

## House Committee on Administration of Criminal Justice

Minutes of Meeting  
2018 Regular Session  
April 25, 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 9:11 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 Stephen C. Dwight  
Representative Royce Duplessis  
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 John M. Stefanski

#### **MEMBERS ABSENT:**

Representative Raymond J. Crews  
Representative Steve E. Pylant, vice chairman

#### **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  
Jordan Zeringue, clerk

**III. DISCUSSION OF LEGISLATION**

**House Bill No. 438 by Representative Pugh**

Representative Pugh presented House Bill No. 438, which provides for a referendum election in Tangipahoa Parish regarding river boat gaming.

Robby Miller, Tangipahoa Parish Government, P. O. Box 215, Amite, LA 70422, (985) 748-3492, spoke in support of House Bill No. 438.

Martin Brent Stevens, Peninsula Pacific, 10250 Constellation Boulevard, Los Angeles, CA 90067, (424) 281-0700, spoke in support of House Bill No. 438.

Dr. David Cranford, First Baptist Church Ponchatoula, 325 East Pine Street, Ponchatoula, LA 70454, (985) 642-1616, spoke in opposition to House Bill No. 438.

Josh Dickson, Northshore Baptist Association, 117 Jack Pine Lane, Ponchatoula, LA 70454, (318) 664-3542, spoke in opposition to House Bill No. 438.

Jeff Robinson, First Baptist Church Hammond, 401 West Morris Avenue, Hammond, LA 70403, (985) 345-4990, spoke in opposition to House Bill No. 438.

Pastor Louis Husser, Crossgate Church of Robert, 21163 Old Covington Highway, Hammond, LA 70403, (985) 345-0827, spoke in opposition to House Bill No. 438.

Representative Bagneris offered a motion to voluntarily defer action on House Bill No. 438. Without objection, action on House Bill No. 438 was voluntarily deferred by a vote of 16 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Duplessis, Dwight, Gaines, Hazel, Hodges, Howard, James, Marcelle, Marino, Muscarello, Norton, and Stefanski voted yea.

Witness cards submitted by individuals who did not speak are as follows: 6 in support and 8 in opposition. Witness cards are included in the committee records.

**Senate Bill No. 243 by Senator Morrell**

Senator Morrell presented Senate Bill No. 243, a constitutional amendment to require unanimous juries for felonies.

Edward Tarpley, Jr., LACDL, 819 Johnston Street, Alexandria, LA 71301, (318) 487-1460, spoke in support of Senate Bill No. 243.

Marjorie Esman, 2712 Jefferson Avenue, New Orleans, LA 70115, (504) 513-7330, spoke in support of Senate Bill No. 243.

Representative Mack offered an amendment to amend proposed constitutional amendment to provide that the present constitution will apply to noncapital felony cases for offenses committed prior to January 1, 2019, and to provide that a unanimous verdict is required in cases for noncapital felony offenses that are committed on or after January 1, 2019. 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, Duplessis, Dwight, Hazel, Hodges, Howard, James, Marcelle, Marino, Muscarello, Norton, and Stefanski voted yea.

John DeRosier, Calcasieu Parish District Attorney, P. O. Box. 3206, Lake Charles, LA 70602, (337) 437-3405, spoke in opposition to Senate Bill No. 243.

Don Burkett, Sabine Parish District Attorney, no address provided, (318) 471-7101, spoke in opposition to Senate Bill No. 243.

Representative James offered a motion to report Senate Bill No. 243 with amendments. Without objection, Senate Bill No. 243 was reported with amendments by a vote of 16 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Duplessis, Dwight, Gaines, Hazel, Hodges, Howard, James, Marcelle, Marino, Muscarello, Norton, and Stefanski voted yea.

Witness cards submitted by individuals who did not speak are as follows: 169 in support and 1 in opposition. Witness cards are included in the committee records.

**House Bill No. 354 by Representative Jordan**

On behalf of Representative Jordan, Representative Mack offered a motion to voluntarily defer action on House Bill No. 354, a constitutional amendment which provides relative to a unanimous jury in felony cases. Without objection, action on House Bill No. 354 was voluntarily deferred by a vote of 16 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Duplessis, Dwight, Gaines, Hazel, Hodges, Howard, James, Marcelle, Marino, Muscarello, Norton, and Stefanski voted yea.

**House Bill No. 365 by Representative Jordan**

Representative Jordan presented House Bill No. 365, which provides relative to a unanimous jury in felony cases.

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

- (1) Amend proposed law to provide that the present law will apply to noncapital felony cases for offenses committed prior to January 1, 2019, and to provide that a unanimous verdict is required in cases for noncapital felony offenses that are committed on or after January 1, 2019.
- (2) Provide that proposed law is contingent upon the adoption of a constitutional amendment to Louisiana Constitution Article I, §17(C).

Representative Mack 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, Bagneris, Duplessis, Dwight, Gaines, Hazel, Hodges, Howard, James, Marcelle, Marino, Muscarello, Norton, and Stefanski voted yea.

Representative Stefanski offered a motion to report House Bill No. 365 with amendments. Without objection, House Bill No. 365 was reported with amendments by a vote of 14 yeas and 0 nays. Representatives Mack, Bagneris, Duplessis, Dwight, Gaines, Hazel, Hodges, Howard, James, Marcelle, Marino, Muscarello, Norton, and Stefanski voted yea.

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

**Senate Bill No. 105 by Senator Morrell**

Senator Morrell presented Senate Bill No. 105, which provides that a person cannot give consent to sexual conduct while in police custody.

Representative Stefanski offered a motion to report Senate Bill No. 105 favorably. Without objection, Senate Bill No. 105 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Mack, Bagneris, Duplessis, Dwight, Hazel, Hodges, Howard, Marino, Muscarello, Norton, and Stefanski voted yea.

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

**Senate Bill No. 50 by Senator Morrell**

Senator Morrell presented Senate Bill No. 50, which adds a person's telephone number when used for "caller ID spoofing" to the definition of "personal identifying information" for purposes of the crime of identity theft.

Representative Mack offered a motion to report Senate Bill No. 50 favorably. Without objection, Senate Bill No. 50 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Mack, Bagneris, Duplessis, Dwight, Hazel, Hodges, Howard, Marino, Muscarello, Norton, 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.

**Senate Concurrent Resolution No. 6 by Senator Morrell**

Senator Morrell presented Senate Concurrent Resolution No. 6, which directs the Louisiana State Law Institute to study and make recommendations relative to expungement fees.

Representative Norton offered a motion to report Senate Concurrent Resolution No. 6 favorably. Without objection, Senate Concurrent Resolution No. 6 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Mack, Bagneris, Duplessis, Dwight, Hazel, Hodges, Howard, Marino, Muscarello, Norton, 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.

**Senate Bill No. 441 by Senator Morrell**

Senator Morrell presented Senate Bill No. 441, which provides penalties for reckless operation of certain all-terrain vehicles on public roadways.

Lieutenant Dean Behrens, Louisiana State Police, 2101 I-10 Service Road, Kenner, LA 70065, (504) 471-2775, spoke for information only on Senate Bill No. 441.

Representative Dwight offered a motion to report Senate Bill No. 441 favorably. Without objection, Senate Bill No. 441 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Mack, Duplessis, Dwight, Hazel, Hodges, Marcelle, Marino, Muscarello, Norton, and Stefanski voted yea.

Witness cards submitted by individuals who did not speak are as follows: 6 in support and 1 in opposition. Witness cards are included in the committee records.

**Senate Bill No. 236 by Senator Morrell**

Senator Morrell presented Senate Bill No. 236, which creates the crime of sexual abuse of an animal.

On behalf of Senator Morrell, Representative Stefanski offered amendments to:

- (1) Add as an element of the proposed law crime of sexual abuse of an animal the filming, distributing, or possessing pornographic images of a person and an animal engaged in any of the activities described in the proposed law crime.
- (2) Apply the enhanced penalties to any second or subsequent offense, instead of only those offenses resulting in serious bodily injury or death of the animal.
- (3) Remove the one-year minimum term of imprisonment from the enhanced penalty provision.
- (4) Provide that the proposed law provision which prohibits the person convicted of the offense from harboring, owning, possessing, or exercising control over any animal shall be for any length of time deemed appropriate by the court, but not less than five years.
- (5) Add that a person convicted of the crime of sexual abuse of an animal who is released on parole shall be required, as a condition of the parole, to participate in a sex offender program as defined by present law.
- (6) Require a person convicted of a second or subsequent offense of the crime of sexual abuse of an animal to register and provide notification as a sex offender pursuant to present law.

Representative Stefanski 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, Dwight, Hazel, Hodges, Howard, Marcelle, Marino, Muscarello, Norton, and Stefanski voted yea.

Julia Breaux, The Humane Society of the United States, 961 Harrison Avenue, New Orleans, LA 70124, (504) 615-1152, spoke in support of Senate Bill No. 236.

Representative Hodges offered an amendment to add that the changes to the present law offense of crime against nature shall not be construed to alleviate any person convicted or adjudicated delinquent of the crime from any requirement, obligation, or consequence imposed by law resulting from that conviction. Representative Hodges offered a motion to adopt the proposed amendment, to which Representative Marcelle objected. The secretary called the roll, and the motion failed to pass by a vote of 3 yeas, 8 nays, and 1 abstention. Representatives Bacala, Hodges, and Howard voted yea. Representatives Bagneris, Duplessis, Dwight, Hazel, Marcelle, Marino, Norton, and Stefanski voted nay. Representative Mack abstained.

Gene Mills, Louisiana Family Forum, 655 St. Ferdinand Street, Baton Rouge, LA 70802, (225) 344-8533, spoke in opposition to Senate Bill No. 236.

Dr. Will Hall, Louisiana Baptist Office of Public Policy, 1250 MacArthur Dive, Alexandria, LA 71309, (318) 449-4348, spoke in opposition to Senate Bill No. 236.

Pastor Louis Husser, Crossgate Church, 21163 Old Covington Highway, Hammond, LA 70403, (985) 345-0827, spoke in opposition to Senate Bill No. 236.

Representative Marcelle offered a motion to report Senate Bill No. 236 with amendments. Without objection, Senate Bill No. 236 was reported with amendments by a vote of 14 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bagneris, Carpenter, Duplessis, Dwight, Hazel, Hodges, Howard, James, Marcelle, Marino, Muscarello, Norton, and Stefanski voted yea. Representative Mack abstained.

Witness cards submitted by individuals who did not speak are as follows: 12 in support and 2 in opposition. Witness cards are included in the committee records.

### **Senate Bill No. 231 by Senator Morrell**

Senator Morrell presented Senate Bill No. 231, which provides relative to the transfer of firearms for the violation of a protective order.

On behalf of Senator Morrell, Representative Marcelle offered an amendment to add a new crime for the illegal transfer of a firearm to a prohibited possessor and provide penalties for the offense. Representative Marcelle 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, Duplessis, Dwight, Hazel, Hodges, Howard, James, Marcelle, Marino, Muscarello, Norton, and Stefanski voted yea.

Michael Ranatza, Louisiana Sheriff's Association, 1175 Nicholson Drive, Baton Rouge, LA 70802, (225) 343-8402, spoke in support of Senate Bill No. 231.

On behalf of Senator Morrell, Representative Duplessis offered amendments to:

- (1) At the same time an order to prohibit a person from possessing a firearm or carrying a concealed weapon is issued, require the court to cause the person to state the number of firearms in his possession and to complete a firearm information form and to cause a copy of the order and a copy of the firearm information to be transmitted to the sheriff of the parish or the sheriff of the parish of the person's residence.

- (2) Provide that the return of the firearm is upon proof of dismissal of the protective order instead of upon dismissal of the protective order.
- (3) Add that proof shall include a certified copy of the dismissal of a protective order or other documentation indicating the date on which the person is no longer prohibited from possessing a firearm or carrying a concealed weapon.
- (4) Provide that no sheriff shall return a transferred firearm prior to receiving the required documentation from either the court or the person and verifying that such information was sent to state police.

Representative Duplessis 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, Duplessis, Dwight, Hazel, Hodges, Howard, James, Marcelle, Marino, Muscarello, Norton, and Stefanski voted yea.

On behalf of Senator Morrell, Representative Norton offered amendments to:

- (1) Remove the requirement that the sheriff notify state police of an attempted purchase that results in a NICS denial and the requirement that state police "flag" the person as prohibited from possessing a firearm in the Louisiana Computerized Criminal History Database.
- (2) Require the court's order that a person transfer his firearms to the sheriff be on the record and in open court.

Representative Norton 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, Duplessis, Dwight, Hazel, Hodges, Howard, Marcelle, Marino, Muscarello, Norton, and Stefanski voted yea.

On behalf of Senator Morrell, Representative Mack offered an amendment to remove the time limit within which a licensed dealer is required to report to the sheriff an attempted purchase that results in a NICS denial and the requirement that the report be made in a format prescribed by the sheriff. 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, Duplessis, Dwight, Hazel, Hodges, Howard, Marcelle, Marino, Muscarello, Norton, and Stefanski voted yea.

Craig Webre, Lafourche Parish Sheriff, 200 Canal Boulevard, Thibodaux, LA 70301, (985) 438-9481, spoke in support of Senate Bill No. 231.



Tammy Savoie, 200 Turquoise Street, New Orleans, LA 70124, (650) 862-7280, spoke in support of Senate Bill No. 231.

Clarice Gallegos, Moms Demand Action, 1041 Irma Drive, Henderson, LA 70517, (225) 806-1965, spoke in support of Senate Bill No. 231.

Mariah Wineski, Louisiana Coalition Against Domestic Violence, P. O. Box 77308, Baton Rouge, LA 70879, (225) 752-1296, spoke in support of Senate Bill No. 231.

*Representative Hazel in the chair.*

Tiffany Dupes, 1431 Willow Street, Franklin, LA 70538, (337) 471-7123, spoke in support of Senate Bill No. 231.

*Representative Mack in the chair.*

Representative Howard offered a motion to report Senate Bill No. 231 with amendments. Without objection, Senate Bill No. 231 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Duplessis, Dwight, Howard, James, Marcelle, and Marino voted yea.

Witness cards submitted by individuals who did not speak are as follows: 24 in support and 2 for information only. Witness cards are included in the committee records.

### **Senate Bill No. 102 by Senator Morrell**

Senator Morrell presented Senate Bill No. 102, which provides relative to disposition of children after adjudication of certain felony-grade delinquent acts.

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

- (1) Restore present law which provides a statement of public policy relative to the commitment and confinement of a juvenile and add that the goal of confinement is rehabilitative.
- (2) Add provisions relative to the modification of dispositions for juveniles adjudicated delinquent for a violation of rape, aggravated kidnapping, and armed robbery.
- (3) Add that motions for modification of disposition shall be filed pursuant to procedures set forth in present law and require a contradictory hearing to be set no sooner than thirty days from the date of notice to the district attorney.
- (4) Provide factors for the court to consider in determining whether to modify disposition.

- (5) Add that provisions of present and proposed law regarding the choice of custody of the child do not apply to adjudications for felony grade delinquent acts based upon first or second degree murder, first degree rape, aggravated kidnapping, and armed robbery. Custody in such cases is governed by present law provisions specific to these offenses.

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, Bagneris, Carpenter, Duplessis, Dwight, Hazel, Hodges, Howard, Marcelle, Marino, and Stefanski voted yea.

Representative Mack offered a motion to report Senate Bill No. 102 with amendments. Without objection, Senate Bill No. 102 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Mack, Bagneris, Carpenter, Duplessis, Dwight, Hazel, Hodges, Howard, Marcelle, Marino, and Stefanski voted yea.

Witness cards submitted by individuals who did not speak are as follows: 24 in support. Witness cards are included in the committee records.

#### **Senate Bill No. 49 by Senator Morrell**

Senator Morrell presented Senate Bill No. 49, which provides for family member visitation with offenders who have sustained serious injuries while in custody.

On behalf of Senator Morrell, Representative Mack offered an amendment to change the time period in which the inmate's family is to be notified of the decision to transport the inmate to the ICU or trauma center from one hour to eight hours. 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, Bagneris, Carpenter, Duplessis, Dwight, Hazel, Howard, Marcelle, Marino, and Stefanski voted yea.

On behalf of Senator Morrell, Representative Mack offered amendments to provide technical changes and provide that the warden or other governing authority of the facility or jail shall attempt to notify the inmate's immediate family of the decision to transport the inmate to the ICU or trauma center. 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, Bagneris, Carpenter, Duplessis, Dwight, Howard, Marcelle, Marino, Norton, and Stefanski voted yea.

Representative Mack offered a motion to report Senate Bill No. 49 with amendments. Without objection, Senate Bill No. 49 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Mack, Bagneris, Carpenter, Duplessis, Dwight, Howard, Marcelle, Marino, Norton, and Stefanski voted yea.

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

### **Senate Bill No. 101 by Senator Morrell**

Senator Morrell presented Senate Bill No. 101, which creates the Louisiana Sexual Assault Oversight Commission.

On behalf of Senator Morrell, Representative Dwight offered an amendment to remove the director of the Southwest Louisiana Regional Crime Laboratory and the director of the Acadiana Criminalistics Laboratory from the commission membership. Representative Dwight 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, Bagneris, Carpenter, Duplessis, Dwight, Hodges, Howard, Marcelle, Marino, Muscarello, Norton, and Stefanski voted yea.

Representative Hodges offered an amendment to replace the executive director of the Forensic Nurse Examiners of Louisiana, Inc. with each of the two chief sexual assault forensic nurse examiners from the two Level I trauma centers in Louisiana. Representative Hodges 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, Bagneris, Carpenter, Duplessis, Dwight, Hodges, Howard, Marcelle, Marino, Muscarello, Norton, and Stefanski voted yea.

Representative Mack offered an amendment to add to the membership a person designated by the Louisiana Foundation Against Sexual Assault to represent the rights of sexual assault victims. Representative Mack 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, Bagneris, Carpenter, Duplessis, Dwight, Hodges, Howard, Marcelle, Marino, Muscarello, Norton, and Stefanski voted yea.

Representative Marcelle offered a motion to report Senate Bill No. 101 with amendments. Without objection, Senate Bill No. 101 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Mack, Bagneris, Carpenter, Duplessis, Dwight, Hodges, Howard, Marcelle, Marino, Muscarello, Norton, and Stefanski voted yea.

Witness cards submitted by individuals who did not speak are as follows: 12 in support and 2 for information only. Witness cards are included in the committee records.

### **House Bill No. 207 by Representative Bagley**

Representative Bagley presented 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.

Mariah Wineski, Louisiana Coalition Against Domestic Violence, P. O. Box 77308, Baton Rouge, LA 70879, (225)752-1296, spoke in support of House Bill No. 207.

On behalf of Representative Bagley, Representative Howard offered amendments to:

- (1) Require the proof of service to be transmitted by the end of the next business day after making service, exclusive of weekends and holidays, rather than within 24 hours of making service.
- (2) Remove the requirement that the Louisiana Protective Order Registry develop a form for the proof of service, but retain the requirement that the proof include at least the case caption, docket number, type of order, serving agency and officer, and the date and time service was made.

Representative Howard 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, Carpenter, Duplessis, Dwight, Howard, Marcelle, Marino, Muscarello, Norton, and Stefanski voted yea.

Representative Norton offered a motion to report House Bill No. 207 with amendments. Without objection, House Bill No. 207 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Mack, Bacala, Carpenter, Duplessis, Dwight, Howard, Marcelle, Marino, Muscarello, Norton, 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.

### **House Bill No. 253 by Representative Connick**

On behalf of Representative Connick, Representative Marino presented House Bill No. 253, which provides relative to the application of the habitual offender law.

Representative Mack offered amendments to:

- (1) Add that the provisions of present law as amended by Act Numbers 257 and 282 of the 2017 Regular Session that provide for the amount of time that must elapse between the current and prior offense for the habitual offender law to apply, shall apply to any bill of information filed on or after November 1, 2017, accusing the person of a previous conviction.
- (2) To conform with the amendment, remove from proposed law the provision which states that the entirety of the habitual offender law in effect at the time that the instant offense committed is applied.

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, Carpenter, Duplessis, Hodges, Howard, Marcelle, Marino, Muscarello, Norton, and Stefanski voted yea.

Jody Fortunato, Louisiana District Attorneys Association, 200 Derbigny Street, Gretna, LA 70053, (504) 368-1020, spoke in support of House Bill No. 253.

*Representative Hazel in the chair.*

Representative Norton offered a motion to report House Bill No. 253 with amendments, to which Representative Duplessis objected. The secretary called the roll, and House Bill No. 253 was reported with amendments by a vote of 7 yeas and 3 nays. Representatives Bacala, Hazel, Hodges, Marino, Muscarello, Norton, and Stefanski voted yea. Representatives Carpenter, Duplessis, and Marcelle voted nay.

Witness cards submitted by individuals who did not speak are as follows: 8 in support and 17 in opposition. Witness cards are included in the committee records.

#### **House Bill No. 278 by Representative Marino**

Representative Marino presented House Bill No. 278, which provides relative to the Swift and Certain Probation Pilot Program.

Representative Marino offered a motion to voluntarily defer action on House Bill No. 278. Without objection, action on House Bill No. 278 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Bacala, Carpenter, Duplessis, Hazel, Hodges, Marcelle, Marino, Muscarello, Norton, and Stefanski voted yea.

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

#### **House Bill No. 761 by Representative Pierre**

Representative Pierre presented House Bill No. 761, which amends criminal penalties for the crime of armed robbery.

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. 761.

Sibil Fox Richardson, LPA, P. O. Box 56552, New Orleans, LA 70156, (318) 294-8113, spoke in support of House Bill No. 761.

*Representative Mack in the chair.*

E. Pete Adams, Louisiana District Attorneys Association, 1645 Nicholson Drive, Baton Rouge, LA 70802, no number provided, spoke in opposition to House Bill No. 761.

Representative Marcelle offered a motion to report House Bill No. 761 favorably, to which Representative Bacala objected. The secretary called the roll, and House Bill No. 761 was reported favorably by a vote of 8 yeas and 7 nays. Representatives Mack, Bagneris, Carpenter, Duplessis, Hodges, James, Marcelle, and Norton voted yea. Representatives Bacala, Dwight, Hazel, Howard, Marino, Muscarello, and Stefanski voted nay.

Witness cards submitted by individuals who did not speak are as follows: 13 in support and 6 in opposition. Witness cards are included in the committee records.

### **House Bill No. 389 by Representative Gary Carter**

Representative Gary Carter presented House Bill No. 389, which increases penalties for the crime of sexual assault of persons with infirmities and provides enhanced penalties under certain circumstances.

Representative Marcelle offered a motion to report House Bill No. 389 favorably. Without objection, House Bill No. 389 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Mack, Bacala, Carpenter, Duplessis, Dwight, Hazel, Howard, James, Marcelle, Marino, Muscarello, and Stefanski voted yea.

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

### **Senate Bill No. 166 by Senator Thompson**

On behalf of Senator Thompson, Representative Mack presented Senate Bill No. 166, which requires the National Human Trafficking Resource Center hotline information to be posted in additional locations.

Representative Mack offered an amendment to add railroad passenger stations to the list of establishments required to post information regarding the National Human Trafficking Resource Center Hotline. 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, Bagneris, Carpenter, Duplessis, Dwight, Hazel, Howard, James, Marcelle, Marino, Muscarello, and Stefanski voted yea.

Representative Stefanski offered a motion to report Senate Bill No. 166 with amendments. Without objection, Senate Bill No. 166 was reported with amendments by a vote of 13 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Duplessis, Dwight, Hazel, Howard, James, Marcelle, Marino, Muscarello, and Stefanski voted yea.

Witness cards submitted by individuals who did not speak are as follows: 4 in support. 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 13 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Duplessis, Dwight, Hazel, Howard, James, Marcelle, Marino, Muscarello, and Stefanski voted yea.

#### **House Bill No. 762 by Representative Hilferty**

On behalf of Representative Hilferty, Representative Mack offered a motion to voluntarily defer action on House Bill No. 762, which provides relative to persons convicted of certain terrorism offenses. Without objection, action on House Bill No. 762 was voluntarily deferred by a vote of 13 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Duplessis, Dwight, Hazel, Howard, James, Marcelle, Marino, Muscarello, 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 13 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Duplessis, Dwight, Hazel, Howard, James, Marcelle, Marino, Muscarello, 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 13 yeas and 0 nays. Representatives Mack, Bacala, Bagneris, Carpenter, Duplessis, Dwight, Hazel, Howard, James, Marcelle, Marino, Muscarello, 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 1:15 p.m.

Respectfully submitted,

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

Date adopted: