

House Committee on Administration of Criminal Justice

Minutes of Meeting
2022 Regular Session
May 11, 2022

I. CALL TO ORDER

Representative Joseph A. Marino, III, chairman of the House Committee on Administration of Criminal Justice, called the meeting to order at 10:56 a.m. in Room 6, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Joseph A. Marino, III, chairman
Representative Tony Bacala, vice chairman
Representative Marcus Anthony Bryant
Representative Raymond E. Garofalo, Jr.
Representative Jonathan Goudeau, I
Representative Valarie Hodges
Representative Vanessa Caston LaFleur
Representative Nicholas Muscarello, Jr.
Representative Richard James Nelson
Representative Alan Seabaugh
Representative Debbie Villio

MEMBERS ABSENT:

Representative Bryan Fontenot
Representative C. Denise Marcelle
Representative Danny McCormick

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

III. DISCUSSION OF LEGISLATION

Senate Bill No. 157 by Senator Milligan

Senator Milligan presented Senate Bill No. 157, which provides for access to criminal history records and identification files by the office of technology services.

Representative Seabaugh offered a motion to report Senate Bill No. 157 favorably. Without objection, Senate Bill No. 157 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Marino, Bacala, Bryant, Garofalo, Goudeau, Hodges, LaFleur, Nelson, Seabaugh, and Villio voted yea.

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.

Senate Bill No. 273 by Senator Foil

Senator Foil presented Senate Bill No. 273, which provides parole eligibility for certain offenders.

Brad Ewell, Parole Project, 4929 Basil Dr., McKinney, TX 75070, (214) 491-7223, spoke in support of Senate Bill No. 273.

Representative Bacala offered a motion to report Senate Bill No. 273 favorably. Without objection, Senate Bill No. 273 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Marino, Bacala, Bryant, Garofalo, Goudeau, Hodges, LaFleur, Nelson, Seabaugh, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 14 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: 15 in support. Copies of these statements are included in the committee records.

Senate Bill No. 315 by Senator Womack

Senator Womack presented Senate Bill No. 315, which provides relative to fentanyl and carfentanil.

Representative Bryant offered amendments to:

- (1) Remove proposed law relative to penalties for an individual who knowingly misrepresented or knowingly marketed a mixture or substance containing fentanyl or fentanyl analogue as another substance;
- (2) Remove proposed law relative to enhanced penalties for the unlawful distribution or dispensing of fentanyl or carfentanil;
- (3) Add proposed law relative to the unlawful distribution or dispensing of heroin and fentanyl or carfentanil which is the direct cause of serious bodily injury to the person who ingested or consumed the substance and provide for the following penalties:
 - (a) Imprisonment at hard labor for not less than 5 years nor more than 40 years;
 - (b) At least five years of the imposed sentence shall be served without benefit of probation, parole, or suspension of sentence;
 - (c) Offender may be required to pay a fine of not more than \$50,000;
- (4) Remove proposed law relative to fentanyl testing equipment;
- (5) Provide that the distribution of fentanyl or carfentanil which is the direct cause of serious bodily injury may be cited and referred to as "Millie's Law";
- (6) Add the distribution of heroin which causes serious bodily injury to the present law list of crimes of violence.

Representative Bryant offered a motion to adopt the proposed amendments, to which Representative Marino objected. The administrative assistant called the roll, and the amendments were adopted by a vote of 7 yeas and 2 nays. Representatives Bacala, Bryant, Garofalo, Goudeau, Hodges, Muscarello, and Seabaugh voted yea. Representatives Marino and LaFleur voted nay.

Lilly Harvey, Millie Mattered Overdose and Addiction Advocacy, no address provided, Jonesville, LA, (318) 403-2414, spoke in support of Senate Bill No. 315.

Tonya Doucette, Millie Mattered Law and Project Trey, 5010 Weston Dr., Sulphur, LA 70663, (337) 912-8171, spoke in support of Senate Bill No. 315.

John Nugent, Safehouse Sober Living, 105 Paladin Rd., Youngsville, LA 70592, spoke in support of Senate Bill No. 315.

E. Barton Conradi, 343 Third St., Ste. 301, Baton Rouge, LA 70801, (225) 221-2085, spoke in support of Senate Bill No. 315.

Bob Broussard, 302 LeTriomphe Pkwy., Broussard, LA 70518, (337) 552-5858, spoke in opposition to Senate Bill No. 315.

Robert Broussard, II, 908 St. Joseph St., Lafayette, LA 70506, (337) 654-9557, spoke in opposition to Senate Bill No. 315.

Mary Connick Broussard, 713 Brentwood Blvd., Lafayette, LA 70503, (337) 552-7068, spoke in opposition to Senate Bill No. 315.

Meghan Garvey, Louisiana Association of Criminal Defense Lawyers, 504 Lakeland Ave., Baton Rouge, LA 70802, (504) 343-7175, spoke in opposition to Senate Bill No. 315.

Lonnie Granier, Odyssey House and Coalition of Louisiana Addiction Services and Prevention Providers, 1125 N. Tonti St., New Orleans, LA 70119, (504) 418-0172, spoke for information only on Senate Bill No. 315.

Representative Bryant offered a motion to report Senate Bill No. 315 with amendments, to which Representative Marino objected. The administrative assistant called the roll, and Senate Bill No. 315 was reported with amendments by a vote of 6 yeas and 2 nays. Representatives Bryant, Garofalo, Goudeau, Hodges, Muscarello, and Seabaugh voted yea. Representatives Marino and LaFleur voted nay.

Witness cards submitted by individuals who did not speak are as follows: 5 in support and 4 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: 4 in opposition. Copies of these statements are included in the committee records.

Senate Bill No. 396 by Senator Morris

Senator Morris presented Senate Bill No. 396, which provides relative to a surety's bail obligation after the issuance of a notice of warrant of arrest.

On behalf of the author, Representative Marino offered amendments to clarify that the discharge of the bail obligation for a surety ceases upon conviction in any case, at any time prior to the defendant's failure to appear, or prior to the expiration of 180 days after the notice of warrant for an arrest was sent without the need to file a motion or other pleading. 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 Marino, Bacala, Bryant, Garofalo, Goudeau, Hodges, LaFleur, Muscarello, Seabaugh, and Villio voted yea.

Representative Marino offered a motion to report Senate Bill No. 396 with amendments. Without objection, Senate Bill No. 396 was reported with amendments by a vote of 8 yeas and 0 nays. Representatives Marino, Bacala, Bryant, Garofalo, Goudeau, Hodges, LaFleur, and Villio voted yea.

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

House Bill No. 893 by Representative Hughes

Representative Hughes presented House Bill No. 893, which provides relative to criminal justice reinvestment savings and reporting requirements.

On behalf of the author, Representative Marino offered amendments to require rather than authorize the Department of Public Safety and Corrections to enter into cooperative endeavors or contracts with the Louisiana Workforce Commission, the Louisiana Department of Education, the Louisiana community and technical colleges, and service providers for educational opportunities for certain offenders. 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 Marino, Bacala, Bryant, Garofalo, Goudeau, Hodges, LaFleur, and Muscarello voted yea.

Representative Marino offered a motion to report House Bill No. 893 with amendments. Without objection, House Bill No. 893 was reported with amendments by a vote of 8 yeas and 0 nays. Representatives Marino, Bacala, Bryant, Garofalo, Goudeau, Hodges, LaFleur, and Muscarello voted yea.

Witness cards submitted by individuals who did not speak are as follows: 5 for information only. Witness cards are included in the committee records.

Senate Bill No. 393 by Senator White

On behalf of Senator White, Mike Ranatza, Louisiana Sheriffs' Association, 1175 Nicholson Dr., Baton Rouge, LA 70802, (225) 343-8402, presented Senate Bill No. 393, which designates the crime of possession of a firearm by a felon as a crime of violence.

Representative Seabaugh offered amendments to specify that the possession of a firearm or carrying of a concealed weapon by a person convicted of certain felonies is an enumerated crime of violence. Representative Seabaugh offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 8 yeas and 0 nays. Representatives Marino, Bacala, Bryant, Garofalo, Hodges, LaFleur, Muscarello, and Seabaugh voted yea.

Will Harrell, Voice of the Experienced, 1221 Kerlerec St., New Orleans, LA 70116, (570) 695-7519, spoke in support of Senate Bill No. 393.

Representative Bacala offered a motion to report Senate Bill No. 393 with amendments. Without objection, Senate Bill No. 393 was reported with amendments by a vote of 8 yeas and 0 nays. Representatives Marino, Bacala, Bryant, Garofalo, Hodges, LaFleur, Muscarello, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 3 in support and 8 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: 4 in opposition. Copies of these statements are included in the committee records.

Senate Bill No. 379 by Senator Peacock

Senator Peacock presented Senate Bill No. 379, which prohibits possession of firearms, ammunition, or electric weapons or devices by certain felons.

Meghan Garvey, Louisiana Association of Criminal Defense Lawyers, 504 Lakeland Ave., Baton Rouge, LA 70802, (504) 343-7175, spoke in opposition to Senate Bill No. 379.

Rachel Gassert, Louisiana Center for Children's Rights, 1100-B Milton St., New Orleans, LA 70122, (504) 323-5117, spoke in opposition to Senate Bill No. 379.

Representative Seabaugh offered a motion to report Senate Bill No. 379 favorably, to which Representative Marino objected. The administrative assistant called the roll, and Senate Bill No. 379 was reported favorably by a vote of 5 yeas and 3 nays. Representatives Bacala, Garofalo, Goudeau, Hodges, and Seabaugh voted yea. Representatives Marino, Bryant, and LaFleur voted nay.

Witness cards submitted by individuals who did not speak are as follows: 3 in support and 3 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: 4 in opposition. Copies of these statements are included in the committee records.

Senate Bill No. 359 by Senator Jackson

On behalf of the author, Representative Marino offered a motion to voluntarily defer action on Senate Bill No. 359. Without objection, action on Senate Bill No. 359 was voluntarily deferred by a vote of 8 yeas and 0 nays. Representatives Marino, Bacala, Bryant, Garofalo, Goudeau, Hodges, LaFleur, and Seabaugh voted yea.

IV. ANNOUNCEMENTS

There were no announcements.

V. ADJOURNMENT

The meeting was adjourned at 12:50 p.m.

Respectfully submitted,

Chairman Joseph A. Marino, III
House Committee on Administration of Criminal Justice