

House Committee on Administration of Criminal Justice

Minutes of Meeting
2021 Regular Session
May 25, 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 10:05 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 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 Debbie Villio

MEMBERS ABSENT:

Representative Bryan Fontenot
Representative Alan Seabaugh

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

Zachary Gonzalez, attorney
Janet Anthony, sergeant at arms

Angela McKnight, sergeant at arms
Madeleine Murphy, clerk
Jayde Daniel, clerk

III. DISCUSSION OF LEGISLATION

Senate Bill No. 247 by Senator Cortez

Senator Cortez and Senator Ward presented Senate Bill No. 247, which provides relative to the regulation of sports wagering. Senator Cortez provided a handout, Exhibit A, which is included in the committee records.

On behalf of Senator Cortez, Representative James offered amendments to:

- (1) Make technical changes.
- (2) Require that any contract between the licensee and its sports wagering platform provider shall include provisions that allow the board and the division access to any information maintained by the platform provider.
- (3) Require all servers responsible for processing sports wagers to be located in this state while allowing any other servers used in connection with sports wagering to be located outside of the state.
- (4) Clarify provisions relative to mobile wagering.
- (5) Allow a sports wagering account with an operator to be created in person or remotely.
- (6) Clarify that the five million in eligible promotional play is capped per licensee.
- (7) Specify that if the licensee chooses to pool its sports wagering with other licensees, then the five million cap applies to the pool.
- (8) Limit a licensee to one platform each calendar year on which to claim promotional play.

Representative James 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, Bacala, Bryant, Goudeau, Jones, Marcelle, Marino, and Muscarello voted yea.

Representative James offered a motion to report Senate Bill No. 247 with amendments. Without objection, Senate Bill No. 247 was reported with amendments by a vote of 8 yeas and 0 nays.

Representatives James, Bacala, Bryant, Goudeau, Jones, Marcelle, Marino, and Muscarello voted yea.

Witness cards submitted by individuals who did not speak are as follows: 9 in support and 2 in opposition. Witness cards are included in the committee records.

Senate Bill No. 140 by Senator Harris

Senator Harris presented Senate Bill No. 140, which provides relative to the crime of obstruction of justice penalties.

Loren M. Lampert, Louisiana District Attorneys Association, 2525 Quail Dr., Baton Rouge, LA 70808, (225) 343-0171, spoke in support of Senate Bill No. 140.

Representative Marcelle offered a motion to report Senate Bill No. 140 favorably. Without objection, Senate Bill No. 140 was reported favorably by a vote of 8 yeas and 0 nays. Representatives James, Bacala, Bryant, Goudeau, Jones, Marcelle, Marino, and Muscarello 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.

Senate Bill No. 139 by Senator Harris

Senator Harris presented Senate Bill No. 139, which provides relative to sentencing when a defendant possessed, used, or discharged a firearm in the commission of certain offenses.

Rafael Goyeneche, Metropolitan Crime Commission, 1615 Poydras St., Ste. 1060, New Orleans, LA 70112, (504) 524-3148, spoke in support of Senate Bill No. 139.

Rachel Gassert, Louisiana Center for Children's Rights, 1100-B Milton St., New Orleans, LA 70122, (504) 323-5117, spoke in opposition to Senate Bill No. 139.

Representative Bacala offered a motion to report Senate Bill No. 139 favorably. Without objection, Senate Bill No. 139 was reported favorably by a vote of 10 yeas and 0 nays. Representatives James, Bacala, Bryant, Goudeau, Jones, Marcelle, Marino, Muscarello, Nelson, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 6 in support and 24 in opposition. Witness cards are included in the committee records.

House Concurrent Resolution No. 89 by Representative Marcelle

Representative Marcelle presented House Concurrent Resolution No. 89, which requests a study of the health and safety conditions of Louisiana prisons and jails.

Will Harrell, Voice of the Experienced, 4930 Washington Ave., New Orleans, LA 70125, (504) 510-1007, spoke in support of House Concurrent Resolution No. 89.

Representative Marcelle offered amendments to:

- (1) Remove Voice of the Experienced, Loyola University College of Law, and Louisiana Stop Solitary Confinement Coalition and request that the study be conducted by the Department of Public Safety and Corrections and the Louisiana Sheriffs' Association.
- (2) Change the deadline to report findings to the legislature from February 1, 2022, to September 1, 2022.
- (3) Rephrase the statements supporting the study request.

Representative Marcelle 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, Marcelle, Muscarello, Nelson, and Villio voted yea.

Representative Marcelle offered a motion to report House Concurrent Resolution No. 89 with amendments. Without objection, House Concurrent Resolution No. 89 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives James, Bacala, Bryant, Goudeau, Jones, Marcelle, Muscarello, Nelson, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 32 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 Concurrent Resolution No. 95 by Representative Thomas

On behalf of Representative Thomas, Representative James presented House Concurrent Resolution No. 95, which requests the Louisiana State Law Institute to examine the laws relative to motor vehicle accidents.

Representative James offered a motion to report House Concurrent Resolution No. 95 favorably. Without objection, House Concurrent Resolution No. 95 was reported favorably by a vote of 9 yeas and 0 nays. Representatives James, Bacala, Bryant, Goudeau, Jones, Marcelle, Muscarello, Nelson, and Villio voted yea.

House Concurrent Resolution No. 101 by Representative James

Representative James presented House Concurrent Resolution No. 101, which creates a commission to study the procedures for processing felony sentences and calculating incarceration release dates of persons in the custody of the Department of Public Safety and Corrections.

Representative James offered a motion to report House Concurrent Resolution No. 101 favorably. Without objection, House Concurrent Resolution No. 101 was reported favorably by a vote of 8 yeas and 0 nays. Representatives James, Bacala, Bryant, Jones, Marcelle, Muscarello, Nelson, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 25 in support. Witness cards are included in the committee records.

House Concurrent Resolution No. 97 by Representative Jones

Representative Jones presented House Concurrent Resolution No. 97, which requests a study of case law and best practices to better understand other approaches to parole.

Representative Jones offered an amendment to add the Louisiana District Attorneys Association as an additional stakeholder who may provide information to the groups conducting the study. Representative Jones 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, Marcelle, McKnight, Nelson, and Villio voted yea.

Representative Bacala offered a motion to report House Concurrent Resolution No. 97 with amendments. Without objection, House Concurrent Resolution No. 97 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives James, Bacala, Bryant, Goudeau, Jones, Marcelle, McKnight, Nelson, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 28 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 Concurrent Resolution No. 45 by Senator McMath

On behalf of Senator McMath, Representative James presented Senate Concurrent Resolution No. 45, which creates the Survivor Informed Task Force.

Representative James offered a motion to report Senate Concurrent Resolution No. 45 favorably. Without objection, Senate Concurrent Resolution No. 45 was reported favorably by a vote of 9 yeas and 0 nays. Representatives James, Bacala, Bryant, Goudeau, Jones, Marcelle, McKnight, Nelson, and Villio 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.

Senate Bill No. 69 by Senator Mizell

Senator Mizell presented Senate Bill No. 69, which creates the crime of aggravated distribution of a controlled dangerous substance.

On behalf of Senator Mizell, Representative James offered amendments to:

- (1) Changes the maximum sentence from forty years to twenty years and retains the fine of not more than fifty thousand dollars.
- (2) Specifies that when an offender distributes fentanyl or carfentanil, which is the direct cause of bodily injury or death, the offender shall be imprisoned not less than five years, but no more than forty years, and not be fined more than fifty thousand dollars.
- (3) Provides immunity for individuals seeking medical assistance for another individual that has overdosed.

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, Nelson, and Villio voted yea.

Warren Montgomery, 22nd JDC District Attorney's Office, 701 N Columbia St # 2, Covington, LA 70433, spoke in support of Senate Bill No. 69.

Representative Marino offered an amendment to remove the cross-reference to the definition of "serious bodily injury" as provided by R.S. 14:2(C).

Loren Lampert, Louisiana District Attorneys Association, 2525 Quail Dr., Baton Rouge, LA 70808, (225) 343-0171, spoke in support of Senate Bill No. 69.

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

Representative Bacala in the chair.

Meghan Garvey, Louisiana Association of Criminal Defense Lawyers, 504 Lakeland Dr., Baton Rouge, LA 70802, (504) 343-7175, spoke in opposition to Senate Bill No. 69.

Katie Hunter-Lowrey, Louisiana Survivors for Reform, 1024 Elysian Fields Ave., New Orleans, LA 70117, (504) 529-5955, spoke in opposition to Senate Bill No. 69.

Representative James in the chair.

Kelly Garrett, Voice of the Experienced, 110 Travis St. #110, Lafayette, LA 70503, (337) 414-9172, spoke in opposition to Senate Bill No. 69.

Will Harrell, Voice of the Experienced, 4930 Washington Ave., New Orleans, LA 70125, (504) 510-1007, spoke in opposition to Senate Bill No. 69.

Michael Cahoon, The Promise of Justice Initiative, 1024 Elysian Fields Ave., New Orleans, LA 70117, (504) 529-5955, spoke in opposition to Senate Bill No. 69.

Representative Villio offered a motion to report Senate Bill No. 69 with amendments, to which Representative Bryant objected. The administrative assistant called the roll, and the motion failed to pass by a vote of 5 yeas and 5 nays. Representatives Bacala, Goudeau, Muscarello, Nelson, and Villio voted yea. Representatives James, Bryant, Jones, Marcelle, and Marino voted nay.

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 10 yeas and 0 nays. Representatives James, Bacala, Bryant, Goudeau, Jones, Marcelle, Marino, Muscarello, Nelson, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 in support and 26 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: 24 in opposition. Copies of these statements are included in the committee records.

Further action was taken by the committee on House Bill No. 69 at a meeting held on June 2, 2021. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 69.

House Bill No. 288 by Representative Magee

On behalf of Representative Magee, Representative Marino presented House Bill No. 288, which provides relative to the effective date of certain provisions regarding the financial obligations of criminal offenders.

Representative Marcelle offered a motion to report House Bill No. 288 favorably. Without objection, House Bill No. 288 was reported favorably by a vote of 8 yeas and 0 nays. Representatives James, Goudeau, Jones, Marcelle, Marino, Muscarello, Nelson, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 in support, 25 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: 9 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 12:05 p.m.

Respectfully submitted,

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