

House Committee on Administration of Criminal Justice

Minutes of Meeting
2018 Regular Session
March 28, 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 9:03 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 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 Barbara M. Norton
Representative Steve E. Pylant, vice chairman
Representative John M. Stefanski

MEMBERS ABSENT:

Representative John H. Bagneris

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
Michaela Wells, sergeant at arms

III. DISCUSSION OF LEGISLATION**House Bill No. 140 by Representative Leger**

Representative Leger presented House Bill No. 140, which provides for the use of supervision fees paid by offenders placed on probation or parole.

Representative Hazel offered a motion to report House Bill No. 140 favorably. Without objection, House Bill No. 140 was reported favorably by a vote of 14 yeas and 0 nays. Representatives Mack, Bacala, Carpenter, Crews, Dwight, Hazel, Hodges, Howard, Terry Landry, Marcelle, 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. 184 by Representative Leger

Representative Leger presented House Bill No. 184, which provides relative to costs assessed for violations of driving while intoxicated.

Representative Mack offered amendments to:

- 1) Remove the provision in proposed law that requires persons placed in a pretrial diversion programs for a DWI offense who submitted to a blood, breath, or urine analysis for alcohol or any controlled dangerous substance to be assessed special costs of \$150.
- 2) Restore present law which provides that the special cost is assessed upon the person convicted of a DWI offense who was subjected to a blood, breath, or urine analysis for alcohol or any controlled dangerous substances.

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, Carpenter, Crews, Dwight, Hazel, Hodges, Howard, Terry Landry, Marino, Norton, Pylant, and Stefanski voted yea.

Lt. Michael Edgar, Louisiana State Police Applied Technology, 7901 Independence Boulevard, Baton Rouge, LA, 70806, (225) 925-4573, spoke for information only on House Bill No. 184.

Representative Hazel offered a motion to report House Bill No. 184 with amendments. Without objection, House Bill No. 184 was reported with amendments by a vote of 14 yeas and 0 nays. Representatives Mack, Bacala, Carpenter, Crews, Dwight, Hazel, Hodges, Howard, Terry Landry, Marcelle, 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 the committee records.

House Bill No. 260 by Representative Leger

Representative Leger presented House Bill No. 260, which provides relative to DNA collection for certain offenses.

Representative Terry Landry offered an amendment to require the collection of DNA samples of offenders arrested or convicted of a first offense illegal possession of a handgun by a juvenile or the offense of illegal carrying of weapons. Representative Terry Landry 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, Carpenter, Crews, Dwight, Hazel, Hodges, Howard, Terry Landry, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea.

Representative Terry Landry offered a motion to report House Bill No. 260 with amendments. Without objection, House Bill No. 260 was reported with amendments by a vote of 14 yeas and 0 nays. Representatives Mack, Carpenter, Crews, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea.

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

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 12 yeas and 0 nays. Representatives Mack, Carpenter, Crews, Dwight, Hazel, Hodges, Terry Landry, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea.

House Bill No. 266 by Representative Thibaut

Representative Thibaut presented House Bill No. 266, which provides with respect to the distribution of monies from the Video Draw Poker Purse Supplement Fund.

On behalf of Representative Thibaut, Representative Mack offered a motion to voluntarily defer action on House Bill No. 266. Without objection, action on House Bill No. 266 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Mack, Carpenter, Crews, Dwight, Hazel, Hodges, Terry Landry, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea.

House Bill No. 283 by Representative Pylant

Representative Pylant presented House Bill No. 283, which prohibits the intentional damaging or tampering of a tracking device on certain motor vehicles.

Eric Sunstrom, Best Stop Auto, P. O. Box 80106, Baton Rouge, LA, 70895, (225) 257-9908, spoke in support of House Bill No. 283.

Representative Pylant offered a motion to voluntarily defer action on House Bill No. 283. Without objection, action on House Bill No. 283 was voluntarily deferred by a vote of 14 yeas and 0 nays. Representatives Mack, Bacala, Carpenter, Crews, Dwight, Hazel, Hodges, James, Terry Landry, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea.

House Bill No. 622 by Representative Magee

Representative Magee presented House Bill No. 622, which provides relative to the payment of fines, fees, costs, restitution, and other monetary obligations related to an offender's conviction.

Sarah Omojola, Southern Poverty Law Center, 201 St. Charles Avenue, Suite 2000, New Orleans, LA, 70170, (504) 526-1520, spoke in opposition to House Bill No. 622.

Representative Hazel offered a motion to report House Bill No. 622 favorably. Without objection, House Bill No. 622 was reported favorably by a vote of 14 yeas and 0 nays. Representatives Mack, Bacala, Crews, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea.

Witness cards submitted by individuals who did not speak are as follows: 9 in support, 1 in opposition, and 3 for information only. Witness cards are included in the committee records.

House Bill No. 464 by Representative Bishop

Representative Bishop presented 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.

Alton Ashy, Louisiana Video Gaming Association, 218 Laurel Street, Baton Rouge, LA, 70802, (225) 344-1177, spoke in support of House Bill No. 464.

Representative Marcelle offered a motion to report House Bill No. 464 favorably, to which Representative Crews objected. The secretary called the roll, and House Bill No. 464 was reported favorably by a vote of 10 yeas, 2 nays, and 1 abstention. Representatives Bacala, Carpenter, Dwight, Howard, Terry Landry, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea. Representatives Crews and Hodges voted nay. Representative Mack abstained.

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

House Bill No. 592 by Representative Talbot

On behalf of Representative Talbot, Alton Ashy, Louisiana Video Gaming Association, 218 Laurel Street, Baton Rouge, LA, 70802, (225) 344-1177, presented House Bill No. 592, which provides relative to the regulations for and authority of owners or lessors of a qualified truck stop facility.

Representative Norton offered an amendment to require the restaurant at a qualified truck stop facility to be open for a certain number of hours, but decrease the number of hours the restaurant is required to be open from 12 to six. Representative Norton 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, Carpenter, Crews, Gaines, Hodges, Howard, Terry Landry, Marcelle, Marino, Norton, and Pylant voted yea.

Representative Norton offered a motion to report House Bill No. 592 with amendments, to which Representative Crews objected. The secretary called the roll, and House Bill No. 592 was reported with amendments by a vote of 11 yeas, 2 nays, and 1 abstention. Representatives Bacala, Carpenter, Dwight, Gaines, Howard, Terry Landry, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea. Representatives Crews and Hodges voted nay. Representative Mack abstained.

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

Representative Pylant in the chair.

House Bill No. 699 by Representative Stagni

Representative Stagni presented House Bill No. 699, which removes the requirement that a juror provide a name and signature for jury polling purposes.

Judge Glenn Ansardi, 24th JDC, 200 Derbigny, Gretna, LA, 70053, (504) 812-1337, spoke for information only on House Bill No. 699.

Representative Mack offered an amendment to provide relative to the conducting of a written poll of the jury to retain present law requirement that a slip of paper contain the name of the juror and the juror's signature, but provides that such slip of paper shall be placed under seal in the court record and not be released except upon order of the court. 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, Carpenter, Crews, Dwight, Gaines, Hodges, Howard, Terry Landry, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea.

Meghan Garvey, Orleans Public Defenders Office, 2601 Tulane Avenue, New Orleans, LA, 70119, no number provided, spoke in opposition to House Bill No. 699.

Representative Howard offered a motion to report House Bill No. 699 with amendments. Without objection, House Bill No. 699 was reported with amendments by a vote of 13 yeas and 0 nays. Representatives Bacala, Carpenter, Crews, Dwight, Gaines, Hazel, Hodges, Howard, Terry Landry, Marino, Norton, Pylant, and Stefanski voted yea.

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

Representative Mack in the chair.

House Bill No. 318 by Representative Connick

On behalf of Representative Connick, Jody Fortunato, Louisiana District Attorneys Association, 200 Derbigny Street, Gretna, LA, 70053, (504) 368-1020, presented House Bill No. 318, which provides relative to prior convictions of the crime of operating a vehicle while intoxicated.

Darren Allemand, Louisiana District Attorneys Association, 200 Derbigny Street, Gretna, LA, 70053, (504)368-1020, spoke in support of House Bill No. 318.

Representative Mack offered amendments to make technical correction to citation and remove reference to present law exception for New Orleans from the present law Section heading to conform with proposed law. 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, Carpenter, Crews, Dwight, Gaines, Hazel, Hodges, Terry Landry, Marino, Norton, Pylant, and Stefanski voted yea.

Representative Hazel offered a motion to report House Bill No. 318 with amendments. Without objection, House Bill No. 318 was reported with amendments by a vote of 13 yeas and 0 nays. Representatives Mack, Bacala, Carpenter, Crews, Dwight, Gaines, Hazel, Hodges, Terry Landry, Marino, Norton, Pylant, and Stefanski 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. 186 by Representative Marino

Representative Marino presented House Bill No. 186, which provides relative to the attempt or conspiracy to commit violations of the Uniform Controlled Dangerous Substances Law.

Representative Stefanski offered a motion to report House Bill No. 186 favorably. Without objection, House Bill No. 186 was reported favorably by a vote of 15 yeas and 0 nays. Representatives Mack, Bacala, Carpenter, Crews, Dwight, Gaines, Hazel, Hodges, James, Terry Landry, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea.

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

House Bill No. 224 by Representative Marino

Representative Marino presented House Bill No. 224, which reduces criminal penalties for certain offenses involving legend drugs.

Representative Stefanski offered a motion to report House Bill No. 224 favorably. Without objection, House Bill No. 224 was reported favorably by a vote of 16 yeas and 0 nays. Representatives Mack, Bacala, Carpenter, Crews, Dwight, Gaines, Hazel, Hodges, Howard, James, Terry Landry, 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 for information only. Witness cards are included in the committee records.

House Bill No. 537 by Representative Marino

Representative Marino presented House Bill No. 537, which provides relative to probation for fourth noncapital felony offenses under certain circumstances.

Representative Hazel offered amendments to:

- (1) Authorize the court to suspend the sentence for a third or fourth conviction of operating a vehicle while intoxicated if certain conditions are met including consent of the district attorney and the requirement that the defendant participate in a speciality court program.
- (2) Add that a defendant who is ordered to enter and complete a speciality court program is not eligible to receive earned compliance credits.
- (3) Add that a defendant who, as a condition of parole, is required to enter and complete a reentry court program is not eligible to receive earned compliance credits.

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

Judge Bob Morrison, Louisiana District Judges Association, P. O. Box 788, Amite, LA, 70422, (985) 748-9445, spoke for information only on House Bill No. 537.

Representative Marcelle offered a motion to report House Bill No. 537 with amendments. Without objection, House Bill No. 537 was reported with amendments by a vote of 15 yeas and 0 nays. Representatives Mack, Bacala, Carpenter, Crews, Dwight, Hazel, Hodges, Howard, James, Terry Landry, 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 for information only. Witness cards are included in the committee records.

House Bill No. 661 by Representative James

Representative James presented House Bill No. 661, which provides relative to drug paraphernalia.

Logan Kinamore, Open Health Care Clinic, 3801 North Boulevard, Baton Rouge, LA, 70806, (225) 362-1072, spoke in support of House Bill No. 661.

Representative Bacala offered an amendment to remove from proposed law an exception for criminal liability to persons employed or participating with a needle exchange program acting in their official capacity. Representative Bacala offered a motion to adopt the proposed amendment, to which Representative James objected. The secretary called the roll, and the motion failed to pass by a vote of 3 yeas, 10 nays, and 1 abstention. Representatives Bacala, Hodges, and Pylant voted yea. Representatives Carpenter, Crews, Dwight, Gaines, Hazel, James, Terry Landry, Marcelle, Marino, and Norton voted nay. Representative Mack abstained.

Representative Bacala offered an amendment to specify in proposed law that no participant shall be prosecuted when possession occurs on the premises of the needle exchange program. Representative Bacala offered a motion to adopt the proposed amendment, to which Representative James objected. The secretary called the roll, and the motion failed to pass by a vote of 3 yeas, 10 nays, and 1 abstention. Representatives Bacala, Pylant, and Stefanski voted yea. Representatives Carpenter, Crews, Dwight, Gaines, Hazel, James, Terry Landry, Marcelle, Marino, and Norton voted nay. Representative Mack abstained.

Representative Carpenter offered a motion to report House Bill No. 661 favorably, to which Representative Bacala objected. The secretary called the roll, and House Bill No. 661 was reported favorably by a vote of 11 yeas and 2 nays. Representatives Carpenter, Crews, Dwight, Gaines, Hazel, James, Terry Landry, Marcelle, Marino, Norton, and Stefanski voted yea. Representatives Bacala and Pylant voted nay.

Witness cards submitted by individuals who did not speak are as follows: 15 in support. Witness cards are included in the committee records.

House Bill No. 136 by Representative Foil

On behalf of Representative Foil, Representative Mack offered a motion to voluntarily defer action on House Bill No. 136, which increases penalties for the manufacture, production, distribution, or possession with intent to distribute heroin. Without objection, action on House Bill No. 136 was voluntarily deferred by a vote of 14 yeas and 0 nays. Representatives Mack, Bacala, Carpenter, Crews, Dwight, Gaines, Hazel, James, Terry Landry, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea.

House Bill No. 259 by Representative Jordan

On behalf of Representative Jordan, Representative Mack offered a motion to voluntarily defer action on House Bill No. 259, which provides for presumptive pretrial release of a defendant on an unsecured personal surety or bail without surety except under certain circumstances. Without objection, action on House Bill No. 259 was voluntarily deferred by a vote of 14 yeas and 0 nays. Representatives Mack, Bacala, Carpenter, Crews, Dwight, Gaines, Hazel, James, Terry Landry, Marcelle, Marino, Norton, Pylant, and Stefanski 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 14 yeas and 0 nays. Representatives Mack, Bacala, Carpenter, Crews, Dwight, Gaines, Hazel, James, Terry Landry, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea.

House Bill No. 525 by Representative Bagneris

On behalf of Representative Bagneris, Representative Mack offered a motion to voluntarily defer action on House Bill No. 525, which provides relative to the crime of operating a vehicle while intoxicated. Without objection, action on House Bill No. 525 was voluntarily deferred by a vote of 14 yeas and 0 nays. Representatives Mack, Bacala, Carpenter, Crews, Dwight, Gaines, Hazel, James, Terry Landry, Marcelle, Marino, Norton, Pylant, and Stefanski voted yea.

House Bill No. 594 by Representative Gary Carter

On behalf of Representative Gary Carter, Representative Mack offered a motion to voluntarily defer action on House Bill No. 594, which creates the crime which would prohibit telemarketing targeted at the elderly population. Without objection, action on House Bill No. 594 was voluntarily deferred by a vote of 14 yeas and 0 nays. Representatives Mack, Bacala, Carpenter, Crews, Dwight, Gaines, Hazel, James, Terry Landry, 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 12:21 p.m.

Respectfully submitted,

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

Date adopted: