

## House Committee on Administration of Criminal Justice

Minutes of Meeting  
2019 Regular Session  
May 14, 2019

### **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 Raymond J. Crews  
Representative Royce Duplessis  
Representative Randal L. Gaines  
Representative Valarie Hodges  
Representative Frank A. Howard  
Representative Edward C. "Ted" James, II  
Representative C. Denise Marcelle  
Representative Joseph A. Marino, III  
Representative Stuart Alan Moss  
Representative Nicholas Muscarello, Jr.  
Representative Barbara M. Norton  
Representative Steve E. Pylant, vice chairman

#### **MEMBERS ABSENT:**

Representative Stephen C. Dwight

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

Kelly C. Fogleman, attorney  
Katie LeLeux, attorney  
Natalie Schexnaydre, secretary

**ADDITIONAL ATTENDEES PRESENT:**

Janet Anthony, sergeant at arms  
Madeleine Murphy, clerk  
Madison Ramsey, clerk  
Sadie Becnel, attorney  
Angela McKnight, sergeant at arms

**III. DISCUSSION OF LEGISLATION****House Bill No. 45 by Representative Talbot**

Representative Talbot presented House Bill No. 45, which provides for fines associated with selling tobacco, alternative nicotine, or vapor products to persons under the age of eighteen.

Representative Mack offered an amendment to provide that the increase in present law fines apply only to sellers of vapor products to persons under the age of eighteen. Representative Mack offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 14 yeas, 0 nays, and 1 abstention. Representatives Bacala, Carpenter, Crews, Duplessis, Gaines, Hodges, Howard, James, Marcelle, Marino, Moss, Muscarello, Norton, and Pylant voted yea. Representative Mack abstained.

Representative Norton offered a motion to report House Bill No. 45 with amendments. Without objection, House Bill No. 45 was reported with amendments by a vote of 14 yeas, 0 nays, and 1 abstention. Representatives Bacala, Carpenter, Crews, Duplessis, Gaines, Hodges, Howard, James, Marcelle, Marino, Moss, Muscarello, Norton, and Pylant voted yea. Representative Mack abstained.

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. 215 by Representative Terry Landry**

Representative Terry Landry presented House Bill No. 215, which eliminates the death penalty for offenses committed on or after August 1, 2019.

Jessica White, 115 Montgomery Drive, Lafayette, LA, 70506, (318) 201-3775, spoke in support of House Bill No. 215.

Shareef Cousin, 7650 Mercier Street, New Orleans, LA, 70128, (504) 478-0139, spoke in support of House Bill No. 215.

Dr. Nicholas Mitchell, Jesuit Social Research Institute, 6363 St. Charles Avenue, Box 94, New Orleans, LA, 70118, spoke in support of House Bill No. 215.

Bishop Joe Morris Doss, Episcopal Church, 1201 Canal Street, #605, New Orleans, LA, 70112, (504) 343-3209, spoke in support of House Bill No. 215.

Shelton J. Fabre, Louisiana Conference of Catholic Bishops, P.O. Box 505, Schriever, LA, 70395, spoke in support of House Bill No. 215.

Hersy Jones, Jr., 461 Kemper Street, Shreveport, LA, 71106, (318) 564-8431, spoke in support of House Bill No. 215.

Scott Perrilloux, 21st Judicial District Attorney's Office, Amite, LA, 70422, (985) 974-3005, spoke in opposition to House Bill No. 215.

Wayne Guzzardo, 26017 Shadowbrook Avenue, Denham Springs, LA, (225) 664-9308, spoke in opposition to House Bill No. 215.

Robert Mills, 9279 Hyacinth Avenue, Baton Rouge, LA, 70810, (225) 766-4638, spoke in opposition to House Bill No. 215.

Susan Michelle Perkins, Stand Up For Louisiana Victims, 10429 Keith Road, Keithville, LA, 71047, (310) 925-0509, spoke in opposition to House Bill No. 215.

Donald J. Davis, 1416 Nottingham Drive, Baton Rouge, LA, 70810, (225) 907-5743, spoke in opposition to House Bill No. 215.

Representative Marcelle offered a motion to report House Bill No. 215 favorably, to which Representative Mack objected. The secretary called the roll, and House Bill No. 215 was reported favorably by a vote of 8 yeas and 7 nays. Representatives Bagneris, Carpenter, Duplessis, Gaines, James, Marcelle, Marino, and Norton voted yea. Representatives Mack, Bacala, Crews, Hodges, Howard, Muscarello, and Pylant voted nay.

Witness cards submitted by individuals who did not speak are as follows: 27 in support, 12 in opposition, and 2 for information only. Witness cards are included in the committee records.

### **House Concurrent Resolution No. 45 by Representative Hoffmann**

Representative Hoffmann presented House Concurrent Resolution No. 45, which requests the Dept. of Public Safety and Corrections to study laws and policies relative to benefits, including sick leave, for teachers at facilities under the jurisdiction of the office of juvenile justice who are injured or disabled as a result of assault or battery while acting in their official capacity.

Representative Norton offered a motion to report House Concurrent Resolution No. 45 favorably. Without objection, House Concurrent Resolution No. 45 was reported favorably by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bagneris, Carpenter, Crews, Duplessis, Howard, Muscarello, Norton, and Pylant voted yea. Representative Mack abstained.

### **House Bill No. 270 by Representative Amedee**

Representative Amedee presented House Bill No. 270, which requires proof of private ownership of immovable property when criminal trespass is upon a river, stream, lake, or other waterway.

E. Pete Adams, LDAA, 1645 Nicholson Drive, Baton Rouge, LA, 70802, no phone number provided, spoke for information only on House Bill No. 270.

Jason LeBlanc, The Children & Citizens of Louisiana To Preserve Heritage, 10937 Jack Torres Road, Maringouin, LA, 70757, (225) 279-4358, spoke in support of House Bill No. 270.

Jim Breaux, Jr. Southwest Bassmasters, 12245 Wickwood Avenue, Baton Rouge, LA, 70818, (225) 262-0929, spoke in support of House Bill No. 270.

Robert Lemings, Fisherman, 4399 W Maribel Ct. Baton Rouge, LA, 70812, (225) 235-3037, spoke in support of House Bill No. 270.

Jody Meche, LCPA-West Commercial Fisherman, P.O. Box 694, Henderson, LA, 70517, (337) 257-3331, spoke in support of House Bill No. 270.

Harold Schoeffler, Acadian City Sierra Club, 3502 E. Simcoe Street, Lafayette, LA, 70501, (339) 417-1550, spoke in support of House Bill No. 270.

A.J. Landry, 8291 Shrimpers Row, Dulac, LA, 70353, (985) 320-0285, spoke in support of House Bill No. 270.

Steven Rockweiler, Louisiana Sportsman Coalition, 1011 Gassen Street, Luling, LA, 70070, (504) 621-9440, spoke in support of House Bill No. 270.

Kevin Hayes, Louisiana Landowners Association, 412 N 4th Street, Baton Rouge, LA, 70802, 268-2724, spoke in opposition to House Bill No. 270.

Taylor Darden, Louisiana Landowners Association, 1100 Poydras Street, Suite 3100, New Orleans, LA, 70163, (504) 585-3800, spoke in opposition to House Bill No. 270.

Representative Bacala offered a motion to report House Bill No. 270 favorably.

Representative James offered a substitute motion to involuntarily defer action on House Bill No. 270, to which Representative Crews objected. The secretary called the roll, and action on House Bill No. 270 was involuntarily deferred by a vote of 7 yeas, 4 nays, and 1 abstention. Representatives Bagneris, Carpenter, Duplessis, James, Marcelle, Marino, and Norton voted yea. Representatives Bacala, Crews, Howard, and Pylant voted nay. Representative Mack abstained.

Witness cards submitted by individuals who did not speak are as follows: 21 in support and 13 in opposition. Witness cards are included in the committee records.

### **House Bill No. 59 by Representative Marcelle**

Representative Marcelle presented House Bill No. 59, which provides relative to penalties for possession of marijuana.

Representative Marcelle offered amendments as follows:

- (1) For first convictions, when the offender possesses fourteen grams or less of marijuana, provide that the offender shall be fined not more than \$300 or sentenced to not more than forty-eight hours of court-approved community service.
- (2) For other first convictions of possession of marijuana, in addition to the fines or terms of imprisonment, provide that the court may sentence the offender to perform not more than forty-eight hours of court-approved community service.

Representative Marcelle offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bagneris, Carpenter, Crews, Duplessis, Howard, James, Marcelle, Marino, Norton, and Pylant voted yea. Representative Mack abstained.

Representative Norton offered a motion to report House Bill No. 59 with amendments, to which Representative Bacala objected. The secretary called the roll, and House Bill No. 59 was reported with amendments by a vote of 7 yeas and 5 nays. Representatives Bagneris, Carpenter, Duplessis, Gaines, James, Marcelle, and Norton voted yea. Representatives Bacala, Crews, Howard, Marino, and Pylant voted nay.

Witness cards submitted by individuals who did not speak are as follows: 22 in support and 4 in opposition. Witness cards are included in the committee records.

### **House Bill No. 509 by Representative Bagneris**

Representative Bagneris offered a motion to voluntarily defer action on House Bill No. 509, which provides relative to marijuana. Without objection, action on House Bill No. 509 was voluntarily

deferred by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bagneris, Carpenter, Crews, Duplessis, Gaines, Howard, James, Marcelle, Marino, Norton, and Pylant voted yea. Representative Mack abstained.

#### **House Bill No. 267 by Representative Norton**

Representative Norton presented House Bill No. 267, which authorizes the establishment of arts-based programming at juvenile detention facilities.

Representative Bacala offered a motion to report House Bill No. 267 favorably. Without objection, House Bill No. 267 was reported favorably by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Bacala, Carpenter, Crews, Gaines, Howard, James, Marcelle, Norton, and Pylant voted yea. Representative Mack abstained.

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.

#### **House Bill No. 71 by Representative Mack**

Representative Mack offered a motion to voluntarily defer action on House Bill No. 71, which provides relative to the accreditation bodies for laboratories used in certain post-conviction relief proceedings. Without objection, action on House Bill No. 71 was voluntarily deferred by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Bacala, Carpenter, Crews, Gaines, Howard, James, Marcelle, Norton, and Pylant voted yea. Representative Mack abstained.

#### **House Bill No. 140 by Representative Hodges**

On behalf of Representative Hodges, Representative Mack offered a motion to voluntarily defer action on House Bill No. 140, which creates the crime of terrorizing of a judge or law enforcement officer. Without objection, action on House Bill No. 140 was voluntarily deferred by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Bacala, Carpenter, Crews, Gaines, Howard, James, Marcelle, Norton, and Pylant voted yea. Representative Mack abstained.

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

There was no other business.

#### **V. ANNOUNCEMENTS**

There were no announcements.

**VI. ADJOURNMENT**

The meeting was adjourned at 12:25 p.m.

Respectfully submitted,

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

Date adopted: