

House Committee on Administration of Criminal Justice

Minutes of Meeting
2021 Regular Session
May 19, 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 9:04 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 Marcus Anthony Bryant
Representative Bryan Fontenot
Representative Jonathan Goudeau, I
Representative Frederick Douglass Jones
Representative C. Denise Marcelle
Representative Joseph A. Marino, III
Representative Nicholas Muscarello, Jr.
Representative Richard James Nelson
Representative Alan Seabaugh
Representative Debbie Villio

MEMBERS ABSENT:

Representative Tony Bacala, vice chairman
Representative Scott McKnight

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

Angela McKnight, sergeant at arms
Janet Anthony, sergeant at arms

Madeleine Murphy, clerk
Jayde Daniel, clerk

III. DISCUSSION OF LEGISLATION

Senate Bill No. 139 by Senator Harris

On behalf of Senator Harris, Representative James offered a motion to voluntarily defer action on Senate Bill No. 139. Without objection, action on Senate Bill No. 139 was voluntarily deferred by a vote of 7 yeas and 0 nays. Representatives James, Bryant, Fontenot, Goudeau, Jones, Marino, and Villio voted yea.

Senate Bill No. 140 by Senator Harris

On behalf of Senator Harris, Representative James offered a motion to voluntarily defer action on Senate Bill No. 140. Without objection, action on Senate Bill No. 140 was voluntarily deferred by a vote of 7 yeas and 0 nays. Representatives James, Bryant, Fontenot, Goudeau, Jones, Marino, and Villio voted yea.

Senate Bill No. 145 by Senator Ward

Senator Ward presented Senate Bill No. 145, which provides relative to mandatory drug testing, screening, and assessment for drug and specialty court participation for certain offenders.

Representative James offered a motion to report Senate Bill No. 145 favorably. Without objection, Senate Bill No. 145 was reported favorably by a vote of 9 yeas and 0 nays. Representatives James, Bryant, Fontenot, Goudeau, Jones, Marino, Muscarello, Nelson, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 4 in support and 1 for information only. Witness cards are included in the committee records.

Senate Bill No. 132 by Senator Bouie

Senator Bouie presented Senate Bill No. 132, which provides relative to analysis of the DNA sample collected following an arrest for certain offenses.

Lt. Dustin Guidroz, Louisiana State Police, 7919 Independence Blvd., Baton Rouge, LA 70806, (225) 354-6335, spoke for information only on Senate Bill No. 132.

Representative James offered a motion to report Senate Bill No. 132 favorably. Without objection, Senate Bill No. 132 was reported favorably by a vote of 10 yeas and 0 nays. Representatives James, Bryant, Fontenot, Goudeau, Jones, Marcelle, Marino, Muscarello, Nelson, and Villio 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.

Senate Bill No. 57 by Senator Womack

Senator Womack presented Senate Bill No. 57, which provides for the functions of the jury commission in Franklin Parish.

Representative James offered a motion to report Senate Bill No. 57 favorably. Without objection, Senate Bill No. 57 was reported favorably by a vote of 10 yeas and 0 nays. Representatives James, Bryant, Fontenot, Goudeau, Jones, Marcelle, Marino, Muscarello, Nelson, and Villio voted yea.

House Concurrent Resolution No. 85 by Representative Landry

Representative Landry presented House Concurrent Resolution No. 85, which requests a study of policies relative to certain health issues of women prisoners.

Frankie Robertson, March of Dimes, 11960 Bricksome Ave., Baton Rouge, LA 70816, (225) 295-0655, spoke in support of House Concurrent Resolution No. 85.

Representative James offered a motion to report House Concurrent Resolution No. 85 favorably. Without objection, House Concurrent Resolution No. 85 was reported favorably by a vote of 9 yeas and 0 nays. Representatives James, Fontenot, Goudeau, Jones, Marcelle, Marino, Muscarello, Nelson, and Villio voted yea.

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

Senate Bill No. 107 by Senator Boudreaux

On behalf of Senator Boudreaux, Pete Martinez, GW Pharmaceuticals, 1155 Aberdeen Ave., Baton Rouge, LA 70808, (225) 252-5352, presented Senate Bill No. 107, which provides relative to the composition of the controlled dangerous substances schedules.

Jason Neerman, GW Pharmaceuticals, 168 Stone Lake Dr., Woodway, TX 76712, (512) 650-5922, spoke in support of Senate Bill No. 107.

Representative Jones offered a motion to report Senate Bill No. 107 favorably. Without objection, Senate Bill No. 107 was reported favorably by a vote of 9 yeas and 0 nays. Representatives James, Bryant, Fontenot, Goudeau, Jones, Marcelle, Marino, Nelson, and Villio voted yea.

Senate Bill No. 168 by Senator Fred Mills

On behalf of Senator Fred Mills, Malcolm Broussard, Board of Pharmacy, 3388 Brentwood Dr., Baton Rouge, LA 70809, (225) 925-6481, presented Senate Bill No. 168, which provides relative to controlled dangerous substances.

Representative James offered a motion to report Senate Bill No. 168 favorably. Without objection, Senate Bill No. 168 was reported favorably by a vote of 9 yeas and 0 nays. Representatives James, Bryant, Fontenot, Goudeau, Jones, Marcelle, Marino, 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. 144 by Senator Tarver

On behalf of Senator Tarver, Eric Sunstrom, Humane Society, P.O. Box 82901, Baton Rouge, LA 70898, (225) 757-9908, presented Senate Bill No. 144, which creates the crime of unlawful possession, transfer, or manufacture of animal fighting paraphernalia.

Representative James offered a motion to report Senate Bill No. 144 favorably. Without objection, Senate Bill No. 144 was reported favorably by a vote of 9 yeas and 0 nays. Representatives James, Bryant, Fontenot, Goudeau, Jones, Marcelle, Marino, Nelson, and Villio voted yea.

Senate Bill No. 186 by Senator Smith

On behalf of Senator Smith, Representative Bryant presented Senate Bill No. 186, which provides for post-conviction relief with regard to successful "actual innocence" claims.

Jee Park, Innocence Project of New Orleans, 4051 Ulloa St., New Orleans, LA 70119, (504) 943-1902, spoke in support of Senate Bill No. 186.

Darren Allemand, Jefferson Parish District Attorney's Office, 200 Derbigny St., Gretna, LA 70053, (504) 361-2629, spoke in support of Senate Bill No. 186.

Representative Marcelle offered a motion to report Senate Bill No. 186 favorably. Without objection, Senate Bill No. 186 was reported favorably by a vote of 9 yeas and 0 nays. Representatives James, Bryant, Fontenot, Goudeau, Jones, Marcelle, Marino, Nelson, 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.

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.

Senate Bill No. 69 by Senator Mizell

On behalf of Senator Mizell, Representative James offered a motion to voluntarily defer action on Senate Bill No. 69. Without objection, action on Senate Bill No. 69 was voluntarily deferred by a vote of 9 yeas and 0 nays. Representatives James, Bryant, Fontenot, Goudeau, Jones, Marcelle, Marino, Nelson, and Villio voted yea.

House Bill No. 158 by Representative Jones

Representative Jones presented House Bill No. 158, which provides relative to second degree murder.

Representative Jones offered amendments to:

- (1) Make technical changes to the citations.
- (2) Specify that second degree murder occurs when the offender unlawfully distributes or dispenses fentanyl or carfentanil or a mixture or substance containing a detectable amount of either or of its analogues.
- (3) Specify that manslaughter occurs when the offender unlawfully distributes or dispenses a controlled dangerous substance listed in Schedules I through V of the Uniform Controlled Dangerous Substances Law or any combination thereof, except for fentanyl or carfentanil.
- (4) Specify that proposed law has prospective application only.

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 James, Bryant, Fontenot, Goudeau, Jones, Marcelle, Marino, Nelson, and Villio voted yea.

Representative Marcelle offered a motion to report House Bill No. 158 with amendments. Without objection, House Bill No. 158 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives James, Bryant, Fontenot, Goudeau, Jones, Marcelle, Marino, Nelson, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 8 in support and 1 for information only. Witness cards are included in the committee records.

House Resolution No. 1 by Representative Bryant

Representative Bryant presented House Resolution No. 1, which requests a study of the effects of legalizing recreational cannabis usage.

Representative Bryant offered amendments to:

- (1) Rephrase the statement of intent of the legislature.
- (2) Add elements for consideration by the legislature when conducting the study.
- (3) Specify the time for submission of the report.
- (4) Specify the organizations with which the committee or subcommittee is to work.
- (5) Specify that House employees are to staff the committee or subcommittee.

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

Representative Nelson offered an amendment to change the number of states that have currently legalized the possession of cannabis from 14 to 17. Representative Nelson 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, Bryant, Fontenot, Goudeau, Marcelle, Marino, Nelson, and Villio voted yea.

Michael Ranatza, Louisiana Sheriffs' Association, 1175 Nicholson Dr., Baton Rouge, LA 70802, (225) 343-8402, spoke in support of House Resolution No. 1.

Michael Knaps, Louisiana Chiefs of Police, 700 N. 10th St., Baton Rouge, LA 70802, (225) 317-1021, spoke in support of House Resolution No. 1.

Representative Fontenot offered a motion to report House Resolution No. 1 with amendments. Without objection, House Resolution No. 1 was reported with amendments by a vote of 8 yeas and 0 nays. Representatives James, Bryant, Fontenot, Goudeau, Marcelle, Marino, Nelson, 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.

Senate Bill No. 118 by Senator Morris

Senator Morris presented Senate Bill No. 118, which provides relative to the concealed carrying of firearms.

Representative Fontenot offered amendments to:

- (1) Make technical changes to the citations and title.
- (2) 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.
- (3) Require state police to provide a sixty-minute online concealed handgun education course.
- (4) Require state police to maintain an online 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 10 yeas and 0 nays. Representatives James, Bryant, Fontenot, Goudeau, Marcelle, Marino, Muscarello, Nelson, Seabaugh, and Villio voted yea.

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

Angelle Bradford, Moms Demand Action, 4821 Inniswold Rd., Baton Rouge, LA 70809, (225) 454-8379, spoke in opposition to Senate Bill No. 118.

Michael Knaps, Louisiana Association of Chiefs of Police, 700 N. 10th St., Baton Rouge, LA 70802, (225) 317-1021, spoke in opposition to Senate Bill No. 118.

Nanette Olivier, 5721 S. Pollard Pkwy., Baton Rouge, LA 70808, (225) 202-6368, spoke in opposition to Senate Bill No. 118.

Dan Krutz, Louisiana Interchurch Conference, 527 North Blvd., Baton Rouge, LA 70802, (225) 939-0349, spoke in opposition to Senate Bill No. 118.

Tom Costanza, Louisiana Conference of Catholic Bishops, 2431 S. Acadian Thwy., Baton Rouge, LA 70808, (504) 874-7829, spoke in opposition to Senate Bill No. 118.

Peter Robins-Brown, Louisiana Progress Action, 650 N. 6th St., Baton Rouge, LA 70802, (504) 256-8196, spoke in opposition to Senate Bill No. 118.

Representative Fontenot offered a motion to report Senate Bill No. 118 with amendments, to which Representative Marcelle objected. The administrative assistant called the roll, and Senate Bill No. 118 was reported with amendments by a vote of 6 yeas and 4 nays. Representatives Fontenot, Goudeau, Muscarello, Nelson, Seabaugh, and Villio voted yea. Representatives James, Bryant, Marcelle, and Marino voted nay.

Witness cards submitted by individuals who did not speak are as follows: 5 in support, 7 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: 136 in support and 42 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 10:08 a.m.

Respectfully submitted,

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