

## **House Committee on Judiciary**

Minutes of Meeting  
2018 Regular Session  
March 29, 2018

### **I. CALL TO ORDER**

Representative Katrina R. Jackson, chairman of the House Committee on Judiciary, called the meeting to order at 9:11 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 Robby Carter  
Representative Jean-Paul P. Coussan  
Representative Jimmy Harris  
Representative Lowell C. "Chris" Hazel  
Representative Valarie Hodges  
Representative Christopher J. Leopold  
Representative Tanner D. Magee  
Representative Joseph A. Marino, III  
Representative John C. "Jay" Morris, III, vice chairman  
Representative Robert E. Shadoin  
Representative Jerome "Zee" Zeringue

#### **MEMBERS ABSENT:**

Representative Gary M. Carter, Jr.  
Representative Randal L. Gaines  
Representative Robert A. Johnson

#### **STAFF MEMBERS PRESENT:**

Danielle Barringer, attorney  
Michelle D. Fontenot, director  
Alicia Spivey, secretary

**ADDITIONAL ATTENDEES PRESENT:**

Beverly Vincent, sergeant at arms

Desiree Cotton, clerk

Madeleine Murphy, clerk

**III. DISCUSSION OF LEGISLATION****House Bill No. 349 by Representative Jones**

Representative Jones presented House Bill No. 349, which provides relative to group insurance expenses of the clerk of court in St. Mary Parish.

Representative Jackson offered a motion to report House Bill No. 349 favorably. Without objection, House Bill No. 349 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Jackson, Coussan, Hazel, Hodges, Leopold, Magee, Marino, Jay Morris, Shadoin, and Zeringue voted yea.

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

**House Bill No. 58 by Representative Abraham**

Representative Abraham presented House Bill No. 58, which provides relative to payment of group insurance premiums for retirees from the Cameron Parish Sheriff's Office.

Representative Hazel offered a motion to report House Bill No. 58 favorably. Without objection, House Bill No. 58 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Jackson, Chad Brown, Coussan, Jimmy Harris, Hazel, Hodges, Leopold, Magee, Marino, Jay Morris, Shadoin, and Zeringue voted yea.

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

*Representative Marino in the chair.*

**House Bill No. 203 by Representative Jackson**

Representative Jackson presented House Bill No. 203, a constitutional amendment which provides relative to the holding of public office and public employment.

Judge Janice Clark, 19<sup>th</sup> Judicial District Court, 300 North Boulevard, Baton Rouge, LA, (225) 389-5012, spoke in support of House Bill No. 203.

Representative Jackson offered an amendment to remove the requirement that judges over the age of seventy submit to a review conducted by the Judiciary Committee. Representative Jackson offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 13 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Coussan, Jimmy Harris, Hazel, Hodges, Leopold, Magee, Marino, Jay Morris, Shadoin, and Zeringue voted yea.

Representative Marino offered a motion to report House Bill No. 203 with amendments. Without objection, House Bill No. 203 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Coussan, Jimmy Harris, Hazel, Hodges, Leopold, Marino, Jay Morris, Shadoin, and Zeringue voted yea.

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

*Representative Jackson in the chair.*

#### **House Bill No. 529 by Representative Leger**

Representative Leger presented House Bill No. 529, which provides relative to controlled dangerous substances on the premises of alcoholic beverage outlets.

Representative Jackson offered a motion to report House Bill No. 529 favorably. Without objection, House Bill No. 529 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Coussan, Jimmy Harris, Hazel, Hodges, Leopold, Magee, Marino, Jay Morris, Shadoin, and Zeringue voted yea.

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

#### **House Bill No. 292 by Representative Amedee**

On behalf of the author, Representative Jimmy Harris offered a motion to voluntarily defer action on House Bill No. 292, which provides relative to the use of a facility dog by a witness during a court proceeding. Without objection, action on House Bill No. 292 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Coussan, Jimmy Harris, Hazel, Hodges, Magee, Marino, Jay Morris, Shadoin, and Zeringue voted yea.

#### **House Bill No. 538 by Representative Dwight**

On behalf of the author, Representative Bagneris offered a motion to voluntarily defer action on House Bill No. 538, which provides for a magistrate in the 14<sup>th</sup> JDC. Without objection, action on House Bill No. 538 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Coussan, Jimmy Harris, Hazel, Hodges, Magee, Marino, Jay Morris, Shadoin, and Zeringue voted yea.

**House Bill No. 589 by Representative Abramson**

On behalf of the author, Representative Hodges offered a motion to voluntarily defer action on House Bill No. 589, which provides relative to fees and costs of the Civil District Court for the Parish of Orleans. Without objection, action on House Bill No. 589 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Coussan, Jimmy Harris, Hazel, Hodges, Magee, Marino, Jay Morris, Shadoin, and Zeringue voted yea.

**House Bill No. 669 by Representative Marcelle**

On behalf of the author, Representative Coussan offered a motion to voluntarily defer action on House Bill No. 669, which provides for a hold on the renewal of an operator's license under certain circumstances. Without objection, action on House Bill No. 669 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Coussan, Jimmy Harris, Hazel, Hodges, Magee, Marino, Jay Morris, Shadoin, and Zeringue voted yea.

**House Bill No. 447 by Representative Jay Morris**

Representative Jay Morris presented House Bill No. 447, which re-creates the Department of Justice and provides relative to its structure.

Representative Jay Morris offered a motion to report House Bill No. 447 favorably. Without objection, House Bill No. 447 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Coussan, Jimmy Harris, Hazel, Hodges, Magee, Marino, Jay Morris, Shadoin, and Zeringue voted yea.

**House Bill No. 494 by Representative Hazel**

Representative Hazel presented House Bill No. 494, which re-creates the Louisiana Department of Veterans Affairs.

Representative Jackson offered a motion to report House Bill No. 494 favorably. Without objection, House Bill No. 494 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Coussan, Jimmy Harris, Hazel, Hodges, Magee, Marino, Jay Morris, Shadoin, and Zeringue voted yea.

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

**House Bill No. 518 by Representative Marino**

Representative Marino offered a motion to voluntarily defer action on House Bill No. 518, which provides relative to parole. Without objection, action on House Bill No. 518 was voluntarily deferred by a vote of 13 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Coussan,

Jimmy Harris, Hazel, Hodges, Leopold, Magee, Marino, Jay Morris, Shadoin, and Zeringue voted yea.

### **House Bill No. 279 by Representative Marino**

Representative Marino presented House Bill No. 279, which provides relative to eligibility for reentry court for persons convicted of certain offenses.

Representative Marino offered an amendment to remove the offense of domestic abuse battery as a permissible exception.

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. 279.

Representative Marino 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, Bagneris, Chad Brown, Coussan, Jimmy Harris, Hazel, Hodges, Leopold, Magee, Marino, Jay Morris, Shadoin, and Zeringue voted yea.

Representative Marino offered a motion to report House Bill No. 279 with amendments. Without objection, House Bill No. 279 was reported with amendments by a vote of 13 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Robby Carter, Coussan, Jimmy Harris, Hazel, Hodges, Magee, Marino, Jay Morris, 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.

### **House Bill No. 187 by Representative Marino**

Representative Marino presented House Bill No. 187, which provides relative to the use of restraints on juveniles during court proceedings.

Ms. Karen Hallstrom, representing the Louisiana State Law Institute, Children's Code Committee, 10120 Ft. Knox Court, River Ridge, LA 70123, (504) 453-5240, spoke for information only on House Bill No. 187.

Representative Jay Morris suggested an amendment to add court authorization for the use of restraints when the conduct of a child during a hearing presents a risk of flight or physical harm.

***Further action was taken by the committee on House Bill No. 187 at a later point in the meeting. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 187.***

**House Bill No. 394 by Representative Cox**

Representative Cox presented House Bill No. 394, which establishes the Post-Conviction Veterans Mentor Program. Representative Cox provided handouts, Exhibit A and Exhibit B, which are included in the committee records.

Representative Jackson offered amendments to: (1) amend the definition of veteran to include those generally discharged, (2) change proposed law provisions providing for a transfer of eligible offenders to the division of probation and parole upon serving 10 years of the term of imprisonment, and (3) require that participants of the proposed law program meet the eligibility requirements of the present law Veterans Court Program and that they are committed to the custody of the Department of Public Safety and Corrections. Representative Jackson offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Coussan, Hazel, Hodges, Leopold, Magee, Marino, Jay Morris, Shadoin, and Zeringue voted yea.

Mr. Darryl Hill, a veteran of the United States Marine Corps, 7 Vision Drive, New Orleans, LA 70126, (504) 906-2209, spoke in support of House Bill No. 394.

Mr. Will Harrell, Voice of The Experienced (VOTE), 1221 Kerleree, New Orleans, LA 70116, (504) 695-7519, spoke in support of House Bill No. 394.

Ms. Julie Baxter Payer, Executive Counsel, Louisiana Department of Veterans Affairs, 602 North 5<sup>th</sup> Street, Baton Rouge, LA 70802, (225) 219-5001, spoke for information only on House Bill No. 394.

Representative Marino offered an amendment to add, on recommendation from the parole board, an additional requirement to participate as a mentor in the program. After discussion, Representative Marino withdrew the amendment.

Representative Shadoin offered an amendment to create a Veteran Mentor Screening Panel and require a favorable recommendation by the panel prior to a veteran serving as a mentor in the proposed law program. Representative Shadoin offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Robby Carter, Coussan, Jimmy Harris, Hazel, Marino, Shadoin, and Zeringue voted yea.

Mr. Matthew Sandifer, 141 East Boyd Drive, Baton Rouge, LA 70808, (760) 707-3940, spoke in support of House Bill No. 394.

Mr. E. Pete Adams, Louisiana District Attorneys Association, 1645 Nicholson Drive, Baton Rouge, LA 70802-8143, spoke in opposition to House Bill No. 394.

Representative Bagneris offered a motion to report House Bill No. 394 with amendments. Without objection, House Bill No. 394 was reported with amendments by a vote of 12 yeas and 0 nays.

Representatives Jackson, Bagneris, Chad Brown, Robby Carter, Coussan, Jimmy Harris, Hazel, Magee, Marino, Jay Morris, Shadoin, and Zeringue voted yea.

Witness cards submitted by individuals who did not speak are as follows: 7 in support and 2 for information only. Witness cards are included in the committee records.

#### **House Bill No. 187 by Representative Marino**

*This is a continuation of the discussion on House Bill No. 187 from earlier in the meeting. Please check for the prior action to complete the record of discussion and motions on House Bill No. 187.*

Representative Marino continued the discussion on House Bill No. 187, which provides relative to the use of restraints on juveniles during court proceedings.

Representative Jay Morris offered an amendment to add court authorization for the use of restraints when the conduct of a child during a hearing presents a risk of flight or physical harm. Representative Jay Morris offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 10 yeas and 0 nays. Representatives Jackson, Chad Brown, Robby Carter, Coussan, Jimmy Harris, Hazel, Magee, Marino, Jay Morris, and Zeringue voted yea.

Representative Marino offered a motion to report House Bill No. 187 with amendments, to which Representative Magee objected. The secretary called the roll, and House Bill No. 187 was reported with amendments by a vote of 10 yeas and 3 nays. Representatives Jackson, Bagneris, Chad Brown, Coussan, Jimmy Harris, Hazel, Hodges, Marino, Jay Morris, and Shadoin voted yea. Representatives Robby Carter, Magee, and Zeringue voted nay.

Witness cards submitted by individuals who did not speak are as follows: 5 in support and 3 for information only. Witness cards are included in the committee records.

#### **House Bill No. 401 by Representative Havard**

On behalf of Representative Havard, Mr. Gary Bennett, Assistant Executive Director, Louisiana Sheriffs' Association, 1175 Nicholson Drive, Baton Rouge, Louisiana 70802, (225) 343-8402, presented House Bill No. 401, which provides relative to sheriffs' retiree health benefits.

Representative Chad Brown offered a motion to report House Bill No. 401 favorably. Without objection, House Bill No. 401 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Coussan, Jimmy Harris, Hazel, Hodges, Magee, Marino, Jay Morris, Shadoin, and Zeringue voted yea.

**House Bill No. 712 by Representative Jim Morris**

On behalf of Representative Jim Morris, Mr. Gary Bennett, Assistant Executive Director, Louisiana Sheriffs' Association, 1175 Nicholson Drive, Baton Rouge, Louisiana 70802, (225) 343-8402, presented House Bill No. 712, which provides relative to group insurance premiums for retirees of the Caddo Parish Sheriff's Office.

Representative Chad Brown offered a motion to report House Bill No. 712 favorably. Without objection, House Bill No. 712 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Jackson, Bagneris, Chad Brown, Coussan, Jimmy Harris, Hazel, Hodges, Magee, Marino, Jay Morris, Shadoin, and Zeringue voted yea.

**House Bill No. 458 by Representative James**

Representative James presented House Bill No. 458, which requires state participation in the National Violent Death Reporting System.

Dr. Parham Jaberri, MD, MPH, Assistant State Health Officer, Louisiana Department of Health, Office of Public Health, 628 North 4th Street, Baton Rouge, LA 70802, 225-342-9500, spoke in support of House Bill No. 458.

*Representative Jay Morris in the chair.*

Captain Greg Graphia, Louisiana State Police, 7919 Independence Boulevard, Baton Rouge, LA 70806, (225) 925-4236, spoke for information only on House Bill No. 458.

Mr. E. Pete Adams, Louisiana District Attorneys Association, 1645 Nicholson Drive, Baton Rouge, LA 70802-2143, (225) 343-0171, spoke in opposition to House Bill No. 458.

Dr. William Clark, Louisiana State Coroner's Association, 4030 T.B. Herndon, Baton Rouge, LA 70807, (225) 389-3047, spoke in opposition to House Bill No. 458.

Representative Jay Morris offered a motion to voluntarily defer action on House Bill No. 458. Without objection, action on House Bill No. 458 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Jackson, Chad Brown, Coussan, Jimmy Harris, Hazel, Magee, Marino, Jay Morris, Shadoin, and Zeringue voted yea.

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

**House Bill No. 82 by Representative Stefanski**

Representative Stefanski presented House Bill No. 82, which provides relative to group insurance benefits for the office of the Acadia Parish clerk of court.



Representative Magee offered a motion to report House Bill No. 82 favorably. Without objection, House Bill No. 82 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Jackson, Chad Brown, Coussan, Hazel, Magee, Marino, Jay Morris, Shadoin, and Zeringue voted yea.

### **House Bill No. 215 by Representative Jackson**

On behalf of Representative Jackson, Representative Jay Morris 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 9 yeas and 0 nays. Representatives Jackson, Chad Brown, Coussan, Hazel, Magee, Marino, Jay Morris, Shadoin, and Zeringue voted yea.

### **House Bill No. 219 by Representative Jackson**

Representative Jackson presented House Bill No. 219, which provides relative to Louisiana Clerks' Remote Access Authority membership.

Representative Jackson requested an amendment to remove electronic images of certain records from the required items maintained by the Louisiana Clerks' Remote Access Authority.

Mr. David Boneno, Louisiana Bankers Association, 5555 Bankers Avenue, Baton Rouge, LA 70808, (225) 214-4836, spoke in support of House Bill No. 219.

On behalf of Representative Jackson, Representative Jay Morris offered an amendment to remove electronic images of certain records from the required items maintained by the Louisiana Clerks' Remote Access Authority. Representative Jay Morris offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 9 yeas and 0 nays. Representatives Jackson, Chad Brown, Coussan, Hazel, Magee, Marino, Jay Morris, Shadoin, and Zeringue voted yea.

Representative Jackson offered a motion to report House Bill No. 219 with amendments, to which Representative Shadoin objected. The secretary called the roll, and House Bill No. 219 was reported with amendments by a vote of 10 yeas and 1 nays. Representatives Jackson, Chad Brown, Robby Carter, Coussan, Jimmy Harris, Hazel, Magee, Marino, Jay Morris, and Zeringue voted yea. Representative Shadoin voted nay.

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

### **House Bill No. 210 by Representative Jackson**

Representative Jackson presented House Bill No. 210, which provides relative to revocation of P.O.S.T. certification.

Representative Jackson offered an amendment to amend the proposed notice requirement from seven days to thirty days. Representative Jackson offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 11 yeas and 0 nays. Representatives Jackson, Chad Brown, Robby Carter, Coussan, Jimmy Harris, Hazel, Magee, Marino, Jay Morris, Shadoin, and Zeringue voted yea.

Representative Hazel offered a motion to report House Bill No. 210 with amendments. Without objection, House Bill No. 210 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Jackson, Chad Brown, Robby Carter, Coussan, Hazel, Magee, Marino, Jay Morris, Shadoin, and Zeringue voted yea.

Witness cards submitted by individuals who did not speak are as follows: 4 in support and 1 for information only. 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 12:08 p.m.

Respectfully submitted,

Chairman Katrina R. Jackson  
House Committee on Judiciary

Date adopted: