

House Committee on Administration of Criminal Justice

Minutes of Meeting
2021 Regular Session
April 27, 2021

I. CALL TO ORDER

Representative Edward C. "Ted" James, II, chairman of the House Committee on Administration of Criminal Justice, called the meeting to order at 9:02 a.m. in Room 6, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Edward C. "Ted" James, II, chairman
Representative Tony Bacala, vice chairman
Representative Marcus Anthony Bryant
Representative Bryan Fontenot
Representative Jonathan Goudeau, I
Representative Frederick Douglass Jones
Representative C. Denise Marcelle
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:

None

STAFF MEMBERS PRESENT:

A. Gregory Riley, attorney
Sadie Becnel, attorney
Stephanie Weinman, committee administrative assistant

ADDITIONAL ATTENDEES PRESENT:

Zachary Gonzalez, attorney

Jayde Daniel, clerk

III. OTHER BUSINESS

Natalie Laborde, Department of Corrections, no address provided, (337) 654-6718, spoke for information only on reentry resources and programs available to individuals that were formerly incarcerated and provided a handout, Exhibit A, which is included in the committee records.

Patience Lewis-Walker, Center for Employment Opportunities, no address provided, spoke for information only on the employment services provided to individuals who were recently incarcerated and provided two handouts, Exhibit B and Exhibit C, which are included in the committee records.

Troy Glover, Center for Employment Opportunities, 4000 Prentiss Ave., New Orleans, LA 70126, (504) 470-6370, spoke for information only on the employment services provided to individuals who were recently incarcerated.

Chad Sanders, The First 72+, spoke for information only on housing, public benefits, employment, and educational services provided to individuals who were recently incarcerated.

Patrick Young, SHARP Men, spoke for information only on providing professional work attire to individuals seeking employment after being incarcerated.

IV. DISCUSSION OF LEGISLATION

House Bill No. 68 by Representative Landry

On behalf of Representative Landry, Representative James offered a motion to voluntarily defer action on House Bill No. 68, which provides relative to restricting solitary confinement. Without objection, action on House Bill No. 68 was voluntarily deferred by a vote of 8 yeas and 0 nays. Representatives James, Fontenot, Goudeau, Jones, Marino, McKnight, Nelson, and Villio voted yea.

House Bill No. 83 by Representative Fontenot

On behalf of Representative Fontenot, Representative James offered a motion to voluntarily defer action on House Bill No. 83, which provides relative to the posting of bail. Without objection, action on House Bill No. 83 was voluntarily deferred by a vote of 8 yeas and 0 nays. Representatives James, Fontenot, Goudeau, Jones, Marino, McKnight, Nelson, and Villio voted yea.

House Bill No. 433 by Representative Moore

On behalf of Representative Moore, Representative James offered a motion to voluntarily defer action on House Bill No. 433, which provides relative to sexual assault collection kits. Without

objection, action on House Bill No. 433 was voluntarily deferred by a vote of 8 yeas and 0 nays. Representatives James, Fontenot, Goudeau, Jones, Marino, McKnight, Nelson, and Villio voted yea.

House Bill No. 611 by Representative Jordan

On behalf of Representative Jordan, Representative James offered a motion to voluntarily defer action on House Bill No. 611, which prohibits the use of facial recognition data under certain circumstances. Without objection, action on House Bill No. 611 was voluntarily deferred by a vote of 8 yeas and 0 nays. Representatives James, Fontenot, Goudeau, Jones, Marino, McKnight, Nelson, and Villio voted yea.

House Bill No. 422 by Representative Emerson

Representative Emerson presented House Bill No. 422, which provides relative to the membership of the Reentry Advisory Council.

Natalie LaBorde, Department of Public Safety and Corrections, no address provided, (337) 654-6718, spoke for information only on House Bill No. 422.

Representative Bacala offered a motion to report House Bill No. 422 favorably. Without objection, House Bill No. 422 was reported favorably by a vote of 12 yeas and 0 nays. Representatives James, Bacala, Bryant, Fontenot, Goudeau, Jones, Marcelle, Marino, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 in support and 2 in opposition. Witness cards are included in the committee records.

House Bill No. 560 by Representative Emerson

Representative Emerson presented House Bill No. 560, which provides relative to the issuance of summons by an officer in lieu of arrest.

Representative Marcelle offered a motion to report House Bill No. 560 favorably. Without objection, House Bill No. 560 was reported favorably by a vote of 12 yeas and 0 nays. Representatives James, Bacala, Bryant, Fontenot, Goudeau, Jones, Marcelle, Marino, Muscarello, Nelson, Seabaugh, and Villio voted yea.

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

House Bill No. 77 by Representative Marino

Representative Marino presented House Bill No. 77, which provides relative to the suspension or deferral of sentence and probation in felony cases.

Darren Allemand, Jefferson Parish District Attorney's Office, 200 Derbigny Street, Gretna, LA 70053, (504) 368-1020, spoke in support of House Bill No. 77.

Representative Jones offered a motion to report House Bill No. 77 favorably. Without objection, House Bill No. 77 was reported favorably by a vote of 12 yeas and 0 nays. Representatives James, Bacala, Bryant, Fontenot, Goudeau, Jones, Marcelle, Marino, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 21 in support and 1 for information only. Witness cards are included in the committee records.

House Bill No. 232 by Representative Marino

Representative Marino presented House Bill No. 232, which provides relative to discharge and dismissals of prosecutions for misdemeanor convictions.

Representative Marino offered an amendment to restore present law provisions that allow for discharge and dismissal of DWI convictions to occur only once in a 10-year period. 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 James, Bacala, Bryant, Goudeau, Jones, Marcelle, Marino, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Representative Marcelle offered a motion to report House Bill No. 232 with amendments. Without objection, House Bill No. 232 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives James, Bacala, Bryant, Fontenot, Goudeau, Jones, Marcelle, Marino, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 39 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: 4 in support. Copies of these statements are included in the committee records.

House Bill No. 92 by Representative Marino

Representative Marino presented House Bill No. 92, which increases the amount paid for a person who has been wrongfully convicted.

Kia Hayes, Innocence Project New Orleans, 4051 Ulloa Street, New Orleans, LA 70119, (504) 943-1902, spoke in support of House Bill No. 92.

Representative Jones offered a motion to report House Bill No. 92 favorably. Without objection, House Bill No. 92 was reported favorably by a vote of 11 yeas and 0 nays. Representatives James, Bryant, Fontenot, Goudeau, Jones, Marcelle, Marino, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 39 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.

Representative Marino is in the chair.

House Bill No. 524 by Representative Nelson

Representative Nelson presented House Bill No. 524, which provides for decriminalization of marijuana and regulation of marijuana for recreational use.

Representative Marino offered a substitute bill as an amendment to House Bill No. 524. 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 James, Bryant, Fontenot, Jones, Marino, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Representative James is in the chair.

Representative Goudeau offered an amendment to provide that House Bill No. 524 would become effective if and when House Bill No. 440 of the 2021 Regular Session is enacted and becomes effective. Representative Goudeau offered a motion to adopt the proposed amendment, to which Representative Nelson objected. The administrative assistant called the roll, and the motion failed to pass by a vote of 6 yeas and 6 nays. Representatives Bacala, Fontenot, Goudeau, McKnight, Seabaugh, and Villio voted yea. Representatives James, Jones, Marcelle, Marino, Muscarello, and Nelson voted nay.

Steven Kennedy, 927 Poeyfarre Street, New Orleans, LA 70130, (504) 913-2082, spoke in support of House Bill No. 524.

David Brown, Cannabis Council of Louisiana, 301 N. Main Street, Suite 2200, Baton Rouge, LA 70825, (225) 224-6845, spoke in support of House Bill No. 524.

Ryan Castellon, Louisiana Progress, 650 N. 6th Street, Baton Rouge, LA 70802, (504) 388-5393, spoke in support of House Bill No. 524.

Michael Ranatza, Louisiana Sheriffs' Association, 1175 Nicholson Drive, Baton Rouge, LA, (225) 343-8402, spoke in opposition to House Bill No. 524.

Loren M. Lampert, Louisiana District Attorneys Association, 2525 Quail Drive, Baton Rouge, LA 70808, (225) 343-0171, spoke in opposition to House Bill No. 524.

Warren Montgomery, 22nd Judicial District Attorney, 706 N. Columbia Street, Covington, LA 70433, (985) 809-8365, spoke in opposition to House Bill No. 524.

Dr. Will Hall, Louisiana Baptist Office of Public Policy, 1250 MacArthur Drive, Alexandria, LA 71309, (318) 449-4348, spoke in opposition to House Bill No. 524.

Remy V. Starns, Louisiana Public Defender Board, 301 Main Street, Suite 700, Baton Rouge, LA 70865, (225) 219-9305, spoke for information only on House Bill No. 524.

Representative Marcelle offered a motion to report House Bill No. 524 by substitute, to which Representative Fontenot objected. The administrative assistant called the roll, and House Bill No. 524 was reported by substitute by a vote of 7 yeas and 5 nays. Representatives James, Jones, Marcelle, Marino, McKnight, Muscarello, and Nelson voted yea. Representatives Bacala, Fontenot, Goudeau, Seabaugh, and Villio voted nay.

Witness cards submitted by individuals who did not speak are as follows: 22 in support, 26 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: 2 in support. Copies of these statements are included in the committee records.

House Bill No. 243 by Representative Newell

Representative Newell presented House Bill No. 243, which provides for the decriminalization of marijuana possession and distribution.

Representative James offered a motion to report House Bill No. 243 favorably, to which Representative Villio objected. The administrative assistant called the roll, and House Bill No. 243 was reported favorably by a vote of 6 yeas and 5 nays. Representatives James, Bryant, Jones, Marcelle, Marino, and Nelson voted yea. Representatives Bacala, Fontenot, Goudeau, Seabaugh, and Villio voted nay.

Witness cards submitted by individuals who did not speak are as follows: 17 in support, 30 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. Copies of these statements are included in the committee records.

House Bill No. 604 by Representative James

Representative James presented House Bill No. 604, which provides relative to expungement of records.

Vanessa Spinazola, Justice and Accountability Center, 4035 Washington Avenue, Suite 203, New Orleans, LA 70125, (504) 322-4060, spoke in support of House Bill No. 604 and provided a handout, Exhibit D, which is included in the committee records.

LaKeta Smith, Justice and Accountability Center, P.O. Box 83033, Baton Rouge, LA 70884, (225) 205-9463, spoke in support of House Bill No. 604.

Representative Bacala in the chair.

LeAnn Williams, 2005 Arts Street, New Orleans, LA 70117, (504) 516-9194, spoke in support of House Bill No. 604.

Gabrielle A. Perry, P.O. Box 5471, Covington, LA 70434, (318) 792-3117, spoke in support of House Bill No. 604.

Representative James offered amendments to remove the provisions of proposed law regarding the transmission of data confirming government-initiated expungements. Representative James offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 9 yeas and 0 nays. Representatives James, Bryant, Fontenot, Goudeau, Marcelle, McKnight, Muscarello, Seabaugh, and Villio voted yea.

Representative Villio offered amendments to change the provisions regarding fingerprinted and non-fingerprinted arrest records for felony or misdemeanor offenses. Representative Villio offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by

a vote of 12 yeas and 0 nays. Representatives James, Bacala, Bryant, Fontenot, Goudeau, Jones, Marcelle, Marino, McKnight, Muscarello, Seabaugh, and Villio voted yea.

Lessie LeBlanc-Melancon, no street address provided, Scott, LA 70583, (337) 303-3283, spoke in support of House Bill No. 604.

Jeremy Blanchard, 350 Crossing North Street, Thibodaux, LA 70301, (985) 791-7724, spoke in support of House Bill No. 604.

Doug Cain, Louisiana State Police, no address provided, (225) 922-0803, spoke for information only on House Bill No. 604.

Adrienne Aucoin, Louisiana State Police, attorney, 7979 Independence Boulevard, Suite 307, Baton Rouge, LA 70806, (225) 925-6177, spoke for information only on House Bill No. 604.

Debbie Hudnall, Louisiana Clerks of Court Association, 10202 Jefferson Highway, Building A, Baton Rouge, LA 70809, (225) 295-1162, spoke for information only on House Bill No. 604.

Representative Marcelle offered a motion to report House Bill No. 604 with amendments. Without objection, House Bill No. 604 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives James, Bacala, Bryant, Fontenot, Goudeau, Jones, Marcelle, Marino, McKnight, Muscarello, Seabaugh, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 44 in support, 2 in opposition, and 3 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: 6 in support. Copies of these statements are included in the committee records.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 12:50 p.m.

Respectfully submitted,

Chairman Edward C. "Ted" James, II
House Committee on Administration of Criminal Justice