

House Committee on Administration of Criminal Justice

Minutes of Meeting
2020 Regular Session
May 19, 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 12:31 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 Richard James Nelson
Representative Debbie Villio

MEMBERS ABSENT:

Representative Edward C. "Ted" James, II, chairman
Representative C. Denise Marcelle
Representative Nicholas Muscarello, Jr.
Representative Alan Seabaugh

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. 756 by Representative Jenkins

On behalf of the author, Representative Bacala offered a motion to voluntarily defer action on House Bill No. 756, which requires the issuance of certain identification to qualified law enforcement officers retired from the office of juvenile justice. Without objection, action on House Bill No. 756 was voluntarily deferred by a vote of 8 yeas and 0 nays. Representatives Bacala, Fontenot, Goudeau, Jones, Marino, McKnight, Nelson, and Villio voted yea.

Senate Bill No. 452 by Senator Foil

Senator Foil presented Senate Bill No. 452, which provides for the amount of gross revenue the Lottery Corporation is to annually transfer to the state treasury.

Paul Rainwater, Cornerstone Government Affairs, 5117 Cheneau Ln., Baton Rouge, LA 70808, (225) 281-8176, spoke in support of House Bill No. 452.

Representative McKnight offered a motion to report Senate Bill No. 452 favorably. Without objection, Senate Bill No. 452 was reported favorably by a vote of 8 yeas and 0 nays. Representatives Bacala, Fontenot, Goudeau, Jones, Marino, McKnight, Nelson, and Villio voted yea.

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

Senate Bill No. 407 by Senator Foil

Senator Foil presented Senate Bill No. 407, which provides relative to the post-conviction veterans mentor program.

On behalf of the author, Representative Bacala offered technical amendments. 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, Fontenot, Goudeau, Jones, Marino, McKnight, Nelson, and Villio voted yea.

Representative McKnight offered a motion to report Senate Bill No. 407 with amendments. Without objection, Senate Bill No. 407 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Nelson, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 3 in support and 1 for information only. Witness cards are included in the committee records.

House Bill No. 197 by Representative Zeringue

Representative Zeringue presented House Bill No. 197, which provides relative to the crime of unauthorized entry of a critical infrastructure.

Will Harrell, Voice of the Experienced, 1221 Kerlerec St., New Orleans, LA 70116, (572) 695-7519, spoke in opposition to House Bill No. 197.

Representative Fontenot offered a motion to report House Bill No. 197 favorably. Without objection, House Bill No. 197 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Nelson, and Villio voted yea.

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

Senate Bill No. 130 by Senator Henry

Senator Henry presented Senate Bill No. 130, which provides for a proposition election to determine whether sports wagering activities and operations will be permitted in a parish.

Representative Marino offered a motion to report Senate Bill No. 130 favorably. Without objection, Senate Bill No. 130 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Nelson, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 9 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: 12 in support. Copies of these statements are included in the committee records.

Senate Bill No. 352 by Senator Henry

Senator Henry presented Senate Bill No. 352, which provides that the court may order a clinical assessment for a person who has two or more DWI convictions.

Representative Villio offered a motion to report Senate Bill No. 352 favorably. Without objection, Senate Bill No. 352 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Nelson, 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. Copy of this statement is included in the committee records.

Senate Bill No. 378 by Senator Johns

Senator Johns presented Senate Bill No. 378, which provides for a proposition election to determine whether sports wagering activities and operations will be permitted in a parish.

Representative Marino offered a motion to report Senate Bill No. 378 favorably. Without objection, Senate Bill No. 378 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, 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: 12 in support. Copies of these statements are included in the committee records.

Senate Bill No. 383 by Senator Reese

Senator Reese presented Senate Bill No. 383, which provides for the forfeiture of certain personal property following conviction of certain sex offenses.

On behalf of the author, Representative Jones offered amendments to: (1) add that, for purposes of proposed law, contraband shall be presumed necessary as evidence if an appeal of the conviction is pending, if the convicted person is pursuing post-conviction remedies, or if the time for pursuing an appeal or postconviction remedies has not expired and (2) make technical changes. Representative Jones 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.

Representative Nelson offered a motion to report Senate Bill No. 383 with amendments. Without objection, Senate Bill No. 383 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Nelson, and Villio voted yea.

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

Senate Bill No. 384 by Senator Reese

Senator Reese presented Senate Bill No. 384, which provides relative to the crime of unlawful posting of criminal activity for notoriety and publicity.

Loren M. Lampert, Louisiana District Attorneys Association, 2525 Quail Dr., Baton Rouge, LA 70808, (225) 343-0171, spoke in support of House Bill No. 384.

Representative Jones offered an amendment to add that, for purposes of proposed law, contraband shall be presumed necessary as evidence if an appeal of the conviction is pending, if the convicted person is pursuing post-conviction remedies, or if the time for pursuing an appeal or postconviction remedies has not expired. Representative Jones offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 9 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Nelson, and Villio voted yea.

Representative McKnight offered a motion to report Senate Bill No. 384 with amendments. Without objection, Senate Bill No. 384 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Nelson, and Villio voted yea.

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

Senate Bill No. 229 by Senator McMath

Senator McMath presented Senate Bill No. 229, which provides relative to evidence from criminalistics laboratories in Certificates of Analysis in juvenile court proceedings of a noncriminal nature.

Representative Nelson offered a motion to report Senate Bill No. 229 favorably. Without objection, Senate Bill No. 229 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Nelson, and Villio voted yea.

Senate Bill No. 354 by Senator McMath

Senator McMath presented Senate Bill No. 354, which provides relative to a card indicating licensing and certification of an offender prior to his release.

Natalie LaBorde, Louisiana Department of Corrections, 504 Mayflower St., Baton Rouge, LA 70802, spoke for information only on Senate Bill No. 354.

Representative Bacala offered amendments to: (1) remove the proposed law provision which required the Department of Public Safety and Corrections to issue a photo identification card that includes a list of all licensing and certification programs completed by the offender and (2) add that, to the extent funding is available, the Department of Public Safety and Corrections shall issue a card to the offender that includes a list of all vocational licensing and certification programs completed by the offender. 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, Fontenot, Goudeau, Jones, Marino, McKnight, Nelson, and Villio voted yea.

Representative Nelson offered a motion to report Senate Bill No. 354 with amendments. Without objection, Senate Bill No. 354 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, 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.

Senate Bill No. 505 by Senator Smith

On behalf of the author, Representative Marino presented Senate Bill No. 505, which provides for a temporary restraining order upon application by a peace officer under certain circumstances.

Darren Allemand, Jefferson Parish District Attorney's Office, 200 Derbigny St., Gretna, LA 70053, (504) 368-1020, spoke in support of Senate Bill No. 505.

Representative Marino offered amendments to:

- (1) Add felony sex offenses and felony human trafficking-related offenses to the list of offenses for which the committee on parole may require as a condition of parole that the offender refrain from going to the residence or household of the victim, the victim's school, and the victim's place of employment or otherwise contacting the victim in any manner;
- (2) Provide that proposed law shall not be construed to impair, limit, or abrogate the authority of the committee on parole to require as a condition of parole any other protective order or any other restriction under any provision of present or proposed law; and
- (3) Add that for persons sentenced pursuant to present and proposed law (R.S. 46:1846(C)), the sentencing order issued shall be reflected in the sentencing minutes of the issuing court, and

requires the issuing court to notify the Department of Public Safety and Corrections of the issuance of the sentencing order.

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.

Sunny Funk, Jefferson Parish District Attorney's Office and Louisiana District Attorneys Association, 200 Derbigny St., Gretna, LA 70053, (504) 368-1020, spoke in support of Senate Bill No. 505.

Representative Villio offered a motion to report Senate Bill No. 505 with amendments. Without objection, Senate Bill No. 505 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Nelson, and Villio 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. 32 by Senator Connick

On behalf of Senator Connick, Representative Marino presented Senate Bill No. 32, which provides relative to the penalty for second degree rape.

Darren Allemand, Jefferson Parish District Attorney's Office, 200 Derbigny St., Gretna, LA 70053, (504) 368-1020, spoke in support of Senate Bill No. 32.

Katie Hunter-Lowrey, Louisiana Survivors for Reform, 1633 Alvar St., New Orleans, LA 70117, (908) 283-1525, spoke in opposition to Senate Bill No. 32.

Will Harrell, Voice of the Experienced, 1221 Kerlerec St, New Orleans, LA 70116, (572) 695-7519, spoke in opposition to Senate Bill No. 32.

Representative Villio offered a motion to report Senate Bill No. 32 favorably. Without objection, Senate Bill No. 32 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Nelson, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 5 in support and 5 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: 19 in opposition. Copies of these statements are included in the committee records.

House Bill No. 522 by Representative James

On behalf of Representative James, Representative Jones presented House Bill No. 522, which provides relative to collection and reporting of data regarding jail facilities.

Chris Kaiser, American Civil Liberties Union, 1340 Poydras, New Orleans, LA 70112, (512) 740-1317, spoke in support of House Bill No. 522.

Representative Marino in the chair.

Michael Cahoon, The Promise of Justice Initiative, 1024 Elysian Fields Ave., New Orleans, LA 70117, spoke in support of House Bill No. 522.

Shannon Dirmann, Louisiana Sheriffs' Association, 1175 Nicholson Dr., Baton Rouge, LA 70802, (225) 343-8402, spoke in opposition to House Bill No. 522.

Representative Jones offered a motion to voluntarily defer action on House Bill No. 522. Without objection, action on House Bill No. 522 was voluntarily deferred by a vote of 9 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Nelson, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 9 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: 39 in support. Copies of these statements are included in the committee records.

House Bill No. 643 by Representative Jones

Representative Jones presented House Bill No. 643, which provides relative to the supervision of parolees.

Representative Jones offered amendments relative to the custody and supervision of parolees, to authorize a reduction in the level of supervision and fees after a parolee has served a certain length of time. Representative Jones 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.

Will Harrell, Clergy for Prison Reform, 1221 Kerlerec St, New Orleans, LA 70116, (572) 695-7519, spoke in opposition to House Bill No. 643.

Bruce Reilly, Voice of the Experienced, 4930 Washington Ave., New Orleans, LA 70125, (504) 758-9420, spoke in support of House Bill No. 643.

Kerry Myers, Louisiana Parole Project, 427 Mayflower St., Baton Rouge, LA 70802, (225) 361-3176, spoke in support of House Bill No. 643.

Representative Bacala offered amendments to restore present law relative to the committee's determination of time and conditions of release on parole of any offender who has been convicted of a felony and sentenced to imprisonment. 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, Fontenot, Goudeau, Jones, Marino, McKnight, Nelson, and Villio voted yea.

Loren M. Lampert, Louisiana District Attorneys Association, 1645 Nicholson Dr., Baton Rouge, LA 70802, spoke in opposition to House Bill No. 643.

Natalie LaBorde, Louisiana Department of Corrections, 604 Mayflower St., Baton Rouge, LA 70802, (337) 654-6718, spoke for information only on House Bill No. 643.

Francis Abbott, Board of Pardons and Committee on Parole, 504 Mayflower St., Baton Rouge, 70804, (225) 252-5710, spoke for information only on House Bill No. 643.

Representative Bryant offered a motion to report House Bill No. 643 with amendments, to which Representative Fontenot objected. The administrative assistant called the roll, and House Bill No. 643 was reported with amendments by a vote of 7 yeas and 2 nays. Representatives Bacala, Bryant, Goudeau, Jones, Marino, McKnight, and Nelson voted yea. Representatives Fontenot and Villio voted nay.

Witness cards submitted by individuals who did not speak are as follows: 11 in support and 3 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: 59 in support. Copies of these statements 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 3:12 p.m.

Respectfully submitted,

Vice Chairman Tony Bacala
House Committee on Administration of Criminal Justice

Date adopted: