

## **House Committee on Judiciary**

Minutes of Meeting  
2018 Regular Session  
April 13, 2018

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

Representative Katrina R. Jackson, chairman of the House Committee on Judiciary, called the meeting to order at 9:10 a.m. in Room 1, in the state capitol in Baton Rouge, Louisiana.

### **II. ROLL CALL**

#### **MEMBERS PRESENT:**

Representative Katrina R. Jackson, chairman  
Representative Gary M. Carter, Jr.  
Representative Robby Carter  
Representative Jean-Paul P. Coussan  
Representative Randal L. Gaines  
Representative Jimmy Harris  
Representative Valarie Hodges  
Representative Marcus L. Hunter  
Representative Robert A. Johnson  
Representative Tanner D. Magee  
Representative John C. "Jay" Morris, III, vice chairman  
Representative Nicholas Muscarello, Jr.  
Representative Robert E. Shadoin  
Representative Jerome "Zee" Zeringue

#### **MEMBERS ABSENT:**

Representative John H. Bagneris  
Representative Chad Brown  
Representative Lowell C. "Chris" Hazel  
Representative Christopher J. Leopold  
Representative Joseph A. Marino, III

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

Danielle Barringer, attorney  
Michelle D. Fontenot, director  
Diane Merritt, secretary

**ADDITIONAL ATTENDEES PRESENT:**

Desiree Cotton, clerk  
Michaela Wells, sergeant at arms  
Vivian Hurst, sergeant at arms

**III. DISCUSSION OF LEGISLATION****House Bill No. 137 by Representative Foil**

On behalf of the author, Representative Jackson offered a motion to voluntarily defer action on House Bill No. 137, which provides relative to disposition expenses of certain deceased persons. Without objection, action on House Bill No. 137 was voluntarily deferred by a vote of 14 yeas and 0 nays. Representatives Jackson, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Hodges, Hunter, Johnson, Magee, Jay Morris, Muscarello, Shadoin, and Zeringue voted yea.

**House Bill No. 141 by Representative Leopold**

On behalf of the author, Representative Jackson offered a motion to voluntarily defer action on House Bill No. 141, which provides relative to the qualifications for the office of coroner. Without objection, action on House Bill No. 141 was voluntarily deferred by a vote of 14 yeas and 0 nays. Representatives Jackson, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Hodges, Hunter, Johnson, Magee, Jay Morris, Muscarello, Shadoin, and Zeringue voted yea.

**House Bill No. 493 by Representative Gary Carter**

Representative Gary Carter offered a motion to voluntarily defer action on House Bill No. 493, which provides relative to the Judicial Council of the Supreme Court of Louisiana. Without objection, action on House Bill No. 493 was voluntarily deferred by a vote of 14 yeas and 0 nays. Representatives Jackson, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Hodges, Hunter, Johnson, Magee, Jay Morris, Muscarello, Shadoin, and Zeringue voted yea.

**House Bill No. 55 by Representative Dwight**

Representative Dwight presented House Bill No. 55, which provides for an increase in court costs in the 14<sup>th</sup> Judicial District Court.

Elah Ellerbe, state director, Right on Crime, 174 Highland Meadows, Jackson, LA 70748, (225) 963-2074, spoke in opposition to House Bill No. 55.

Representative Magee offered a motion to report House Bill No. 55 favorably. Without objection, House Bill No. 55 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Jackson,

Robby Carter, Coussan, Gaines, Hodges, Hunter, Magee, Jay Morris, Muscarello, Shadoin, and Zeringue voted yea.

### **House Bill No. 474 by Representative Smith**

Representative Smith presented House Bill No. 474, which requires additional training for peace officers.

On behalf of Representative Smith, Representative Jackson offered an amendment to require the council to work with the community to create a communication training plan that uses face-to-face techniques.

Representative Jackson 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, Gary Carter, Robby Carter, Coussan, Gaines, Hodges, Hunter, Johnson, Magee, Jay Morris, Muscarello, Shadoin, and Zeringue voted yea.

On behalf of P.O.S.T., Representative Jackson offered an amendment to require peace officers to complete the communication training on and after January 1, 2019. Representative Jackson 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, Gary Carter, Robby Carter, Coussan, Gaines, Hodges, Hunter, Johnson, Magee, Jay Morris, Muscarello, Shadoin, and Zeringue voted yea.

Candice Latino, office manager, Deaf Focus, 312 Michigan Ave., Port Allen, LA 70767, (337) 230-2708, spoke in support of House Bill No. 474.

Representative Gary Carter offered a motion to report House Bill No. 474 with amendments. Without objection, House Bill No. 474 was reported with amendments by a vote of 13 yeas and 0 nays. Representatives Jackson, Gary Carter, Robby Carter, Coussan, Gaines, Hodges, Hunter, Johnson, Magee, Jay Morris, Muscarello, Shadoin, and Zeringue voted yea.

Witness cards submitted by individuals who did not speak are as follows: 4 for information only, 7 in support, and 1 in opposition. Witness cards are included in the committee records.

### **House Bill No. 806 by Representative Johnson**

Representative Johnson presented House Bill No. 806, which provides for a special taxing district in certain parishes to fund construction and operation of courtroom and related facilities.

Representative Jackson offered a motion to report House Bill No. 806 favorably. Without objection, House Bill No. 806 was reported favorably by a vote of 13 yeas and 0 nays. Representatives

Jackson, Gary Carter, Robby Carter, Coussan, Gaines, Hodges, Hunter, Johnson, Magee, Jay Morris, Muscarello, Shadoin, and Zeringue voted yea.

### **House Bill No. 83 by Representative Coussan**

Representative Coussan presented House Bill No. 83, which provides relative to court costs in the 15<sup>th</sup> JDC.

Judge Marilyn Castle, 15<sup>th</sup> Judicial District Court, 800 S. Buchanan St., Lafayette, LA 70501, (337) 261-5130, spoke for information only on House Bill No. 83.

Representative Coussan offered a motion to report House Bill No. 83 favorably, to which Representative Gary Carter objected. The secretary called the roll, and House Bill No. 83 was reported favorably by a vote of 9 yeas and 2 nays. Representatives Jackson, Coussan, Gaines, Hunter, Magee, Jay Morris, Muscarello, Shadoin, and Zeringue voted yea. Representatives Gary Carter and Robby Carter voted nay.

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

### **House Bill No. 709 by Representative Marcelle**

Representative Marcelle presented House Bill No. 709, which creates the State Commission on Prosecutorial Oversight and the Code of Prosecutorial Conduct.

Will Harrell, senior policy counsel, VOTE-NOLA, 1221 Kerlerec St., New Orleans, LA 70116, (512) 695-7519, spoke in support of House Bill No. 709.

Sarah Omojola, Southern Poverty Law Center, 201 St. Charles Ave., Ste. 2000, New Orleans, LA 70170, (504) 526-1520, spoke in support of House Bill No. 709.

Pres Kabacoff, 812 Gravier St., New Orleans, LA 70112, (504) 669-5613, spoke in support of House Bill No. 709.

Charles Hargon, 2919 Fairway Dr., Baton Rouge, LA 70806, (225) 925-2070, spoke in support of House Bill No. 709.

Dylan Waguespack, VOTE, 687 N. 8<sup>th</sup> St., Baton Rouge, LA 70802, (504) 450-7996, spoke in support of House Bill No. 709.

Norris Henderson, executive director, Voters Organize to Educate, 2022 St. Bernard St., New Orleans, LA 70116, (504) 453-4819, spoke in support of House Bill No. 709.

Graham Bosworth, 700 Camp St., New Orleans, LA 70130, (504) 507-0831, spoke in support of House Bill No. 709.

E. Pete Adams, executive director, Louisiana District Attorneys Association, 1645 Nicholson Dr., Baton Rouge, LA 70802-2143, (225) 343-0171, spoke in opposition to House Bill No. 709.

Charles J. Ballay, District Attorney, 25<sup>th</sup> Judicial District, 102 Avenue G, Belle Chasse, LA 70037, (504) 297-5146, spoke in opposition to House Bill No. 709.

John Belton, District Attorney, 3<sup>rd</sup> Judicial District, 138 Griffin Rd., Ruston, LA 71270, (318) 251-5100, spoke in opposition to House Bill No. 709.

Mark Dumaine, chief of administration, East Baton Rouge District Attorney's Office, 222 St. Louis St., Baton Rouge, LA 70802, (225) 389-3400, spoke in opposition to House Bill No. 709.

Representative Hodges offered a motion to involuntarily defer action on House Bill No. 709, to which Representative Hunter objected.

Representative Hunter offered a substitute motion to voluntarily defer action on House Bill No. 709. Without objection, action on House Bill No. 709 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Jackson, Gary Carter, Robby Carter, Coussan, Hodges, Hunter, Magee, Jay Morris, Muscarello, Shadoin, and Zeringue voted yea.

Witness cards submitted by persons who did not speak are as follows: 4 in support and 28 in opposition. Witness cards are included in the committee records.

#### **House Bill No. 757 by Representative Abraham**

Representative Abraham presented House Bill No. 757, which provides relative to payment of group insurance premiums for retirees from the Jefferson Davis Parish Sheriff's Office.

Representative Jackson offered a motion to report House Bill No. 757 favorably. Without objection, House Bill No. 757 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Jackson, Gary Carter, Robby Carter, Coussan, Jimmy Harris, Hodges, Hunter, Magee, Jay Morris, Muscarello, 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. 235 by Representative Hilferty**

*(This is a continuation of the discussion on House Bill No. 235 from an earlier meeting on April 6, 2018. Please check for the prior action to complete the record of discussion and motions on House Bill No. 235.)*

Representative Hilferty presented House Bill No. 235 in the form of a substitute bill, which provides relative to the educational requirements of the ATF Responsible Vendor Program for bartenders and servers.

Dr. Jennifer Avegno, medical director, UMC Forensic Program, 729 Milan St., New Orleans, LA 70115, (504) 301-5058, spoke in support of the substitute bill for House Bill No. 235.

Representative Gary Carter offered a motion to report House Bill No. 235 by substitute. Without objection, House Bill No. 235 was reported by substitute by a vote of 12 yeas and 0 nays. Representatives Jackson, Gary Carter, Robby Carter, Coussan, Jimmy Harris, Hodges, Hunter, Magee, Jay Morris, Muscarello, 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. 160 by Representative Foil**

Representative Foil presented House Bill No. 160, which provides relative to death investigation documents.

On behalf of Representative Foil, Representative Gary Carter offered a set of amendments as follows:

- (1) Provide that a fact of death letter is a public record.
- (2) Require the coroner to notify the Department of Children and Family Services if he finds the cause of death of a minor child was due to abuse or neglect or finds evidence of abuse or neglect.
- (3) Authorize the coroner to provide documents to the Louisiana Department of Health, office of public health for certain purposes and require the office of public health to treat these documents as confidential.
- (4) Provide that a post-mortem forensic medical examination report is not a public record except when opened by a court order or when it involves the investigation of criminal activity or the

death of a person in the custody of law enforcement or a corrections entity, subject to provisions of present law.

Representative Gary Carter offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Jackson, Gary Carter, Coussan, Jimmy Harris, Hodges, Hunter, Magee, Jay Morris, Muscarello, Shadoin, and Zeringue voted yea.

Representative Magee offered a motion to report House Bill No. 160 with amendments. Without objection, House Bill No. 160 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Jackson, Gary Carter, Robby Carter, Coussan, Jimmy Harris, Hodges, Hunter, Magee, Jay Morris, Muscarello, Shadoin, and Zeringue voted yea.

Witness cards submitted by persons who did not speak are as follows: 2 for information only, 1 in support, and 1 in opposition. Witness cards are included in the committee records.

#### **House Bill No. 560 by Representative James**

On behalf of Representative James, Representative Coussan offered a motion to voluntarily defer action on House Bill No. 560, which creates the State Commission on Prosecutorial Conduct. Without objection, action on House Bill No. 560 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Jackson, Gary Carter, Coussan, Jimmy Harris, Hodges, Hunter, Magee, Jay Morris, Muscarello, and Shadoin voted yea.

#### **IV. OTHER BUSINESS**

There was no other business.

#### **V. ANNOUNCEMENTS**

There were no announcements.

#### **VI. ADJOURNMENT**

The meeting was adjourned at 11:29 a.m.

Respectfully submitted,

Chairman Katrina R. Jackson  
House Committee on Judiciary

Date adopted: