

## **House Committee on Judiciary**

Minutes of Meeting  
2021 Regular Session  
May 6, 2021

### **I. CALL TO ORDER**

Representative Randal L. Gaines, chairman of the House Committee on Judiciary, called the meeting to order at 9:04 a.m. in Room 1, in the state capitol in Baton Rouge, Louisiana.

### **II. ROLL CALL**

#### **MEMBERS PRESENT:**

Representative Randal L. Gaines, chairman  
Representative Kathy Edmonston  
Representative Jason Hughes  
Representative Michael T. Johnson  
Representative Frederick Douglass Jones  
Representative Edmond Jordan  
Representative Mandie Landry  
Representative Sherman Q. Mack, vice chairman  
Representative Joseph A. Marino, III  
Representative Nicholas Muscarello, Jr.  
Representative Joseph A. Orgeron  
Representative Charles Anthony Owen  
Representative Alan Seabaugh

#### **MEMBERS ABSENT:**

Representative Robby Carter  
Representative Thomas A. Pressly

#### **STAFF MEMBERS PRESENT:**

Claire Stevenson, attorney  
Zachary Gonzalez, attorney  
Diane Merritt, committee administrative assistant

#### **ADDITIONAL ATTENDEES PRESENT:**

Robert Singletary, legal division director

Megan Sanders, committee administrative assistant  
Jayde Daniel, clerk  
Myrtis Jarrell, sergeant at arms

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

#### **House Concurrent Resolution No. 1 by Representative Coussan**

Representative Coussan presented House Concurrent Resolution No. 1, which requests each member of the Louisiana congressional delegation, certain state agencies, and private companies to expand the Department of Defense SkillBridge program to include reserve members of the National Guard.

Andrew Ward, Acadiana Veteran Alliance, 206 Hiddenwood Dr., Lafayette, LA 70508, (337) 322-0975, testified in support of House Concurrent Resolution No. 1.

Ben Armstrong, NextOp Veterans, 744 Magnolia Ridge Dr. W., Mandeville, LA 70448, (504) 298-8020, testified in support of House Concurrent Resolution No. 1.

Eric Huff, Hire Military, 305 Shadow Creek Ave., Pineville, LA 71360, (318) 450-2995, testified in support of House Concurrent Resolution No. 1.

Chris Deguelle, DHS/FEMA for Louisiana, GOHSEP, 125 Timberland Ridge Blvd., Lafayette, LA 70507, (202) 717-7686, testified in support of House Concurrent Resolution No. 1.

Representative Cox, District 23, testified in support House Concurrent Resolution No. 1.

Representative Hughes offered a motion to report House Concurrent Resolution No. 1 favorably. Without objection, House Concurrent Resolution No. 1 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Gaines, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 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: 5 in support. Copies of these statements are included in the committee records.

#### **House Bill No. 215 by Representative Cox**

Representative Cox presented House Bill No. 215, which provides relative to fees for services by constables and marshals.

Joe Shumate, Louisiana Marshals Association, 116 N. Range Ave., Denham Springs, LA 70726, (225) 933-0964, testified in support of House Bill No. 215.

On behalf of the author, Representative Mack offered an amendment to repeal R.S. 13:5807(A)(15)(b). Representative Mack offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 12 yeas and 0 nays. Representatives Gaines, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

Representative Muscarello stated that he is a member of the judicial council and that the fee change has judicial council approval.

Representative Hughes offered a motion to report House Bill No. 215 with amendments. Without objection, House Bill No. 215 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Gaines, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, Orgeron, Charles Owen, and Seabaugh 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.

### **House Bill No. 163 by Representative Brass**

*(This is a continuation of the discussion on House Bill No. 163 from a meeting held on April 29, 2021. Please check for the prior action to complete the record of discussion and motions on House Bill No. 163.)*

Representative Brass presented House Bill No. 163, which provides relative to the creation of a retirement fund for retired sheriffs and deputy sheriffs of St. James Parish.

On behalf of the author, Representative Gaines offered an amendment to increase the monies deposited into the St. James Parish Retired Employees Insurance Fund from \$2 million to \$4 million. Representative Gaines offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 12 yeas and 0 nays. Representatives Gaines, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

Sheriff Willie J. Martin, St. James Parish, P.O. Box 83, Convent, LA 70723, (225) 562-2200, testified in support of House Bill No. 163.

Gary Bennett, assistant executive director, Louisiana Sheriffs' Association, 1175 Nicholson Dr., Baton Rouge, LA 70802, (225) 343-8402, testified in support of House Bill No. 163.

Representative Jones offered a motion to report House Bill No. 163 with amendments. Without objection, House Bill No. 163 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Gaines, Hughes, Mike Johnson, Jones, Jordan, Mack, Marino, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

#### **House Bill No. 17 by Representative Nelson**

Representative Nelson presented House Bill No. 17, which provides relative to the state motto. He stated that the proposed bill would change the motto of the state to "We Live And Die For Those We Love".

Representative Seabaugh offered a motion to report House Bill No. 17 favorably, to which Representative Mike Johnson objected. The administrative assistant called the roll, and House Bill No. 17 was reported favorably by a vote of 10 yeas and 2 nays. Representatives Gaines, Hughes, Jones, Jordan, Mack, Marino, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea. Representatives Mike Johnson and Landry voted nay.

#### **House Concurrent Resolution No. 59 by Representative Magee**

Representative Magee presented House Concurrent Resolution No. 59, which urges the Louisiana Supreme Court to approve CLE credit for full-time legislative staff attorneys.

*Representative Mack in chair.*

Representative Marino offered a motion to report House Concurrent Resolution No. 59 favorably. Without objection, House Concurrent Resolution No. 59 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Mike Johnson, Jones, Jordan, Mack, Marino, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

#### **House Bill No. 396 by Representative Turner**

Representative Turner presented House Bill No. 396, which provides relative to fees for services by constables and marshals.

Representative Muscarello stated that he is a member of the judicial council and that the proposed change in fees was not presented to the judicial council for approval.

Representative Mike Johnson offered a motion to report House Bill No. 396 favorably. Without objection, House Bill No. 396 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Mike Johnson, Jones, Jordan, Mack, Marino, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

**House Bill No. 348 by Representative DuBuisson**

Representative DuBuisson presented House Bill No. 348, which provides relative to the procedures for sheriff's sales of property.

Gary Bennett, assistant executive director, Louisiana Sheriffs' Association, 1175 Nicholson Dr., Baton Rouge, LA 70802, (225) 343-8402, testified in support of House Bill No. 348.

Lauren Hudson, St. Tammany Parish Sheriff's Office, 701 N. Columbia St., Covington, LA 70433, (985) 809-8257, testified in support of House Bill No. 348.

Representative Charles Owen offered a motion to report House Bill No. 348 favorably. Without objection, House Bill No. 348 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, Orgeron, and Charles Owen 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.

**House Bill No. 101 by Representative DuBuisson**

Representative DuBuisson presented House Bill No. 101, which provides relative to the coroner of St. Tammany Parish.

On behalf of the author, Representative Mack offered amendments to:

- (1) Make technical changes.
- (2) Designate the sheriff of St. Tammany Parish as tax collector of all tax revenues collected from ad valorem taxes.
- (3) Set a date for which the tax proceeds are to be advanced to the coroner.
- (4) Establish payments of any present or future bond or debt obligations issued and secured by St. Tammany Parish.
- (5) Provide for cooperative endeavor agreements between the coroner and St. Tammany Parish.
- (6) Provide for the coroner's salary.
- (7) Specify the applicability of the Louisiana Bid and Procurement Laws and provide separate citations.

- (8) Require the coroner to submit an annual report to the St. Tammany Parish governing authority.

Representative Mack offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, Orgeron, and Charles Owen voted yea.

Dr. Chuck Preston, St. Tammany Parish Coroner, 65278 Hwy. 434, Lacombe, LA 70445, (985) 843-0168, testified in support of House Bill No. 101.

William "Chuck" Credo, III, St. Tammany Parish Coroner's Office, 1900 Division Rd., Metairie, LA 70001, (504) 382-0423, testified in support of House Bill No. 101.

Representative Hughes offered a motion to report House Bill No. 101 with amendments. Without objection, House Bill No. 101 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, Orgeron, and Charles Owen voted yea.

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

#### **House Bill No. 392 by Representative McMahan**

Representative McMahan presented House Bill No. 392, which provides relative to the criminal court fund in DeSoto Parish.

Charles B. Adams, 42<sup>nd</sup> Judicial District Attorney, P.O. Box 432, Mansfield, LA 71052, (318) 872-2991, testified in support of House Bill No. 392.

Representative Seabaugh offered a motion to report House Bill No. 392 favorably. Without objection, House Bill No. 392 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

#### **House Bill No. 216 by Representative Duplessis**

Representative Duplessis presented House Bill No. 216, which provides relative to the imposition of court costs in proceedings involving children.

On behalf of the author, Representative Mack offered amendments to:

- (1) Make technical changes.
- (2) Specify no taxes and costs be assessed in a juvenile delinquency proceeding.
- (3) Remove proposed law changes to Children's Code Article 405(G) relative to imposing fees against the child.
- (4) Reinsert present law (Children's Code Article 793.4).
- (5) Specify applicability of proposed law to persons under 18 years of age.
- (6) Prohibit taxes from being levied against any child.
- (7) Provide an exception from proposed law for matters involving traffic violations or child support.

Representative Mack offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

Representative Hughes offered a motion to report House Bill No. 216 with amendments. Without objection, House Bill No. 216 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 12 in support and 3 for information only. Witness cards are included in the committee records.

### **House Bill No. 351 by Representative Pierre**

On behalf of the author, Representative Magee presented House Bill No. 351, which designates the song "Southern Nights" by Allen Toussaint as the official state cultural song.

Terrance Simien, musician, 132 Vivian Dr., Lafayette, LA 70508, (337) 837-9997, testified in support of House Bill No. 351.

Representative Hughes offered a motion to report House Bill No. 351 favorably. Without objection, House Bill No. 351 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, Orgeron, and Charles Owen voted yea.

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

### **House Bill No. 507 by Representative Crews**

Representative Crews presented House Bill No. 507, which provides for electronic filing in criminal cases.

Representative Muscarello offered a motion to report House Bill No. 507 favorably. Without objection, House Bill No. 507 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, Orgeron, Charles Owen, and Seabaugh 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.

### **House Bill No. 242 by Representative Dustin Miller**

Representative Dustin Miller presented House Bill No. 242, which establishes the Louisiana Commission on Security for the Faith Community.

Aaron Ahlquist, regional director, Anti-Defamation League, 935 Gravier St., Suite 1625, New Orleans, LA 70112, (504) 352-2700, testified in support of House Bill No. 242.

Christina Dayries, GOHSEP, 7667 Independence Blvd., Baton Rouge, LA 70806, (225) 358-5599, testified for information only on House Bill No. 242.

Representative Jones offered a motion to report House Bill No. 242 favorably. Without objection, House Bill No. 242 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, and Orgeron 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.

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. 343 by Representative Beaulieu**

*(This is a continuation of discussion on House Bill No. 343 from April 29, 2021. Please check for the prior action to complete the record of discussion and motions on House Bill No. 343.)*

Representative Beaulieu presented House Bill No. 343, which provides relative to wine producers.

On behalf of the author, Representative Mack offered a substitute bill as an amendment, that provides relative to microwineries. Representative Mack offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 10 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, and Orgeron voted yea.

On behalf of the author, Representative Mack offered amendments that would require any out-of-state wine producer who sells and ships directly to a wine producer in Louisiana to file a monthly statement with the Department of Revenue. Representative Mack offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, Orgeron, and Seabaugh voted yea.

Representative Hughes offered a motion to report House Bill No. 343 by substitute. Without objection, House Bill No. 343 was reported by substitute by a vote of 9 yeas and 0 nays. Representatives Edmonston, Hughes, Jordan, Landry, Mack, Marino, Muscarello, Orgeron, and Seabaugh voted yea.

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

**House Bill No. 18 by Representative Riser**

On behalf of the author, Gary Bennett, assistant executive director, Louisiana Sheriffs' Association, 1175 Nicholson Dr., Baton Rouge, LA 70802, (225) 343-8402, presented House Bill No. 18, which creates an Employee Insurance Fund for the Franklin Parish Sheriff's Office.

Representative Hughes offered a motion to report House Bill No. 18 favorably. Without objection, House Bill No. 18 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Orgeron, Charles Owen, and Seabaugh voted yea.

**IV. OTHER BUSINESS**

There was no other business.

**V. ANNOUNCEMENTS**

There were no other announcements.

**VI. ADJOURNMENT**

The meeting was adjourned at 10:48 a.m.

Respectfully submitted,

Chairman Randal L. Gaines  
House Committee on Judiciary