

House Committee on Administration of Criminal Justice

Minutes of Meeting
2019 Regular Session
May 29, 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 10:04 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 Stephen C. Dwight
Representative Frank A. Howard
Representative Edward C. "Ted" James, II
Representative Joseph A. Marino, III
Representative Stuart Alan Moss
Representative Nicholas Muscarello, Jr.
Representative Steve E. Pylant, vice chairman

MEMBERS ABSENT:

Representative Randal L. Gaines
Representative Valarie Hodges
Representative C. Denise Marcelle
Representative Barbara M. Norton

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

Janet Anthony, sergeant at arms
Madeleine Murphy, clerk
Kennedy Lejeune, clerk

III. DISCUSSION OF LEGISLATION**House Bill No. 564 by Representative Jordan**

Representative Jordan presented House Bill No. 564, which provides relative to the regulation of cannabis.

Representative Carpenter offered a motion to report House Bill No. 564 favorably, to which Representative Pylant objected. The secretary called the roll, and the motion failed to pass by a vote of 4 yeas and 8 nays. Representatives Bagneris, Carpenter, Duplessis, and Marino voted yea. Representatives Mack, Bacala, Crews, Dwight, Howard, Moss, Muscarello, and Pylant voted nay.

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

House Concurrent Resolution No. 101 by Representative Stefanski

Representative Stefanski presented House Concurrent Resolution No. 101, which establishes the Louisiana Commission on Civil Asset Forfeiture.

On behalf of the author, Representative Mack offered amendments to:

- (1) State that current civil asset forfeiture laws in Louisiana should be studied to evaluate the laws' reporting requirements and their effect on property owners, instead of stating that the laws do not provide adequate reporting requirements or protections for property owners.
- (2) Remove provision which states that Louisiana civil asset forfeiture laws puts the burden of proof on the owner of the property.
- (3) Add superintendent of state police, or his designee, and the president of the Louisiana Clerks of Court Association, or his designee, to the commission membership.

Representative Mack offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Bacala,

Bagneris, Carpenter, Crews, Dwight, Howard, Marino, Moss, Muscarello, and Pylant voted yea. Representative Mack abstained.

E. Pete Adams, LA Districts Attorneys Association, 1645 Nicholson Drive, Baton Rouge, LA, 70802, no phone number provided, spoke for information only on House Concurrent Resolution No. 101.

Loren Lampert, LA Districts Attorneys Association, 1645 Nicholson Drive, Baton Rouge, LA, 70802, no phone number provided, spoke for information only on House Concurrent Resolution No. 101 and provided handouts, Exhibits A and B, which are included in the committee records.

Representative Marino offered a motion to report House Concurrent Resolution No. 101 with amendments. Without objection, House Concurrent Resolution No. 101 was reported with amendments by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bagneris, Carpenter, Crews, Dwight, Howard, James, Marino, Moss, Muscarello, and Pylant voted yea. Representative Mack abstained.

Witness cards submitted by individuals who did not speak are as follows: 10 in support and 1 for information only. Witness cards are included in the committee records.

House Bill No. 509 by Representative Bagneris

Representative Bagneris presented House Bill No. 509, which provides relative to marijuana.

Representative Bagneris offered amendments to provide relative to the burden of proof for motions to expunge a record of arrest and conviction of misdemeanor and felony offenses for possession of marijuana or possession of intent to use drug paraphernalia for use with marijuana and to make technical changes. Representative Bagneris 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, Dwight, Howard, James, Marino, Moss, Muscarello, and Pylant voted yea. Representative Mack abstained.

Representative Bagneris offered amendments to make the act effective based on a state wide election of a majority of a the electors of the state voting affirmatively on the following questions:

- (1) Do you support the legalization of certain quantities of adult consumption of marijuana?
- (2) Do you support marijuana retailers being located in the state of Louisiana?
- (3) Do you support the creation of a marijuana advisory board?

Representative Bagneris 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, Dwight, Howard, James, Marino, Moss, Muscarello, and Pylant voted yea. Representative Mack abstained.

Kevin Caldwell, Common Sense New Orleans, 2024 S. Gayoso Street, New Orleans, LA, 70125, (504) 914-1406, spoke in support of House Bill No. 509.

Everett C. Baudean, Libertarian Party of Louisiana, 704 S. Foster Drive, Baton Rouge, LA, 70806, (504) 237-6543, spoke in support of House Bill No. 509.

Representative Bagneris offered a motion to report House Bill No. 509 with amendments, to which Representative Mack objected. The secretary called the roll, and the motion failed to pass by a vote of 4 yeas and 8 nays. Representatives Bagneris, Carpenter, James, and Marino voted yea. Representatives Mack, Bacala, Crews, Dwight, Howard, Moss, Muscarello, and Pylant voted nay.

Witness cards submitted by individuals who did not speak are as follows: 6 in support, 4 in opposition, and 1 for information only. Witness cards are included in the committee records.

House Concurrent Resolution No. 109 by Representative Carpenter

Representative Carpenter presented House Concurrent Resolution No. 109, which requests Voice of the Experienced to study the breadth and depth of information provided to defendants prior to pleading guilty in the state.

Representative Bagneris offered a motion to report House Concurrent Resolution No. 109 favorably. Without objection, House Concurrent Resolution No. 109 was reported favorably by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bagneris, Carpenter, Crews, Dwight, Howard, James, Marino, Moss, Muscarello, and Pylant voted yea. Representative Mack abstained.

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

Senate Bill No. 98 by Senator Price

On behalf of Senator Price, Representative James presented Senate Bill No. 98, which provides relative to expungement.

Representative James offered a motion to report Senate Bill No. 98 favorably. Without objection, Senate Bill No. 98 was reported favorably by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bagneris, Carpenter, Crews, Dwight, Howard, James, Marino, Moss, Muscarello, and Pylant voted yea. Representative Mack abstained.

Witness cards submitted by individuals who did not speak are as follows: 9 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 10:42 a.m.

Respectfully submitted,

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

Date adopted: