

House Committee on Administration of Criminal Justice

Minutes of Meeting
2018 Regular Session
April 11, 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 9:23 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, Jr.
Representative Barbara M. Norton
Representative Steve E. Pylant, vice chairman
Representative John M. Stefanski

MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

Kelly C. Fogleman, attorney
Robert A. Singletary, attorney

Alicia Spivey, secretary

ADDITIONAL ATTENDEES PRESENT:

Janet Anthony, sergeant at arms
Angela Mcknight, sergeant at arms
Jordan Zeringue, clerk
Desiree Cotton, clerk

III. DISCUSSION OF LEGISLATION

House Bill No. 486 by Representative Shadoin

On behalf of Representative Shadoin, Representative Mack offered a motion to voluntarily defer action on House Bill No. 486, which provides relative to juvenile court jurisdiction. Without objection, action on House Bill No. 486 was voluntarily deferred by a vote of 17 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, Marino, Muscarello, Norton, Pylant, and Stefanski voted yea.

House Bill No. 807 by Representative Jay Morris

On behalf of Representative Jay Morris, Representative Mack offered a motion to voluntarily defer action on House Bill No. 807, which provides relative to probation and parole violations. Without objection, action on House Bill No. 807 was voluntarily deferred by a vote of 17 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, Marino, Muscarello, Norton, Pylant, and Stefanski voted yea.

House Bill No. 488 by Representative Amedee

Representative Amedee presented House Bill No. 488, which provides relative to the mandatory reporting of certain crimes of sexual abuse of a minor.

Professor Michelle Ghetti, 18531 Lake Tulip Avenue, Baton Rouge, LA 70817, (225) 933-9029, spoke in support of House Bill No. 488.

Representative Norton offered a motion to report House Bill No. 488 favorably. Without objection, House Bill No. 488 was reported favorably by a vote of 18 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Gaines, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, Marino, Muscarello, Norton, Pylant, and Stefanski voted yea.

Witness cards submitted by individuals who did not speak are as follows: 7 in support and 1 for information only. Witness cards are included in the committee records.

House Bill No. 879 by Representative Smith

Representative Smith presented House Bill No. 879, which provides relative to the eligibility requirements for the inmate rehabilitation and workforce development program.

Natalie LaBorde, Department of Public Safety and Corrections, 504 Mayflower Street, Baton Rouge, LA 70801, (337) 654-6718, spoke for information only on House Bill No. 879.

Representative Marcelle offered a motion to report House Bill No. 879 favorably, to which Representative Pylant objected. The secretary called the roll, and House Bill No. 879 was reported favorably by a vote of 16 yeas, 1 nays, and 1 abstention. Representatives Bacala, Bagneris, Carpenter, Crews, Dwight, Gaines, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, Marino, Muscarello, Norton, and Stefanski voted yea. Representative Pylant voted nay. Representative Mack abstained.

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

House Bill No. 776 by Representative Smith

Representative Smith presented House Bill No. 776, which prohibits the possession of firearms in certain cases involving stalking.

On behalf of Representative Smith, Representative Mack offered an amendment to remove from proposed law the addition of the crime of stalking to the present law list of crimes for which a conviction results in prohibiting the offender from possessing a firearm. Representative Mack offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 18 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Gaines, Hazel, Hodges, Howard, James, Terry Landry, Marcelle, Marino, Muscarello, Norton, Pylant, and Stefanski voted yea.

Kim Sport, United Way of South East Louisiana, 2515 Canal Street, New Orleans, LA 70130, (504) 453-3313, spoke in support of House Bill No. 776.

Amy Sideris, Moms Demand Action for Gun Sense in America, 9847 Mint Drive, Baton Rouge, LA 70809, spoke in support of House Bill No. 776.

Representative Marcelle offered a motion to report House Bill No. 776 with amendments. Without objection, House Bill No. 776 was reported with amendments by a vote of 17 yeas and 0 nays.

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

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. 81 by Representative Smith

Representative Smith presented House Bill No. 81, which provides relative to battery of a dating partner, domestic abuse, and uniform abuse prevention orders.

Kim Sport, United Way of South East Louisiana, 2515 Canal Street, New Orleans, LA 70130, (504) 453-3313, spoke in support of House Bill No. 81.

On behalf of Representative Smith, Representative Mack offered amendments to change the list of proposed offenses involving domestic abuse that are added to the existing list of offenses that are enumerated as crimes of violence and amend penalty provisions in the crimes of domestic abuse battery and battery of a dating partner. Representative Mack 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, Hodges, Howard, James, Terry Landry, Marcelle, Marino, Muscarello, Pylant, and Stefanski voted yea.

Representative Mack offered a motion to withdraw the previous amendments to House Bill No. 81. Without objection, the amendments to House Bill No. 81 were withdrawn by a vote of 16 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Gaines, Hodges, Howard, James, Terry Landry, Marcelle, Marino, Muscarello, Pylant, and Stefanski voted yea.

Representative Mack offered a motion to voluntarily defer action on House Bill No. 81. Without objection, action on House Bill No. 81 was voluntarily deferred by a vote of 16 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Gaines, Hodges, Howard, James, Terry Landry, Marcelle, Marino, Muscarello, Pylant, and Stefanski voted yea.

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

Further action was taken by the committee on House Bill No. 81 at a meeting held on April 12, 2018. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 81.

House Bill No. 484 by Representative Talbot

Representative Talbot presented House Bill No. 484, which provides for a proposition election to authorize fantasy sports contests in Louisiana.

On behalf of Representative Talbot, Representative Mack offered amendments to:

- (1) Remove the contingent effectiveness of proposed law based upon the passage of a proposed constitutional amendment which would authorize a statewide referendum election for propositions to allow new forms of gaming, gambling, or wagering.
- (2) Amend the definition of "fantasy sports contest" to provide that it is played through the internet or mobile device.
- (3) Change the date of the referendum election from October 12, 2019, to November 6, 2018, and provide that such election shall be held on a parish-by-parish basis instead of statewide.
- (4) Add a provision which prohibits the conducting of fantasy sports contests in any parish that does not hold a referendum election in this regard or that votes against a proposition to authorize the conducting of fantasy sports contests in the parish.

Representative Mack offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 17 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Dwight, Gaines, Hodges, Howard, James, Terry Landry, Marcelle, Marino, Muscarello, Norton, Pylant, and Stefanski voted yea.

Scott Ward, Draft Kings and Fan Duel, 1152 15th Street Northwest, Washington, D.C. 20018, (202) 339-8578, spoke in support of House Bill No. 484.

Kathleen Benfield, Louisiana Family Forum, 655 St. Ferdinand Street, Baton Rouge, LA 70802, (225) 344-8533, spoke in opposition to House Bill No. 484.

Dr. Will Hall, Louisiana Baptists Office of Public Policy, 1250 MacArthur Drive, Alexandria, LA 71309, (318) 449-4348, spoke in opposition to House Bill No. 484.

Representative Bagneris offered a motion to report House Bill No. 484 with amendments, to which Representative Crews objected. The secretary called the roll, and House Bill No. 484 was reported with amendments by a vote of 10 yeas and 4 nays. Representatives Bagneris, Carpenter, Dwight, Gaines, Howard, James, Terry Landry, Marcelle, Marino, and Norton voted yea. Representatives Mack, Bacala, Crews, and Muscarello voted nay.

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

House Bill No. 781 by Representative Stagni

Representative Stagni presented House Bill No. 781, which authorizes the Louisiana State Board of Chiropractic Examiners to access expunged criminal history records.

Patricia Oliver, Louisiana Board of Chiropractic Examiners, 8621 Summa Avenue, Baton Rouge, LA 70809, (225) 765-2322, spoke for information only on House Bill No. 781.

Representative Carpenter offered a motion to report House Bill No. 781 favorably. Without objection, House Bill No. 781 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Mack, Carpenter, Crews, Dwight, Gaines, Terry Landry, Marino, Muscarello, Norton, and Pylant voted yea.

House Bill No. 612 by Representative Stokes

Representative Stokes presented House Bill No. 612, which provides relative to the observation or filming of a person and the disclosure of certain images of a person.

On behalf of Representative Stokes, Representative Mack offered amendments to:

- (1) Provide penalties for offenses which involve the observing, viewing, photographing, filming, or videotaping of any child under the age.
- (2) Amend the elements of the crime of non-consensual disclosure of a private image to provide that the person committing the offense either had the intent to harass or cause emotional distress or knew or should have known that the disclosure could harass or cause emotional distress.

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, Terry Landry, Marcelle, Marino, Muscarello, Norton, Pylant, and Stefanski voted yea.

Laura Rodrigue, Orleans District Attorneys Office, 619 South White Street, New Orleans, LA 70119, (504) 822-2414, spoke in support of House Bill No. 612.

Representative Crews offered an amendment to remove the use of an unmanned aircraft system as an element of the offense and remove the definition of "unmanned aircraft system". Representative Crews 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, Howard, Terry Landry, Marcelle, Marino, Muscarello, Norton, Pylant, and Stefanski voted yea.

Representative Mack offered a motion to report House Bill No. 612 with amendments. Without objection, House Bill No. 612 was reported with amendments by a vote of 13 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Crews, Dwight, Hazel, Howard, Terry Landry, Marcelle, Marino, Muscarello, Norton, and Pylant voted yea.

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. 162 by Representative Terry Landry

Representative Terry Landry presented House Bill No. 162, which eliminates the death penalty for offenses committed on or after August 1, 2018.

James T. Dixon, Jr., Louisiana Public Defender Board, 301 Main Street, Suite 700, Baton Rouge, LA, 70825, (225) 219-9305, spoke for information only on House Bill No. 162.

Joe Morris Doss, Episcopal Church, 1201 Canal Street, New Orleans, LA 70112, (504) 343-3208, spoke in support of House Bill No. 162.

Laverne Thompson, 7333 Sheffield Street, New Orleans, LA 70126, (504) 228-0347, spoke in support of House Bill No. 162.

Sister Alison McCrary, SFCC, 4477 Baccich Street, New Orleans, LA 70116, (504) 220-0401, spoke in support of House Bill No. 162.

Dan Krutz, Louisiana Interchurch Conference, 527 North Boulevard, 4th Floor, Baton Rouge, LA 70802, (225) 344-0134, spoke in support of House Bill No. 162.

Walter Sanchez, LACDL, 1200 Ryan Street, Lake Charles, LA 70601, (337) 433-4405, spoke in support of House Bill No. 162.

Dr. Nicholas Mitchell, Jesuit Social Research Institute, 6363 St. Charles Avenue, Box 94, New Orleans, LA 70118, (504) 864-7746, spoke in support of House Bill No. 162.

Rob Tasman, Louisiana Conference of Catholic Bishops, 2431 South Acadian Thruway, Suite 250, Baton Rouge, LA 70808, (225) 344-7120, spoke in support of House Bill No. 162.

Loren Lampert, Calcasieu Parish District Attorneys Office, P. O. Box 3206, Lake Charles, LA 70602, (337) 437-3065, spoke in opposition to House Bill No. 162.

Don Burkett, 11th Judicial District, P.O. Box 1557, Many, LA 71449, no number provided, spoke in opposition to House Bill No. 162.

Representative Marcelle offered a motion to report House Bill No. 162 favorably, to which Representative Crews objected. The secretary called the roll, and the motion failed to pass by a vote of 8 yeas and 10 nays. Representatives Bagneris, Carpenter, Gaines, James, Terry Landry, Marcelle, Marino, and Norton voted yea. Representatives Mack, Bacala, Crews, Dwight, Hazel, Hodges, Howard, Muscarello, Pylant, and Stefanski voted nay.

Witness cards submitted by individuals who did not speak are as follows: 30 in support and 13 in opposition. Witness cards are included in the committee records.

House Bill No. 236 by Representative Ivey

Representative Ivey presented House Bill No. 236, which enacts the Inmate Rehabilitation and Computer Technology Development Act.

Representative Hodges offered a motion to report House Bill No. 236 favorably, to which Representative Mack objected. The secretary called the roll, and House Bill No. 236 was reported favorably by a vote of 8 yeas and 4 nays. Representatives Crews, Hazel, Hodges, Howard, Terry Landry, Marino, Norton, and Stefanski voted yea. Representatives Mack, Bacala, Muscarello, and Pylant voted nay.

Witness cards submitted by individuals who did not speak are as follows: 5 in support and 1 for information only. Witness cards are included in the committee records.

House Concurrent Resolution No. 10 by Representative Norton

Representative Norton presented House Concurrent Resolution No. 10, which requests the Department of Public Safety and Corrections to review eligibility requirements of its rehabilitative programs to determine whether adequate rehabilitative programs are available to every offender in its custody.

Representative Mack offered a motion to report House Concurrent Resolution No. 10 favorably. Without objection, House Concurrent Resolution No. 10 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Crews, Hazel, Hodges, Howard, Terry Landry, Marino, Muscarello, 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. 389 by Representative Gary Carter

On behalf of Representative Gary Carter, Representative Mack offered a motion to voluntarily defer action on House Bill No. 389, which increases penalties for the crime of sexual assault of persons with infirmities and provides enhanced penalties under certain circumstances. Without objection, action on House Bill No. 389 was voluntarily deferred by a vote of 13 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Crews, Hazel, Hodges, Howard, Terry Landry, Marino, Muscarello, Norton, Pylant, and Stefanski voted yea.

House Bill No. 207 by Representative Bagley

On behalf of Representative Bagley, Representative Mack offered a motion to voluntarily defer action on House Bill No. 207, which requires those who serve temporary protective orders or protective orders to transmit a service return to the Louisiana Protective Order Registry. Without objection, action on House Bill No. 207 was voluntarily deferred by a vote of 13 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Crews, Hazel, Hodges, Howard, Terry Landry, Marino, Muscarello, 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 1:31 p.m.

Respectfully submitted,

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

Date adopted: