

House Committee on Administration of Criminal Justice

Minutes of Meeting
2018 Regular Session
May 8, 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 9:44 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 Raymond J. Crews
Representative Royce Duplessis
Representative Lowell C. "Chris" Hazel
Representative Frank A. Howard
Representative Edward C. "Ted" James, II
Representative C. Denise Marcelle
Representative Joseph A. Marino, III
Representative Nicholas Muscarello, Jr.
Representative Barbara M. Norton
Representative Steve E. Pylant, vice chairman
Representative John M. Stefanski

MEMBERS ABSENT:

Representative John H. Bagneris
Representative Barbara W. Carpenter
Representative Stephen C. Dwight
Representative Randal L. Gaines
Representative Valarie Hodges

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

Janet Anthony, sergeant at arms
Jordan Zeringue, clerk
Madeleine Murphy, clerk
Desiree Cotton, clerk

III. DISCUSSION OF LEGISLATION**Senate Bill No. 248 by Senator Johns**

On behalf of Senator Johns, Senator Morrell presented Senate Bill No. 248, which revises the definition of "children" in the Children's Code.

On behalf of Senator Johns, Representative Mack offered amendments to:

- (1) Change the effective date on which juvenile court jurisdiction extends to include delinquent acts that are not crimes of violence committed by 17-year-olds, and remove the provision which makes the effectiveness of extended jurisdiction contingent upon certification by the office of juvenile justice that there is adequate funding and resources available to accommodate the projected increase in caseload.
- (2) Restore present law relative to the effective date on which juvenile court jurisdiction extends to include all delinquent acts, including acts that are crimes of violence, committed by 17-year-olds.

Representative Mack offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Mack, Bacala, Crews, Duplessis, Howard, Marcelle, Marino, Muscarello, Pylant, and Stefanski voted yea.

Rachel Gassert, Louisiana Center for Children's Rights, 1100 B Milton Street, New Orleans, LA 70122, (504) 658-6853, spoke in opposition to Senate Bill No. 248.

Rev. Alexis Anderson, PREACH, P. O. Box 67070, Baton Rouge, LA 70896, (225) 244-9828, spoke in opposition to Senate Bill No. 248.

Guy Cormier, Police Jury Association of Louisiana, 709 North 7th Street, Baton Rouge, LA 70802, (225) 343-2835, spoke for information only on Senate Bill No. 248.

E. Pete Adams, Louisiana District Attorneys Association, 1645 Nicholson Drive, Baton Rouge, LA 70802, no number provided, spoke in support of Senate Bill No. 248.

Loren Lampert, Calcasieu Parish District Attorney's Office, P. O. Box 3206, Lake Charles, LA 70602, (337) 437-3065, spoke in support of Senate Bill No. 248.

Representative Bacala offered a motion to report Senate Bill No. 248 with amendments, to which Representative Marcelle objected. The secretary called the roll, and Senate Bill No. 248 was reported with amendments by a vote of 8 yeas and 3 nays. Representatives Mack, Bacala, Hazel, Howard, Marino, Muscarello, Pylant, and Stefanski voted yea. Representatives Crews, Duplessis, and Marcelle voted nay.

Witness cards submitted by individuals who did not speak are as follows: 8 in support, 3 in opposition, and 1 for information only. Witness cards are included in the committee records.

Senate Bill No. 74 by Senator Gatti

This is a continuation of the discussion on Senate Bill No. 74 from a meeting held on May 1, 2018. Please check for the prior action to complete the record of discussion and motions on Senate Bill No. 74.

On behalf of Senator Gatti, Liz Mangham, Clean Harbors, 543 Spanish Town Road, Baton Rouge, LA 70802, (225) 939-6169, presented Senate Bill No. 74, which requires insurance for persons handling explosives.

Captain Greg Graphia, Louisiana State Police, 7919 Independence Boulevard, Baton Rouge, LA 70806, (225) 925-4236, spoke for information only on Senate Bill No. 74.

Representative Mack offered amendments to add that any person or business in this state employed to destroy, dispose, mitigate, or otherwise work with demilitarized explosives, propellants, or recycled military ordinance materials in excess of a net explosive weight of 550,000 pounds shall notify the Department of Public Safety and Corrections, explosives control unit, and provide proof of liability insurance in an amount not less than \$50,000,000 within 24 hours of obtaining possession of the explosives, propellants, or materials. Representative Mack offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Mack, Bacala, Crews, Duplessis, Hazel, Howard, Marcelle, Marino, Muscarello, Pylant, and Stefanski voted yea.

Further action was taken by the committee on Senate Bill No. 74 at a later point in the meeting. Please check for the subsequent action to complete the records of discussion and motions on Senate Bill No. 74.

Senate Bill No. 534 by Senator Milkovich

On behalf of Senator Milkovich, Representative Stefanski presented Senate Bill No. 534, which defines abortion and feticide as "crimes of violence".

Representative Marino offered an amendment to remove the phrase "attempted use" from the proposed law definition of coerced abortion. Representative Marino 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, Crews, Duplessis, Hazel, Howard, James, Marcelle, Marino, Muscarello, Pylant, and Stefanski voted yea.

Representative Bacala offered a motion to report Senate Bill No. 534 with amendments, to which Representative Marino objected. The secretary called the roll, and Senate Bill No. 534 was reported with amendments by a vote of 8 yeas and 4 nays. Representatives Mack, Bacala, Crews, Hazel, Howard, Muscarello, Pylant, and Stefanski voted yea. Representatives Duplessis, James, Marcelle, and Marino voted nay.

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

Senate Bill No. 74 by Senator Gatti

This is the continuation of the discussion on Senate Bill No. 74 from earlier in the meeting. Please check for the prior action to complete the record of discussion and motions on Senate Bill No. 74.

On behalf of Senator Gatti, Liz Mangham, Clean Harbors, 543 Spanish Town Road, Baton Rouge, LA 70802, (225) 939-6169, presented Senate Bill No. 74, which requires insurance for persons handling explosives.

Representative Marcelle offered a motion to report Senate Bill No. 74 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 7 nays. Representatives Bacala, Duplessis, James, Marcelle, and Marino voted yea. Representatives Mack, Crews, Hazel, Howard, Muscarello, Pylant, and Stefanski voted nay.

Witness cards submitted by individuals who did not speak are as follows: 2 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 10:58 a.m.

Respectfully submitted,

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

Date adopted: