

House Committee on Administration of Criminal Justice

Minutes of Meeting
2018 Regular Session
April 17, 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 8:48 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 Royce Duplessis
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 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
Katie LeLeux, attorney

Alicia Spivey, secretary

ADDITIONAL ATTENDEES PRESENT:

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

III. DISCUSSION OF LEGISLATION

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 11 yeas and 0 nays. Representatives Mack, Bagneris, Crews, Duplessis, Hazel, Howard, James, Marino, Muscarello, Pylant, and Stefanski voted yea.

House Bill No. 809 by Representative James

On behalf of Representative James, Representative Mack offered a motion to voluntarily defer action on House Bill No. 809, which provides relative to inmate compensation and deductions from wages. Without objection, action on House Bill No. 809 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Mack, Bagneris, Crews, Duplessis, Hazel, Howard, James, Marino, Muscarello, Pylant, and Stefanski voted yea.

House Bill No. 400 by Representative Bagneris

Representative Bagneris presented House Bill No. 400, which creates the crime of illegally purchasing or selling a firearm.

Erin Luper, NRA, 11250 Waples Mill Road, Fairfax, VA 22030, (703) 943-7150, spoke in opposition to House Bill No. 400.

Nina Roland, Home Defense Foundation, 2163 43rd Street, Kenner, LA 70065, (504) 469-7645, spoke in opposition to House Bill No. 400.

Dan Zelenka, Louisiana Shooting Association, 11 Carolina Court, Covington, LA 70433, (504) 421-1323, spoke in opposition to House Bill No. 400.

Representative Norton offered a motion to report House Bill No. 400 favorably, to which Representative Pylant objected. The secretary called the roll, and the motion failed to pass by a vote of 6 yeas and 10 nays. Representatives Bagneris, Carpenter, Duplessis, James, Marcelle, and Norton voted yea. Representatives Mack, Bacala, Crews, Hazel, Hodges, Howard, Marino, Muscarello, Pylant, and Stefanski voted nay.

Witness cards submitted by individuals who did not speak are as follows: 3 in support and 34 in opposition. Witness cards are included in the committee records.

House Bill No. 377 by Representative Hazel

Representative Hazel presented House Bill No. 377, which provides relative to expungements.

On behalf of Representative Hazel, Representative Mack offered an amendment to make technical corrections to present law expungement forms. Representative Mack 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, Duplessis, Hazel, Hodges, Howard, James, Marcelle, Marino, Muscarello, Norton, Pylant, and Stefanski voted yea.

Representative Bacala offered a motion to report House Bill No. 377 with amendments. Without objection, House Bill No. 377 was reported with amendments by a vote of 16 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Duplessis, Hazel, Hodges, Howard, James, Marcelle, Marino, Muscarello, Norton, Pylant, and Stefanski voted yea.

House Bill No. 773 by Representative Lyons

Representative Lyons presented House Bill No. 773, which requires a mental health evaluation upon the issuance of a protective order in domestic abuse cases.

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

- (1) Restore present law and remove the proposed law provision that required a protective order or consent agreement to include an order for a psychiatric evaluation and other provisions related thereto.
- (2) Amend present law relative to the ordering of medical opinions and evaluations to authorize the court to order a medical or mental health evaluation.

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, Duplessis, Hazel, Hodges, Howard, James, Marcelle, Marino, Muscarello, 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. 773.

Judge Wendall Manning, Louisiana District Judges Association, 300 Saint John Street, Suite 400, Monroe, LA 71203, (318) 381-2270, spoke for information only on House Bill No. 773.

Representative Marcelle offered a motion to report House Bill No. 773 with amendments. Without objection, House Bill No. 773 was reported with amendments by a vote of 16 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Duplessis, Hazel, Hodges, Howard, James, 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 Concurrent Resolution No. 27 by Representative Smith

Representative Smith presented House Concurrent Resolution No. 27, which authorizes the creation of the Louisiana Women's Incarceration Task Force.

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

- (1) Provide that the secretary, instead of assistant secretary, of the Department of Public Safety and Corrections, or his designee, shall serve as chair of the task force.
- (2) Provide that the work of the task force shall begin on August 1, 2018, and shall end on August 1, 2019, with the option of extending.

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, Duplessis, Hazel, Hodges, Howard, James, Marcelle, Marino, Muscarello, Pylant, and Stefanski voted yea.

Annie Freitas, Operation Restoration, 1234 Marigny Street, New Orleans, LA 70117, (510) 395-4524, spoke in support of House Concurrent Resolution No. 27.

Syrita Martin, Operation Restoration, 1639 Lake Avenue, Metairie, LA 70005, (504) 723-1800, spoke in support of House Concurrent Resolution No. 27.

Representative James offered an amendment to make changes to the composition of the task force. Representative James 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, Duplessis, Gaines, Hodges, Howard, James, Marcelle, Marino, Muscarello, Norton, and Pylant voted yea.

Representative Carpenter offered a motion to report House Concurrent Resolution No. 27 with amendments. Without objection, House Concurrent Resolution No. 27 was reported with amendments by a vote of 14 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Duplessis, Gaines, Hodges, Howard, James, Marcelle, Marino, Muscarello, Norton, and Pylant 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. 473 by Representative Smith

Representative Smith presented House Bill No. 473, which prohibits the importation, manufacture, sale, purchase, possession, or transfer of a rapid-fire device.

Jennifer Martindale, Moms Demand Action, 5429 Camp Street, New Orleans, LA 70115, (312) 505-5425, spoke in support of House Bill No. 473.

Louis White, Home Defense Foundation, 3009 Taft Park, Metairie, LA 70002, (504) 534-5453, spoke in opposition to House Bill No. 473.

Dan Zelenka, Louisiana Shooting Association, 11 Carolina Court, Covington, LA 70433, (504) 421-1323, spoke in opposition to House Bill No. 473.

Bradley Gulotta, Gun Rights Across America, 13148 Vitrano Lane, Independence, LA 70443, (985) 969-4164, spoke in opposition to House Bill No. 473.

Erin Luper, NRA, 11250 Waples Mill Road, Fairfax, VA 22030, (705) 943-7150, spoke in opposition to House Bill No. 473.

Tom Fierke, Home Defense Foundation, 22 Thrush Street, New Orleans, LA 70124, (504) 858-6064, spoke in opposition to House Bill No. 473.

Representative Marcelle offered a motion to report House Bill No. 473 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, Duplessis, Gaines, James, 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: 9 in support and 38 in opposition. Witness cards are included in the committee records.

House Bill No. 136 by Representative Foil

Representative Foil presented House Bill No. 136, which increases penalties for the manufacture, production, distribution, or possession with intent to distribute heroin.

Representative James offered an amendment to reduce the proposed law minimum term of imprisonment from 20 years to 10 years for persons who violate present law with respect to heroin. Representative James 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, Carpenter, Crews, Duplessis, Dwight, Gaines, Hodges, Howard, James, Marcelle, Marino, Muscarello, Norton, Pylant, and Stefanski voted yea.

William Beau Clark, MD, East Baton Rouge Coroner, 4030 TB Herndon Avenue, Baton Rouge, LA 70801, (225) 389-3047, spoke in support of House Bill No. 136.

Elain Ellerbe, Right on Crime, 174 Highland Meadows Drive, Jackson, LA 70748, (225) 936-2074, spoke in opposition to House Bill No. 136.

Representative Mack offered a motion to report House Bill No. 136 with amendments, to which Representative Bagneris objected. The secretary called the roll, and House Bill No. 136 was reported with amendments by a vote of 10 yeas and 6 nays. Representatives Mack, Bacala, Crews, Dwight, Hazel, Hodges, Howard, Muscarello, Pylant, and Stefanski voted yea. Representatives Bagneris, Carpenter, Duplessis, Marcelle, Marino, and Norton voted nay.

Witness cards submitted by individuals who did not speak are as follows: 2 in support and 8 in opposition. Witness cards are included in the committee records.

House Bill No. 355 by Representative Chad Brown

Representative Chad Brown presented House Bill No. 355, which provides relative to the habitual offender law.

Sarah Omojola, Southern Poverty Law Center, 201 St. Charles Avenue, Suite 2000, New Orleans, LA 70170, (504) 526-1520, spoke in support of House Bill No. 355.

Corey Ladd, 3288 Castle Drive, Kenner, LA 70065, (504) 669-9976, spoke in support of House Bill No. 355.

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. 355.

Sarah O'Brien, Orleans Public Defenders, 2601 Tulane Avenue, New Orleans, LA 70119, (917) 913-4605, spoke in support of House Bill No. 355.

Pete Adams, Louisiana District Attorneys Association, 1645 Nicholson Drive, Baton Rouge, LA 70802, (225) 343-0171, spoke in opposition to House Bill No. 355.

Ricky Babin, 23rd JDC, District Attorney, 308 East Railroad Avenue, Gonzales, LA 70737, (225) 210-4705, spoke in opposition to House Bill No. 355.

Representative Bagneris offered a motion to report House Bill No. 355 favorably, to which Representative Bacala objected. The secretary called the roll, and the motion failed to pass by a vote of 7 yeas, 9 nays, and 1 abstention. Representatives Bagneris, Carpenter, Duplessis, Gaines, James, Marcelle, and Norton voted yea. Representatives Bacala, Crews, Dwight, Hazel, Howard, Marino, Muscarello, Pylant, and Stefanski voted nay. Representative Mack abstained.

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

House Bill No. 736 by Representative Terry Landry

Representative Terry Landry presented House Bill No. 736, which provides relative to the possession, transfer, registration, license to possess, and surrender of an assault weapon.

Helena Moreno, no address or phone number provided, spoke in support of House Bill No. 736.

Erin Luper, NRA, 11250 Waples Mill Road, Fairfax, VA 22030, (705) 943-7150, spoke in opposition to House Bill No. 736.

Barrett Kendrick, Louisiana Shooting Association, 427 North Third Street, Covington, LA 70433, (985) 892-4119, spoke in opposition to House Bill No. 736.

Mike Weinberger, Home Defense Foundation, 827 Port Street, New Orleans, LA 70117, (504) 265-0647, spoke in opposition to House Bill No. 736.

Dan Zelenka, Louisiana Shooting Association, 11 Carolina Court, Covington, LA 70433, (504) 421-1323, spoke in opposition to House Bill No. 736.

Colonel Rob Maness, GATORPAC, P.O. Box 53, Madisonville, LA 70447, (985) 218-0135, spoke in opposition to House Bill No. 736.

Tom Gresham, 119 Amelia Lane, Covington, LA 70433, (318) 663-1358, spoke in opposition to House Bill No. 736.

Representative James offered an amendment to allow for the purchase and possession of an assault weapon if the person registers and obtains a license to possess the weapon. Representative James offered a motion to adopt the proposed amendment, to which Representative Pylant objected. The secretary called the roll, and the motion failed to pass by a vote of 7 yeas, 9 nays, and 1 abstention. Representatives Bagneris, Carpenter, Duplessis, Gaines, James, Marcelle, and Norton voted yea. Representatives Bacala, Crews, Dwight, Hazel, Hodges, Howard, Muscarello, Pylant, and Stefanski voted nay. Representative Mack abstained.

Representative Marcelle offered a motion to report House Bill No. 736 favorably, to which Representative Pylant objected. The secretary called the roll, and the motion failed to pass by a vote of 7 yeas, 9 nays, and 1 abstention. Representatives Bagneris, Carpenter, Duplessis, Gaines, James, Marcelle, and Norton voted yea. Representatives Bacala, Crews, Dwight, Hazel, Hodges, Howard, Muscarello, Pylant, and Stefanski voted nay. Representative Mack abstained.

Witness cards submitted by individuals who did not speak are as follows: 11 in support and 38 in opposition. Witness cards are included in the committee records.

House Bill No. 852 by Representative Gary Carter

Representative Gary Carter presented House Bill No. 852, which creates the crime of illegally purchasing or selling a firearm.

On behalf of Representative Gary Carter, Representative Mack offered a technical amendment to remove section symbols from certain citations. Representative Mack offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 17 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Duplessis, Dwight, Gaines, Hazel, Hodges, Howard, James, Marcelle, Muscarello, Norton, Pylant, and Stefanski voted yea.

Ryan Shaw, Moms Demand Action for Gun Sense in America, 1309 South 18th Street, Baton Rouge, LA, 70802, (225) 278-6657, spoke in support of House Bill No. 852.

Jose Davila, Every town for Gun Safety, P.O. Box 4184, New York, NY 10163, (646) 324-8274, spoke in support of House Bill No. 852.

Erin Luper, NRA, 11250 Waples Mill Road, Fairfax, VA 22030, (705) 943-7150, spoke in opposition to House Bill No. 852.

Dan Zelenka, Louisiana Shooting Association, 11 Carolina Court, Covington, LA 70433, (504) 421-1323, spoke in opposition to House Bill No. 852.

Mike Weinberger, Home Defense Foundation, 827 Port Street, New Orleans, LA 70117, (504) 265-0647, spoke in opposition to House Bill No. 852.

Mary-Wanda Fandino, 4747 Alphonse Drive, Metairie, LA 70006, (504) 222-2048, spoke in support of House Bill No. 852.

Representative Marcelle offered a motion to report House Bill No. 852 with amendments, to which Representative Pylant objected. The secretary called the roll, and the motion failed to pass by a vote of 7 yeas, 9 nays, and 1 abstention. Representatives Bagneris, Carpenter, Duplessis, Gaines, James, Marcelle, and Norton voted yea. Representatives Bacala, Crews, Dwight, Hazel, Hodges, Howard, Muscarello, Pylant, and Stefanski voted nay. Representative Mack abstained.

Witness cards submitted by individuals who did not speak are as follows: 7 in support and 41 in opposition. Witness cards are included in the committee records.

House Bill No. 602 by Representative Miguez

On behalf of Representative Miguez, Representative Mack offered a motion to voluntarily defer action on House Bill No. 602, which provides relative to the carrying of a concealed handgun at a school. Without objection, action on House Bill No. 602 was voluntarily deferred by a vote of 17 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Duplessis, Dwight, Gaines, Hazel, Hodges, Howard, James, Marcelle, Muscarello, Norton, Pylant, and Stefanski voted yea.

House Bill No. 611 by Representative James

On behalf of Representative James, Representative Mack offered a motion to voluntarily defer action on House Bill No. 611, which establishes a civil penalty for marijuana possession. Without objection, action on House Bill No. 611 was voluntarily deferred by a vote of 17 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Duplessis, Dwight, Gaines, Hazel, Hodges, Howard, James, Marcelle, Muscarello, Norton, Pylant, and Stefanski voted yea.

House Bill No. 274 by Representative Jordan

On behalf of Representative Jordan, Representative Mack offered a motion to voluntarily defer action on House Bill No. 274, which provides for the decriminalization of marijuana possession and distribution. Without objection, action on House Bill No. 274 was voluntarily deferred by a vote of 17 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Duplessis, Dwight, Gaines, Hazel, Hodges, Howard, James, Marcelle, Muscarello, Norton, Pylant, and Stefanski voted yea.

House Bill No. 277 by Representative Marcelle

On behalf of Representative Marcelle, Representative Mack offered a motion to voluntarily defer action on House Bill No. 277, which prohibits the sale of assault rifles to any person under the age of twenty-one years. Without objection, action on House Bill No. 277 was voluntarily deferred by a vote of 17 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Duplessis, Dwight, Gaines, Hazel, Hodges, Howard, James, Marcelle, Muscarello, Norton, Pylant, and Stefanski voted yea.

House Bill No. 416 by Representative Ivey

Representative Ivey presented House Bill No. 416, which creates the crime of failure to identify the possession of a concealed handgun to a law enforcement officer.

Representative Marcelle offered a motion to involuntarily defer action on House Bill No. 416. Without objection, action on House Bill No. 416 was involuntarily deferred by a vote of 12 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Duplessis, Hazel, Howard, James, Marcelle, Marino, and Norton voted yea.

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

House Bill No. 415 by Representative Ivey

Representative Ivey presented House Bill No. 415, which provides relative to a "concealed" firearm or weapon.

Representative Marcelle offered a motion to involuntarily defer action on House Bill No. 415. Without objection, action on House Bill No. 415 was involuntarily deferred by a vote of 12 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Crews, Duplessis, Hazel, Howard, James, Marcelle, Marino, and Norton voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 in support and 13 in opposition. Witness cards are included in the committee records.

House Bill No. 412 by Representative Ivey

Representative Ivey presented House Bill No. 412, which provides relative to the exemption of certain Louisiana residents from the crime of illegal carrying of weapons when the firearm is legally obtained, manufactured, and possessed.

Representative Mack offered an amendment to provide for the contingent effectiveness of the bill based on the passage of another bill. 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, Bacala, Bagneris, Carpenter, Crews, Duplessis, Hazel, Howard, Marino, and Norton voted yea.

Representative Bagneris offered a motion to involuntarily defer action on House Bill No. 412, to which Representative Bacala objected. The secretary called the roll, and action on House Bill No. 412 was involuntarily deferred by a vote of 8 yeas, 3 nays, and 1 abstention. Representatives Bagneris, Carpenter, Duplessis, Gaines, Hazel, James, Marcelle, and Norton voted yea. Representatives Bacala, Crews, and Marino voted nay. Representative Mack abstained.

Witness cards submitted by individuals who did not speak are as follows: 16 in support and 14 in opposition. 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 1:57 p.m.

Respectfully submitted,

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

Date adopted: