

House Committee on Judiciary

Minutes of Meeting
2018 Regular Session
May 3, 2018

I. CALL TO ORDER

Representative Katrina R. Jackson, chairman of the House Committee on Judiciary, called the meeting to order at 9:08 a.m. in Room 1, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Katrina R. Jackson, chairman
Representative John H. Bagneris
Representative Chad Brown
Representative Gary M. Carter, Jr.
Representative Jean-Paul P. Coussan
Representative Randal L. Gaines
Representative Jimmy Harris
Representative Lowell C. "Chris" Hazel
Representative Valarie Hodges
Representative Marcus L. Hunter
Representative Robert A. Johnson
Representative Christopher J. Leopold
Representative Tanner D. Magee
Representative Joseph A. Marino, III
Representative John C. "Jay" Morris, III, vice chairman
Representative Nicholas Muscarello, Jr.
Representative Robert E. Shadoin
Representative Jerome "Zee" Zeringue

MEMBERS ABSENT:

Representative Robby Carter

STAFF MEMBERS PRESENT:

Danielle Barringer, attorney
Diane Merritt, secretary

ADDITIONAL ATTENDEES PRESENT:

Michelle Fontenot, director
Desiree Cotton, clerk
Beverly Vincent, sergeant at arms
Myrtis Jarell, sergeant at arms

III. DISCUSSION OF LEGISLATION**House Bill No. 215 by Representative Jackson**

Representative Jackson offered a motion to voluntarily defer action on House Bill No. 215, which provides relative to a hearing by the Judiciary Commission concerning certain judges. Without objection, action on House Bill No. 215 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Jackson, Gary Carter, Coussan, Jimmy Harris, Hazel, Magee, Marino, Jay Morris, Muscarello, Shadoin, and Zeringue voted yea.

House Resolution No. 133 by Representative Smith

Representative Smith presented House Resolution No. 133, which requests the Department of Public Safety and Corrections and the Louisiana Sheriffs' Association to ensure that video phones are available in all state and parish facilities.

Representative Jimmy Harris offered a motion to report House Resolution No. 133 favorably. Without objection, House Resolution No. 133 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Jackson, Gary Carter, Coussan, Jimmy Harris, Hazel, Magee, Marino, Jay Morris, Muscarello, Shadoin, and Zeringue 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. 273 by Senator Milkovich

Senator Milkovich presented Senate Bill No. 273, which provides relative to appellate panels.

Representative Jay Morris offered a motion to report Senate Bill No. 273 favorably. Without objection, Senate Bill No. 273 was reported favorably by a vote of 14 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Coussan, Jimmy Harris, Hazel, Hodges, Leopold, Magee, Marino, Jay Morris, Muscarello, Shadoin, and Zeringue voted yea.

Senate Bill No. 114 by Senator Peacock

Senator Peacock presented Senate Bill No. 114, which provides relative to the Military Service Relief Act.

Representative Jackson offered a motion to report Senate Bill No. 114 favorably. Without objection, Senate Bill No. 114 was reported favorably by a vote of 14 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Coussan, Jimmy Harris, Hazel, Hodges, Leopold, Magee, Marino, Jay Morris, Muscarello, Shadoin, and Zeringue 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. 107 by Representative Bacala

Representative Bacala presented House Bill No. 107, which provides with respect to financial security for survivors of federal law enforcement officers.

Kevin Harrison, retired United States Marshal for the middle district of Louisiana, no address given, (225) 268-4337, spoke in support of House Bill No. 107.

Representative Jay Morris offered a motion to report House Bill No. 107 favorably. Without objection, House Bill No. 107 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Coussan, Hazel, Hodges, Leopold, Magee, Marino, Jay Morris, Muscarello, Shadoin, and Zeringue 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. 813 by Representative Gary Carter

Representative Gary Carter presented House Bill No. 813, which provides relative to actions filed under the Protection from Stalking Act.

Representative Gary Carter offered an amendment to provide municipal and traffic courts with sole jurisdiction over matters pursuant to the Protection from Stalking Act when a law enforcement officer has issued a summons or citation. Representative Gary Carter offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 13 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Coussan, Hazel, Hodges, Leopold, Magee, Marino, Jay Morris, Muscarello, Shadoin, and Zeringue voted yea.

Judge Paul N. Sens, Municipal and Traffic Court of New Orleans, 727 S. Broad St., New Orleans, LA 70119, (504) 658-9700, spoke for information only on House Bill No. 813.

Representative Jay Morris offered a motion to report House Bill No. 813 with amendments. Without objection, House Bill No. 813 was reported with amendments by a vote of 13 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Coussan, Hazel, Hodges, Leopold, Magee, Marino, Jay Morris, Muscarello, Shadoin, and Zeringue voted yea.

Senate Bill No. 500 by Senator Mills

On behalf of Senator Mills, Representative Coussan presented Senate Bill No. 500, which provides relative to group insurance expenses for certain clerks of court.

Michael Thibodeaux, Iberia Parish Clerk of Court, P.O. Drawer 12010, New Iberia, LA 70562, (337) 365-7282, spoke in support of House Bill No. 500.

Felicia Ann Hendl, West Feliciana Parish Clerk of Court, P.O. Box 1843, St. Francisville, LA 70775, (225) 635-3794, spoke in support of House Bill No. 500.

Representative Coussan offered a motion to report Senate Bill No. 500 favorably. Without objection, Senate Bill No. 500 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Coussan, Hazel, Hodges, Leopold, Magee, Marino, Jay Morris, Muscarello, Shadoin, and Zeringue 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 Bill No. 123 by Senator Perry

On behalf of Senator Perry, Representative Coussan presented Senate Bill No. 123, which provides relative to the chief judge of city courts with two or more divisions.

Representative Coussan offered a motion to report Senate Bill No. 123 favorably. Without objection, Senate Bill No. 123 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Coussan, Hodges, Leopold, Magee, Marino, Jay Morris, Muscarello, Shadoin, and Zeringue voted yea.

House Bill No. 669 by Representative Marcelle

Representative Marcelle presented House Bill No. 669, which provides for a hold on the renewal of an operator's license under certain circumstances.

Representative Marino offered a motion to report House Bill No. 669 favorably. Without objection, House Bill No. 669 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Coussan, Hazel, Hodges, Leopold, Magee, Marino, Jay Morris, Muscarello, Shadoin, and Zeringue voted yea.

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

Senate Bill No. 120 by Senator Perry

On behalf of Senator Perry, Representative Stefanski presented Senate Bill No. 120, which provides relative to premium costs for retired sheriffs and deputy sheriffs of the Vermilion Parish Sheriff's Office.

Gary Bennett, assistant executive director, Louisiana Sheriffs' Association, 1175 Nicholson Drive, Baton Rouge, LA 70802, (225) 343-8402, spoke in support of Senate Bill No. 120.

Representative Chad Brown offered a motion to report Senate Bill No. 120 favorably. Without objection, Senate Bill No. 120 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Coussan, Hazel, Hodges, Leopold, Magee, Marino, Jay Morris, Muscarello, Shadoin, and Zeringue voted yea.

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

Representative Morris in chair.

House Concurrent Resolution No. 50 by Representative James

On behalf of Representative James, Representative Jackson presented House Concurrent Resolution No. 50, which provides relative to the collection of comprehensive information concerning an individual who suffered a violent death.

Representative Bagneris offered a motion to report House Concurrent Resolution No. 50 favorably. Without objection, House Concurrent Resolution No. 50 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Hazel, Hodges, Leopold, Magee, Marino, Jay Morris, Muscarello, Shadoin, and Zeringue voted yea.

Senate Bill No. 38 by Senator Bishop

On behalf of Senator Bishop, Representative Jackson presented Senate Bill No. 38, which provides relative to eyewitness identifications.

Michael Ranatza, executive director, Louisiana Sheriffs' Association, 1175 Nicholson Drive, Baton Rouge, LA 70802, (225) 343-8402, spoke in support of Senate Bill No. 38.

Representative Jackson offered a motion to report Senate Bill No. 38 favorably. Without objection, Senate Bill No. 38 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Hazel, Hodges, Leopold, Magee, Marino, Jay Morris, Muscarello, Shadoin, and Zeringue voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 for information only and 13 in support. Witness cards are included in the committee records.

Representative Jackson in chair.

Senate Bill No. 489 by Senator Morrish

Senator Morrish presented Senate Bill No. 489, which provides relative to the delivery of alcoholic beverages.

Representative Magee offered amendments to require third-party notification prior to delivery service to the commissioner of the intent to offer these services and provide the commissioner with an affidavit acknowledging the understanding of the rules required by third parties and for the delivery service of alcoholic beverages. After discussion, Representative Magee withdrew the amendments.

Representative Magee offered amendments to remove all provisions of Senate Bill No. 489, require that the commissioner provide for the issuance and definition of a Class A-Transporters permit, allow the holders of the permit to deliver alcoholic beverages intended for personal consumption and in manufactured sealed containers, prohibit the holder from being able to deliver to a manufacturer, wholesaler, or retail dealer, and set a fee for a Class A-Transporter permit not to exceed the fees for a Class A-General permit set forth in existing law.

Commissioner Juana Lombard, office of alcohol and tobacco control, 7979 Independence Blvd., Baton Rouge, LA 70806, (225) 925-4041, spoke for information only on Senate Bill No. 489.

Mariah Bowen, Louisiana Motor Transport Association, 37415 S. Lakeshore Dr., Baton Rouge, LA 70808, (225) 939-7576, spoke for information only on Senate Bill No. 489.

Representative Magee offered a motion to adopt the proposed amendments, to which Representative Marino objected. The secretary called the roll, and the motion failed to pass by a vote of 3 yeas and 13 nays. Representatives Coussan, Leopold, and Zeringue voted yea. Representatives Jackson, Bagneris, Gary Carter, Gaines, Jimmy Harris, Hazel, Hodges, Hunter, Johnson, Magee, Marino, Jay Morris, and Muscarello voted nay.

Representative Jackson offered a motion to involuntarily defer action on Senate Bill No. 489. Without objection, action on Senate Bill No. 489 was involuntarily deferred by a vote of 17 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Gary Carter, Coussan, Gaines, Jimmy Harris, Hazel, Hodges, Hunter, Johnson, Leopold, Magee, Marino, Jay Morris, Muscarello, and Zeringue voted yea.

Witness cards submitted by individuals who did not speak are as follows: 15 in support and 4 in opposition. Witness cards are included in the committee records.

House Bill No. 285 by Representative Stefanski

Representative Stefanski presented House Bill No. 285, which provides relative to the delivery of alcoholic beverages.

Jessica Starns, Instacart, 18116 Bellingrath Lakes Ave., Greenwell Springs, LA 70739, spoke in support of House Bill No. 285.

Julius Meaux, Waitr, 1100 Bertrand Dr., Lafayette, LA 70506, spoke in support of House Bill No. 285.

Jim Urdiales, Mestizo Restaurant, 2323 S. Acadian Thruway, Baton Rouge, LA 70808, (225) 387-2699, spoke in support of House Bill No. 285.

John Williams, executive director, Beer Industry League of Louisiana, 575 N. 8th St., Baton Rouge, LA 70802, (225) 343-3436, spoke in opposition to House Bill No. 285.

Representative Coussan offered a motion to report House Bill No. 285 favorably, to which Representative Bagneris objected. The secretary called the roll, and the motion failed to pass by a vote of 4 yeas and 12 nays. Representatives Coussan, Magee, Shadoin, and Zeringue voted yea. Representatives Jackson, Bagneris, Chad Brown, Gary Carter, Jimmy Harris, Hazel, Hodges, Hunter, Johnson, Marino, Jay Morris, and Muscarello voted nay.

Witness cards submitted by individuals who did not speak are as follows: 11 in support, 5 in opposition, and 1 for information only. Witness cards are included in the committee records.

House Bill No. 137 by Representative Foil

On behalf of Representative Foil, Representative Jackson offered a motion to voluntarily defer action on House Bill No. 137, which provides relative to disposition of expenses of certain deceased persons. Without objection, action on House Bill No. 137 was voluntarily deferred by a vote of 16 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Gary Carter, Coussan, Jimmy

Harris, Hazel, Hodges, Hunter, Johnson, Magee, Marino, Jay Morris, Muscarello, Shadoin, and Zeringue voted yea.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 11:15 a.m.

Respectfully submitted,

Chairman Katrina R. Jackson
House Committee on Judiciary

Date adopted: