

## **House Committee on Judiciary**

Minutes of Meeting  
2021 Regular Session  
May 13, 2021

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

Representative Randal L. Gaines, chairman of the House Committee on Judiciary, called the meeting to order at 9:09 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 Charles Anthony Owen  
Representative Thomas A. Pressly  
Representative Alan Seabaugh

#### **MEMBERS ABSENT:**

Representative Joseph A. Orgeron

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

Claire Stevenson, attorney  
Zachary Gonzalez, attorney  
Diane Merritt, committee administrative assistant  
Robert Singletary, legal division director

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

Jayde Daniel, clerk

Maddie Murphy, clerk  
Myrtis Jarrell, sergeant at arms

### III. DISCUSSION OF LEGISLATION

#### **House Concurrent Resolution No. 84 by Representative James**

On behalf of the author, Representative Jordan presented House Concurrent Resolution No. 84, which requests the State Police Commission to adopt policies that reflect legislation recommended by the Police Training, Screening, and De-escalation Task Force.

Representative Jones offered a motion to report House Concurrent Resolution No. 84 favorably. Without objection, House Concurrent Resolution No. 84 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Gaines, Edmonston, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, Charles Owen, Pressly, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 18 in support. Witness cards are included in the committee records.

*Representative Mack in chair.*

#### **House Bill No. 346 by Representative Gaines**

Representative Gaines presented House Bill No. 346, which provides relative to post-conviction relief or parole when a verdict is rendered by a non-unanimous jury.

Jamila Johnson, managing attorney, Promise of Justice Initiative, 825 Chartres St., New Orleans, LA 70116, (504) 312-2304, testified in support of House Bill No. 346.

Retired Chief Justice Johnson, 2401 West Bend Parkway, New Orleans, LA 70114, testified in support of House Bill No. 346.

Edward L. Tarpley, Jr., former district attorney of Grant Parish, 819 Johnston St., Alexandria, LA 71301, (318) 487-1460, testified in support of House Bill No. 346.

Jermaine Hudson, representing Promise of Justice Initiative, 906 Vans Lane, Destrehan, LA 70047, (504) 345-4089, testified in support of House Bill No. 346.

Norris Henderson, representing VOTE, 4930 Washington Ave., New Orleans, LA 70125, (504) 453-4819, testified in support of House Bill No. 346.

Debra Sheehan, 30119 Barnett Rd., Denham Springs, LA 70726, (225) 953-4709, testified in support of House Bill No. 346.

Will Snowden, representing Vera Institute of Justice, 1307 Oretha Castle Haley Blvd., New Orleans, LA 70113, (504) 442-2388, testified in support of House Bill No. 346.

Melanie Schiller-Seidel, 242 Blackfin Cove, Slidell, LA 70458, (985) 445-9699, testified in support of House Bill No. 346.

Miranda and Rhonda Jordan, 1346 Main St., Unit A, Baton Rouge, LA 70802, (225) 221-2696, testified in support of House Bill No. 346.

Katie Hunter-Lowrey, Louisiana Survivors for Reform, 1024 Elysian Fields Ave., New Orleans, LA 70117, (504) 529-5955, testified in support of House Bill No. 346.

Morgan Lamandre, Sexual Trauma Awareness and Response (STAR), 5615 Corporate Blvd., Ste. 200, Baton Rouge, LA 70808, (225) 615-7093, testified in support of House Bill No. 346.

Edna Gibson, The Promise of Justice Initiative, 103 Minbes, Lafayette, LA, (806) 337-0133, testified in support of House Bill No. 346.

JanRe Taylor, 3848 Lee St., Zachary, LA 70791, (225) 380-8338, testified in support of House Bill No. 346.

After a lengthy discussion, Representative Gaines offered a motion to voluntarily defer action on House Bill No. 346. Without objection, action on House Bill No. 346 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Gaines, Edmonston, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, Charles Owen, and Pressly voted yea.

Witness cards submitted by individuals who did not speak are as follows: 37 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: 123 in support. Copies of these statements are included in the committee records.

***(Further action was taken by the committee on House Bill No. 346 at a meeting held on May 27, 2021. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 346.)***

**House Bill No. 358 by Representative Edmonds**

Representative Edmonds presented House Bill No. 358, which provides relative to the Online Judge Pilot Program.

Judge Scott Schlegel, 24<sup>th</sup> Judicial District Court, 200 Derbigny St., Ste. 2700, Gretna, LA 70053, (504) 364-3876, testified for information only on House Bill No. 358.

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

- (1) Delete language referencing the COVID-19 pandemic.
- (2) Revise proposed law provisions to opting out of the program and qualifications for an undue hardship.

Representative Mack offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Gaines, Edmonston, Mike Johnson, Jones, Jordan, Mack, Marino, Muscarello, Charles Owen, and Pressly voted yea.

Representative Mike Johnson offered a motion to report House Bill No. 358 with amendments. Without objection, House Bill No. 358 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Gaines, Edmonston, Mike Johnson, Jones, Jordan, Mack, Marino, Muscarello, Charles Owen, and Pressly 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.

**Senate Bill No. 120 by Senator Boudreaux**

Senator Boudreaux presented Senate Bill No. 120, which provides for the salary of the marshal of the city court of Lafayette.

Reginald Thomas, Lafayette city marshal, 105 E. Convent St., Lafayette, LA 70501, (337) 781-9440, testified in support of Senate Bill No. 120.

Joe Shumate, president, Louisiana Marshals and Constables Association, 116 N. Range Ave., Denham Springs, LA 70726, (225) 933-0964, testified in support of Senate Bill No. 120.

Aimee Robinson, Democratic State Central Committee District 31, 414 Crestlawn Dr., Lafayette, LA 70503, (337) 257-1898, testified in opposition to Senate Bill No. 120.

Katherine Hurst, Democratic State Central Committee District 43, 109 Kings Lane Square, Lafayette, LA 70508, (337) 233-6930, testified in opposition to Senate Bill No. 120.

Representative Jones offered a motion to report Senate Bill No. 120 favorably. Without objection, Senate Bill No. 120 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Gaines, Edmonston, Mike Johnson, Jones, Jordan, Landry, Mack, Muscarello, and Charles Owen voted yea.

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.

### **Senate Bill No. 124 by Senator Hewitt**

Senator Hewitt presented Senate Bill No. 124, which requires the playing or singing of the national anthem prior to certain athletic contests.

Representative Mack offered a motion to report Senate Bill No. 124 favorably, to which Representative Landry objected. The administrative assistant called the roll, and Senate Bill No. 124 was reported favorably by a vote of 8 yeas and 3 nays. Representatives Gaines, Edmonston, Hughes, Mike Johnson, Jordan, Mack, Muscarello, and Charles Owen voted yea. Representatives Jones, Landry, and Marino voted nay.

*Representative Gaines in chair.*

### **House Bill No. 398 by Representative Butler**

Representative Butler presented House Bill No. 398, which creates an occupational licensing board review program within the office of the attorney general.

On behalf of Representative Butler, Representative Gaines offered amendments to:

- (1) Make technical changes.
- (2) Specify the purpose of the Occupational Licensing Review Program.
- (3) Ensure participating boards and members will avoid liability under federal antitrust laws.
- (4) Establish the monetary amount to be paid to the Department of Justice from participating licensing boards.
- (5) Incorporate public comments, agency responses to public comments, and proposed fiscal impact statements within the report that an occupational licensing board submits to the Department of Justice.

- (6) Expand bodies of law that the Department of Justice may consider during its review from Federal Trade Commission guidelines to any other applicable law.
- (7) Add an exemption for emergency rules.
- (8) Specify that disciplinary actions will be taken against anti-competitive actions.
- (9) Change the term "discipline" to "action".
- (10) Specify that certain documents and data shall be considered to be in the custody and control of an occupational licensing board.
- (11) Provide for public records exemptions.
- (12) Refine the licensing requirement in the definition of "active market participant".
- (13) Delete language from the definition of "active market participant" referring to jurisdiction of the occupational licensing board.
- (14) Add a definition for "active supervision".
- (15) Refine the definition for "occupational regulation".

Representative Gaines offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Gaines, Edmonston, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, and Charles Owen voted yea.

Dr. Roderick Clark, Louisiana State Board of Medical Examiners (LSBME), 630 Camp St., New Orleans, LA 70130, (504) 568-6820, testified for information only on House Bill No. 398.

Patricia Wilton, general counsel, LSBME, 630 Camp St., New Orleans, LA 70130, (504) 784-0369, testified for information only on House Bill No. 398.

Representative Marino offered an amendment to add an exemption relative to regulating the practice of law. Representative Marino offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 8 yeas and 0 nays. Representatives Gaines, Edmonston, Jordan, Landry, Mack, Marino, Muscarello, and Charles Owen voted yea.

Angelique Freel, Louisiana Department of Justice, 1885 N. Third St., Baton Rouge, LA 70810, (225) 326-6000, testified for information only on House Bill No. 398.

Representative Mack offered a motion to report House Bill No. 398 with amendments, to which Representative Landry objected. The administrative assistant called the roll, and House Bill No. 398 was reported with amendments by a vote of 7 yeas, 2 nays, and 1 abstention. Representatives Edmonston, Mike Johnson, Mack, Marino, Muscarello, Charles Owen, and Seabaugh voted yea. Representatives Jordan and Landry voted nay. Representative Gaines abstained.

Witness cards submitted by individuals who did not speak are as follows: 3 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: 1 in opposition. Copies of these statements are included in the committee records.

### **House Bill No. 574 by Representative Travis Johnson**

Representative Travis Johnson presented House Bill No. 574, which provides relative to fees dedicated to the operational costs of the office of the coroner in Concordia Parish.

Dr. Dennis LaRavia, Concordia Parish coroner, 2932 Highway 569, Ferriday, LA 71334, (985) 750-5205, testified in support of House Bill No. 574.

Representative Muscarello stated that he is a member of the judicial council and that the proposed fee change does not have judicial council approval.

Representative Jones offered a motion to report House Bill No. 574 favorably. Without objection, House Bill No. 574 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Gaines, Edmonston, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, 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. 671 by Representative Travis Johnson**

Representative Travis Johnson presented House Bill No. 671, which provides relative to fees dedicated to the operational costs of the office of the coroner in Tensas Parish.

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

- (1) Make technical changes.
- (2) Add East Carroll Parish and Madison Parish.

(3) Change the fee amount from not less than \$5 to not less than \$5 and no more than \$10.

Representative Gaines offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 9 yeas and 0 nays. Representatives Gaines, Edmonston, Mike Johnson, Jones, Landry, Mack, Marino, Muscarello, and Charles Owen voted yea.

Representative Muscarello offered an amendment that the proposed bill would be contingent on the approval of the judicial council.

David McEacharn, Tensas Parish coroner, 1426 Hwy. 604, St. Joseph, LA 71366, (318) 372-7277, testified in support of House Bill No. 671.

After discussion, Representative Muscarello withdrew the amendment.

Representative Jones offered a motion to report House Bill No. 671 with amendments. Without objection, House Bill No. 671 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, and Charles Owen 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. 206 by Senator Cortez**

On behalf of Senator Cortez, Debbie Hudnall, executive director, Louisiana Clerks of Court Association, 10202 Jefferson Hwy., Baton Rouge, LA 70809, (225) 293-1162, presented Senate Bill No. 206, which provides relative to group insurance expenses for certain clerks of court.

Representative Charles Owen offered a motion to report Senate Bill No. 206 favorably. Without objection, Senate Bill No. 206 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Gaines, Edmonston, Jones, Jordan, Landry, Mack, Marino, Muscarello, and Charles Owen voted yea.

#### **House Bill No. 45 by Representative Farnum**

Representative Farnum presented House Bill No. 45, which provides relative to the jurisdictional amount in dispute for the City Court of Sulphur.

Representative Jones offered a motion to report House Bill No. 45 favorably. Without objection, House Bill No. 45 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Gaines, Edmonston, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, and Charles Owen voted yea.



**House Bill No. 386 by Representative Farnum**

Representative Farnum presented House Bill No. 386, which provides relative to appointment of special masters in certain civil actions arising within a parish included in a major disaster declaration.

Cade Cole, special master, 1523 Cypress St., Sulphur, LA 70663, (337) 905-7777, testified for information only on House Bill No. 386.

Representative Jones offered a motion to report House Bill No. 386 favorably. Without objection, House Bill No. 386 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Gaines, Edmonston, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, and Charles Owen voted yea.

**House Bill No. 195 by Representative Selders**

Representative Selders presented House Bill No. 195, which adds statewide civilian emergency dispatchers to the definition of "first responders" for certain purposes.

Sgt. Bryan Lee, Louisiana State Police, 7919 Independence Blvd., Baton Rouge, LA 70806, (225) 925-4239, testified for information only on House Bill No. 195.

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

- (1) Make technical changes.
- (2) Add state agency essential workers, emergency service dispatchers, and emergency response operators to the definition of first responder.
- (3) Add definitions for emergency response operator, emergency services dispatcher, and first responder under State Police Law.

Representative Gaines offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 8 yeas and 0 nays. Representatives Gaines, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, and Charles Owen voted yea.

Representative Jones offered a motion to report House Bill No. 195 with amendments. Without objection, House Bill No. 195 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Gaines, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, 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.

**Senate Bill No. 34 by Senator Fields**

On behalf of Senator Fields, Representative Jordan presented Senate Bill No. 34, which provides for responsibilities of law enforcement officers while interacting with the public.

*Representative Mack in chair.*

Representative Jones offered a motion to report Senate Bill No. 34 favorably. Without objection, Senate Bill No. 34 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Gaines, Edmonston, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, and Charles Owen voted yea.

Witness cards submitted by individuals who did not speak are as follows: 24 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: 14 in support. Copies of these statements are included in the committee records.

*Representative Gaines in chair.*

**Senate Bill No. 52 by Senator Pope**

On behalf of Senator Pope, Representative Mack presented Senate Bill No. 52, which provides for payment of certain group insurance costs by sheriffs.

Representative Jones offered a motion to report Senate Bill No. 52 favorably. Without objection, Senate Bill No. 52 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Gaines, Edmonston, Mike Johnson, Jones, Jordan, Landry, Mack, Marino, Muscarello, 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. 241 by Representative Landry**

Representative Landry presented House Bill No. 241, which provides for a filing fee for certain eviction proceedings.

Maxwell Ciardullo, Louisiana Fair Housing Action Center, 1340 Poydras St., Ste. 410, New Orleans, LA 70112, (504) 708-8172, testified in support of House Bill No. 241.

Tammy Esponge, Apartment Association of Greater New Orleans, 3017 Harvard Ave., #201, Metairie, LA 70006, (504) 888-2492, testified in opposition to House Bill No. 241.

Representative Landry offered a motion to report House Bill No. 241 favorably, to which Representative Seabaugh objected. The administrative assistant called the roll, and House Bill No. 241 was reported favorably by a vote of 8 yeas and 4 nays. Representatives Edmonston, Hughes, Jones, Jordan, Landry, Mack, Marino, and Muscarello voted yea. Representatives Mike Johnson, Charles Owen, Pressly, and Seabaugh voted nay.

Witness cards submitted by individuals who did not speak are as follows: 1 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: 8 in support. 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 1:15 p.m.

Respectfully submitted,

Chairman Randal L. Gaines  
House Committee on Judiciary