

House Committee on Administration of Criminal Justice

Minutes of Meeting
2021 Regular Session
April 28, 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 9:06 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 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:

Jayde Daniel, clerk

III. DISCUSSION OF LEGISLATION

House Bill No. 240 by Representative Jenkins

Representative Jenkins presented House Bill No. 240, which provides relative to the issuance of certain identification to qualified retired law enforcement officers.

On behalf of Representative Jenkins, Representative James offered an amendment to specify that proposed law shall have prospective and retroactive application. Representative James 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, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Representative Bacala offered a motion to report House Bill No. 240 with amendments. Without objection, House Bill No. 240 was reported with amendments by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Bacala, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea. Representative James abstained.

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

House Bill No. 48 by Representative Miguez

Representative Miguez presented House Bill No. 48, which provides relative to the requirements for concealed handgun permit safety and training course applicants and instructors.

Barret Kendrick, Louisiana Shooting Association, 427 N. Theard St., Covington, LA 70433, (985) 892-4119, spoke in support of House Bill No. 48.

Representative Bacala offered a motion to report House Bill No. 48 favorably. Without objection, House Bill No. 48 was reported favorably by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Bacala, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea. Representative James abstained.

Witness cards submitted by individuals who did not speak are as follows: 73 in support, 2 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: 250 in support. Copies of these statements are included in the committee records.

House Bill No. 493 by Representative Pressly

Representative Pressly presented House Bill No. 493, which reduces diminution of sentence for good behavior for certain weapons violations.

Meghan Garvey, Louisiana Association of Criminal Defense Lawyers, 504 Lakeland Dr., Baton Rouge, LA 70802, (504) 343-7175, spoke in opposition to House Bill No. 493.

Representative Bacala offered a motion to report House Bill No. 493 favorably, to which Representative Marino objected. The administrative assistant called the roll, and House Bill No. 493 was reported favorably by a vote of 6 yeas, 4 nays, and 1 abstention. Representatives Bacala, Fontenot, Goudeau, McKnight, Seabaugh, and Villio voted yea. Representatives Bryant, Jones, Marcelle, and Marino voted nay. Representative James abstained.

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

House Bill No. 596 by Representative Fontenot

Representative Fontenot presented House Bill No. 596, which provides relative to the concealed carrying of firearms.

Representative Fontenot offered amendments to:

- (1) Make technical changes to the citations.
- (2) Expand the list of provisions that prohibit a person from possessing a firearm.
- (3) Specify that a Louisiana resident who meets proposed law qualifications shall not be required to possess a permit and further specify that proposed law provisions shall not affect present law reciprocity requirements.
- (4) Specify that no individual carrying a concealed handgun pursuant to proposed law may carry while under the influence of alcohol or a controlled dangerous substance.
- (5) Specify that a person carrying a concealed handgun pursuant to proposed law shall notify the police officer that he has a weapon on his person, shall submit to a pat down, and shall allow the officer to temporarily disarm him.

- (6) Require state police to provide a sixty-minute online concealed handgun education course.
- (7) Require state police to maintain a database of all licensed handgun and firearm instructors to be made available to the public.

Representative Fontenot offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 8 yeas, 0 nays, and 1 abstention. Representatives Fontenot, Goudeau, Jones, Marcelle, Marino, McKnight, Seabaugh, and Villio voted yea. Representative James abstained.

Dan Zelenka, Louisiana Shooting Association, 11 Carolina Ct., Covington, LA 70433, (504) 421-1323, spoke in support of House Bill No. 596.

Mike Weinberger, Home Defense Foundation, 114 Dahlia St., Metairie, LA 70005, (504) 265-0647, spoke in support of House Bill No. 596 and provided a book, Exhibit A, which is included in the committee records.

Barret Kendrick, Louisiana Shooting Association, 427 N. Theard St., Covington, LA 70433, (985) 892-4119, spoke in support of House Bill No. 596.

Matt Herriman, National Rifle Association, no address provided, (731) 609-6995, spoke in support of House Bill No. 596.

Joshua Barnhill, Gun Owners of America, 910 Harding St., Lafayette, LA 70503, spoke in support of House Bill No. 596.

Col. Lamar Davis, Louisiana State Police, 7919 Independence Blvd., Baton Rouge, LA 70806, spoke for information only on House Bill No. 596.

Chief Murphy Paul, Baton Rouge City Police Department, 9000 Airline Hwy., Baton Rouge, LA 70806, (225) 389-3802, spoke for information only on House Bill No. 596.

Sandy Brown, 2021 Pollard Pkwy., Baton Rouge, LA 70808, (225) 205-3762, spoke in opposition to House Bill No. 596.

Angelle Bradford, Moms Demand Action, 4821 Inniswold Rd., Baton Rouge, LA 70809, (225) 454-8319, spoke in opposition to House Bill No. 596.

Representative Bacala in the chair.

Nanette Olivier, Moms Demand Action, 5721 S. Pollard Pkwy., Baton Rouge, LA 70808, (225) 202-6368, spoke in opposition to House Bill No. 596.

Laura Devitt, 6318 Carlson Dr., New Orleans, LA 70122, (504) 259-7078, spoke in opposition to House Bill No. 596.

Karen White, Louisiana Municipal Association, 700 N. 10th St., Baton Rouge, LA 70802, (225) 344-5001, spoke in opposition to House Bill No. 596.

Kaitlyn Joshua, Faith in Action, 4821 Inniswold Rd., Baton Rouge, LA 70809, (225) 454-8321, spoke in opposition to House Bill No. 596.

Representative James in the chair.

Michael D. Victorian, 1514 Stoneleigh Dr., Baton Rouge, LA 70808, (225) 328-1669, spoke in opposition to House Bill No. 596.

Representative Bacala offered a motion to report House Bill No. 596 with amendments, to which Representative Marcelle objected. The administrative assistant called the roll, and House Bill No. 596 was reported with amendments by a vote of 8 yeas, 4 nays, and 1 abstention. Representatives Bacala, Fontenot, Goudeau, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea. Representatives Bryant, Jones, Marcelle, and Marino voted nay. Representative James abstained.

Witness cards submitted by individuals who did not speak are as follows: 75 in support, 13 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: 134 in support and 17 in opposition. Copies of these statements are included in the committee records.

House Bill No. 118 by Representative Frieman

Representative Frieman presented House Bill No. 118, which provides relative to enforcement of federal firearm laws.

On behalf of Representative Frieman, Representative James offered amendments to:

- (1) Make technical changes.
- (2) Specify that a law-abiding citizen shall not be construed to include anyone who is not legally present in the United States or Louisiana.
- (3) Provide that all federal acts, laws, executive orders, administrative orders, court rules, and regulations enacted after January 1, 2021, shall be held invalid and of no effect.

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

Dan Zelenka, Louisiana Shooting Association, 11 Carolina Ct., Covington, LA 70433, (504) 421-1323, spoke in support of House Bill No. 596.

Everett C. Baudean, Libertarian Party Louisiana, 704 S. Foster Dr., Baton Rouge, LA 70806, (225) 308-1259, spoke in support of House Bill No. 596.

Joshua Barnhill, Gun Owners of America, 910 Harding St., Lafayette, LA 70503, spoke in support of House Bill No. 596.

Keith Edwards, 13231 Crownridge Dr., Gonzales, LA 70737, (225) 933-5969, spoke in support of House Bill No. 118.

Chris Patron, Firearm Professionals of Louisiana, 28578 Roan Ln., Lacombe, LA 70445, spoke in support of House Bill No. 118.

Paul Glasco, Legally Armed America, 1750 W. Prien Lake Rd., Lake Charles, LA 70601, spoke in support of House Bill No. 118.

Karen White, Louisiana Municipal Association, 700 N. 10th St., Baton Rouge, LA 70802, (225) 344-5001, spoke in opposition to House Bill No. 118.

Angelle Bradford, Moms Demand Action, 4821 Inniswold Rd., Baton Rouge, LA 70809, (225) 454-8319, spoke in opposition to House Bill No. 118.

Lt. Jared Sandifer, Louisiana State Police, 7919 Independence Blvd., Baton Rouge, LA 70806, (225) 209-8911, spoke for information only on House Bill No. 118.

Connor Junkin, Louisiana State Police, 7919 Independence Blvd., Baton Rouge, LA 70806, (225) 922-0671, spoke for information only on House Bill No. 118.

Representative Seabaugh offered a motion to report House Bill No. 118 with amendments, to which Representative Marino objected. The administrative assistant called the roll, and House Bill No. 118 was reported with amendments by a vote of 8 yeas, 4 nays, and 1 abstention. Representatives Bacala, Fontenot, Goudeau, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea. Representatives Bryant, Jones, Marcelle, and Marino voted nay. Representative James abstained.

Witness cards submitted by individuals who did not speak are as follows: 79 in support and 14 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: 152 in support and 19 in opposition. Copies of these statements are included in the committee records.

Representative Bacala in the chair.

House Bill No. 16 by Representative McCormick

Representative McCormick presented House Bill No. 16, which provides relative to the concealed carrying of firearms.

Dr. John Lott, Jr., Crime Prevention Research Center, 106 Woodbine Pl., Missoula, MT 59803, (484) 802-5373, spoke for information only on House Bill No. 16.

Chris McNutt, National Association for Gun Rights, 1329 Apache Dr., Richardson, TX 75080, (972) 638-7314, spoke in support of House Bill No. 16.

Robert Bilderback, 560 Turkey Trail Dr., Shreveport, LA 71115, (318) 655-8748, spoke in support of House Bill No. 16.

Joshua Barnhill, Gun Owners of America, 910 Harding St., Lafayette, LA 70503, spoke in support of House Bill No. 16.

Paul Glasco, Legally Armed America TV, 1750 W. Prien Lake Rd., Lake Charles, LA 70601, (337) 515-2301, spoke in support of House Bill No. 16.

Kelvin Wells, Jr., Greater Mount Carmel Baptist Church, 2000 Brightside Dr., Baton Rouge, LA 70820, (225) 571-7492, spoke in opposition to House Bill No. 16.

Angelle Bradford, Moms Demand Action, 4821 Inniswold Rd., Baton Rouge, LA 70809, (225) 454-8319, spoke in opposition to House Bill No. 16.

Sandy Brown, 2021 Pollard Pkwy., Baton Rouge, LA 70808, (225) 205-3762, spoke in opposition to House Bill No. 16.

Nanette Olivier, Moms Demand Action, 5721 S. Pollard Pkwy., Baton Rouge, LA 70808, (225) 202-6368, spoke in opposition to House Bill No. 16.

Representative James in the chair.

Laura Devitt, 6318 Carlson Dr., New Orleans, LA 70122, (504) 259-7078, spoke in opposition to House Bill No. 16.

Fabian Blache, Louisiana Association of Chiefs of Police, 700 N. 10th St., Baton Rouge, LA 70802, (225) 387-3261, spoke for information only on House Bill No. 16.

Mike Knaps, Louisiana Association of Chiefs of Police, 700 N. 10th St., Baton Rouge, LA 70802, (225) 387-3261, spoke for information only on House Bill No. 16.

Representative Seabaugh offered a motion to report House Bill No. 16 favorably, to which Representative Marino objected. The administrative assistant called the roll, and the motion failed to pass by a vote of 4 yeas, 8 nays, and 1 abstention. Representatives Bacala, Muscarello, Nelson, and Seabaugh voted yea. Representatives Bryant, Fontenot, Goudeau, Jones, Marcelle, Marino, McKnight, and Villio voted nay. Representative James abstained.

Witness cards submitted by individuals who did not speak are as follows: 79 in support, 13 in opposition, and 5 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: 143 in support and 17 in opposition. Copies of these statements are included in the committee records.

House Bill No. 353 by Representative Landry

Representative Landry and Representative Freeman presented House Bill No. 353, which provides relative to stronger background checks for gun purchases.

On behalf of Representative Landry, Representative James offered an amendment to make technical changes. Representative James offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 8 yeas and 0 nays. Representatives James, Goudeau, Jones, Marcelle, McKnight, Muscarello, Nelson, and Villio voted yea.

Laura Devitt, 6318 Carlson Dr., New Orleans, LA 70122, (504) 259-7078, spoke in support of House Bill No. 353.

Angelle Bradford, Moms Demand Action, 4821 Inniswold Rd., Baton Rouge, LA 70809, (225) 454-8319, spoke in support of House Bill No. 353.

Everett Baudean, Firearm Professionals of Louisiana, 704 S. Foster Dr., Baton Rouge, 70806, (225) 308-1259, spoke in opposition to House Bill No. 353.

Joshua Barnhill, Gun Owners of America, 910 Harding St., Lafayette, LA 70503, spoke in opposition to House Bill No. 353.

Brannon LeBouef, Home Defense and Firearm Professionals of Louisiana, 212 Aycok St., Arabi, LA 70032, (504) 908-1081, spoke in opposition to House Bill No. 353.

Representative Marcelle offered a motion to voluntarily defer action on House Bill No. 353. Without objection, action on House Bill No. 353 was voluntarily deferred by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bryant, Goudeau, Jones, Marcelle, Marino, McKnight, Muscarello, Seabaugh, and Villio voted yea. Representative James abstained.

Witness cards submitted by individuals who did not speak are as follows: 15 in support, 79 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: 8 in support and 132 in opposition. Copies of these statements are included in the committee records.

House Bill No. 124 by Representative Hollis

On behalf of Representative Hollis, Dan Zelenka, Louisiana Shooting Association, 11 Carolina Ct., Covington, LA 70433, (504) 421-1323, presented House Bill No. 124, which provides an exception to certain offenses of illegal carrying of weapons for persons with a concealed handgun permit.

Representative James offered a motion to report House Bill No. 124 favorably. Without objection, House Bill No. 124 was reported favorably by a vote of 9 yeas and 0 nays. Representatives James, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Muscarello, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 72 in support, 6 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: 134 in support. Copies of these statements are included in the committee records.

House Bill No. 586 by Representative Magee

Representative Magee presented House Bill No. 586, which creates the Office of the State Public Defender and Justice Investment and provides for the relocation of certain court-related service providers and related funding.

On behalf of Representative Magee, Representative James offered amendments to:

- (1) Add provisions establishing a nominating committee for the nomination of three persons, one of whom is to be appointed by the governor as the state public defender.

- (2) Add qualifications for the position of state public defender.
- (3) Remove references to CASA.
- (4) Add a requirement of providing a financial report to each public defender advisory board detailing funds received and disbursed.

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, Bacala, Bryant, Goudeau, Jones, Marino, McKnight, Muscarello, and Villio voted yea.

Representative Bacala in the chair.

Derwyn Bunton, chief, Orleans Public Defenders, 2601 Tulane Ave., 7th floor, New Orleans, LA 70119, (504) 821-8101, spoke in opposition to House Bill No. 586.

Flozell Daniels, Jr., Youth Advocates, 1036 Numa St., New Orleans, LA 70114, (225) 772-7389, spoke in opposition to House Bill No. 586.

W. Ross Foote, 3420 Calumet Dr., Shreveport, LA 71107, (318) 446-7115, spoke in opposition to House Bill No. 586.

Frank Neuner, 106 Pinewoods Dr., Lafayette, LA 70508, (337) 654-4424, spoke in opposition to House Bill No. 586.

Representative James in the chair.

Chanel D. Long, public defender, Plaquemines Parish, 301 Main St., Belle Chasse, LA 70037, (504) 934-6922, spoke in opposition to House Bill No. 586.

Meghan Garvey, Louisiana Association of Criminal Defense Lawyers, 504 Lakeland Dr., Baton Rouge, LA 70802, (504) 343-7175, spoke in opposition to House Bill No. 586.

Jim Boren, 830 Main St., Baton Rouge, LA 70802, (225) 387-5786, spoke in opposition to House Bill No. 586.

Jean M. Faria, 347 Shady Lake Pkwy., Baton Rouge, LA 70810, (225) 757-0828, spoke in opposition to House Bill No. 586.

Trisha Ward, 13th JDC Evangeline Parish Public Defender's Office, 131 Oak Knoll Dr., Ville Platte, LA 70586, (225) 405-6884, spoke in opposition to House Bill No. 586.

Mary-Patricia Wray, Promise of Justice Initiative, 2360 Tulip St., Baton Rouge, LA 70806, spoke in opposition to House Bill No. 586.

John Lindner, public defender, 22nd JDC, 402 N. Jefferson Ave., Covington, LA 70433, (985) 778-6205, spoke in opposition to House Bill No. 586.

Rémy Voisin Starns, Louisiana Public Defender Board, 301 Main St., Ste. 700, Baton Rouge, LA 70825, (225) 219-9305, spoke for information only on House Bill No. 586.

Representative Jones offered a motion to report House Bill No. 586 with amendments. Without objection, House Bill No. 586 was reported with amendments by a vote of 10 yeas, 0 nays, and 1 abstention. Representatives Bacala, Fontenot, Goudeau, Jones, Marcelle, Marino, McKnight, Muscarello, Nelson, and Villio voted yea. Representative James abstained.

Witness cards submitted by individuals who did not speak are as follows: 13 in opposition and 1 for information only.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 37 in opposition. 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 2:39 p.m.

Respectfully submitted,

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