

House Committee on Judiciary
Minutes of Meeting
2018 Regular Session

April 18, 2018

I. CALL TO ORDER

Representative Katrina R. Jackson, chairman of the House Committee on Judiciary, called the meeting to order at 9:12 a.m. in Room 1, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Katrina R. Jackson, chairman
Representative Chad Brown
Representative Gary M. Carter, Jr.
Representative Robby Carter
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 Nicholas Muscarello, Jr.
Representative Robert E. Shadoin
Representative Jerome "Zee" Zeringue

MEMBERS ABSENT:

Representative John H. Bagneris
Representative John C. "Jay" Morris, III, vice chairman

STAFF MEMBERS PRESENT:

Danielle Barringer, attorney
Michelle Fontenot, director
Kelly Fogleman, attorney
Diane Merritt, secretary

ADDITIONAL ATTENDEES PRESENT:

Desiree Cotton, clerk
Beverly Vincent, sergeant at arms
Myrtis Jarell, sergeant at arms

III. DISCUSSION OF LEGISLATION**Senate Bill No. 548 by Senator Boudreaux**

Senator Boudreaux presented Senate Bill No. 548, which creates a pretrial diversion program for veterans diagnosed with post traumatic stress disorder.

Danielle Barringer, attorney for the House Committee on Judiciary, explained a set of amendments to:

- (1) Specify that the proposed law program is in addition to any existing pretrial diversion programs.
- (2) Remove the proposed law provisions relative to certain felony or misdemeanor offenses.

Representative Jackson 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, Chad Brown, Coussan, Jimmy Harris, Hazel, Hodges, Hunter, Leopold, Magee, Marino, and Muscarello voted yea.

Representative Jackson offered a motion to report Senate Bill No. 548 with amendments. Without objection, Senate Bill No. 548 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Jackson, Chad Brown, Jimmy Harris, Hazel, Hunter, Leopold, Magee, Marino, Muscarello, 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. 446 by Senator White

On behalf of the author, Danielle Aymond, Executive Counsel, GOHSEP, 7667 Independence Blvd., Baton Rouge, LA 70806, (337) 515-4127, presented Senate Bill No. 446, which re-creates the Governor's Office of Homeland Security and Emergency Preparedness.

Representative Jackson offered a motion to report Senate Bill No. 446 favorably. Without objection, Senate Bill No. 446 was reported favorably by a vote of 10 yeas and 0 nays. Representatives

Jackson, Chad Brown, Jimmy Harris, Hazel, Hunter, Leopold, Magee, Marino, Muscarello, and Zeringue voted yea.

House Bill No. 141 by Representative Leopold

Representative Leopold presented House Bill No. 141, which provides relative to the qualifications for the office of coroner.

Representative Leopold offered an amendment to authorize non-resident physicians to qualify and hold office as a coroner in a parish in which they own a medical office facility and practice medicine full-time. Representative Leopold 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, Gary Carter, Jimmy Harris, Hunter, Leopold, Magee, Marino, Muscarello, and Zeringue voted yea.

Charles Guey, chief investigator, Plaquemines Parish Coroner's Office, P.O. Box 512, Belle Chasse, LA 70037, testified in support of House Bill No. 141.

Representative Leopold offered a motion to report House Bill No. 141 with amendments. Without objection, House Bill No. 141 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Jimmy Harris, Hunter, Leopold, Magee, Marino, Muscarello, 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. 669 by Representative Marcelle

On behalf of the author, Representative Jackson offered a motion to voluntarily defer action on House Bill No. 669, which provides for a hold on the renewal of a operator's license under certain circumstances. Without objection, action on House Bill No. 669 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Jimmy Harris, Hunter, Leopold, Magee, Marino, Muscarello, and Zeringue voted yea.

House Bill No. 763 by Representative Marcelle

On behalf of the author, Representative Jackson offered a motion to voluntarily defer action on House Bill No. 763, which provides relative to the deferment of and exemption from payment of court costs by the state and its political subdivisions. Without objection, action on House Bill No. 763 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Jimmy Harris, Hunter, Leopold, Magee, Marino, Muscarello, and Zeringue voted yea.

House Bill No. 813 by Representative Gary Carter

Representative Gary Carter offered a motion to voluntarily defer action on House Bill No. 813, which provides relative to actions filed under the Protection from Stalking Act. Without objection, action on House Bill No. 813 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Jimmy Harris, Hunter, Leopold, Magee, Marino, Muscarello, and Zeringue voted yea.

House Bill No. 493 by Representative Gary Carter

Representative Gary Carter presented House Bill No. 493, which provides relative to the Judicial Council of the Supreme Court of Louisiana.

Representative Gary Carter offered a motion to report House Bill No. 493 favorably. Without objection, House Bill No. 493 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Jimmy Harris, Hunter, Leopold, Magee, Marino, Muscarello, and Zeringue voted yea.

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

House Bill No. 835 by Representative Hilferty

On behalf of the author, Representative Harris presented House Bill No. 835, which authorizes supplemental pay for levee district police officers.

Wilma Heaton, director of governmental affairs, Southeast Louisiana Flood Protection Authority, no address provided, (504) 236-8185, testified for information only on House Bill No. 835.

Representative Jimmy Harris offered an amendment to authorize the levee district to provide supplemental pay to levee district police officers. Representative Jimmy Harris 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, Gary Carter, Jimmy Harris, Hunter, Leopold, Magee, Marino, Muscarello, and Zeringue voted yea.

Kerry Najoua, Southeast Louisiana Flood Protection Authority, no address provided, (504) 616-8539, testified for information only on House Bill No. 835.

Roy Arrigo, 6724 Bellaire Dr., New Orleans, LA 70124, (504) 432-4404, testified in support of House Bill No. 835.

Representative Jimmy Harris offered a motion to report House Bill No. 835 with amendments. Without objection, House Bill No. 835 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Jimmy Harris, Hunter, Leopold, Magee, Marino, Muscarello, and Zeringue voted yea.

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

House Bill No. 221 by Representative Mack

Representative Mack presented House Bill No. 221, which provides relative to the requirements for submission of DNA samples by peace officers.

Joanie Brocato, PhD, DNA manager, Louisiana State Police Crime Lab, 376 E. Airport Rd., Baton Rouge, LA 70806, (225) 200-2796, testified for information only on House Bill No. 221.

Representative Jackson offered a motion to report House Bill No. 221 favorably. Without objection, House Bill No. 221 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Coussan, Jimmy Harris, Hunter, Magee, Marino, Muscarello, and Zeringue voted yea.

House Bill No. 286 by Representative Mack

Representative Mack presented House Bill No. 286, which changes the fee applicable to certain accident reports.

Danielle Barringer, attorney for the House Committee on Judiciary, explained an amendment to change the reference from "accident" reports to "crash" reports, as it exists in present law.

Representative Jackson 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, Gary Carter, Coussan, Jimmy Harris, Hunter, Magee, Marino, Muscarello, and Zeringue voted yea.

Lt. Robert Burns, II, Louisiana State Police, 7919 Independence Blvd., Baton Rouge, LA 70806, (225) 925-4239, testified for information only on House Bill No. 286.

Representative Jackson offered a motion to report House Bill No. 286 with amendments. Without objection, House Bill No. 286 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Coussan, Jimmy Harris, Hazel, Hunter, Magee, Marino, Muscarello, and Zeringue voted yea.

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

Senate Bill No. 137 by Senator Peacock

Senator Peacock presented Senate Bill No. 137, which designates the seventeenth day of May as Diffuse Intrinsic Pontine Glioma Awareness Day.

Representative Coussan offered a motion to report Senate Bill No. 137 favorably. Without objection, Senate Bill No. 137 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Coussan, Jimmy Harris, Hazel, Hunter, Johnson, Magee, Marino, and Zeringue voted yea.

Senate Bill No. 80 by Senator Claitor

Senator Claitor presented Senate Bill No. 80, which provides for the payment of expenses incurred in the disposition of paupers arranged by coroners.

Dr. William Clark, president, Louisiana State Coroners Association, 4030 TB Hearndon Ave., Baton Rouge, LA 70807, testified in support of Senate Bill No. 80.

Representative Magee offered a motion to report Senate Bill No. 80 favorably. Without objection, Senate Bill No. 80 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Jimmy Harris, Hazel, Hunter, Johnson, Leopold, Magee, and Marino voted yea.

Senate Bill No. 81 by Senator Claitor

Senator Claitor presented Senate Bill No. 81, which authorizes the coroner to obtain blood, urine, or other biological fluids or samples relevant to an investigation.

Dr. William Clark, president, Louisiana State Coroners Association, 4030 TB Hearndon Ave., Baton Rouge, LA 70807, testified for in support of Senate Bill No. 81.

Representative Gary Carter offered a motion to report Senate Bill No. 81 favorably. Without objection, Senate Bill No. 81 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Jimmy Harris, Hunter, Johnson, Leopold, Magee, Marino, and Zeringue voted yea.

House Bill No. 886 by Representative Dustin Miller

On behalf of the author, Representative Jackson offered a motion to voluntarily defer action on House Bill No. 886, which requires the state inspector general to investigate certain cases. Without objection, action on House Bill No. 886 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Jimmy Harris, Hunter, Johnson, Leopold, Magee, Marino, and Zeringue voted yea.

House Bill No. 469 by Representative Smith

Representative Smith presented House Bill No. 469, which provides relative to jurisdiction for sexual assault protection order cases.

Morgan Lamandre, Sexual Trauma Awareness and Response (STAR), 5615 Corporate Blvd., Ste. 200, Baton Rouge, LA 70808, (225) 615-7093, testified in support of House Bill No. 469.

Representative Magee offered a motion to report House Bill No. 469 favorably. Without objection, House Bill No. 469 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Gaines, Hazel, Hunter, Johnson, Leopold, Magee, Marino, 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. 264 by Representative Smith

Representative Smith presented House Bill No. 264, which provides relative to community-based sentencing alternatives for offenses committed by primary caretakers.

Representative Brown in chair.

Anmie Freitas, co-executive director, Operation Restoration and a student at Tulane University, 1234 Marigny St., New Orleans, LA 70117, (510) 395-4524, testified in support of House Bill No. 264.

Syrita Steib-Martin, executive director, Operation Restoration, 1639 Lake Ave., Metairie, LA (504)723-1850, testified in support of House Bill No. 264.

Representative Hazel offered an amendment to require the consent of the district attorney for the defendant to be considered for the primary caretaker program. Representative Hazel offered a motion to adopt the proposed amendment. Representative Gaines objected.

Representative Jackson in chair.

E. Pete Adams, executive director, Louisiana District Attorneys Association, 1645 Nicholson Dr., Baton Rouge, LA 70802, (225) 343-0171, testified in opposition to House Bill No. 264.

Representative Gaines withdrew his opposition to the proposed amendment.

Without objection, the amendment was adopted by a vote of 11 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Hazel, Hunter, Johnson, Leopold, and Marino voted yea.

Dominique Jones, 5020 Burgundy St., New Orleans, LA 70117, (504) 906-0351, testified in support of House Bill No. 264.

Dolfinette Martin, 1647 Shepard St., New Orleans, LA 70114, (504) 535-3022, testified in support of House Bill No. 264.

Representative Gary Carter offered a motion to report House Bill No. 264 with amendments. Without objection, House Bill No. 264 was reported with amendments by a vote of 13 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Hazel, Hodges, Hunter, Johnson, Marino, and Muscarello 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.

House Bill No. 831 by Representative Reynolds

On behalf of the author, Representative Jackson offered a motion to voluntarily defer action on House Bill No. 831, which provides relative to justices of the peace and constables in Webster Parish. Without objection, action on House Bill No. 831 was voluntarily deferred by a vote of 13 yeas and 0 nays. Representatives Jackson, Chad Brown, Gary Carter, Robby Carter, Coussan, Gaines, Jimmy Harris, Hazel, Hodges, Hunter, Johnson, Marino, and Muscarello voted yea.

Senate Bill No. 476 by Senator Long

On behalf of the author, Representative Johnson presented Senate Bill No. 476, which increases the salary of the marshal of the City Court of Natchitoches.

Representative Johnson offered a motion to report Senate Bill No. 476 favorably. Without objection, Senate Bill No. 476 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Jackson, Chad Brown, Robby Carter, Coussan, Hazel, Hodges, Hunter, Johnson, Magee, Marino, Muscarello, and Shadoin voted yea.

House Bill No. 315 by Representative Carpenter

Representative Carpenter presented House Bill No. 315, which increases the fees for city marshals and constables for certain services.

Michael Barbee, Plaquemine City Marshal, 23675 Church St., Plaquemine, LA 70764, (225) 687-5310, testified in support of House Bill No. 315.

Carl Richard, Shreveport City Marshal, 1244 Texas Ave., Shreveport, LA 71101, (318) 426-5393, testified in support of House Bill No. 315.

Regionald R. Brown, Sr., East Baton Rouge City Marshal, 233 Saint Louis St., Basement 46, Baton Rouge, LA 70802, (225) 389-5279, testified in support of House Bill No. 315.

Representative Robby Carter offered an amendment to repeal the present law fee schedule applicable only to the city of Hammond. Representative Robby 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, Robby Carter, Coussan, Gaines, Jimmy Harris, Hazel, Hodges, Hunter, Magee, Marino, Muscarello, and Zeringue voted yea.

Representative Coussan offered an amendment to require sixty percent of the funds to be used for equipment purposes and require the equipment fund to be included in an annual audit. Representative Coussan offered a motion to adopt the proposed amendment, to which Representative Robby Carter objected. The secretary called the roll, and the amendment was adopted by a vote of 8 yeas and 4 nays. Representatives Jackson, Coussan, Gaines, Jimmy Harris, Hazel, Hodges, Magee, and Zeringue voted yea. Representatives Chad Brown, Robby Carter, Marino, and Muscarello voted nay.

Representative Chad Brown offered a motion to report House Bill No. 315 with amendments. Without objection, House Bill No. 315 was reported with amendments by a vote of 13 yeas and 0 nays. Representatives Jackson, Chad Brown, Robby Carter, Coussan, Gaines, Jimmy Harris, Hazel, Hodges, Hunter, Magee, Marino, Muscarello, and Zeringue voted yea.

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

House Bill No. 107 by Representative Bacala

On behalf of the author, Representative Jackson offered a motion to voluntarily defer action on House Bill No. 107, which provides with respect to financial security for survivors of federal law enforcement officers. Without objection, action on House Bill No. 107 was voluntarily deferred by

a vote of 11 yeas and 0 nays. Representatives Jackson, Chad Brown, Robby Carter, Coussan, Gaines, Hodges, Johnson, Magee, Marino, Muscarello, 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 11:18 a.m.

Respectfully submitted,

Chairman Katrina R. Jackson
House Committee on Judiciary

Date adopted: