

## House Committee on Administration of Criminal Justice

Minutes of Meeting  
2021 Regular Session  
May 12, 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 9:07 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:**

Zachary Gonzalez, attorney

Madeleine Murphy, clerk  
Janet Anthony, sergeant at arms

### **III. DISCUSSION OF LEGISLATION**

#### **House Bill No. 419 by Representative Jefferson**

On behalf of Representative Jefferson, Representative James offered a motion to voluntarily defer action on House Bill No. 419, which provides relative to parole violations. Without objection, action on House Bill No. 419 was voluntarily deferred by a vote of 9 yeas and 0 nays. Representatives James, Bacala, Bryant, Goudeau, Jones, Marino, McKnight, Nelson, and Villio voted yea.

#### **House Bill No. 637 by Representative Newell**

Representative Newell presented House Bill No. 637, which provides relative to the regulation of cannabis.

Representative James offered an amendment in the form of a substitute bill for House Bill No. 637. Representative James offered a motion to adopt the substitute bill. Without objection, the motion passed by a vote of 7 yeas and 0 nays. Representatives James, Bacala, Bryant, Goudeau, Marino, Nelson, and Villio voted yea.

Representative James offered a motion to report House Bill No. 637 by substitute, to which Representative Bacala objected. The administrative assistant called the roll, and House Bill No. 637 was reported by substitute by a vote of 5 yeas and 4 nays. Representatives James, Bryant, Jones, Marino, and Nelson voted yea. Representatives Bacala, Goudeau, Muscarello, and Villio voted nay.

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

*Representative Bacala in the chair.*

#### **House Bill No. 319 by Representative Cox**

Representative Cox presented House Bill No. 319, which provides for a local option gaming election on the operation of video draw poker devices in Natchitoches Parish.

Representative Muscarello offered a motion to involuntarily defer action on House Bill No. 319, to which Representative Marcelle objected. The administrative assistant called the roll, and action on House Bill No. 319 was involuntarily deferred by a vote of 6 yeas and 5 nays. Representatives Bacala, Fontenot, Goudeau, Muscarello, Seabaugh, and Villio voted yea. Representatives Bryant, Jones, Marcelle, Marino, and Nelson voted nay.

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

### **House Bill No. 611 by Representative Jordan**

Representative Jordan presented House Bill No. 611, which prohibits the use of facial recognition data under certain circumstances.

Eric Peterson, Pelican Institute, 342 Lafayette St., Baton Rouge, LA 70501, no telephone number provided, spoke in support of House Bill No. 611.

Chris Kaiser, ACLU of Louisiana, 1340 Poydras St., New Orleans, LA 70112, (512) 740-1217, spoke for information only on House Bill No. 611.

Meghan Garvey, Louisiana Association of Criminal Defense Lawyers, 504 Lakeland Ave., Baton Rouge, LA 70802, (504) 343-7175, spoke in support of House Bill No. 611.

Loren Lampert, Louisiana District Attorneys Association, 2525 Quail Dr., Baton Rouge, LA 70808, (225) 343-0171, spoke for information only on House Bill No. 611.

Michael Ranatza, executive director, Louisiana Sheriffs' Association, 1175 Nicholson Dr., Baton Rouge, LA 70802, (225) 343-8402, spoke in opposition to House Bill No. 611.

Sgt. Bryan Lee, Louisiana State Police, 7919 Independence Blvd., Baton Rouge, LA 70806, (225) 925-4239, spoke for information only on House Bill No. 611.

Representative Marcelle offered a motion to report House Bill No. 611 favorably. After discussion, Representative Marcelle withdrew her motion to report House Bill No. 611 favorably.

On behalf of Representative Jordan, Representative Marino offered a motion to voluntarily defer action on House Bill No. 611. Without objection, action on House Bill No. 611 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Jones, Marcelle, Marino, Nelson, Seabaugh, 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.

### **House Bill No. 83 by Representative Fontenot**

Representative Fontenot presented House Bill No. 83, which provides relative to the posting of bail.

Craig Webre, sheriff, Lafourche Parish, 200 Canal Blvd., Thibodaux, LA 70301, (985) 438-4481, spoke in support of House Bill No. 83.

On behalf of Representative Fontenot, Representative Bacala offered an amendment in the form of a substitute bill for House Bill No. 83. Representative Bacala offered a motion to adopt the substitute bill. Without objection, the motion passed by a vote of 10 yeas and 0 nays. Representatives James, Bacala, Bryant, Fontenot, Jones, Marino, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Representative Muscarello offered a motion to report House Bill No. 83 by substitute. Without objection, House Bill No. 83 was reported by substitute by a vote of 10 yeas and 0 nays. Representatives James, Bacala, Bryant, Fontenot, Jones, Marino, 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.

### **House Bill No. 603 by Representative Wilford Carter**

*Representative James in the chair.*

On behalf of Representative Wilford Carter, Natalie LaBorde, Department of Public Safety and Corrections, 504 Mayflower St., Baton Rouge, LA 70802, (225) 342-9711, presented House Bill No. 603, which provides relative to post-sentence statements, documents, and procedures.

Representative James offered an amendment to change the time the Department of Public Safety and Corrections has to release the defendant from no less than 15 days to no more than 10 days. Representative James offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 7 yeas and 0 nays. Representatives James, Bryant, Jones, Marcelle, Muscarello, Seabaugh, and Villio voted yea.

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. 603.

Rebecca Ramaswamy, Promise of Justice Initiative, 1024 Elysian Fields Ave., New Orleans, LA 70117, (504) 529-5955, spoke in opposition to House Bill No. 603.

Michael Cahoon, Promise of Justice Initiative, 1024 Elysian Fields Ave., New Orleans, LA 70117, (504) 529-5955, spoke in opposition to House Bill No. 603.

Representative James offered a motion to voluntarily defer action on House Bill No. 603. Without objection, action on House Bill No. 603 was voluntarily deferred by a vote of 8 yeas and 0 nays. Representatives James, Bacala, Bryant, Goudeau, Jones, Marino, Muscarello, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 20 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: 8 in opposition. Copies of these statements are included in the committee records.

### **House Resolution No. 50 by Representative Duplessis**

On behalf of Representative Duplessis, Representative James presented House Resolution No. 50, which requests the legislative auditor to conduct an audit on the use of all forms of solitary confinement of juveniles in facilities housing juveniles.

Robin Simmons, 9124 Watchwood Dr., Haughton, LA 71037, (318) 464-0908, spoke in support of House Resolution No. 50.

Representative James offered a motion to report House Resolution No. 50 favorably. Without objection, House Resolution No. 50 was reported favorably by a vote of 7 yeas and 0 nays. Representatives James, Bacala, Goudeau, Jones, Marino, Muscarello, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 16 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 Resolution No. 51 by Representative Duplessis**

On behalf of Representative Duplessis, Representative James presented House Resolution No. 51, which provides relative to a study of compassionate release, medical treatment furlough, and medical parole requirements.

Nishi Kumar, Promise of Justice Initiative, 1024 Elysian Fields Ave., New Orleans, LA 70119, (504) 529-5955, spoke in support of House Resolution No. 51.

Helen Pope, M.D., 3113 Delachaise St., New Orleans, LA 70125, (319) 210-4190, spoke in support of House Resolution No. 51.

Marcia Glass, M.D., Tulane School of Medicine, 1302 Barracks St., New Orleans, LA 70116, (504) 214-9978, spoke in support of House Resolution No. 51.

Representative James offered an amendment to:

- (1) Add the chairman of the House Committee on Administration of Criminal Justice or his designee and the chairman of the House Committee on Health and Welfare or his designee to the commission.
- (2) Provide that the Department of Public Safety and Corrections shall staff the commission.

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, Bacala, Bryant, Jones, Marino, Muscarello, Nelson, and Villio voted yea.

Natalie LaBorde, Department of Public Safety and Corrections, 504 Mayflower St., Baton Rouge, LA 70802, (225) 342-9711, spoke for information only on House Resolution No. 51.

Representative James offered a motion to report House Resolution No. 51 with amendments. Without objection, House Resolution No. 51 was reported with amendments by a vote of 7 yeas and 0 nays. Representatives James, Bacala, Bryant, Jones, Muscarello, Nelson, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 24 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 opposition. Copies of these statements are included in the committee records.

### **House Bill No. 390 by Representative Jefferson**

On behalf of Representative Jefferson, Representative James offered a motion to voluntarily defer action on House Bill No. 390, which provides relative to post-conviction relief. Without objection, action on House Bill No. 390 was voluntarily deferred by a vote of 7 yeas and 0 nays. Representatives James, Bacala, Bryant, Jones, Muscarello, Nelson, and Villio voted yea.

### **House Bill No. 490 by Representative Duplessis**

On behalf of Representative Duplessis, Representative James offered a motion to voluntarily defer action on House Bill No. 490, which provides relative to parole eligibility for certain persons. Without objection, action on House Bill No. 490 was voluntarily deferred by a vote of 7 yeas and 0 nays. Representatives James, Bacala, Bryant, Jones, Muscarello, Nelson, and Villio voted yea.

**House Bill No. 158 by Representative Jones**

On behalf of Representative Jones, Representative James offered a motion to voluntarily defer action on House Bill No. 158, which provides relative to second degree murder. Without objection, action on House Bill No. 158 was voluntarily deferred by a vote of 7 yeas and 0 nays. Representatives James, Bacala, Bryant, Jones, Muscarello, Nelson, and Villio voted yea.

**House Resolution No. 1 by Representative Bryant**

On behalf of Representative Bryant, Representative James offered a motion to voluntarily defer action on House Resolution No. 1, which requests a study of the effects of legalizing recreational cannabis usage. Without objection, action on House Resolution No. 1 was voluntarily deferred by a vote of 7 yeas and 0 nays. Representatives James, Bacala, Bryant, Jones, Muscarello, Nelson, and Villio voted yea.

**House Bill No. 68 by Representative Landry**

Representative Landry presented House Bill No. 68, which provides relative to restricting solitary confinement.

Vanessa Spinazola, Justice and Accountability Center, 4035 Washington Ave., Suite 203, New Orleans, LA 70125, (504) 322-4050, spoke in support of House Bill No. 68.

Reverend Alexis Anderson, East Baton Rouge Parish Prison Reform and Louisiana Stop Solitary Confinement, 248 Steele Blvd. #2, Baton Rouge, LA 70806, (225) 244-9828, spoke in support of House Bill No. 68.

Consuela Gaines, Voice of the Experienced and Louisiana Stop Solitary Confinement, 110 Travis St., Ste. 140, Lafayette, LA 70503, (337) 212-5074, spoke in support of House Bill No. 68.

*Representative Marino in the chair.*

Kiana Calloway, Voice of the Experienced and Louisiana Stop Solitary Confinement, 2808 Keithway Dr., Harvey, LA 70058, (504) 256-5003, spoke in support of House Bill No. 68.

*Representative James is in the chair.*

Lessie LeBlanc-Melancon, Justice and Accountability Center and Democratic State Central Committee, no address provided, Scott, LA 70583, (337) 303-3283, spoke in support of House Bill No. 68.

Checo Yancy, Voice of the Experienced, 251 Florida St., Ste. 201, Baton Rouge, LA 70802, (225) 270-5245, spoke in support of House Bill No. 68.

Tory Rocca, Disability Rights Louisiana, 8325 Oak St., New Orleans, LA 70118, (800) 960-7705, spoke in support of House Bill No. 68.

Scott E. Peyton, Right on Crime, 859 Hicks Rd., Washington, LA 70589, (337) 412-5712, spoke in support of House Bill No. 68 and provided a handout, Exhibit A, which is included in the committee records.

Tom Castanza, Louisiana Conference of Catholic Bishops, 2431 S. Acadian Thwy., Baton Rouge, LA 70808, (504) 874-7829, spoke in support of House Bill No. 68.

Krystal Imbraguglio, Justice and Accountability Center, 4700 Herrmann St., Metairie, LA 70006, (504) 616-8965, spoke in support of House Bill No. 68.

On behalf of Representative Landry, Representative James offered a motion to voluntarily defer action on House Bill No. 68. Without objection, action on House Bill No. 68 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives James, Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, Nelson, Seabaugh, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 28 in support, 2 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: 17 in support. Copies of these statements are included in the committee records.

### **House Bill No. 344 by Representative Bryant**

Representative Bryant presented House Bill No. 344, which provides relative to a defendant's ability to pay certain fines, fees, and costs.

Janea Jamison, Power Coalition, 4930 Washington Ave., New Orleans, LA 70125, (504) 204-9669, spoke in support of House Bill No. 344.

Representative Bryant offered amendments to:

- (1) Make technical changes.
- (2) Reinstate present law regarding parishwide schedule of fines, penalties, and costs.



- (3) Provide that personal service shall be deemed satisfied when a receipt of notice is placed in the defendant's case file.
- (4) Provide the information to be contained in all traffic citations issued by traffic enforcement agencies and summons issued in lieu of arrest.
- (5) Add a sunset of five years for the effectiveness of law.

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

Terry Landry, Jr., Southern Poverty Law Center Action Fund, 201 St. Charles Ave., New Orleans, LA 70170, (504) 376-6291, spoke in support of House Bill No. 344.

Representative James temporarily deferred action on House Bill No. 344 until later in the meeting.

***Further action was taken by the committee on House Bill No. 344 at a later point in the meeting. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 344.***

#### **House Bill No. 479 by Representative Villio**

Representative Villio presented House Bill No. 479, which provides with respect to diminution of sentence and parole eligibility.

Loren Lampert, Louisiana District Attorneys Association, 2525 Quail Dr., Baton Rouge, LA 70808, (225) 343-0171, spoke in support of House Bill No. 479.

Representative Villio offered an amendment to allow the possibility of parole for persons under the age of eighteen who committed first degree murder, who have served at least twenty-five years of service, and who meet certain other conditions of present law. Representative Villio 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, Bacala, Jones, Marcelle, Marino, McKnight, Seabaugh, and Villio voted yea.

Zachary Daniels, 21<sup>st</sup> Judicial District Attorney's Office, 20300 Government Blvd., Livingston, LA 70754, (225) 435-7319, spoke in support of House Bill No. 479.

Laura J. Tomlinson, 38583 Red Bird Ln., Denham Springs, LA 70706, (318) 447-1860, spoke in support of House Bill No. 479.

Jason Roberts, 115 Dean Ln., Pollock, LA 71467, (318) 447-1840, spoke in support of House Bill No. 479.

Kathleen Barrios, East Baton Rouge District Attorney's Office, 222 St. Louis St., Baton Rouge, LA 70802, (225) 389-3400, spoke in support of House Bill No. 479.

W. Claire Harrington, 16<sup>th</sup> Judicial District Attorney's Office, 300 Iberia St., Ste. 200, New Iberia, LA 70560, (337) 369-4420, spoke in support of House Bill No. 479.

Meghan Garvey, Louisiana Association of Criminal Defense Lawyers, 504 Lakeland Ave., Baton Rouge, LA 70802, (504) 343-7175, spoke in opposition to House Bill No. 479.

Kerry Myers, Louisiana Parole Project, 257 Florida St., Baton Rouge, LA 70801, (225) 361-3176, spoke in opposition to House Bill No. 479.

Scott E. Peyton, Right on Crime, 859 Hicks Rd., Washington, LA 70589, (337) 412-5712, spoke in opposition to House Bill No. 479.

Cameron Westbrook, Americans for Prosperity, 7814 Office Park Blvd., Baton Rouge, LA 70809, (985) 503-6614, spoke in opposition to House Bill No. 479.

Katie Hunter-Lowrey, Louisiana Survivors for Reform, 1024 Elysian Fields Ave., New Orleans, LA 70117, (504) 529-5955, spoke in opposition to House Bill No. 479.

Checo Yancy, Voice of the Experienced, 251 Florida St., Ste. 201, Baton Rouge, LA 70801, (225) 270-5245, spoke in opposition to House Bill No. 479.

Judge Jules D. Edwards, III, P.O. Box 09443, Lafayette, LA 70509, (337) 541-1295, spoke for information only on House Bill No. 479.

Representative Bacala offered a motion to report House Bill No. 479 with amendments, to which Representative Marino objected. The administrative assistant called the roll, and House Bill No. 479 was reported with amendments by a vote of 7 yeas, 3 nays, and 1 abstention. Representatives Bacala, Fontenot, Goudeau, McKnight, Muscarello, Seabaugh, and Villio voted yea. Representatives Marcelle, Marino, and Nelson voted nay. Representative James abstained.

Witness cards submitted by individuals who did not speak are as follows: 9 in support, 23 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 38 in opposition. Copies of these statements are included in the committee records.

**House Bill No. 344 by Representative Bryant**

*This is a continuation of the discussion on House Bill No. 344 from earlier in the meeting. Please check for the prior action to complete the record of discussion and motions on House Bill No. 344.*

Representative Bryant continued the presentation of House Bill No. 344, which provides relative to a defendant's ability to pay certain fines, fees, and costs.

Representative Bryant offered amendments to only retain Art. 211(E) of the original bill and retain previously adopted amendments no. 7, 8, and 9, with some modifications as follows:

- (1) Relative to a person's failure to appear before the court, to provide instead that the defendant shall appear in court.
- (2) Provide that personal service shall be deemed complete when a receipt of notice is placed in the defendant's case file.
- (3) Change the sunset date to August 1, 2026.

Representative Bryant offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 7 yeas and 0 nays. Representatives James, Bryant, Fontenot, Goudeau, McKnight, Nelson, and Seabaugh voted yea.

Karen White, Louisiana Municipal Association, 700 North 10<sup>th</sup> Street, Baton Rouge, LA 70802, (225) 384-5001, spoke in opposition to House Bill No. 344.

Bill Whiteside, clerk of court, Shreveport City Court, 1244 Texas Avenue, Shreveport, LA 71101, (318) 673-5820, spoke in opposition to House Bill No. 344.

Carl Richard, Louisiana City Marshals Association, 1244 Texas Avenue, Shreveport, LA 71101, (318) 426-5393, spoke in opposition to House Bill No. 344.

Representative Seabaugh offered a motion to involuntarily defer action on House Bill No. 344. Representative Seabaugh withdrew his motion.

Joe Shumate, Denham Springs city marshal, 116 N. Range Avenue, Denham Springs, LA 70726, (225) 933-0964, spoke in opposition to House Bill No. 344.

Representative Bryant offered a motion to voluntarily defer action on House Bill No. 344. Without objection, action on House Bill No. 344 was voluntarily deferred by a vote of 11 yeas and 0 nays.

Representatives James, Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Nelson, Seabaugh, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 13 in support, 9 in opposition, and 4 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. Copies of these statements are included in the committee records.

#### **House Bill No. 308 by Representative Bryant**

Representative Bryant offered a motion to voluntarily defer action on House Bill No. 308, which provides relative to criminal procedure. Without objection, action on House Bill No. 308 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives James, Bacala, Bryant, Fontenot, Goudeau, Jones, Marino, McKnight, Nelson, Seabaugh, and Villio voted yea.

#### **IV. OTHER BUSINESS**

There was no other business.

#### **V. ANNOUNCEMENTS**

There were no announcements.

#### **VI. ADJOURNMENT**

The meeting was adjourned at 1:45 p.m.

Respectfully submitted,

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