marino, Norton, and Stefanski voted yea. Representative Pylant voted nay. Representative Mack abstained.

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

House Bill No. 75 by Representative Dwight

Representative Dwight presented House Bill No. 75, which updates citations and terminology for certain child care facilities in provisions relating to sex offenders.

Representative Carpenter offered a motion to report House Bill No. 75 favorably. Without objection, House Bill No. 75 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Mack, Bacala, Carpenter, Crews, Dwight, Howard, Marino, Norton, Pylant, and Stefanski voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 in support. 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 12:17 p.m.

Respectfully submitted,

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

Date adopted: