

House Committee on Administration of Criminal Justice

Minutes of Meeting
2020 Regular Session
May 13, 2020

I. CALL TO ORDER

Representative Tony Bacala, vice chairman of the House Committee on Administration of Criminal Justice, called the meeting to order at 1:03 p.m. in Room 6, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Tony Bacala, vice chairman
Representative Marcus Anthony Bryant
Representative Bryan Fontenot
Representative Jonathan Goudeau, I
Representative Frederick Douglass Jones
Representative Joseph A. Marino, III
Representative Markham Scott McKnight
Representative Nicholas Muscarello, Jr.
Representative Richard James Nelson
Representative Alan Seabaugh
Representative Debbie Villio

MEMBERS ABSENT:

Representative Edward C. "Ted" James, II, chairman
Representative C. Denise Marcelle

STAFF MEMBERS PRESENT:

Kelly C. Fogleman, attorney
Katie LeLeux, attorney
Stephanie Weinman, committee administrative assistant

ADDITIONAL ATTENDEES PRESENT:

Faye Talbot, sergeant at arms

III. DISCUSSION OF LEGISLATION

House Bill No. 139 by Representative Marino

On behalf of Representative Marino, Representative Bacala offered a motion to voluntarily defer action on House Bill No. 139. Without objection, action on House Bill No. 139 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Bacala, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

House Bill No. 141 by Representative Beaulieu

On behalf of Representative Beaulieu, Representative Bacala offered a motion to voluntarily defer action on House Bill No. 141. Without objection, action on House Bill No. 141 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Bacala, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

House Bill No. 250 by Representative Hilferty

On behalf of Representative Hilferty, Representative Bacala offered a motion to voluntarily defer action on House Bill No. 250. Without objection, action on House Bill No. 250 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Bacala, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

House Bill No. 367 by Representative Landry

On behalf of Representative Landry, Representative Bacala offered a motion to voluntarily defer action on House Bill No. 367. Without objection, action on House Bill No. 367 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Bacala, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

House Bill No. 403 by Representative Edmonston

On behalf of Representative Edmonston, Representative Bacala offered a motion to voluntarily defer action on House Bill No. 403. Without objection, action on House Bill No. 403 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Bacala, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

House Bill No. 457 by Representative Marino

On behalf of Representative Marino, Representative Bacala offered a motion to voluntarily defer action on House Bill No. 457. Without objection, action on House Bill No. 457 was voluntarily

deferred by a vote of 10 yeas and 0 nays. Representatives Bacala, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

House Bill No. 535 by Representative Marcelle

On behalf of Representative Marcelle, Representative Bacala offered a motion to voluntarily defer action on House Bill No. 535. Without objection, action on House Bill No. 535 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Bacala, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

House Bill No. 643 by Representative Jones

On behalf of Representative Jones, Representative Bacala offered a motion to voluntarily defer action on House Bill No. 643. Without objection, action on House Bill No. 643 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Bacala, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

House Bill No. 785 by Representative Hilferty

On behalf of Representative Hilferty, Representative Bacala offered a motion to voluntarily defer action on House Bill No. 785. Without objection, action on House Bill No. 785 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Bacala, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

House Bill No. 645 by Representative Jordan

On behalf of Representative Jordan, Representative Bacala offered a motion to voluntarily defer action on House Bill No. 645. Without objection, action on House Bill No. 645 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

House Bill No. 212 by Representative Marino

Representative Marino presented House Bill No. 212, which provides relative to domestic abuse.

Representative Villio offered a motion to report House Bill No. 212 favorably. Without objection, House Bill No. 212 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, Seabaugh, and Villio 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.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 5 in support. Copies of these statements are included in the committee records.

House Concurrent Resolution No. 53 by Representative Stagni

Representative Stagni presented House Concurrent Resolution No. 53, which requests a study concerning a voluntary registry of persons with autism and other developmental disabilities for use by law enforcement professionals.

Christina Martin, 620 Vanderbilt Ln., Kenner, LA 70065, (504) 645-0290, spoke in support of House Concurrent Resolution No. 53.

Representative Villio offered a motion to report House Concurrent Resolution No. 53 favorably. Without objection, House Concurrent Resolution No. 53 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, McKnight, Nelson, Seabaugh, and Villio voted yea.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 1 in support. Copies of these statements are included in the committee records.

House Bill No. 369 by Representative Stagni

On behalf of Representative Stagni, Representative Bacala offered a motion to voluntarily defer action on House Bill No. 369. Without objection, action on House Bill No. 369 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

House Bill No. 781 by Representative Miguez

Representative Miguez presented House Bill No. 781, which provides relative to the authority to regulate the manufacture, possession, or sale of firearms or ammunition during a declared emergency or disaster or public health emergency.

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

- (1) Add that the governor's and parish president's authority to commandeer or utilize private property during a declared disaster or emergency or public health emergency does not apply to firearms, ammunition, or components of firearms or ammunition;

- (2) With regard to declared public health emergencies, remove the governor's authority to suspend or limit the sale, dispensing, or transportation of firearms and provide that the governor's authority to suspend or limit the sale, dispensing, or transportation of explosives and combustibles does not apply to components of firearms ammunition; and
- (3) Provide that present law provisions prohibiting the seizure of lawfully possessed firearms or ammunition during a declared emergency or disaster shall apply also to declared public health emergencies.

Representative Bacala offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Matt Heroman, National Rifle Association, 11250 Waples Mill Rd., Fairfax, VA 22030, (731) 609-6995, spoke in support of House Bill No. 781.

Dan Zelenka, Louisiana Shooting Association, 11 Carolina Ct., Covington, LA 70433, (504) 421-1323, spoke in support of House Bill No. 781.

Cap Black (Nadra Enzi), P.O. Box 15585, New Orleans, LA 70175, (504) 214-3082, spoke in support of House Bill No. 781.

Brannon LeBouef, Firearm Professionals of Louisiana, 212 Aycock St., Arabi, LA 70032, (504) 908-1081, spoke in support of House Bill No. 781.

Everett C. Baudean, Firearm Professionals of Louisiana, 704 S. Foster Dr., Baton Rouge, LA 70806, (504) 237-6543, spoke in support of House Bill No. 781.

Karen White, Louisiana Municipal Association, 700 N. 10th St., Baton Rouge, LA 70802, (225) 344-5001, spoke in opposition to House Bill No. 781.

Representative Seabaugh offered a motion to report House Bill No. 781 with amendments. Without objection, House Bill No. 781 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 55 in support and 2 in opposition. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 26 in support and 31 in opposition. Copies of these statements are included in the committee records.

House Bill No. 140 by Representative Miguez

Representative Miguez presented House Bill No. 140, which provides relative to the preemption of state law for firearms.

Dan Zelenka, Louisiana Shooting Association, 11 Carolina Ct., Covington, LA 70433, (504) 421-1323, spoke in support of House Bill No. 140.

Matt Heroman, National Rifle Association, 11250 Waples Mill Rd., Fairfax, VA 22030, (731) 609-6995, spoke in support of House Bill No. 140.

Mike Weinberger, Home Defense Foundation, 827 Port St., New Orleans, LA 70117, (504) 265-0647, spoke in support of House Bill No. 140.

Tom Gresham, 119 Amelia Ln., Covington, LA 70433, (318) 663-1358, spoke in support of House Bill No. 140.

Brannon LeBouef, Firearm Professionals of Louisiana, 212 Aycock St., Arabi, LA 70032, (504) 908-1081, spoke in support of House Bill No. 140.

Everett C. Baudean, Firearm Professionals of Louisiana, 704 S. Foster Dr., Baton Rouge, LA 70806, (504) 237-6543, spoke in support of House Bill No. 140.

Nolan Boutte, Crime Fighters, 27 Landsdowne Ln., Destrehan, LA 70047, (504) 487-0923, spoke in support of House Bill No. 140.

Karen White, Louisiana Municipal Association, 700 N. 10th St., Baton Rouge, LA 70802, (225) 344-5001, spoke in opposition to House Bill No. 140.

Representative Fontenot offered a motion to report House Bill No. 140 favorably, to which Representative Marino objected. The administrative assistant called the roll, and House Bill No. 140 was reported favorably by a vote of 7 yeas and 3 nays. Representatives Bacala, Fontenot, Goudeau, McKnight, Muscarello, Nelson, and Seabaugh voted yea. Representatives Bryant, Jones, and Marino voted nay.

Witness cards submitted by individuals who did not speak are as follows: 56 in support and 6 in opposition. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 26 in support and 51 in opposition. Copies of these statements are included in the committee records.

House Bill No. 746 by Representative Garofalo

Representative Garofalo presented House Bill No. 746, which provides an exception to the illegal carrying of weapons for certain persons who carry a concealed firearm during a mandatory evacuation.

Dan Zelenka, Louisiana Shooting Association, 11 Carolina Ct., Covington, LA 70433, (504) 421-1323, spoke in support of House Bill No. 746.

Josh Davis, Louisiana Firearms Association, 9800 Airline Hwy., Baton Rouge, LA 70816, (225) 610-0318, spoke in support of House Bill No. 746.

Matt Heroman, National Rifle Association, 11250 Waples Mill Rd., Fairfax, VA 22030, (731) 609-6995, spoke in support of House Bill No. 746.

Everett C. Baudean, Firearm Professionals of Louisiana, 704 S. Foster Dr., Baton Rouge, LA 70806, (504) 237-6543, spoke in support of House Bill No. 746.

Judith Newman, Home Defense & Firearm Professionals, 1705 N. Sibley St., Metairie, LA 70003, (504) 442-1705, spoke in support of House Bill No. 746.

Brannon LeBouef, Firearm Professionals of Louisiana, 212 Aycock St., Arabi, LA 70032, (504) 908-1081, spoke in support of House Bill No. 746.

Representative McKnight offered a motion to report House Bill No. 746 favorably. Without objection, House Bill No. 746 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 55 in support and 1 in opposition. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 26 in support and 31 in opposition. Copies of these statements are included in the committee records.

House Bill No. 334 by Representative Fontenot

Representative Fontenot presented House Bill No. 334, which authorizes a concealed handgun permit holder to carry a concealed handgun in a place of worship.

Reverend Larry Beane, Home Defense Foundation, 621 4th St., Gretna, LA 70053, (504) 256-3440, spoke in support of House Bill No. 334.

Brannon LeBouef, Firearm Professionals of Louisiana, 212 Aycock St., Arabi, LA 70032, (504) 908-1081, spoke in support of House Bill No. 334.

Everett C. Baudean, Firearm Professionals of Louisiana, 704 S. Foster Dr., Baton Rouge, LA 70806, (504) 237-6543, spoke in support of House Bill No. 334.

Barret Kendrick, Louisiana Shooting Association, 427 N. Theard St., Covington, LA 70433, (985) 892-4119, spoke in support of House Bill No. 334.

Judith Newman, 1705 N. Sibley St., Metairie, LA 70003, (504) 442-1705, spoke in support of House Bill No. 334.

Noah Salowitz, no address provided, Metairie, LA, (508) 868-1140, spoke in support of House Bill No. 334.

Dan Krutz, Louisiana Interchurch Conference, 527 North Blvd., Baton Rouge, LA 70802, (225) 344-0134, spoke in opposition to House Bill No. 334.

Dr. Will Hall, Louisiana Baptists, 1250 MacArthur Dr., Alexandria, LA 71303, (318) 449-4348, spoke for information only to House Bill No. 334.

Representative Goudeau offered a motion to report House Bill No. 334 favorably, to which Representative Marino objected. The administrative assistant called the roll, and House Bill No. 334 was reported favorably by a vote of 10 yeas and 1 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea. Representative Marino voted nay.

Witness cards submitted by individuals who did not speak are as follows: 59 in support. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 29 in support. Copies of these statements are included in the committee records.

House Bill No. 450 by Representative Hilferty

Representative Hilferty presented House Bill No. 450, which provides penalties for simple burglary committed under certain circumstances.

On behalf of the author, Representative Marino offered an amendment to remove proposed law provisions creating the crime of first degree burglary and providing criminal penalties for violations of the proposed law crime.

Leon Cannizzaro, Orleans Parish District Attorney, 619 S. White St., New Orleans, LA 70119, (504) 822-2414, spoke in support of House Bill No. 450.

Representative Marino offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 10 yeas and 0 nays. Representatives Bacala, Bryant, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Remy Starns, Louisiana Public Defender Board, 301 Main St., Baton Rouge, LA 70825, (225) 219-9305, spoke for information only on House Bill No. 450.

Rachel Gassert, Louisiana Center for Children's Rights, 1100-B Milton St., New Orleans, LA 70122, (504) 323-5117, spoke in opposition to House Bill No. 450.

On behalf of Representative Hilferty, Representative Marino offered amendments to amend present law crime of simple burglary to provide specific penalties that apply when the crime is committed with a firearm under certain circumstances. Representative Marino offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 11 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Representative Villio offered a motion to report House Bill No. 450 with amendments, to which Representative Marino objected. The administrative assistant called the roll, and House Bill No. 450 was reported with amendments by a vote of 7 yeas and 3 nays. Representatives Bacala, Bryant, Fontenot, McKnight, Muscarello, Seabaugh, and Villio voted yea. Representatives Jones, Marino, and Nelson voted nay.

Witness cards submitted by individuals who did not speak are as follows: 3 in support and 10 in opposition. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 16 in opposition. Copies of these statements are included in the committee records.

House Bill No. 434 by Representative Hilferty

Representative Hilferty presented House Bill No. 434, which provides relative to certain homicide offenses.

Leon Cannizzaro, Orleans Parish District Attorney, 619 S. White St., New Orleans, LA 70119, (504) 822-2414, spoke in support of House Bill No. 434.

Michael Cahoon, The Promise of Justice Initiative, 1024 Elysian Fields Ave., New Orleans, LA 70116, (504) 529-5955, spoke in opposition to House Bill No. 434.

Representative Villio offered a motion to report House Bill No. 434 favorably, to which Representative Bryant objected. The administrative assistant called the roll, and House Bill No. 434 was reported favorably by a vote of 9 yeas and 2 nays. Representatives Bacala, Fontenot, Goudeau, Marino, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea. Representatives Bryant and Jones voted nay.

Witness cards submitted by individuals who did not speak are as follows: 2 in support and 11 in opposition. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 56 in opposition. Copies of these statements are included in the committee records.

The committee stood at ease at 4:15 p.m. The committee reconvened at 7:14 p.m.

House Bill No. 418 by Representative LaCombe

Representative LaCombe presented House Bill No. 418, which provides relative to immunity from prosecution for medical marijuana.

Representative Jones offered a motion to report House Bill No. 418 favorably. Without objection, House Bill No. 418 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, and Villio voted yea.

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

House Bill No. 357 by Representative Magee

Representative Magee presented House Bill No. 357, which provides relative to fantasy sports contests.

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

- (1) Remove proposed law provisions enacting the "Louisiana Sports Wagering Control Act" which define terms relative to sports wagering;

- (2) Move proposed law provisions relative to the proposition election on sports wagering to Title 18 rather than Title 27 of the La. Revised Statutes of 1950;
- (3) Relative to the regulatory authority of the La. Gaming Control Board, require the board to have all regulatory authority, control, and jurisdiction and all power incidental or necessary to such regulatory authority, control, and jurisdiction over all aspects of sports wagering activities and operations;
- (4) Provide for a definition of "sports wagering"; and
- (5) Modify the effective date to certain provisions of proposed law.

Representative Marino offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 9 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Nelson, and Villio voted yea.

Dr. Will Hall, Louisiana Baptists Office of Public Policy, 1250 MacArthur Dr., Alexandria, LA 71309, (318) 449-4348, spoke in opposition to House Bill No. 357.

Representative Marino offered a motion to report House Bill No. 357 with amendments. Without objection, House Bill No. 357 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 4 in support, 3 in opposition, and 2 for information only. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 1 in support. Copies of these statements are included in the committee records.

House Bill No. 453 by Representative Hilferty

Representative Hilferty presented House Bill No. 453, which provides relative to motions to modify disposition.

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

- (1) Change the time period within which a motion for modification is required to be served upon all parties from at least 10 to at least three days prior to the hearing;

- (2) Remove the present law provision which authorizes the court to deny a motion to modify without a contradictory hearing;
- (3) Provide that any motion for modification shall be tried contradictorily against the district attorney; and
- (4) Restore the present law provision which requires the court to conduct a contradictory hearing when the motion to modify seeks the imposition of more restrictive conditions, except upon the waiver of the parties.

Representative Bacala offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 9 yeas and 0 nays. Representatives Bacala, Bryant, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, and Villio voted yea.

Rachel Gassert, Louisiana Center for Children's Rights, 1100-B Milton St., New Orleans, LA 70122, (504) 323-5117, spoke in opposition to House Bill No. 453.

Leon Cannizzaro, Orleans Parish District Attorney, 619 S. White St., New Orleans, LA 70119, (504) 822-2414, spoke in support of House Bill No. 453.

Representative Villio offered a motion to report House Bill No. 453 with amendments. Without objection, House Bill No. 453 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 4 in support, 8 in opposition, and 1 for information only. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 1 in support and 16 in opposition. Copies of these statements are included in the committee records.

House Bill No. 451 by Representative Hilferty

Representative Hilferty presented House Bill No. 451, which provides relative to hearsay exceptions in domestic abuse cases.

Leon Cannizzaro, Orleans Parish District Attorney, 619 S. White St., New Orleans, LA 70119, (504) 822-2414, spoke in support of House Bill No. 451.

Representative Villio offered an amendment to remove the presumption that the failure to appear pursuant to a subpoena by a victim of the abusive behavior of a family member, household member,

or dating partner is a result of a wrongdoing on the part of the defendant. Representative Villio offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 10 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, and Villio voted yea.

Kelly Orians, no address provided, spoke in opposition to House Bill No. 451.

Meghan Garvey, Louisiana Association of Criminal Defense Lawyers, 3043 Old Forge Dr., Baton Rouge, LA 70808, (504) 343-7175, spoke in opposition to House Bill No. 451.

Representative Bryant offered a motion to voluntarily defer action on House Bill No. 451. Without objection, action on House Bill No. 451 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 11 in opposition and 1 for information only. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 5 in support and 42 in opposition. Copies of these statements are included in the committee records.

House Bill No. 644 by Representative Jordan

Representative Jordan presented House Bill No. 644, which provides relative to jury trials in criminal cases.

Meghan Garvey, Louisiana Association of Criminal Defense Lawyers, 3043 Old Forge Dr., Baton Rouge, LA 70808, spoke in support of House Bill No. 644.

Representative Marino offered a motion to voluntarily defer action on House Bill No. 644. Without objection, action on House Bill No. 644 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 8 in support and 1 in opposition. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 31 in support. Copies of these statements are included in the committee records.

House Concurrent Resolution No. 56 by Representative Bagley

Representative Bagley presented House Concurrent Resolution No. 56, which requests the study of homicide offenses in Louisiana with respect to the offender's prior criminal history.

Representative Bacala offered a motion to report House Concurrent Resolution No. 56 favorably. Without objection, House Concurrent Resolution No. 56 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, and Villio 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.

House Bill No. 344 by Representative Landry

Representative Landry presented House Bill No. 344, which prohibits the use of solitary confinement for certain persons.

On behalf of the author, Representative Marino offered amendments to: (1) remove proposed law provisions that prohibit solitary confinement of persons who suffer from certain serious mental illnesses and (2) add certain exceptions to the present and proposed law prohibition on the placement of prisoners in solitary confinement.

Representative Marino offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, and Villio voted yea.

Vanessa Spinazola, Justice and Accountability Center of Louisiana, 4035 Washington Ave., New Orleans, LA 70125, (504) 325-4050, spoke in support of House Bill No. 344.

Natalie LaBorde, Department of Corrections, 504 Mayflower St., Baton Rouge, LA 70802, spoke for information only on House Bill No. 344.

Representative Bryant offered a motion to report House Bill No. 344 with amendments. Without objection, House Bill No. 344 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, and Villio voted yea.

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

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 7 in support. Copies of these statements are included in the committee records.

House Bill No. 129 by Representative Wilford Carter

Representative Wilford Carter presented House Bill No. 129, which provides relative to a motion to expunge a record of arrest that did not result in a conviction.

Loren M. Lampert, Louisiana District Attorneys Association, 2525 Quail Dr., Baton Rouge, LA 70808, (225) 343-0171, spoke for information only on House Bill No. 129.

Representative Bryant offered a motion to report House Bill No. 129 favorably. Without objection, House Bill No. 129 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, and Villio voted yea.

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

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 1 in support. Copy of this statement is included in the committee records.

House Bill No. 189 by Representative Wilford Carter

Representative Wilford Carter presented House Bill No. 189, which provides relative to the time for filing pretrial motions.

Loren M. Lampert, Louisiana District Attorneys Association, 2525 Quail Dr., Baton Rouge, LA 70808, (225) 343-0171, spoke for information only on House Bill No. 189.

On behalf of the author, Representative Marino offered an amendment to specify that all pretrial motions shall be made or filed within 30 days after the receipt of initial discovery. Representative Marino offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 10 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, and Villio voted yea.

Representative Jones offered a motion to report House Bill No. 189 with amendments. Without objection, House Bill No. 189 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, and Villio voted yea.

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

House Bill No. 529 by Representative Duplessis

Representative Duplessis presented House Bill No. 529, which provides relative to letters of incarceration.

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

- (1) Add that a letter of incarceration may be requested from the local office of the Department of Public Safety and Corrections, division of probation and parole;
- (2) Require the letter to be issued within seven days, instead of within five days, after the date of receipt of the request;
- (3) Amend the information included in the letter of incarceration to do all of the following:
 - (a) Remove the requirement that the letter include information regarding the length of time served and instead require it to include the admit date and the date of release.
 - (b) Specify that the information in the letter regarding the location of incarceration shall include only the information about the last location of incarceration.
 - (c) Remove the requirement that the letter include information regarding the offense or offenses for which the person was confined; and
- (4) Remove the proposed law provision which allows the person to request that the letter include information regarding the person's conviction history and security status or classification status at the time of release.

Representative Marino offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, and Villio voted yea.

Kelly Orians, The First 72+, 2915 Perdido St., New Orleans, LA 70119, (303) 946-5378, spoke in support of House Bill No. 529.

Representative Bryant offered a motion to report House Bill No. 529 with amendments. Without objection, House Bill No. 529 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Marino, McKnight, Muscarello, Nelson, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 12 in support and 1 for information only. Witness cards are included in the committee records.

House Bill No. 338 by Representative Duplessis

Representative Duplessis presented House Bill No. 338, which provides relative to physical and mental health information of an offender appearing before the committee on parole.

Francis Abbott, Louisiana Board of Pardons and Committee on Parole, 504 Mayflower St., Baton Rouge, LA 70804, (225) 252-5710, spoke for information only on House Bill No. 338.

Representative McKnight offered a motion to report House Bill No. 338 favorably. Without objection, House Bill No. 338 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, and Villio 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.

House Bill No. 127 by Representative Villio

Representative Villio presented House Bill No. 127, which provides relative to certain offenses when the offender knowingly consumes quantities of a drug that exceed the prescribed or recommended dosage.

Norma B. DuBois, Jefferson Parish District Attorney's Office, 200 Derbigny St., Gretna, LA 70053, (504) 368-1020, spoke in support of House Bill No. 127.

Meghan Garvey, Louisiana Association of Criminal Defense Lawyers, 3043 Old Forge Dr., Baton Rouge, LA 70808, (504) 343-7175, spoke in opposition to House Bill No. 127.

Representative Bacala offered a motion to report House Bill No. 127 favorably. Without objection, House Bill No. 127 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 7 in support, 5 in opposition, and 1 for information only. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 1 in opposition. Copies of these statements are included in the committee records.

House Bill No. 67 by Representative Fontenot

Representative Fontenot presented House Bill No. 67, which provides relative to the crime of battery of a police officer.

Representative Fontenot offered amendments to (1) restore present law penalties for a first offense and for an offense that produces an injury that requires medical attention and (2) add penalties for a second or subsequent offense and for an offense that produces an injury that requires medical attention and that is a second or subsequent offense of battery of a police officer. Representative Fontenot offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, and Villio voted yea.

Meghan Garvey, Louisiana Association of Criminal Defense Lawyers, 3043 Old Forge Dr., Baton Rouge, LA 70808, (504) 343-7175, spoke in opposition to House Bill No. 67.

Representative Villio offered a motion to report House Bill No. 67 with amendments. Without objection, House Bill No. 67 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 8 in support, 7 in opposition, and 1 for information only. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 25 in opposition. Copies of these statements are included in the committee records.

House Bill No. 241 by Representative James

On behalf of Representative James, Representative Bryant presented House Bill No. 241, which provides relative to expungement of records.

Representative Bryant offered a motion to report House Bill No. 241 favorably. Without objection, House Bill No. 241 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 15 in support and 1 for information only. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 1 in support. Copies of these statements are included in the committee records.

House Bill No. 329 by Representative Jones

Representative Jones presented House Bill No. 329, which provides relative to information contained in pre-parole reports.

Representative Jones offered amendments to (1) amend proposed law to require the requested pre-parole report to be provided to the offender or his counsel within a reasonable time following the request but no later than 14 days prior to the commencement of any pardon or parole hearing and (2) relative to information released to an offender in a pre-parole report, amend proposed law to prohibit the release of the identity of an individual who is not a law enforcement officer if such individual requests that his identity not be disclosed to the requesting offender. Representative Jones offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, and Villio voted yea.

Francis Abbott, Louisiana Board of Pardons and Committee on Parole, 504 Mayflower St., Baton Rouge, LA 70804, (225) 252-5710, spoke for information only on House Bill No. 329.

Loren M. Lampert, Louisiana District Attorneys Association, 2525 Quail Dr., Baton Rouge, LA 70808, (225) 343-0171, spoke for information only on House Bill No. 329.

Representative Jones offered a motion to report House Bill No. 329 with amendments. Without objection, House Bill No. 329 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, and Villio 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.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 2 in support. Copies of these statements are included in the committee records.

Representative Marino in the chair.

House Bill No. 436 by Representative Marcelle

On behalf of Representative Marcelle, Representative Bryant presented House Bill No. 436, which provides relative to the maximum time for appearance before a judge.

Meghan Garvey, Louisiana Association of Criminal Defense Lawyers, 3043 Old Forge Dr., Baton Rouge, LA 70808, spoke in support of House Bill No. 436.

Loren M. Lampert, Louisiana District Attorneys Association, 2525 Quail Dr., Baton Rouge, LA 70808, (225) 343-0171, spoke in opposition to House Bill No. 436.

Representative Bacala offered a motion to voluntarily defer action on House Bill No. 436, to which Representative Bryant objected. The administrative assistant called the roll, and action on House Bill No. 436 was voluntarily deferred by a vote of 8 yeas and 2 nays. Representatives Bacala, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, and Villio voted yea. Representatives Bryant and Nelson voted nay.

Witness cards submitted by individuals who did not speak are as follows: 6 in support and 3 in opposition. Witness cards are included in the committee records.

House Bill No. 150 by Representative Bacala

Representative Bacala presented House Bill No. 150, which amends the crime of battery of a police officer to include the throwing of water, other liquids, or human waste.

Representative Goudeau offered a motion to report House Bill No. 150 favorably. Without objection, House Bill No. 150 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Bacala, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 13 in support and 3 in opposition. Witness cards are included in the committee records.

Vice Chairman Bacala in the chair.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 10:27 p.m.

Respectfully submitted,

Vice Chairman Tony Bacala
House Committee on Administration of Criminal Justice

Date adopted: