

House Committee on Administration of Criminal Justice

Minutes of Meeting
2022 Regular Session
March 23, 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 10:01 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 Jonathan Goudeau, I
Representative C. Denise Marcelle
Representative Joseph A. Marino, III
Representative Danny McCormick
Representative Nicholas Muscarello, Jr.
Representative Richard James Nelson
Representative Alan Seabaugh
Representative Debbie Villio

MEMBERS ABSENT:

Representative Raymond E. Garofalo, Jr.
Representative Scott McKnight

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

House Bill No. 8 by Representative Fontenot

Representative Fontenot presented House Bill No. 8, which provides an exception to the illegal carrying of weapons for city prosecutors and assistant city prosecutors.

Representative Fontenot offered an amendment to add a United States congressman from Louisiana and his designee and a United States senator from Louisiana and his designee to the present law list of persons who are not prohibited from possessing and concealing a handgun. Representative Fontenot offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 9 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, Marino, McCormick, Muscarello, Seabaugh, and Villio voted yea.

Representative Villio offered an amendment to change assistant city prosecutors to designated assistant city prosecutors. 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 Bacala, Bryant, Fontenot, Goudeau, Marino, McCormick, Muscarello, Seabaugh, and Villio voted yea.

Representative Villio offered a motion to report House Bill No. 8 with amendments. Without objection, House Bill No. 8 was reported with amendments by a vote of 8 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Goudeau, McCormick, Muscarello, 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. 627 by Representative Bryant

Representative Bryant presented House Bill No. 627, which provides relative to the penalties for the crime of unauthorized use of a motor vehicle.

On behalf of the author, Representative Villio offered an amendment to change the penalties for unauthorized use of a motor vehicle. 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, Bryant, Goudeau, Marino, McCormick, Muscarello, Seabaugh, and Villio voted yea.

Representative Villio offered a motion to report House Bill No. 627 with amendments. Without objection, House Bill No. 627 was reported with amendments by a vote of 8 yeas and 0 nays.

Representatives Bacala, Bryant, Goudeau, Marino, McCormick, Muscarello, 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.

House Bill No. 365 by Representative Seabaugh

Representative Seabaugh presented House Bill No. 365, which designates the crime of possession of a firearm by a felon as a crime of violence.

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

- (1) Remove proposed law relative to the exception of drug offenses; and
- (2) Provide for the designation of a conviction in scenarios where the predicate offense is a crime of violence.

Representative Bacala offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 7 yeas and 0 nays. Representatives Bacala, Goudeau, Marino, McCormick, Muscarello, Seabaugh, and Villio voted yea.

Michael Ranatza, Louisiana Sheriffs' Association, 1175 Nicholson Dr., Baton Rouge, LA 70802, (850) 572-9993, spoke in support of House Bill No. 365.

Loren Lampert, Louisiana District Attorneys Association, 2525 Quail Dr., Baton Rouge, LA 70808, (225) 343-0171, spoke in support of House Bill No. 365.

Representative Marino offered an amendment to provide that any crime used as a predicate offense under this section is a crime of violence and if the offender is convicted of another crime of violence, it shall be designated as a crime of violence. Representative Marino offered a motion to adopt the proposed amendment, to which Representative Villio objected. The administrative assistant called the roll, and the motion failed to pass by a vote of 5 yeas and 5 nays. Representatives Bryant, Marino, McCormick, Muscarello, and Nelson voted yea. Representatives Bacala, Fontenot, Goudeau, Seabaugh, and Villio voted nay.

Representative Bryant offered a motion to voluntarily defer action on House Bill No. 365, to which Representative Villio objected. After discussion, Representative Bryant withdrew his motion.

Melissa Flournoy, Louisiana Progress Action, 650 N. 6th St., Baton Rouge, LA 70806, (225) 936-7200, spoke in opposition to House Bill No. 365.

Representative Bryant in the chair.

Meghan Garvey, Louisiana Association of Criminal Defense Lawyers, 2601 Tulane Ave., New Orleans, LA 70119, (504) 343-7175, spoke in opposition to House Bill No. 365.

Checo Yancy, Voice of the Experienced, 251 Florida St. #201, Baton Rouge, LA 70801, (225) 270-5245, spoke in opposition to House Bill No. 365.

Representative Bacala in the chair.

After discussion, Representative Seabaugh offered a motion to withdraw the amendment that was previously adopted. Without objection, the amendment was withdrawn by a vote of 9 yeas and 0 nays. Representatives Bacala, Bryant, Goudeau, Marcelle, Marino, McCormick, Muscarello, Seabaugh, and Villio voted yea.

Representative Seabaugh offered an amendment to add language that provides for the designation of a conviction in scenarios where the predicate offense is a crime of violence. Representative Seabaugh offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 9 yeas and 0 nays. Representatives Bacala, Bryant, Goudeau, Marcelle, Marino, McCormick, Muscarello, Seabaugh, and Villio voted yea.

Representative Marino offered an amendment to provide that a person committing certain felonies with the possession of a firearm shall be designated as a crime of violence. Representative Marino offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 9 yeas and 0 nays. Representatives Bacala, Bryant, Goudeau, Marcelle, Marino, McCormick, Muscarello, Seabaugh, and Villio voted yea.

Representative Villio offered a motion to report House Bill No. 365 with amendments. Without objection, House Bill No. 365 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Bacala, Bryant, Goudeau, Marcelle, Marino, McCormick, Muscarello, Seabaugh, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 5 in support and 16 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: 19 in opposition. Copies of these statements are included in the committee records.

House Bill No. 700 by Representative Bagley

Representative Bagley presented House Bill No. 700, which provides relative to penalties for possession of marijuana for people under the age of 18.

On behalf of the author, Representative Bacala offered an amendment to make technical corrections. Representative Bacala offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 9 yeas and 0 nays. Representatives Bacala, Bryant, Goudeau, Marcelle, Marino, McCormick, Muscarello, Seabaugh, and Villio voted yea.

Lisa D. Labrano, assistant district attorney, DeSoto Parish District Attorney's Office, 9553 Hwy. 5, Keachi, LA 71046, (318) 505-2996, spoke in support of House Bill No. 700.

Amanda Dominguez, 231 Thornton Rd., Stonewall, LA 71078, (318) 458-3114, spoke in support of House Bill No. 700.

Representative Marino offered an amendment to exempt persons under eighteen years of age who are patients of the state-sponsored medical marijuana program and possess medical marijuana in a form permissible under present law from proposed law. Representative Marino offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 9 yeas and 0 nays. Representatives Bacala, Bryant, Marcelle, Marino, McCormick, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Kevin Caldwell, Marijuana Policy Project, 2024 S. Gayoso St., New Orleans, LA 70125, (504) 914-1406, spoke in opposition to House Bill No. 700.

Peter Robins-Brown, Louisiana Progress Action, 650 N. 6th St., Baton Rouge, LA 70802, (504) 256-8196, spoke in opposition to House Bill No. 700.

Representative Marcelle in the chair.

Tony Landry, Louisiana Veterans for Medical Cannabis, 213 Case Ln., Lafayette, LA 70602, (337) 412-2836, spoke in opposition to House Bill No. 700 and provided a handout, Exhibit A, which is included in the committee records.

Meghan Garvey, Louisiana Association of Criminal Defense Lawyers, 2601 Tulane Ave., New Orleans, LA 70119, (504) 343-7175, spoke in opposition to House Bill No. 700.

Representative Bacala offered a motion to report House Bill No. 700 with amendments. Without objection, House Bill No. 700 was reported with amendments by a vote of 8 yeas and 0 nays. Representatives Bacala, Fontenot, Marcelle, Marino, McCormick, Muscarello, Nelson, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 7 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: 2 in opposition. Copies of these statements are included in the committee records.

Representative Bacala in the chair.

House Bill No. 173 by Representative Stefanski

Representative Stefanski presented House Bill No. 173, which provides relative to background checks for a gaming license.

Major Chuck McNeal, Louisiana State Police, Gaming Enforcement Division, 7919 Independence Blvd., Baton Rouge, LA 70806, (225) 925-1900, spoke for information only on House Bill No. 173.

On behalf of the author, Representative Bacala offered an amendment to remove the requirement for each applicant to be fingerprinted. Representative Bacala 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, Marcelle, Marino, McCormick, Muscarello, Nelson, and Villio voted yea.

Representative Villio offered a motion to report House Bill No. 173 with amendments. Without objection, House Bill No. 173 was reported with amendments by a vote of 8 yeas and 0 nays. Representatives Bacala, Fontenot, Goudeau, Marino, McCormick, Muscarello, Nelson, and Villio 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 Bill No. 693 by Representative Stefanski

Representative Stefanski presented House Bill No. 693, which provides relative to institutional investors.

Representative Goudeau offered a motion to report House Bill No. 693 favorably. Without objection, House Bill No. 693 was reported favorably by a vote of 8 yeas and 0 nays. Representatives Bacala, Fontenot, Goudeau, Marino, McCormick, Muscarello, Nelson, and Villio voted yea.

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

House Bill No. 706 by Representative Stefanski

Representative Stefanski presented House Bill No. 706, which creates the crime of menacing.

Darren Allemand, Jefferson Parish District Attorney's Office, 200 Derbigny St., Gretna, LA 70053, (504) 368-1020, spoke in support of House Bill No. 706.

Representative Villio offered a motion to report House Bill No. 706 favorably. Without objection, House Bill No. 706 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Bacala, Fontenot, Goudeau, Marcelle, Marino, McCormick, 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.

IV. ANNOUNCEMENTS

There were no announcements.

V. ADJOURNMENT

The meeting was adjourned at 12:55 p.m.

Respectfully submitted,

Vice Chairman Tony Bacala
House Committee on Administration of Criminal Justice