

House Committee on Administration of Criminal Justice

Minutes of Meeting
2018 Regular Session
April 5, 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 8:59 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 Nicholas Muscarello
Representative Barbara M. Norton
Representative Steve E. Pylant, vice chairman
Representative John M. Stefanski

MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

Kelly C. Fogleman, attorney
Alicia Spivey, secretary

Michelle D. Fontenot, director

ADDITIONAL ATTENDEES PRESENT:

Janet Anthony, sergeant at arms

Jordan Zeringue, clerk

Madeleine Murphy, clerk

III. DISCUSSION OF LEGISLATION

House Bill No. 200 by Representative Wright

Representative Wright presented House Bill No. 200 in the form of a substitute bill, which repeals the prohibition on the manufacture, ownership, possession, custody, or use of certain knives and similar instruments.

Todd Rathner, Knife Rights, 1505 West Saint Marys Road #27, Tucson, AZ 85745, (520) 404-8096, spoke in support of House Bill No. 200.

Representative Terry Landry offered a motion to report House Bill No. 200 by substitute, to which Representative Norton objected. The secretary called the roll, and House Bill No. 200 was reported by substitute by a vote of 12 yeas and 2 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Hodges, Howard, Terry Landry, Marino, Muscarello, Pylant, and Stefanski voted yea. Representatives Marcelle and Norton voted nay.

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

House Bill No. 268 by Representative Falconer

Representative Falconer presented House Bill No. 268, which provides relative to protected persons who are allowed to record statements in criminal proceedings.

Representative Mack offered a motion to report House Bill No. 268 favorably. Without objection, House Bill No. 268 was reported favorably by a vote of 14 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Hazel, Hodges, Howard, Marino, Muscarello, Norton, Pylant, and Stefanski voted yea.

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

House Bill No. 115 by Representative Smith

Representative Smith presented House Bill No. 115, which provides relative to parole eligibility and rates for earning diminution of sentence for good behavior for persons convicted of a violent or sex offense.

Sarah Omojola, Southern Poverty Law Center, 201 St. Charles Avenue, New Orleans, LA 70170, (504) 526-1520, spoke in support of House Bill No. 115.

Hamida Labi, ACLU, no address provided, (347) 714-3916, spoke in support of House Bill No. 115.

Natasha Allen, 1565 Hunter Point, Slidell, LA 70460, (985) 960-3968, spoke in support of House Bill No. 115.

Checo Yancy, VOTE, 2022 St. Bernard Avenue, New Orleans, LA 70116, (225) 270-5245, spoke in support of House Bill No. 115.

Will Harrell, VOTE, 1221 Kerlerec Street, New Orleans, LA 70116, (512) 695-7519, spoke in support of House Bill No. 115.

Amy Dawson, 2830 Calanne Avenue, Baton Rouge, LA 70820, (504) 912-0169, spoke in opposition to House Bill No. 115.

Madison Henderson, 2830 Calanne Avenue, Baton Rouge, LA 70820, (225) 354-6637, spoke in opposition to House Bill No. 115.

Pete Adams, Louisiana District Attorneys Association, 1645 Nicholson Drive, Baton Rouge, LA 70802, no number provided, spoke in opposition to House Bill No. 115.

Representative Norton offered a motion to report House Bill No. 115 favorably, to which Representative Pylant objected. The secretary called the roll, and the motion failed to pass by a vote of 7 yeas and 11 nays. Representatives Bagneris, Carpenter, Gaines, James, Terry Landry, Marcelle, and Norton voted yea. Representatives Mack, Bacala, Crews, Dwight, Hazel, Hodges, Howard, Marino, Muscarello, Pylant, and Stefanski voted nay.

Witness cards submitted by individuals who did not speak are as follows: 13 in support and 10 in opposition. Witness cards are included in the committee records.

House Bill No. 482 by Representative Leger

Representative Leger presented House Bill No. 482, which provides relative to the release of a child from the custody of the Department of Public Safety and Corrections.

Representative Bacala offered a motion to report House Bill No. 482 favorably. Without objection, House Bill No. 482 was reported favorably by a vote of 17 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Gaines, Hazel, Hodges, Howard, Terry Landry, Marcelle, Marino, Muscarello, Norton, Pylant, and Stefanski voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 in support and 3 for information only. Witness cards are included in the committee records.

House Bill No. 708 by Representative Crews

Representative Crews presented House Bill No. 708, which provides for an exception to the crime of political payroll padding by a sheriff.

Glenn Langley, Bossier Sheriff-Julian Whittington, P. O. Box 850, Benton, LA 71006, (318) 935-2051, spoke in support of House Bill No. 708.

Representative Norton offered a motion to report House Bill No. 708 favorably. Without objection, House Bill No. 708 was reported favorably by a vote of 16 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Crews, Dwight, Gaines, Hazel, Hodges, Howard, Terry Landry, Marcelle, Marino, Muscarello, Norton, Pylant, and Stefanski voted yea.

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

House Bill No. 705 by Representative Magee

Representative Magee presented House Bill No. 705, which provides relative to the Lafourche Parish Alternative Home Incarceration Program.

Representative Dwight offered amendments to:

- (1) Remove proposed law changes to present law except for the following:
 - (a) Retain the proposed law change to the nature of the program from a pilot program to a permanent program.

- (b) Amend the proposed law provision relative to bail obligations to provide that participation in the program does not, in any way, negate nor nullify the bail obligations as set by the court. At any time, a defendant may post a legally sufficient authorized bail and become relieved of all conditions of this program unless those conditions are specifically ordered by the court or by law as a condition of bail.
- (c) Retain the proposed removal of present law provisions regarding the evaluation of the original pilot program and the reporting of that information to the legislature, and the removal of present law provisions governing the termination of the present law pilot program.

Representative Dwight offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 16 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Crews, Dwight, Gaines, Hazel, Hodges, Howard, Terry Landry, Marcelle, Marino, Muscarello, Norton, Pylant, and Stefanski voted yea.

Sheriff Craig Webre, Lafourche Parish, 200 Canal Boulevard, Thibodaux, LA 70301, (985) 438-9481, spoke in support of House Bill No. 705.

Representative Marcelle offered a motion to report House Bill No. 705 with amendments. Without objection, House Bill No. 705 was reported with amendments by a vote of 15 yeas and 0 nays. Representatives Mack, Bacala, Carpenter, Crews, Gaines, Hazel, Hodges, Howard, Terry Landry, Marcelle, Marino, Muscarello, Norton, Pylant, and Stefanski voted yea.

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

House Bill No. 275 by Representative Jordan

Representative Jordan presented House Bill No. 275, which prohibits the intentional exposure to HIV.

Dr. Byron Jasper, MD, MPH, no address provided, (985) 791-7908, spoke in support of House Bill No. 275.

Representative Terry Landry offered an amendment to add licensed emergency medical technicians and firefighters to proposed law. Representative Terry Landry 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, Gaines, Hazel, Hodges, Terry Landry, Marcelle, Marino, Muscarello, Pylant, and Stefanski voted yea.

Meta Smith-Davis, no address provided, (225) 361-6401, spoke in support of House Bill No. 275.

Morgan Lamandre, STAR, 515 Corporate Boulevard, Baton Rouge, LA 70808, no number provided, spoke in opposition to House Bill No. 275.

Kathleen Barrios, Louisiana District Attorneys Association, 222 St. Louis Street, Suite 550, Baton Rouge, LA 70802, (225) 389-3400, spoke in opposition to House Bill No. 275.

Shani Moore-O'neal, Louisiana Coalition on Criminalization and Health, 1824 Oretha Castle Haley Boulevard, Apt. 404, New Orleans, LA 70113, (504) 931-8482, spoke in opposition to House Bill No. 275.

Representative Mack offered a motion to voluntarily defer action on House Bill No. 275. Without objection, action on House Bill No. 275 was voluntarily deferred by a vote of 14 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Gaines, Hazel, Howard, Terry Landry, Marcelle, Marino, Muscarello, Norton, and Pylant voted yea.

Witness cards submitted by individuals who did not speak are as follows: 5 in support and 8 in opposition. Witness cards are included in the committee records.

Further action was taken by the committee on House Bill No. 275 on April 12, 2018. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 275.

House Bill No. 448 by Representative Gary Carter

Representative Gary Carter presented House Bill No. 448, which provides for the seizure of firearms of persons who pose a risk of imminent personal injury to self or others, and provided a handout, Exhibit A, which is included in the committee records.

Raymond Diamond, Professor of Law, LSU Law Center, 11926 Lake Sherwood Avenue North, Baton Rouge, LA 70816, (225) 252-4753, spoke for information only on House Bill No. 448

Victoria Coy, LVRC, 122 Primrose Drive, Covington, LA 70435, no number provided, spoke in support of House Bill No. 448.

Erin Luper, NRA, 11250 Waples Mill Road, Fairfax, VA 22124, (703) 943-7150, spoke in opposition to House Bill No. 448.

On behalf of Representative Gary Carter, Representative Dwight offered a motion to voluntarily defer action on House Bill No. 448. Without objection, action on House Bill No. 448 was voluntarily deferred by a vote of 14 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Crews, Dwight, Gaines, Hazel, Hodges, Howard, James, Marino, Muscarello, Norton, and Pylant voted yea.

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

House Bill No. 293 by Representative Hilferty

Representative Hilferty presented House Bill No. 293, which provides for the release of a person without surety when the person was not brought before a judge within 72 hours of arrest.

Christopher Bowman, Orleans Parish District Attorney, 619 South White Street, New Orleans, LA 70119, (504) 822-2414, spoke in support of House Bill No. 293.

Representative Mack offered an amendment to provide that if the arrested person is not brought before a judge within 72 hours of arrest for appointment of counsel, the defendant shall be released on his own recognizance, instead of on bail without surety pursuant to the provisions of present law. 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, Carpenter, Crews, Dwight, Gaines, Hodges, Howard, James, Marino, Muscarello, Norton, and Pylant voted yea.

Representative Mack offered a motion to report House Bill No. 293 with amendments. Without objection, House Bill No. 293 was reported with amendments by a vote of 14 yeas and 0 nays. Representatives Mack, Bacala, Carpenter, Crews, Dwight, Gaines, Hazel, Hodges, Howard, James, Marino, Muscarello, Norton, and Pylant voted yea.

Witness cards submitted by individuals who did not speak are as follows: 8 in support. Witness cards are included in the committee records.

House Bill No. 727 by Representative Thibaut

Representative Thibaut presented House Bill No. 727, which provides relative to unauthorized entry of and criminal damage to a critical infrastructure.

Tyler Gray, LMOGA, 730 North Boulevard, Baton Rouge, LA 70802, (225) 387-3205, spoke in support of House Bill No. 727.

Margaret Logue, 2309 St. Thomas Street, New Orleans, LA 70130, (860) 707-4056, spoke in opposition to House Bill No. 727.

Kathleen Patton, 24254 Lowe Davis Road, Covington, LA 70435, (504) 762-1833, spoke in opposition to House Bill No. 727.

Kathy Wascom, LEAN, 1255 Aberdeen, Baton Rouge, LA 70808, (225) 344-4313, spoke in opposition to House Bill No. 727.

Marshall Broussard, 1821 Savoy Road, Youngsville, LA 70592, (505) 967-9405, spoke in opposition to House Bill No. 727.

Representative Hazel offered a motion to report House Bill No. 727 favorably. Without objection, House Bill No. 727 was reported favorably by a vote of 16 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Gaines, Hazel, Hodges, Howard, James, Marino, Muscarello, Norton, Pylant, and Stefanski voted yea.

Witness cards submitted by individuals who did not speak are as follows: 16 in support and 3 in opposition. Witness cards are included in the committee records.

House Bill No. 245 by Representative Thibaut

Representative Thibaut presented House Bill No. 245, which authorizes additional games and sports betting at eligible live horse racing facilities.

Representative Stefanski offered an amendment to define sports betting and add it to proposed law. Representative Stefanski offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 10 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Dwight, Gaines, Howard, Muscarello, Pylant, and Stefanski voted yea.

Jeanie Donovan, Faubourg St. John Neighborhood Association, 2936 Fortin Street, New Orleans, LA 70119, no number provided, spoke in opposition to House Bill No. 245.

Representative Stefanski offered a motion to report House Bill No. 245 with amendments, to which Representative Crews objected. The secretary called the roll, and the motion failed to pass by a vote of 5 yeas and 6 nays. Representatives Bagneris, Carpenter, Gaines, Howard, and Stefanski voted yea. Representatives Mack, Bacala, Crews, Marino, Muscarello, and Pylant voted nay.

Witness cards submitted by individuals who did not speak are as follows: 17 in support, 1 in opposition, and 1 for information only. Witness cards are included in committee records.

House Bill No. 266 by Representative Thibaut

On behalf of Representative Thibaut, Representative Mack offered a motion to voluntarily defer action on House Bill No. 266, which provides with respect to the distribution of monies from the Video Draw Poker Purse Supplement Fund. Without objection, action on House Bill No. 266 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Crews, Gaines, Howard, Marino, Muscarello, Pylant, and Stefanski voted yea.

Representative Pylant in the chair.

House Bill No. 163 by Representative Mack

Representative Mack presented House Bill No. 163, which creates the Medicaid Recipient Fraud Unit within the office of the attorney general.

Ellison Travis, Louisiana Department of Justice, 1885 North 3rd Street, Baton Rouge, LA 70802, (985) 320-0006, spoke for information only on House Bill No. 163.

Jeanie Donovan, Louisiana Budget Project, 619 Jefferson Highway, Baton Rouge, LA 70806, (504) 237-8856, spoke in opposition to House Bill No. 163.

Representative Bacala offered a motion to report House Bill No. 163 favorably, to which Representative Gaines objected. The secretary called the roll, and House Bill No. 163 was reported favorably by a vote of 11 yeas and 3 nays. Representatives Mack, Bacala, Crews, Dwight, Hazel, Hodges, Howard, Marino, Muscarello, Pylant, and Stefanski voted yea. Representatives Bagneris, Gaines, and Norton voted nay.

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

House Bill No. 427 by Representative Mack

Representative Mack presented House Bill No. 427, which provides relative to the accreditation bodies that the Department of Public Safety and Corrections may use to issue permits to testing laboratories.

Representative Howard offered a motion to report House Bill No. 427 favorably. Without objection, House Bill No. 427 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Crews, Hazel, Howard, Marino, Muscarello, Norton, Pylant, and Stefanski voted yea.

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

House Bill No. 525 by Representative Bagneris

Representative Bagneris presented House Bill No. 525, which provides relative to the crime of operating a vehicle while intoxicated.

Representative Hazel offered amendments to make changes to present law regarding restricted and hardship licenses. Representative Hazel offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas and 0 nays. Representatives

Mack, Bacala, Bagneris, Crews, Dwight, Hazel, Howard, Marino, Muscarello, Norton, Pylant, and Stefanski voted yea.

Valerie Cox, Mothers Against Drunk Driving, 2644 South Sherwood Forest, Baton Rouge, LA 70816, (225) 926-0807, spoke in support of House Bill No. 525

Catherine Childers, Louisiana Highway Safety Commission, 7919 Independence Boulevard, Baton Rouge, LA 70806, (225) 925-6991, spoke for information only on House Bill No. 525.

Representative Bagneris offered a motion to report House Bill No. 525 with amendments, to which Representative Stefanski objected. The secretary called the roll, and the motion failed to pass by a vote of 6 yeas and 6 nays. Representatives Mack, Bagneris, Dwight, Hazel, Howard, and Norton voted yea. Representatives Bacala, Crews, Marino, Muscarello, Pylant, and Stefanski voted nay.

Representative Bacala offered a motion to voluntarily defer action on House Bill No. 525. Without objection, action on House Bill No. 525 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Crews, Dwight, Hazel, Howard, Marino, Muscarello, Norton, Pylant, and Stefanski voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 in support, 3 in opposition, and 2 for information only. Witness cards are included in the committee records.

Further action was taken by the committee on House Bill No. 525 on April 26, 2018. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 525.

House Bill No. 237 by Representative Leopold

Representative Leopold presented House Bill No. 237, which amends the criminal sentences and fines for convictions of pornography involving juveniles.

Sunny Funk, Louisiana District Attorneys Association, 200 Derbigny Street, Gretna, LA 70053, (504) 368-1020, spoke in support of House Bill No. 237.

Representative Mack offered a motion to report House Bill No. 237 favorably. Without objection, House Bill No. 237 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Crews, Dwight, Hazel, 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 the committee records.

House Bill No. 223 by Representative Marino

Representative Marino presented House Bill No. 223, which provides relative to responsive verdicts.

Representative Mack offered a motion to report House Bill No. 223 favorably. Without objection, House Bill No. 223 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Mack, Bagneris, Crews, Dwight, Hazel, 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 the committee records.

House Bill No. 242 by Representative Stefanski

Representative Stefanski presented House Bill No. 242, which provides relative to theft of goods from a merchant.

Representative Mack offered an amendment to add that the intent to permanently deprive the merchant of the property held for sale may be inferred when the defendant intentionally conceals, on his person or otherwise, goods held for sale. Representative Mack offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 10 yeas and 0 nays. Representatives Mack, Bagneris, Crews, Dwight, Hazel, Howard, Marino, Norton, Pylant, and Stefanski voted yea.

Representative Hazel offered a motion to report House Bill No. 242 with amendments. Without objection, House Bill No. 242 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Mack, Bagneris, Crews, Dwight, Hazel, Howard, Marino, Norton, Pylant, and Stefanski voted yea.

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

House Bill No. 196 by Representative Marino

Representative Marino presented House Bill No. 196, which removes the limitation on the number of expungements a person may receive for persons seeking an expungement under certain circumstances.

Representative Hazel offered a motion to report House Bill No. 196 favorably. Without objection, House Bill No. 196 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Mack, Bagneris, Crews, Dwight, Hazel, Howard, Marino, Norton, Pylant, and Stefanski voted yea.

Witness cards submitted by individuals who did not speak are as follows: 7 in support. Witness cards are included in the committee records.

House Bill No. 278 by Representative Marino

Representative Marino offered a motion to voluntarily defer action on House Bill No. 278, which provides relative to the Swift and Certain Probation Pilot Program. Without objection, action on House Bill No. 278 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Mack, Bagneris, Crews, Dwight, Hazel, Howard, Marino, Norton, Pylant, and Stefanski voted yea.

House Bill No. 398 by Representative James

On behalf of Representative James, Representative Mack offered a motion to voluntarily defer action on House Bill No. 398, which provides for exemption of expungement fees in certain circumstances. Without objection, action on House Bill No. 398 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Mack, Bagneris, Crews, Dwight, Hazel, Howard, Marino, Norton, Pylant, and Stefanski voted yea.

House Bill No. 742 by Representative Danahay

On behalf of Representative Danahay, Representative Mack offered a motion to voluntarily defer action on House Bill No. 742, which provides relative to the disposal of unclaimed property seized in connection with criminal investigations of municipal police departments. Without objection, action on House Bill No. 742 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Mack, Bagneris, Crews, Dwight, Hazel, Howard, Marino, Norton, Pylant, and Stefanski voted yea.

House Bill No. 730 by Representative Terry Landry

On behalf of Representative Terry Landry, Representative Mack presented House Bill No. 730, which adopts the Interstate Corrections Compact in Louisiana.

Representative Mack offered a motion to report House Bill No. 730 favorably. Without objection, House Bill No. 730 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Mack, Bagneris, Crews, Dwight, Hazel, Howard, 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 information only. 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 1:51 p.m.

Respectfully submitted,

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

Date adopted: