

House Committee on Administration of Criminal Justice

Minutes of Meeting
2018 Regular Session
March 21, 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 9:13 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 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 Terry C. Landry, Sr.

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

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

III. DISCUSSION OF LEGISLATION**House Bill No. 78 by Representative Nancy Landry**

Representative Nancy Landry presented House Bill No. 78, which amends penalties relative to the crime of hazing.

Representative Mack offered amendments to:

- (1) Provide that the penalty provision imposing upon a person who engaged in or participated in the hazing a fine of up to \$10,000, and imprisonment for up to five years, shall also apply if the hazing resulted in the victim having a blood alcohol concentration of at least .25 percent by weight based on grams of alcohol per one hundred cubic centimeters of blood.
- (2) Specify that the penalties imposed upon the organization applies if any person serving as a representative or officer of an organization, including any representative, director, trustee, or officer of any national or parent organization of which any underlying organization is a sanctioned or recognized member, knew and failed to report the hazing to law enforcement.
- (3) Provide that the court shall specify the duration and require the duration to be at least four years if the hazing results in death, serious bodily injury, or the victim having a blood alcohol concentration of at least .25 percent by weight based on grams of alcohol per one hundred cubic centimeters of blood.
- (4) Specify that any physical activity must be normal, customary, and necessary for the persons training and participation in the program.
- (5) Provide that the duration for which any student that is suspended or dismissed from the educational institution for violations of present law provisions which prohibit hazing shall be for at least the current session or term in which the hazing occurs.

Representative Mack 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, Carpenter, Crews, Dwight, Gaines, Hazel, Hodges, Howard, James, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea.

RaeAnn Gruver, representing Max Gruver, 13055 Addison Road, Roswell, GA, 30075, (678) 938-0334, testified in support of House Bill No. 78.

Steve Gruver, representing Max Gruver, 13055 Addison Road, Roswell, GA, 30075, (770) 235-2168, testified in support of House Bill No. 78.

Hillar Moore, District Attorney, 19th JDC, 222 St. Louis Street, Baton Rouge, LA, 70808, (225) 389-3412, testified in support of HB 78.

Julie Ritter, 11 Country Club Place, Baton Rouge, LA, 70809, (225) 405-0765, testified in support of House Bill No. 78.

James Slatten, 10 Courtyard Circle, Lafayette, LA, 70508, (337) 257-5796, testified in support of House Bill No. 78.

Brooke McCulley, 509 Susannah Drive, Brandon, MS, 39047, (601) 540-4982, testified in support of House Bill No. 78.

Robert Savage, Assistant District Attorney, 19th JDC, 222 St. Louis Street, Baton Rouge, LA, 70802, (225) 389-3400, testified in support of House Bill No. 78.

Representative Hodges offered an amendment to provide that the act be referred to as "The Max Gruver Act". Representative Hodges offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 16 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Gaines, Hazel, Hodges, Howard, James, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea.

Tina Vanichagorn, Governor's Office, 900 North 3rd Street, Baton Rouge, LA, 70802, (225) 342-7015, testified for informational purposes on House Bill No. 78.

Representative Marcelle offered an amendment to the definition of organization to include the educational institution and the national or parent organization of which any of the underlying entities is a sanctioned or recognized member at the time of the hazing. Representative Marcelle offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 16 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Gaines, Hazel, Hodges, Howard, James, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea.

Representative Carpenter offered an amendment to decrease the potential fine imposed upon the organization from \$100,000 to \$10,000. Representative Carpenter offered a motion to adopt the proposed amendment, to which Representative Pylant objected. The secretary called the roll, and the amendment was adopted by a vote of 9 yeas and 6 nays. Representatives Bagneris, Carpenter, Dwight, Gaines, James, Marcelle, Marino, Norton, and Stefanski voted yea. Representatives Bacala, Crews, Hazel, Hodges, Howard, and Pylant voted nay.

Representative Howard offered a motion to report House Bill No. 78 with amendments. Without objection, House Bill No. 78 was reported with amendments by a vote of 16 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Gaines, Hazel, Hodges, Howard, James, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea.

Witness cards submitted by individuals who did not wish to speak 30 in support and 2 for information only. Witness cards are included in the committee records.

House Bill No. 553 by Representative Barras

Representative Barras presented House Bill No. 553, which provides with respect to the casino operating contract.

David Satz, Harrah's New Orleans/Caesars Entertainment, 8 Canal Street, New Orleans, LA, 70130, (973) 477-5549, testified in support of House Bill No. 553 and provided a presentation to the committee, Exhibit A, which is included in the committee records.

Representative Hazel offered amendments to:

- (1) Specify that any action related to the enforcement of memoranda of understanding and agreements shall be instituted in the Civil District Court for the Parish of Orleans.
- (2) Add changes to provisions of present law which provide for the distribution of certain net revenues into specific funds and which provide for the procedure by which the amount allocated to each fund is determined.

Representative Hazel offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 14 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Gaines, Hazel, Howard, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea.

Representative Bagneris offered an amendment to provide that the memorandum of understanding between the casino gaming operator and the Greater New Orleans Hotel and Lodging Association dating March 2018 may include, instead of shall include, an authorization to provide an agreed upon number of additional hotel rooms at a new hotel site. Representative Bagneris 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, Gaines, Howard, James, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea.

Representative Marcelle offered a motion to report House Bill No. 553 with amendments. Without objection, House Bill No. 553 was reported with amendments by a vote of 15 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Gaines, Hazel, Howard, James, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea.

Witness cards submitted by individuals who did not speak are as follows 10 in support and 1 in opposition. Witness cards are included in the committee records.

House Bill No. 583 by Representative Jimmy Harris

Representative Jimmy Harris presented House Bill No. 583, which provides with respect to the casino operating contract.

Representative Hazel offered amendments to:

- (1) Specify that any action related to the enforcement of memoranda of understanding and agreements shall be instituted in the Civil District Court for the Parish of Orleans.
- (2) Add changes to the provisions of present law which provides for the distribution of certain net revenues into specific funds and which provides for the procedure by which the amount allocated to each fund is determined.

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

Representative Mack offered an amendment to provide that the memorandum of understanding between the casino gaming operator and the Greater New Orleans Hotel and Lodging Association dating March 2018 may include, instead of shall include, an authorization to provide an agreed upon number of additional hotel rooms at a new hotel site. 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, Hazel, Howard, James, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea.

Representative Marcelle offered a motion to report House Bill No. 583 with amendments. Without objection, House Bill No. 583 was reported with amendments by a vote of 12 yeas and 0 nays.

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

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

House Bill No. 91 by Representative Thibaut

Representative Thibaut presented House Bill No. 91, which provides with respect to the designated gaming area of live horse racing facilities.

Representative Mack offered amendments to:

- (1) Change the number of authorized gaming positions from 1,735 to 1,632.
- (2) Change the maximum number of tournaments an eligible facility may conduct each year from five to four.
- (3) Provides that no limit shall be imposed on the number of tournaments or the length of tournaments an eligible facility may conduct, if the tournament do not utilize more than the maximum amount of slot machines the eligible facility is authorized to have.

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

Tom McPherson, Boyd Gaming, Delta Downs, and Evangeline Downs, 12550 Brookshire Avenue, Baton Rouge, Louisiana, 70815, (225) 266-5812, testified in support of House Bill No. 91.

Representative Norton offered a motion to report House Bill No. 91 with amendments. Without objection, House Bill No. 91 was reported with amendments by a vote of 14 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Hazel, Howard, James, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea.

Witness cards submitted by individuals who did not speak are as follows: 22 in support, 1 in opposition, and 2 for information only. Witness cards are included in the committee records.

House Bill No. 446 by Representative Falconer

Representative Falconer presented House Bill No. 446, which provides relative to the failure to seek medical assistance when reckless behavior results in serious bodily injury.

Karen Morgan, 2 Pintail Trace, Mandeville, LA, 70471, (504) 289-2013, testified in support of House Bill No. 446.

Mary Ellen Jordan, 920 South Jahncke Avenue, Covington, LA, 70433, (985) 373-7430, testified in support of House Bill No. 446.

Lee Shaw, 77025 Crockett Road, Folsom, LA, 70437, (504) 220-0132, testified in support of House Bill No. 446.

Amy Freeman, 33683 Perkins Road, Denham Springs, LA, 70706, (225) 939-8365, testified in support of House Bill No. 446.

Representative Stefanski offered an amendment to remove the requirement from proposed law that any person who is in the presence of and associated with another person or persons who are engaged in reckless behavior that results in the serious bodily injury of another person immediately seek or report the need for medical assistance from an appropriate authority. Representative Stefanski 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, Bacala, Carpenter, Crews, Dwight, Gaines, Howard, Marino, Norton, Pylant, and Stefanski voted yea.

Robert Odinet, District Attorney, 15th JDC, 800 S. Buchanan Street, 6th Floor, Lafayette, LA, 70502, (337) 232-5170, testified in opposition to House Bill No. 446.

Representative Bacala offered a motion to report House Bill No. 446 with amendments. Without objection, House Bill No. 446 was reported with amendments by a vote of 14 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Gaines, Hodges, Howard, James, Marino, Norton, Pylant, and Stefanski voted yea.

Witness cards submitted by individuals who did not speak are as follows: 18 in support, 1 in opposition, and 1 for information only. Witness cards are included in the committee records.

House Bill No. 298 by Representative Chad Brown

Representative Chad Brown presented House Bill No. 298, which provides relative to non-gaming supplier permits.

Representative Mack offered an amendment to require the Louisiana Gaming Control Board to establish a threshold amount of goods and services for which a non-gaming supplier permit is required. Representative Mack 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, Gaines, Hodges, Howard, James, Marino, Norton, Pylant, and Stefanski voted yea.

Representative Mack offered a motion to report House Bill No. 298 with amendments. Without objection, House Bill No. 298 was reported with amendments by a vote of 14 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Gaines, Hodges, Howard, James, 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. 299 by Representative Chad Brown

Representative Chad Brown presented House Bill No. 299, which provides relative to servicing of video draw poker devices.

Norbert Courville, Louisiana State Police, 7919 Independence Boulevard, Baton Rouge, LA, 70806, (225) 922-0587, spoke for information only on House Bill No. 299.

Representative Mack offered a motion to report House Bill No. 299 favorably. Without objection, House Bill No. 299 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Mack, Bagneris, Carpenter, Crews, Dwight, Gaines, Hodges, Howard, James, 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.

Representative Pylant in the chair.

House Bill No. 195 by Representative Mack

Representative Mack presented House Bill No. 195, which provides relative to probation and the defendant's eligibility to earn compliance credits or early termination.

Judge Bob Morrison, Louisiana District Judges Association, P. O. Box 788, Amite, LA, 70422, (985) 748-9445, testified for information only on House Bill No. 195.

Representative Mack offered an amendment to the procedure by which a defendant is awarded earned compliance credit.

John DeRosier, Calcasieu Parish District Attorney, P. O. Box 3206, Lake Charles, LA, 70602, (337) 437-3405, testified in support of House Bill No. 195.

Representative Mack 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, Gaines, Hodges, Howard, James, Marino, Norton, Pylant, and Stefanski voted yea.

Sarah Omojola, Southern Poverty Law Center, 1055 St. Charles Avenue, New Orleans, LA, 70130, (504) 526-1520, testified in opposition to House Bill No. 195.

Elain Ellerbe, Right on Crime, 174 Highland Meadows Drive, Jackson, LA, 70749, (225) 963-2074, testified in opposition to House Bill No. 195.

Sarah O'Brien, Orleans Public Defender Board, 2601 Tulane Avenue #700, New Orleans, LA, 70119, (917) 913-4605, testified in opposition to House Bill No. 195.

Norris Henderson, VOTE, 2022 St. Bernard Avenue, New Orleans, LA, 70116, (504) 453-4819, testified in opposition to House Bill No. 195.

James M. LeBlanc, Secretary, Department of Public Safety and Corrections, 504 Mayflower Street, Baton Rouge, Louisiana, 70802, (225)342-6740, testified for informational purposes only on House Bill No. 195.

Representative Bacala offered a motion to report House Bill No. 195 with amendments, to which Representative Marcelle objected. The secretary called the roll, and House Bill No. 195 was reported with amendments by a vote of 8 yeas and 7 nays. Representatives Mack, Bacala, Crews, Dwight, Hazel, Hodges, Pylant, and Stefanski voted yea. Representatives Bagneris, Carpenter, Gaines, James, Marcelle, Marino, and Norton voted nay.

Witness cards submitted by individuals who did not speak are as follows: 9 in support, 14 in opposition, and 1 for information only. Witness cards are included in committee records.

House Bill No. 112 by Representative Mack

Representative Mack presented House Bill No. 112, which provides relative to blood and saliva testing of certain persons who expose law enforcement officers to serious infectious diseases.

Representative Gaines offered amendments to add a firefighter regularly employed by a fire department of any municipality, parish, or fire protection district of the state or any volunteer firefighter of the state to the definition of "law enforcement officer".

Rebecca Nugent, Louisiana State Police Crime Lab, 376 East Airport Avenue, Baton Rouge, LA, 70806, (225) 925-4379, spoke for information only.

Dylan Waguespack. Louisiana Coalition on Criminalization and Health, 697 North 3rd Street, Baton Rouge, LA, 70802, (504) 950-7996, testified in opposition to House Bill No. 112.

Dorian-Gray Alexander, Louisiana Coalition on Criminalization and Health, 7931 Fig Street, New Orleans, LA, 70125, (504) 407-1155, testified in opposition to House Bill No. 112.

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

Representative Bacala offered a motion to report House Bill No. 112 with amendments. Without objection, House Bill No. 112 was reported with amendments by a vote of 15 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Gaines, Hazel, Howard, James, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea.

Witness cards submitted by individuals who did not speak are as follows: 11 in support, 3 in opposition, and 3 for information only. Witness cards are included in the committee records.

House Bill No. 166 by Representative Mack

Representative Mack presented House Bill No. 166, which provides for the formal ratification of the National Crime Prevention and Privacy Compact Act.

Representative Mack offered an amendment to update the reference to the United State Code from 42 U.S.C. 14616 to 34 U.S.C. 40316. Representative Mack 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, Howard, James, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea.

Representative Bacala offered a motion to report House Bill No. 166 with amendments. Without objection, House Bill No. 166 was reported with amendments by a vote of 15 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Gaines, Hazel, Howard, James, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea.

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

Representative Mack in the chair.

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 11 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Hazel, Howard, James, Marino, and Pylant voted yea.

House Bill No. 301 by Representative Chad Brown

On behalf of Representative Chad Brown, Representative Mack offered a motion to voluntarily defer action on House Bill No. 301, which provides relative to the definition of "video draw poker device" and "video draw poker". Without objection, action on House Bill No. 301 was voluntarily deferred by a vote of 15 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Gaines, Hazel, Howard, James, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea.

House Bill No. 464 by Representative Bishop

On behalf of Representative Bishop, Representative Mack offered a motion to voluntarily defer action on House Bill No. 464, which amends regulations on restaurants, parking lots, and fuel sales at qualified truck stop facilities and requirements for video poker games on video draw poker devices. Without objection, action on House Bill No. 464 was voluntarily deferred by a vote of 15 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Gaines, Hazel, Howard, James, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea.

House Bill No. 581 by Representative Leger

On behalf of Representative Leger, Representative Mack offered a motion to voluntarily defer action on House Bill No. 581, which provides relative to fuel sales at qualified truck stop facilities. Without objection, action on House Bill No. 581 was voluntarily deferred by a vote of 15 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Gaines, Hazel, Howard, James, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea.

House Bill No. 592 by Representative Talbot

On behalf of Representative Talbot, Representative Mack offered a motion to voluntarily defer action on House Bill No. 592, which provides relative to the regulations for and authority of owners or lessors of a qualified truck stop facility. Without objection, action on House Bill No. 592 was voluntarily deferred by a vote of 15 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Gaines, Hazel, Howard, James, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 2:41 p.m.

Respectfully submitted,

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

Date adopted: