

## House Committee on Administration of Criminal Justice

Minutes of Meeting  
2022 Regular Session  
March 17, 2022

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

Representative Tony Bacala, vice chairman of the House Committee on Administration of Criminal Justice, called the meeting to order at 10:02 a.m. in Room 6, in the state capitol in Baton Rouge, Louisiana.

### **II. ROLL CALL**

#### **MEMBERS PRESENT:**

Representative Tony Bacala, vice chairman  
Representative Marcus Anthony Bryant  
Representative Bryan Fontenot  
Representative Raymond E. Garofalo, Jr.  
Representative Jonathan Goudeau, I  
Representative C. Denise Marcelle  
Representative Joseph A. Marino, III  
Representative Danny McCormick  
Representative Scott McKnight  
Representative Nicholas Muscarello, Jr.  
Representative Richard James Nelson  
Representative Alan Seabaugh  
Representative Debbie Villio

#### **MEMBERS ABSENT:**

None

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

Katie LeLeux, attorney  
Zachary Gonzalez, attorney  
Stephanie Weinman, committee administrative assistant

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

Janet Anthony, sergeant at arms

Angela McKnight, sergeant at arms  
Michael McCain, clerk  
Megan Sanders, committee administrative assistant

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

#### **House Bill No. 7 by Representative Edmonston**

At the request of the author, Representative Bacala offered a motion to voluntarily defer action on House Bill No. 7, which provides relative to court-monitored domestic abuse intervention program. Without objection, action on House Bill No. 7 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Marcelle, Marino, McCormick, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

#### **House Bill No. 460 by Representative Brass**

Representative Brass presented House Bill No. 460, which expands the purposes for which a parish governing authority may levy a tax relative to early childhood programs. Representative Brass provided handouts, Exhibit A and Exhibit B, which are included in the committee records.

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

- (1) Remove St. Landry Parish from the list of parishes not subject to the taxing authority;  
and
- (2) Make technical changes.

Representative Bacala offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Marcelle, Marino, McCormick, McKnight, Nelson, and Villio voted yea.

Dr. Libbie Sonnier, Louisiana Policy Institute for Children, P.O. Box 158832, Baton Rouge, LA, (985) 687-7494, spoke in support of House Bill No. 460.

Ruth Anne Oakey-Frost, Louisiana Policy Institute for Children, P.O. Box 158832, Baton Rouge, LA, (801) 725-4557, spoke in support of House Bill No. 460.

Tessa Holloway, Kidz Karousel, LLC, 2300 Belfleur St., Baton Rouge, LA 70808, (225) 931-8500, spoke in support of House Bill No. 460.

Rachel Gassert, Louisiana Center for Children's Rights, 1100-B Milton St., New Orleans, LA 70122, (504) 323-5717, spoke in support of House Bill No. 460.

Dr. Sito Narcisse, East Baton Rouge Parish School System, 1050 S. Foster Dr., Baton Rouge, LA 70806, spoke in support of House Bill No. 460.

Representative Marcelle offered a motion to report House Bill No. 460 with amendments. Without objection, House Bill No. 460 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Marcelle, Marino, McCormick, McKnight, Muscarello, Nelson, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 17 in support. Witness cards are included in the committee records.

#### **House Bill No. 492 by Representative Fontenot**

On behalf of the author, Representative Bacala offered a motion to voluntarily defer action on House Bill No. 492, which provides relative to the issuance of a summons by a peace officer. Without objection, action on House Bill No. 492 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Marcelle, Marino, McCormick, McKnight, Muscarello, Nelson, and Villio voted yea.

#### **House Bill No. 64 by Representative Landry**

Representative Landry presented House Bill No. 64, which provides relative to the definition of a child.

Morgan Lamandre, Sexual Trauma Awareness and Response, 5615 Corporate Blvd., Ste. 200, Baton Rouge, LA 70808, (225) 615-7093, spoke in support of House Bill No. 64.

Representative Marino offered a motion to report House Bill No. 64 favorably. Without objection, House Bill No. 64 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Marcelle, Marino, McCormick, McKnight, Muscarello, Nelson, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 10 in support. Witness cards are included in the committee records.

#### **House Bill No. 462 by Representative Mincey**

Representative Mincey presented House Bill No. 462, which creates the crime of unauthorized removal of a minor from school property.

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

- (1) Redefine the elements of unauthorized removal of a minor from a school, child day care center, or early learning center;
- (2) Redefine the penalties for a first or second offense as well as a third or subsequent offense;
- (3) Provide for definitions; and
- (4) Make technical changes.

Representative Marino offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Marcelle, Marino, McCormick, McKnight, Muscarello, Nelson, and Villio voted yea.

Hon. Jerry Denton, Jr., 116 N. Range Ave., Denham Springs, LA 70726, (225) 978-9008, spoke in support of House Bill No. 462.

Marshal Joe Shumate, Louisiana Marshal and Constables Association, 116 N. Range Ave., Denham Springs, LA 70726, (225) 665-8568, spoke in support of House Bill No. 462.

Representative Muscarello offered an amendment to require the use of summons in lieu of custodial arrest for a first or second offense. Representative Muscarello offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 11 yeas and 0 nays. Representatives Bacala, Bryant, Goudeau, Marcelle, Marino, McCormick, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Representative Marcelle offered a motion to report House Bill No. 462 with amendments, to which Representative McCormick objected. The administrative assistant called the roll, and House Bill No. 462 was reported with amendments by a vote of 11 yeas and 1 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Marcelle, Marino, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea. Representative McCormick voted nay.

Witness cards submitted by individuals who did not speak are as follows: 3 in support, 2 in opposition, and 1 for information only. Witness cards are included in the committee records.

### **House Bill No. 377 by Representative Huval**

Representative Huval presented House Bill No. 377, which provides relative to fingerprinting all persons arrested for any offense involving operating a motor vehicle while intoxicated.

Bobby Breland, Louisiana Highway Safety Commission, 2242 Palm Hills Blvd., Baton Rouge, LA 70809, (225) 772-1311, spoke for information only on House Bill No. 377.

Lieutenant Dustin Guidroz, Louisiana State Police, 7919 Independence Blvd., Baton Rouge, LA 70806, (225) 925-4239, spoke for information only on House Bill No. 377.

Representative Villio offered an amendment relative to the requirement of the bureau to obtain and file fingerprints for offenses involving the operation of a motor vehicle while intoxicated, to specify that violations of local ordinances pertain to the operation of a motor vehicle while intoxicated. Representative Villio offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 8 yeas and 0 nays. Representatives Bacala, Fontenot, Goudeau, Marino, McCormick, McKnight, Nelson, and Villio voted yea.

Sarah Whittington, Justice and Accountability Center of Louisiana, 4035 Washington Ave., Ste. 203, New Orleans, LA 70125, (504) 322-4050, spoke in opposition to House Bill No. 377.

Representative Villio offered a motion to report House Bill No. 377 with amendments. Without objection, House Bill No. 377 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Bacala, Fontenot, Goudeau, Marino, McCormick, McKnight, Nelson, Seabaugh, and Villio voted yea.

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

Statements submitted in lieu of appearing before the committee are as follows: 6 in opposition. Copies of these statements are included in the committee records.

### **House Bill No. 371 by Representative McMahan**

Representative McMahan presented House Bill No. 371, which amends the definition of "police officer" for the crimes of battery of a police officer and resisting a police officer with force or violence.

Rachel Gassert, Louisiana Center for Children's Rights, 1100-B Milton St., New Orleans, LA 70122, (504) 323-5117, spoke in opposition to House Bill No. 371.

Representative Villio offered a motion to report House Bill No. 371 favorably. Without objection, House Bill No. 371 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, McCormick, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 in support, 7 in opposition, and 1 for information only. Witness cards are included in the committee records.

### **House Bill No. 200 by Representative Brown**

Representative Brown presented House Bill No. 200, which provides relative to the presence of the defendant in misdemeanor prosecutions.

*Representative Villio in the chair.*

On behalf of the author, Representative Villio offered an amendment to provide that a plea of not guilty of a misdemeanor may always be entered through counsel of record in the absence of the defendant and shall be allowed by the filing of a sworn affidavit prior to the scheduled arraignment date. Representative Villio offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 10 yeas and 0 nays. Representatives Bryant, Fontenot, Goudeau, Marino, McCormick, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Representative McKnight offered a motion to report House Bill No. 200 with amendments. Without objection, House Bill No. 200 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Bryant, Fontenot, Goudeau, Marino, McCormick, McKnight, Muscarello, Nelson, Seabaugh, and Villio 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. 442 by Representative DuBuisson**

Representative DuBuisson presented House Bill No. 442, which provides relative to the payment of fines, fees, costs, restitution, and the waiver of certain obligations.

Darren Allemand, Jefferson Parish district attorney's office, 200 Derbigny St., Gretna, LA 70053, (504) 368-1020, spoke in support of House Bill No. 442.

On behalf of the author, Representative Villio offered an amendment to provide that if the court has ordered restitution, at least half of the defendant's monthly payment shall be distributed toward the defendant's restitution obligation. Representative Villio offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 9 yeas and 0 nays. Representatives Bryant, Fontenot, Goudeau, Marino, McCormick, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Glenn Ansardi, Louisiana District Judges Association, 400 Royal St., New Orleans, LA 70130, (504) 812-1337, spoke for information only on House Bill No. 442.

Will Harrell, Voice of the Experienced, 1221 Kerlerec St., New Orleans, LA 70116, (512) 695-7519, spoke in opposition to House Bill No. 442.

Sarah Whittington, Justice and Accountability Center of Louisiana, 4035 Washington Ave., Ste. 203, New Orleans, LA 70125, (504) 322-4050, spoke in opposition to House Bill No. 442.

At the request of the author, Representative Marino offered a motion to voluntarily defer action on House Bill No. 442. Without objection, action on House Bill No. 442 was voluntarily deferred by a vote of 8 yeas and 0 nays. Representatives Bacala, Fontenot, Marino, McCormick, McKnight, Muscarello, Nelson, and Villio 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.

Statements submitted 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. 408 by Representative DuBuisson**

At the request of the author, Representative Marino offered a motion to voluntarily defer action on House Bill No. 408, which would provide relative to probation and outstanding restitution. Without objection, action on House Bill No. 408 was voluntarily deferred by a vote of 8 yeas and 0 nays. Representatives Bacala, Fontenot, Marino, McCormick, McKnight, Muscarello, Nelson, and Villio voted yea.

*Representative Bacala in the chair.*

#### **House Bill No. 68 by Representative Carpenter**

At the request of the author, Representative Bacala offered a motion to voluntarily defer action on House Bill No. 68, which would provide relative to the crime of first degree murder. Without objection, action on House Bill No. 68 was voluntarily deferred by a vote of 8 yeas and 0 nays. Representatives Bacala, Fontenot, Marino, McCormick, McKnight, Muscarello, Nelson, and Villio voted yea.

#### **House Bill No. 212 by Representative Dustin Miller**

Representative Dustin Miller presented House Bill No. 212, which provides relative to the definition of drug paraphernalia. Representative Dustin Miller provided a handout, Exhibit C, which is included in the committee records.

Tonja Myles, Set Free Indeed Ministry, 620 W. Port Hudson Plains Rd., Zachary, LA 70791, (225) 288-1046, spoke in support of House Bill. 212.

Representative Marino offered a motion to report House Bill No. 212 favorably. Without objection, House Bill No. 212 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Bacala, Fontenot, Marino, McCormick, McKnight, Muscarello, Nelson, Seabaugh, and Villio 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. 568 by Representative Edmonds**

Representative Edmonds presented House Bill No. 568, which provides relative to adoption deception.

Craig Mills, 18444 Shadow Creek Ave., Baton Rouge, LA 70816, (225) 478-9999, spoke in support of House Bill No. 568.

Representative Villio offered a motion to report House Bill No. 568 favorably, to which Representative Marcelle objected. The administrative assistant called the roll, and House Bill No. 568 was reported favorably by a vote of 7 yeas and 6 nays. Representatives Bacala, Fontenot, Garofalo, Goudeau, McKnight, Seabaugh, and Villio voted yea. Representatives Bryant, Marcelle, Marino, McCormick, Muscarello, and Nelson voted nay.

Witness cards submitted by individuals who did not speak are as follows: 1 in support and 3 in opposition. Witness cards are included in the committee records.

Statements submitted in lieu of appearing before the committee are as follows: 1 in support. Copies of these statements are included in the committee records.

### **House Bill No. 447 by Representative Hughes**

Representative Hughes presented House Bill No. 447, which provides relative to certain violent crimes committed by juveniles.

Checo Yancy, Voice of the Experienced, 251 Florida St., Ste. 201, Baton Rouge, LA 70802, (225) 270-5245, spoke in opposition to House Bill No. 447.

Representative Seabaugh offered a motion to report House Bill No. 447 favorably, to which Representative Marino objected. The administrative assistant called the roll, and House Bill No. 447 was reported favorably by a vote of 10 yeas and 1 nays. Representatives Bacala, Fontenot, Garofalo,



Goudeau, McCormick, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea. Representative Marino voted nay.

Witness cards submitted by individuals who did not speak are as follows: 2 in support, 4 in opposition, and 1 for information only. Witness cards are included in the committee records.

#### **House Bill No. 174 by Representative Green**

On behalf of Representative Green, Lieutenant Bryan Lee, Louisiana State Police, 7919 Independence Blvd., Baton Rouge, LA 70806, (225) 925-4239, presented House Bill No. 174, which provides relative to criminal history records checks for licenses to handle explosives.

Representative Fontenot offered a motion to report House Bill No. 174 favorably. Without objection, House Bill No. 174 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Bacala, Fontenot, Garofalo, Goudeau, Marino, McCormick, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

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

#### **House Bill No. 378 by Representative Marino**

Representative Marino presented House Bill No. 378, which adds certain substances to the Uniform Controlled Dangerous Substances Law.

Representative Marino offered amendments to:

- (1) Add the chemical names to the proposed law substances listed in Schedule I; and
- (2) Remove seven proposed law substances from Schedule I.

Representative Marino offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Bacala, Garofalo, Goudeau, Marino, McCormick, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Representative Villio offered a motion to report House Bill No. 378 with amendments. Without objection, House Bill No. 378 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Bacala, Garofalo, Goudeau, Marino, McCormick, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

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

**House Bill No. 162 by Representative Marino**

Representative Marino presented House Bill No. 162, which provides for exemption of expungement fees in certain circumstances.

Representative Villio offered a motion to report House Bill No. 162 favorably. Without objection, House Bill No. 162 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Bacala, Fontenot, Garofalo, Goudeau, Marcelle, Marino, McCormick, McKnight, Muscarello, Nelson, Seabaugh, and Villio 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.

**House Bill No. 322 by Representative Marino**

Representative Marino presented House Bill No. 322, which provides relative to criminal damage to property.

Darren Allemand, Jefferson Parish district attorney's office, 200 Derbigny St., Gretna, LA 70053, (504) 368-1020, spoke in support of House Bill No. 322.

Representative Villio offered a motion to report House Bill No. 322 favorably. Without objection, House Bill No. 322 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Bacala, Fontenot, Garofalo, Goudeau, Marcelle, Marino, McCormick, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 in support and 1 in opposition. Witness cards are included in the committee records.

**House Bill No. 361 by Representative Marino**

Representative Marino presented House Bill No. 361, which provides relative to search warrants for medical records.

Representative Marcelle offered a motion to report House Bill No. 361 favorably. Without objection, House Bill No. 361 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Bacala, Fontenot, Garofalo, Goudeau, Marcelle, Marino, McCormick, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 2 in support, 1 in opposition, and 1 for information only. Witness cards are included in the committee records.

### **House Bill No. 265 by Representative Villio**

Representative Villio presented House Bill No. 265, which provides relative to victim notification.

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

- (1) Require the clerk of court to provide reasonable notice to the victim when a probation hearing has been set;
- (2) Require the Department of Public Safety and Corrections to notify the victim or the victim's family, all persons who have filed a victim registration and notification form, the appropriate law enforcement agency, and the appropriate district attorney no later than 60 days prior to release of an inmate who has been convicted of a crime of violence or a sex offense; and
- (3) Make technical changes.

Representative Marino offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas and 0 nays. Representatives Bacala, Fontenot, Garofalo, Goudeau, Marcelle, Marino, McCormick, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Representative Villio offered an amendment to change the method of communication used to notify a victim. Representative Villio offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 12 yeas and 0 nays. Representatives Bacala, Fontenot, Garofalo, Goudeau, Marcelle, Marino, McCormick, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Francis Abbott, executive director, Louisiana Board of Pardon and Parole, 504 Mayflower St., Baton Rouge, LA 70802, (225) 252-5710, spoke for information only on House Bill No. 265.

Brandi Melissa, P.O. Box 1171, Baton Rouge, LA 70821, (225) 769-2717, spoke in support of House Bill No. 265.

Representative Marcelle offered a motion to report House Bill No. 265 with amendments. Without objection, House Bill No. 265 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Bacala, Fontenot, Garofalo, Goudeau, Marcelle, Marino, McCormick, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 17 in support and 2 for information only. Witness cards are included in the committee records.

### **House Bill No. 463 by Representative Seabaugh**

Representative Seabaugh presented House Bill No. 463, which provides relative to the illegal carrying of weapons.

Representative Seabaugh offered an amendment to make technical changes. Representative Seabaugh offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 11 yeas and 0 nays. Representatives Bacala, Fontenot, Garofalo, Goudeau, Marcelle, Marino, McCormick, McKnight, Nelson, Seabaugh, and Villio voted yea.

Dan Zelenka, Louisiana Shooting Association, 11 Carolina Ct., Covington, LA 70453, (504) 421-1323, spoke in support of House Bill No. 463.

Representative McCormick offered a motion to report House Bill No. 463 with amendments. Without objection, House Bill No. 463 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Bacala, Fontenot, Garofalo, Goudeau, Marcelle, Marino, McCormick, McKnight, Nelson, Seabaugh, and Villio 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. ANNOUNCEMENTS**

There were no announcements.

### **V. ADJOURNMENT**

The meeting was adjourned at 1:43 p.m.

Respectfully submitted,

Vice Chairman Tony Bacala  
House Committee on Administration of Criminal Justice