

House Committee on Judiciary

Minutes of Meeting
2021 Regular Session
May 27, 2021

I. CALL TO ORDER

Representative Randal L. Gaines, chairman of the House Committee on Judiciary, called the meeting to order at 8:07 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 Nicholas Muscarello, Jr.
Representative Joseph A. Orgeron
Representative Charles Anthony Owen
Representative Thomas A. Pressly
Representative Alan Seabaugh

MEMBERS ABSENT:

Representative Joseph A. Marino, III

STAFF MEMBERS PRESENT:

Claire Stevenson, attorney
Zachary Gonzalez, attorney
Diane Merritt, committee administrative assistant
Robert A. Singletary, director

ADDITIONAL ATTENDEES PRESENT:

Maddie Murphy, clerk

Myrtis Jarrell, sergeant at arms

III. DISCUSSION OF LEGISLATION

Senate Bill No. 12 by Senator Bouie

Senator Bouie presented Senate Bill No. 12, which creates a retired clerks and clerks' employees insurance fund for the Orleans Parish Clerk of Civil District Court.

Representative Jones offered a motion to report Senate Bill No. 12 favorably. Without objection, Senate Bill No. 12 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Gaines, Mike Johnson, Jones, Landry, Mack, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

Senate Bill No. 66 by Senator Bernard

Senator Bernard presented Senate Bill No. 66, which provides for the Peace Officer and Public Safety Personnel Peer Support and Mental Health Wellness Act.

Christopher P. McClelland, Louisiana State Police, 7901 Independence Blvd., Baton Rouge, LA 70806, (985) 516-5598, testified for information only on Senate Bill No. 66.

Lt. Robert Burns, Louisiana State Police, 7919 Independence Blvd., Baton Rouge, LA 70806, (225) 572-3349, testified for information only on Senate Bill No. 66.

Representative Mike Johnson offered a motion to report Senate Bill No. 66 favorably. Without objection, Senate Bill No. 66 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Gaines, Edmonston, Mike Johnson, Jones, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, Pressly, 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 Concurrent Resolution No. 106 by Representative Orgeron

Representative Orgeron presented House Concurrent Resolution No. 106, which creates a task force to study issues associated with the delivery of alcoholic beverages by third-party companies in Louisiana.

On behalf of the author, Representative Gaines offered an amendment to add the president of the Louisiana Association of Tax Administrators or his designee as a member of the task force. 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, Edmonston, Mike

Johnson, Jones, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

Representative Jones offered a motion to report House Concurrent Resolution No. 106 with amendments. Without objection, House Concurrent Resolution No. 106 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Gaines, Edmonston, Jones, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, Pressly, 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.

House Concurrent Resolution No. 88 by Representative LaCombe

Representative LaCombe presented House Concurrent Resolution No. 88, which requests the Supreme Court of Louisiana to approve ethics training for legislators.

Representative Jordan offered a motion to report House Concurrent Resolution No. 88 favorably. Without objection, House Concurrent Resolution No. 88 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Gaines, Edmonston, Jones, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

Senate Bill No. 76 by Senator Talbot

Senator Talbot presented Senate Bill No. 76, which provides relative to the hotel and lodging exception permit.

Stan Harris, Louisiana Restaurant Association, 2700 Arnoult Road, Metairie, LA 70002, (504) 454-2277, testified in support of Senate Bill No. 76.

Representative Jones offered a motion to report Senate Bill No. 76 favorably. Without objection, Senate Bill No. 76 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Gaines, Edmonston, Mike Johnson, Jones, Jordan, Landry, Mack, Muscarello, Orgeron, Pressly, and Seabaugh voted yea.

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

House Bill No. 554 by Representative Selders

Representative Selders presented House Bill No. 554, which designates Juneteenth as a state holiday.

Representative Jones offered a motion to report House Bill No. 554 favorably. Without objection, House Bill No. 554 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Gaines, Edmonston, Mike Johnson, Jones, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, Pressly, 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.

Representative Mack in chair.

House Bill No. 346 by Representative Gaines

(This is a continuation of the discussion on House Bill No. 346 from a meeting held on May 13, 2021. Please check for the prior action to complete the record of discussion and motions on House Bill No. 346.)

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, 1024 Elysian Fields Ave., New Orleans, LA 70117, (504) 312-2304, 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.

Scott E. Peyton, state director, Right on Crime, 859 Hicks Road, Washington, LA 70589, (337) 412-5712, testified in support of House Bill No. 346.

Gregory Earls, Self, 6855 Cindy Place, Apt. 8, New Orleans, LA 70127, (504) 554-0485, testified in support of House Bill No. 346.

Checo Yancy and Tallia Hayes, VOTE, 4930 Washington Ave., New Orleans, LA 70125, (504) 510-1007, testified in support of House Bill No. 346.

Rayshaud Green, A.R.R., 7830 Means Ave., New Orleans, LA 70127, (504) 762-0517, testified in support of House Bill No. 346.

Jermaine Hudson, 3607 Shangri La Drive, Chalmette, LA 70043, testified in support of House Bill No. 346.

Will Harrell, VOTE, 4930 Washington Ave., New Orleans, LA 70125, (504) 510-1007, testified in support of House Bill No. 346.

Christi Cole, Self, 41142 Talonwood Dr., Gonzales, LA 70737, (225) 315-3072, testified in support of House Bill No. 346.

Jennifer Harding, VOTE, 4930 Washington Ave., New Orleans, LA 70125, (504) 510-1007, testified in support of House Bill No. 346.

Becki Kondkar, director, Tulane Domestic Violence Clinic, 6329 Freret St., New Orleans, LA 70118, (504) 865-5939, testified for information only on House Bill No. 346.

Representative Gaines offered a motion to report House Bill No. 346 favorably, to which Representative Muscarello objected. The administrative assistant called the roll, and the motion failed to pass by a vote of 5 yeas and 7 nays. Representatives Gaines, Hughes, Jones, Jordan, and Landry voted yea. Representatives Edmonston, Mike Johnson, Muscarello, Orgeron, Charles Owen, Pressly, and Seabaugh voted nay.

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 13 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 56 in support and 2 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: 21 in support. Copies of these statements are included in the committee records.

Senate Bill No. 53 by Senator Harris

On behalf of Senator Harris, Representative Hughes presented Senate Bill No. 53, which provides relative to the Orleans Parish Civil District Court judicial building fund.

Representative Jones offered a motion to report Senate Bill No. 53 favorably. Without objection, Senate Bill No. 53 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

Representative Hughes in chair.

Senate Concurrent Resolution No. 31 by Senator Henry

On behalf of Senator Henry, Representative Mack presented Senate Concurrent Resolution No. 31, which directs the office of alcohol and tobacco control to amend administrative rules relative to the prohibition of certain unfair business practices.

Representative Mack offered an amendment to change the Resolution from a "direct" to an "urge and request". Representative Mack offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 11 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Jones, Jordan, Mack, Muscarello, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

Kevin Ainsworth, representing Sazerac, 445 N. Blvd., Baton Rouge, LA 70802, (225) 248-2036, testified in support of Senate Concurrent Resolution No. 31.

Representative Mack offered a motion to report Senate Concurrent Resolution No. 31 with amendments. Without objection, Senate Concurrent Resolution No. 31 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Jones, Jordan, Mack, Muscarello, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

House Bill No. 297 by Representative Tarver

On behalf of Representative Tarver, Representative Mack presented House Bill No. 297, which provides relative to mayors' courts providing notice.

Karen White, Louisiana Municipal Association, 700 N. 10th St., Baton Rouge, LA 70802, (225) 344-5001, testified for information only on House Bill No. 297.

Representative Mack offered a motion to report House Bill No. 297 favorably. Without objection, House Bill No. 297 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

House Concurrent Resolution No. 96 by Representative Hodges

On behalf of Representative Hodges, Representative Mack presented House Concurrent Resolution No. 96, which memorializes Congress to support Israel.

Representative Mack offered a motion to report House Concurrent Resolution No. 96 favorably. Without objection, House Concurrent Resolution No. 96 was reported favorably by a vote of 13 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, Pressly, 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.

Senate Concurrent Resolution No. 55 by Senator Milligan

On behalf of Senator Milligan, Representative Seabaugh presented Senate Concurrent Resolution No. 55, which requests every parish Office of Emergency Preparedness (OEP) to provide annual training on disaster response for their local and municipal leadership.

Representative Seabaugh offered a motion to report Senate Concurrent Resolution No. 55 favorably. Without objection, Senate Concurrent Resolution No. 55 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jones, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, Pressly, 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.

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 10:02 a.m.

Respectfully submitted,

Chairman Randal L. Gaines
House Committee on Judiciary