

## **House Committee on Judiciary**

Minutes of Meeting  
2020 Regular Session  
May 7, 2020

### **I. CALL TO ORDER**

Representative Sherman Q. Mack, vice chairman of the House Committee on Judiciary, called the meeting to order at 9:01 a.m. in Room 1, in the state capitol in Baton Rouge, Louisiana.

### **II. ROLL CALL**

#### **MEMBERS PRESENT:**

Representative Kathy Edmonston  
Representative Jason Hughes  
Representative Michael T. Johnson  
Representative Frederick Douglass Jones  
Representative Edmond Jordan  
Representative Mandie Landry  
Representative Sherman Q. Mack, vice chairman  
Representative Joseph A. Marino, III  
Representative Nicholas Muscarello, Jr.  
Representative Thomas A. Pressly  
Representative John M. Stefanski

#### **MEMBERS ABSENT:**

Representative Randal L. Gaines, chairman  
Representative Robby Carter

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

Sadie Becnel, attorney  
Diane Merritt, committee administrative assistant

#### **ADDITIONAL ATTENDEES PRESENT:**

Myrtis Jarrell, sergeant at arms

### III. DISCUSSION OF LEGISLATION

#### **House Bill No. 74 by Representative Green**

On behalf of the author, Representative Mack offered a motion to voluntarily defer action on House Bill No. 74, a constitutional amendment, which provides relative to the term of office for judges. Without objection, action on House Bill No. 74 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jones, Landry, Mack, Marino, Muscarello, Pressly, and Stefanski voted yea.

#### **House Bill No. 550 by Representative Duplessis**

On behalf of the author, Representative Mack offered a motion to voluntarily defer action on House Bill No. 550, which provides with respect to the procedure of arrest. Without objection, action on House Bill No. 550 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jones, Landry, Mack, Marino, Muscarello, Pressly, and Stefanski voted yea.

#### **House Bill No. 144 by Representative Green**

Representative Green presented House Bill No. 144, which provides relative to the mandatory age limitation for certain elected officials.

On behalf of Representative Green, Representative Stefanski offered an amendment to add an effective date based upon the signature of the governor. Representative Stefanski offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 10 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jones, Landry, Mack, Marino, Muscarello, Pressly, and Stefanski voted yea.

Representative Stefanski offered a motion to report House Bill No. 144 with amendments. Without objection, House Bill No. 144 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jones, Landry, Mack, Marino, Muscarello, Pressly, and Stefanski 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 Resolution No. 20 by Representative Edmonds**

Representative Edmonds presented House Resolution No. 20, which urges and requests Attorney General Jeff Landry to ensure a swift, effective, and unified response to price gouging.

Representative Mack offered a motion to report House Resolution No. 20 favorably. Without objection, House Resolution No. 20 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, Pressly, and Stefanski voted yea.

#### **House Bill No. 70 by Representative Mike Johnson**

Representative Mike Johnson presented House Bill No. 70, which provides relative to National Guard death and disability benefits and qualifying subsequent examination.

Mayor Derrick Johnson, Town of Cheneyville, representing Wounded Warrior Project, P.O. Box 90, Cheneyville, LA 71325, testified in support of House Bill No. 70.

Representative Hughes offered a motion to report House Bill No. 70 favorably. Without objection, House Bill No. 70 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, Pressly, and Stefanski voted yea.

#### **House Bill No. 22 by Representative Bagley**

On behalf of the author, Representative Mack offered a motion to voluntarily defer action on House Bill No. 22, a constitutional amendment, which provides relative to the mandatory retirement age for judges. Without objection, action on House Bill No. 22 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, Pressly, and Stefanski voted yea.

#### **House Bill No. 27 by Representative Bagley**

On behalf of the author, Representative Mack offered a motion to voluntarily defer action on House Bill No. 27, which provides relative to the mandatory retirement age for judges. Without objection, action on House Bill No. 27 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, Pressly, and Stefanski voted yea.

#### **House Bill No. 23 by Representative Bagley**

On behalf of the author, Representative Mack offered a motion to voluntarily defer action on House Bill No. 23, which provides relative to age qualifications for justices of the peace. Without objection, action on House Bill No. 23 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, Pressly, and Stefanski voted yea.

**House Bill No. 61 by Representative Bagley**

On behalf of the author, Representative Mack offered a motion to voluntarily defer action on House Bill No. 61, which provides relative to the maximum age limitation for constables. Without objection, action on House Bill No. 61 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, Pressly, and Stefanski voted yea.

**House Bill No. 437 by Representative Dustin Miller**

On behalf of the author, Representative Jordan presented House Bill No. 437, which establishes the Louisiana Commission on Security for the Faith Community.

Representative Stefanski offered an amendment to add a representative from the Louisiana Home and Foreign Missions Baptist Convention to the membership of the commission. Representative Stefanski offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 11 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, Pressly, and Stefanski voted yea.

Representative Stefanski offered a motion to report House Bill No. 437 with amendments. Without objection, House Bill No. 437 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, Pressly, and Stefanski 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: 3 in support. Copies of these statements are included in the committee records.

**House Bill No. 294 by Representative Hilferty**

Representative Hilferty presented House Bill No. 294, which provides relative to the investigation of traffic accidents in the municipalities over three hundred thousand in population.

Ethan Cheramie, representing On Scene Services, 2831 St. Claude Ave., New Orleans, LA 70117, (504) 400-4024, testified in support of House Bill No. 294.

Sadie Becnel, committee attorney, explained an amendment to authorize the civilian traffic control officer or the entity authorized to investigate traffic accidents to issue citations only in accordance with those violations arising from the respective accident. No action was taken on this amendment.

Representative Mack offered a motion to voluntarily defer action on House Bill No. 294. Without objection, action on House Bill No. 294 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, Pressly, and Stefanski voted yea.

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

*(Further action was taken by the committee on House Bill No. 294 on May 20, 2020. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 294.)*

### **House Bill No. 842 by Representative Hilferty**

Representative Hilferty presented House Bill No. 842, which provides relative to the assessment, collection, and distribution of certain court costs and fees in the parish of Orleans.

Representative Mack offered amendments as follows:

- (1) Makes technical changes to citations.
- (2) Provides specific uses for funds collected.
- (3) Requires funds to be retained in an escrow account one year before being distributed to the city of New Orleans.
- (4) Removes present law provision regarding fees on premiums for commercial surety underwriters in Orleans Parish to conform to present law provisions.

Representative Mack offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, Pressly, and Stefanski voted yea.

Representative Hughes offered an amendment to modify the distribution of funds to various entities pursuant to present law in R.S. 13:1381.5. Representative Hughes offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 11 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, Pressly, and Stefanski voted yea.

Rodney Braxton, representing Southern Poverty Law Center, 543 Spanish Town Road, Baton Rouge, LA 70802, testified in opposition to House Bill No. 842.

Peter Robins-Brown, representing Power Coalition For Equity and Justice, 2022 St. Bernard Ave., New Orleans, LA 70116, Suite 310, (504) 256-8196, testified in opposition to House Bill No. 842.

Will Harrell, representing VOTE, 1221 Kerlerec St., New Orleans, LA 70116, (512) 695-7519, testified in opposition to House Bill No. 842.

Representative Mack offered an amendment to add a stipulation that the Act will cease to be effective two years after the date of the signature of the governor. Representative Mack offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 10 yeas and 0 nays. Representatives Edmonston, Hughes, Jones, Jordan, Landry, Mack, Marino, Muscarello, Pressly, and Stefanski voted yea.

Judge Karen Herman, Criminal District Court of Orleans Parish, 2700 Tulane Ave., New Orleans, LA 70119, (504) 658-9310, testified for information only on House Bill No. 842.

Tiffany Simpson, representing Louisiana Public Defender Board, 301 Main St., Suite 700, Baton Rouge, LA 70825, (225) 219-9305, testified for information only on House Bill No. 842.

Representative Hughes offered a motion to report House Bill No. 842 with amendments. Without objection, House Bill No. 842 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Edmonston, Hughes, Jones, Jordan, Landry, Mack, Marino, Muscarello, Pressly, and Stefanski voted yea.

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

### **House Bill No. 288 by Representative Mincey**

Representative Mincey presented House Bill No. 288, which provides relative to the purchase of an automobile by the Livingston Parish Clerk of Court.

Representative Mack offered a motion to report House Bill No. 288 favorably. Without objection, House Bill No. 288 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, Pressly, and Stefanski voted yea.

Witness cards submitted by individuals who did not speak are as follows: 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: 2 in support and 3 in opposition. Copies of these statements are included in the committee records.

**House Bill No. 732 by Representative Wilford Carter**

On behalf of the author, Representative Mack offered a motion to voluntarily defer action on House Bill No. 732, which provides relative to the juvenile and domestic relations division of the 14<sup>th</sup> JDC. Without objection, action on House Bill No. 732 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, Pressly, and Stefanski voted yea.

**House Bill No. 742 by Representative Wilford Carter**

On behalf of the author, Representative Mack offered a motion to voluntarily defer action on House Bill No. 742, which provides relative to the divisions of the 14<sup>th</sup> JDC. Without objection, action on House Bill No. 742 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Edmonston, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, Pressly, and Stefanski voted yea.

**House Bill No. 249 by Representative Travis Johnson**

Representative Travis Johnson presented House Bill No. 249, which provides for certain fees to be dedicated to the operational costs of the office of coroner in Concordia Parish.

Representative Mack offered an amendment to change the fee from mandatory to permissive. Representative Mack offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 10 yeas and 0 nays. Representatives Edmonston, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, Pressly, and Stefanski voted yea.

Representative Mike Johnson offered a motion to report House Bill No. 249 with amendments. Without objection, House Bill No. 249 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Edmonston, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, Pressly, and Stefanski voted yea.

Witness cards submitted by individuals who did not speak are as follows: 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: 3 in opposition. Copies of these statements are included in the committee records.

**House Bill No. 757 by Representative Robert Owen**

Representative Robert Owen presented House Bill No. 757, which changes the name of the Slidell City Court.

Representative Mack offered an amendment to add an effective date based upon the signature of the governor. Representative Mack offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Edmonston, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, Pressly, and Stefanski voted yea.

Representative Jordan offered a motion to report House Bill No. 757 with amendments. Without objection, House Bill No. 757 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Edmonston, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, Pressly, and Stefanski 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.

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. 480 by Representative Ivey**

On behalf of the author, Representative Mack offered a motion to involuntarily defer action on House Bill No. 480, which increases the maximum age limitation for constables. Without objection, action on House Bill No. 480 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Edmonston, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, Pressly, and Stefanski voted yea.

**IV. OTHER BUSINESS**

There was no other business.

**V. ANNOUNCEMENTS**

There were no announcements.



**VI. ADJOURNMENT**

The meeting was adjourned at 10:55 a.m.

Respectfully submitted,

Chairman Randal L. Gaines  
House Committee on Judiciary

Date adopted: