

House Committee on Administration of Criminal Justice

Minutes of Meeting
2022 Regular Session
April 12, 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 9:35 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

Michael McCain, clerk
Bella Taylor, clerk

III. DISCUSSION OF LEGISLATION

House Concurrent Resolution No. 2 by Representative McCormick

Representative McCormick offered a motion to voluntarily defer action on House Concurrent Resolution No. 2, which would suspend criminal penalties for emergency order violations. Without objection, action on House Concurrent Resolution No. 2 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Marcelle, McCormick, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

House Bill No. 101 by Representative McCormick

Representative McCormick offered a motion to voluntarily defer action on House Bill No. 101, which would provide relative to justifiable homicide. Without objection, action on House Bill No. 101 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Marcelle, McCormick, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

House Bill No. 37 by Representative McCormick

Representative McCormick presented House Bill No. 37, which provides relative to the concealed carrying of firearms.

Dan Zelenka, Louisiana Shooting Association, 11 Caroline Ct., Covington, LA 70433, (504) 421-1323, spoke in support of House Bill No. 37.

Barret Kendrick, Louisiana Shooting Association, 427 N. Theard St., Covington, LA 70433, (985) 264-8447, spoke in support of House Bill No. 37.

Colonel Lamar A. Davis, Louisiana State Police, 7919 Independence Blvd., Baton Rouge, LA 70806, (225) 925-6118, spoke for information only on House Bill No. 37.

Deputy Chief Myron Daniels, Baton Rouge Police Department, 9000 Airline Hwy., Baton Rouge, LA 70815, (225) 389-3802, spoke for information only on House Bill No. 37.

Fabian Blache, Chiefs of Police, 700 N. 10th St., Baton Rouge, LA 70802, (225) 387-5261, spoke for information only on House Bill No. 37.

Representative Marino in the chair.

Tom Costanza, Louisiana Conference of Catholic Bishops, 2431 S. Acadian Thwy., Ste. 250, Baton Rouge, LA 70802, (504) 814-7829, spoke in opposition to House Bill No. 37.

Karen White, Louisiana Municipal Association, 700 N. 10th St., Baton Rouge, LA 70802, (225) 344-5001, spoke in opposition to House Bill No. 37.

Sandy Brown, 2021 Pollard Pkwy., Baton Rouge, LA 70808, (225) 205-3762, spoke in opposition to House Bill No. 37.

Representative Bacala in the chair.

Peter Robins-Brown, Louisiana Progress Action, 650 N. 6th St., Baton Rouge, LA 70802, (504) 256-8196, spoke in opposition to House Bill No. 37.

Angelle Bradford, Moms Demand Action, 2103 Selma St., New Orleans, LA 70122, (225) 454-8319, spoke in opposition to House Bill No. 37.

Scott Tippet, 1840 Pericles St., Baton Rouge, LA 70808, (225) 244-9532, spoke in opposition to House Bill No. 37.

Errol Domingue, Elm Grove Church, 1069 N. 38th St., Baton Rouge, LA 70802, (225) 324-0942, spoke in opposition to House Bill No. 37.

Judy Newman, Home Defense – Firearm Professionals, 1705 N. Sibley St., Metairie, LA 70003, spoke in support of House Bill No. 37.

Mike Weinberger, Home Defense – Firearm Professionals, 114 Dahlia St., Metairie, LA 70005, (504) 265-0647, spoke in support of House Bill No. 37.

Rev. Alexis Anderson, 248 Steele Blvd., Baton Rouge, LA 70806, (225) 244-9828, spoke in opposition to House Bill No. 37.

Representative Marcelle offered an amendment to increase the minimum age a person must be to legally carry a weapon from 18 years of age to 21 years of age. Representative Marcelle offered a motion to adopt the proposed amendment, to which Representative McCormick objected. The administrative assistant called the roll, and the amendment was adopted by a vote of 8 yeas and 5 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Marcelle, Marino, McKnight, and Villio voted yea. Representatives Garofalo, McCormick, Muscarello, Nelson, and Seabaugh voted nay.

Representative Seabaugh offered a motion to report House Bill No. 37 with amendments, to which Representative Bryant objected. The administrative assistant called the roll, and House Bill No. 37 was reported with amendments by a vote of 10 yeas and 3 nays. Representatives Bacala, Fontenot,

Garofalo, Goudeau, McCormick, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea. Representatives Bryant, Marcelle, and Marino voted nay.

Witness cards submitted by individuals who did not speak are as follows: 36 in support, 14 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: 134 in support, 17 in opposition, and 1 for information only. Copies of these statements are included in the committee records.

House Bill No. 483 by Representative Travis Johnson

Representative Travis Johnson presented House Bill No. 483, which provides relative to the restoration of gun rights.

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

- (1) Make technical changes; and
- (2) Remove the 15-year waiting period for a person who has violated 18 U.S.C. 491(a).

Representative Bacala offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 8 yeas and 0 nays. Representatives Bacala, Fontenot, Garofalo, Marino, McKnight, Muscarello, Nelson, and Villio voted yea.

Dan Zelenka, Louisiana Shooting Association, 11 Caroline Ct., Covington, LA 70433, (504) 421-1323, spoke in support of House Bill No. 483.

Barret Kendrick, Louisiana Shooting Association, 427 N. Theard St., Covington, LA 70433, (985) 264-8447, spoke in support of House Bill No. 483.

Loren M. Lampert, Louisiana District Attorneys Association, 2525 Quail Dr., Baton Rouge, LA 70808, (225) 343-0171, spoke in opposition to House Bill No. 483.

Further action was taken by the committee on House Bill No. 483 at a later point in the meeting. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 483.

House Bill No. 868 by Representative Miguez

Representative Miguez presented House Bill No. 868, which provides relative to the creation of an online handgun education course.

Representative Marcelle offered a motion to report House Bill No. 868 favorably. Without objection, House Bill No. 868 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: 7 in support, 4 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: 4 in support. Copies of these statements are included in the committee records.

House Bill No. 949 by Representative Phelps

Representative Phelps presented House Bill No. 949, which provides relative to illegal possession of a handgun by a juvenile.

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

- (1) Make technical changes;
- (2) Restore the present law language of "honest person"; and
- (3) Remove the requirement for each district attorney's office to submit a yearly report to the House Committee on the Administration of Criminal Justice pertaining to the number of offenders prosecuted under the proposed law.

Representative Bacala 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, Fontenot, Garofalo, Goudeau, Marcelle, McCormick, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Wilbert Pryor, Caddo Parish district attorney, 501 Texas St., Shreveport, LA 71101, (318) 226-6955, spoke for information only on House Bill No. 949.

Representative Fontenot offered an amendment to provide that the juvenile must be on probation or parole for a felony grade offense. Representative Fontenot 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, Fontenot, Garofalo, Marcelle, Marino, McCormick, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Representative Marcelle offered an amendment to change the penalties to imprisonment with or without hard labor for not more than six months. After discussion, Representative Marcelle offered a motion to withdraw the amendment.

At the request of the author, Representative Bacala offered a motion to voluntarily defer action on House Bill No. 949. Without objection, action on House Bill No. 949 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Garofalo, Marino, McCormick, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 1 in support, 21 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: 130 in opposition. Copies of these statements are included in the committee records.

House Bill No. 42 by Representative Frieman

Representative Frieman presented House Bill No. 42, which provides an exception to the crime of illegal carrying of weapons for retired justices of the peace.

Representative Marino in the chair.

Representative Bryant offered a motion to report House Bill No. 42 favorably. Without objection, House Bill No. 42 was reported favorably by a vote of 8 yeas and 0 nays. Representatives Bryant, Fontenot, Garofalo, Marino, McCormick, Muscarello, Seabaugh, and Villio voted yea.

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

House Bill No. 43 by Representative Frieman

Representative Frieman presented House Bill No. 43, which provides relative to enforcement of federal firearm laws.

Lieutenant Jared Sandifer, Louisiana State Police, 7919 Independence Blvd., Baton Rouge, LA 70806, (225) 925-6912, spoke for information only on House Bill No. 43.

Captain J.T. Martin, Louisiana State Police, 7919 Independence Blvd., Baton Rouge, LA 70806, (225) 678-6007, spoke for information only on House Bill No. 43.

Mike Weinberger, Home Defense – Firearm Professionals, 114 Dahlia St., Metairie, LA 70005, (504) 265-0647, spoke in support of House Bill No. 43.

Dan Zelenka, Louisiana Shooting Association, 11 Caroline Ct., Covington, LA 70433, (504) 421-1323, spoke in support of House Bill No. 43.

Representative Garofalo offered a motion to report House Bill No. 43 favorably, to which Representative Marino objected. The administrative assistant called the roll, and House Bill No. 43 was reported favorably by a vote of 10 yeas and 1 nays. Representatives Bacala, Bryant, Fontenot, Garofalo, Goudeau, McCormick, Muscarello, Nelson, Seabaugh, and Villio voted yea. Representative Marino voted nay.

Witness cards submitted by individuals who did not speak are as follows: 35 in support and 15 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: 132 in support and 13 in opposition. Copies of these statements are included in the committee records.

Representative Bacala in the chair.

House Bill No. 585 by Representative Freeman

Representative Freeman presented House Bill No. 585, which provides relative to reporting of certain firearm data to the La. Commission on Law Enforcement.

Dr. Jennifer Avegno, 1300 Perdido St., New Orleans, LA 70112, (504) 658-4900, spoke in support of House Bill No. 585.

Jocelyn Pinkerton, 1300 Perdido St., New Orleans, LA 70112, (504) 658-4900, spoke in support of House Bill No. 585.

Representative Bacala offered an amendment to change the aggregate data being collected from the number of firearms returned to the transferor to the number of orders received from the court stating that firearms shall be returned to the transferor pursuant to present law. Representative Bacala 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, Fontenot, Garofalo, Goudeau, Marino, McCormick, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Representative Bryant offered a motion to report House Bill No. 585 with amendments. Without objection, House Bill No. 585 was reported with amendments by a vote of 8 yeas and 0 nays.

Representatives Bacala, Bryant, Fontenot, Garofalo, Goudeau, Muscarello, Nelson, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 24 in support and 3 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: 11 in support. Copies of these statements are included in the committee records.

House Bill No. 483 by Representative Travis Johnson

This is a continuation of the discussion on House Bill No. 483 from earlier in the meeting. Please check for the prior action to complete the record of discussion and motions on House Bill No. 483.

At the request of the author, Representative Bacala offered a motion to voluntarily defer action on House Bill No. 483. Without objection, action on House Bill No. 483 was voluntarily deferred by a vote of 7 yeas and 0 nays. Representatives Bacala, Bryant, Garofalo, Goudeau, Muscarello, Nelson, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 16 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: 125 in support and 1 in opposition. Copies of these statements are included in the committee records.

Further action was taken by the committee on House Bill No. 483 at a meeting held on April 19, 2022. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 483.

House Bill No. 464 by Representative Seabaugh

Representative Seabaugh presented House Bill No. 464, which provides relative to the transfer of firearms.

Dan Zelekna, Louisiana Shooting Association, 11 Caroline Ct., Covington, LA 70433, (504) 421-1323, spoke in support of House Bill No. 464.

Darren Allemand, Jefferson Parish district attorney's office, 200 Derbigny S., Gretna, LA 70053, (504) 368-1020, spoke for information only on House Bill No. 464.

Representative Seabaugh offered an amendment to provide relative to the conditions of the prohibition for possessing a firearm or concealed weapon for the duration of the injunction or protective order. Representative Seabaugh offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 10 yeas and 0 nays. Representatives Bacala, Fontenot, Garofalo, Goudeau, Marino, McCormick, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Everett Baudean, Louisiana Shooting Association, 704 S. Foster Dr., Baton Rouge, LA 70806, (504) 237-6543, spoke in support of House Bill No. 464.

Becki Kondkar, Tulane Law School Clinic, 6329 Freret St., New Orleans, LA 70118, spoke for information only on House Bill No. 464.

Kris Anglin Barney, The Domestic Abuse Resistance Team and Coalition Against Domestic Violence, 108 W. Alabama Ave., Ruston, LA 71270, (813) 541-3927, spoke in opposition to House Bill No. 464.

Terrie Queen Aubrey, The Domestic Abuse Resistance Team, 148 Russell Rd., Simsboro, LA 71275, (318) 245-6706, spoke in opposition to House Bill No. 464.

Tiffany Decou, Faith House, 718 S. Buchanan St., Ste. C, Lafayette, LA 70501, (337) 210-5786, spoke in opposition to House Bill No. 464.

Mariah Wineski, Louisiana Coalition Against Domestic Violence, P.O. Box 77308, Baton Rouge, LA 70816, (225) 752-1296, spoke in opposition to House Bill No. 464.

Kim Sport, United Against Domestic Violence, 21 Muirfield Pl., New Orleans, LA 70131, (504) 453-3313, spoke in opposition to House Bill No. 464 and provided a handout, Exhibit A, which is included in the committee records.

Charmaine Caccioppi, United Way of Southeast Louisiana, 2515 Canal St., New Orleans, LA 70119, (504) 669-8279, spoke in opposition to House Bill No. 464.

Donna Dees, Five Awake, 731 St. Charles Ave., New Orleans, LA 70130, (914) 414-9942, spoke in opposition to House Bill No. 464.

Representative Seabaugh offered a motion to report House Bill No. 464 with amendments, to which Representative Marino objected. The administrative assistant called the roll, and the motion failed to pass by a vote of 5 yeas and 6 nays. Representatives Bacala, Garofalo, McCormick, Muscarello, and Seabaugh voted yea. Representatives Bryant, Fontenot, Goudeau, Marino, Nelson, and Villio voted nay.

Witness cards submitted by individuals who did not speak are as follows: 34 in support, 21 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: 153 in support and 19 in opposition. Copies of these statements are included in the committee records.

IV. ANNOUNCEMENTS

There were no announcements.

V. ADJOURNMENT

The meeting was adjourned at 2:28 p.m.

Respectfully submitted,

Vice Chairman Tony Bacala
House Committee on Administration of Criminal Justice