

House Committee on Administration of Criminal Justice

Minutes of Meeting
2022 Regular Session
March 24, 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 9:40 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 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:

Representative Bryan Fontenot
Representative Raymond E. Garofalo, Jr.

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

Angela McKnight, sergeant at arms
Janet Anthony, sergeant at arms

Michael McCain, clerk
Bella Taylor, clerk

III. DISCUSSION OF LEGISLATION

House Bill No. 51 by Representative Goudeau

Representative Goudeau presented House Bill No. 51, which provides relative to vehicular homicide.

William Tilley, Department of Children and Family Services, 627 N. 4th St., Baton Rouge, LA 70802, (318) 676-7097, spoke for information only on House Bill No. 51.

Representative Goudeau offered amendments to:

- (1) Add language that provides for an offender's payment of court-ordered restitution to the child of the victim if the offender commits the crime of vehicular homicide;
- (2) Delete language that refers to court-ordered child support restitution payments made to the child support enforcement section of the Department of Children and Family Services;
- (3) Remove all references to child support;
- (4) Add payment of restitution to the penalties of vehicular homicide; and
- (5) Provide that proposed law be referred to as "Cody's Law".

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

Representative Marino offered an amendment to make technical changes. Representative Marino 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.

Loren M. Lampert, Louisiana District Attorneys Association, 2525 Quail Dr., Baton Rouge, LA 70808, (225) 343-0171, spoke for information only on House Bill No. 51.

Sunny House, affiliate executive director, Mothers Against Drunk Driving, 2644 S. Sherwood Forest Blvd. #224, Baton Rouge, LA 70816, (225) 772-1123, spoke in support of House Bill No. 51.

Valerie McClung Sanders, 1662 Azalea St., Vidalia, LA 71373, (601) 870-3383, spoke in support of House Bill No. 51.

Alexis Yeboah-Kodie, Justice and Accountability Center, 4035 Washington Ave., New Orleans, LA 70119, (504) 576-1434, spoke in opposition to House Bill No. 51.

Will Harrell, Voice of the Experienced, 4930 Washington Ave., New Orleans, LA 70125, (504) 510-1007, spoke in opposition to House Bill No. 51.

Representative Goudeau offered a motion to report House Bill No. 51 with amendments. Without objection, House Bill No. 51 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Bacala, Bryant, Goudeau, McCormick, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

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

House Bill No. 433 by Representative Phelps

At the request of the author, Representative Bacala offered a motion to voluntarily defer action on House Bill No. 433. Without objection, action on House Bill No. 433 was voluntarily deferred by a vote of 8 yeas and 0 nays. Representatives Bacala, Bryant, Goudeau, McCormick, McKnight, Muscarello, Nelson, and Villio voted yea.

House Bill No. 432 by Representative Phelps

On behalf of the author, Representative Jenkins presented House Bill No. 432, which provides relative to progress reports of juveniles.

Wilbert Pryor, Caddo Parish District Attorney, 501 Texas St., Shreveport, LA 71101, (318) 226-6955, spoke for information only on House Bill No. 432.

Charles Kenneth Parr, Caddo Parish District Attorney's Office, 501 Texas St., Shreveport, LA 71101, (318) 780-2704, spoke for information only on House Bill No. 432.

Representative Seabaugh offered a motion to report House Bill No. 432 favorably. Without objection, House Bill No. 432 was reported favorably by a vote of 9 yeas and 0 nays.

Representatives Bacala, Bryant, Marcelle, McCormick, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

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

House Bill No. 434 by Representative Phelps

On behalf of the author, Representative Jenkins presented House Bill No. 434, which provides relative to juvenile deferred dispositional agreements.

Wilbert Pryor, Caddo Parish district attorney, 501 Texas St., Shreveport, LA 71101, (318) 226-6955, spoke for information only on House Bill No. 434.

Charles Kenneth Parr, Caddo Parish District Attorney's Office, 501 Texas St., Shreveport, LA 71101, (318) 780-2704, spoke for information only on House Bill No. 434.

Michael Cahoon, The Promise of Justice Initiative, 1024 Elysian Fields Ave., New Orleans, LA 70117, (504) 529-5955, spoke in opposition to House Bill No. 434.

Representative Bryant offered an amendment to delete language that refers to distribution of any Schedule I, II, III, or IV controlled substances. Representative Bryant 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, Bryant, Goudeau, Marcelle, McCormick, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Representative Villio offered a motion to report House Bill No. 434 with amendments. Without objection, House Bill No. 434 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Bacala, Bryant, Goudeau, Marcelle, McCormick, McKnight, Nelson, Seabaugh, and Villio voted yea.

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

House Bill No. 68 by Representative Carpenter

Representative Carpenter presented House Bill No. 68, which provides relative to the crime of first degree murder.

Representative Marino in the chair.

Katie Hunter-Lowrey, Louisiana Survivors for Reform, 1047 Elysian Fields Ave., New Orleans, LA 70117, (504) 535-4912, spoke in opposition to House Bill No. 68.

Representative Bacala in the chair.

Remy Starns, state public defender, 301 Main St., Baton Rouge, LA 70802, (225) 408-9885, spoke for information only on House Bill No. 68.

Will Harrell, Voice of the Experienced, 1221 Kerlerec St., New Orleans, LA 70116, (512) 698-7519, spoke in opposition to House Bill No. 68.

Michael Cahoon, The Promise of Justice Initiative, 1024 Elysian Fields Ave., New Orleans, LA 70117, (504) 529-5955, spoke in opposition to House Bill No. 68.

Representative Villio offered a motion to report House Bill No. 68 favorably, to which Representative Marcelle objected. The administrative assistant called the roll, and House Bill No. 68 was reported favorably by a vote of 9 yeas and 2 nays. Representatives Bacala, Bryant, Goudeau, McCormick, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea. Representatives Marcelle and Marino voted nay.

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

House Bill No. 54 by Representative Bagley

Representative Bagley presented House Bill No. 54, which creates the crime of discrimination based on vaccination status.

On behalf of the author, Representative Seabaugh offered an amendment to remove the penalty of imprisonment. 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, Bryant, Goudeau, Marcelle, Marino, McCormick, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Representative Muscarello offered an amendment to provide for enforcement by a summons in lieu of arrest. Representative Muscarello 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, Marcelle, McKnight, Muscarello, Nelson, and Villio voted yea.

Representative McCormick offered a motion to report House Bill No. 54 with amendments. No vote was taken.

At the request of the author, Representative Bacala offered a substitute motion to voluntarily defer action on House Bill No. 54. Without objection, action on House Bill No. 54 was voluntarily deferred by a vote of 9 yeas and 0 nays. Representatives Bacala, Bryant, Goudeau, Marcelle, McCormick, McKnight, Muscarello, Nelson, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 16 in support and 25 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: 35 in support and 9 in opposition. Copies of these statements are included in the committee records.

Further action was taken by the committee on House Bill No. 54 at a meeting held on April 6, 2022. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 54.

House Bill No. 247 by Representative Magee

Representative Magee presented House Bill No. 247, which provides relative to the recusal of judges.

Representative Villio offered a motion to report House Bill No. 247 favorably. Without objection, House Bill No. 247 was reported favorably by a vote of 8 yeas and 0 nays. Representatives Bacala, Bryant, Goudeau, McCormick, McKnight, Muscarello, Seabaugh, and Villio voted yea.

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

House Bill No. 443 by Representative Magee

Representative Magee presented House Bill No. 443, which provides relative to the payment of fines, fees, costs, restitution, and other monetary obligations related to an offender's conviction.

On behalf of the author, Representative Bacala offered amendments to provide relative to monthly payment plans to fulfill financial obligations and provide that the court shall consider the defendant's average gross daily income for an eight-hour work day. 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, Goudeau, McCormick, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Will Harrell, Voice of the Experienced, 4930 Washington Ave., New Orleans, LA 70125, (504) 510-1007, spoke in opposition to House Bill No. 443.

Alexis Yeboah-Kodie, Justice and Accountability Center, 4035 Washington Ave., New Orleans, LA 70119, (504) 576-1434, spoke in opposition to House Bill No. 443.

Representative Nelson offered a motion to report House Bill No. 443 with amendments. Without objection, House Bill No. 443 was reported with amendments by a vote of 7 yeas and 0 nays. Representatives Bacala, Goudeau, McCormick, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 6 in support, 1 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: 1 in opposition. Copies of these statements are included in the committee records.

House Bill No. 323 by Representative Nelson

Representative Nelson presented House Bill No. 323, which creates the Back on Track Louisiana Pilot Program.

Representative Seabaugh in the chair.

Will Harrell, Voice of the Experienced, 1221 Kerlerec St., New Orleans, LA 70116, (512) 698-7519, spoke in opposition to House Bill No. 323.

Representative Nelson offered a motion to report House Bill No. 323 favorably. Without objection, House Bill No. 323 was reported favorably by a vote of 7 yeas and 0 nays. Representatives Bacala, McCormick, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 6 in support. Witness cards are included in the committee records.

House Bill No. 491 by Representative Bacala

Representative Bacala presented House Bill No. 491, which provides relative to simple robbery.

Representative Bacala offered a motion to report House Bill No. 491 favorably. Without objection, House Bill No. 491 was reported favorably by a vote of 7 yeas and 0 nays. Representatives Bacala, McCormick, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

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

The committee stood at ease at 12:01 p.m. The committee reconvened at 12:11 p.m.

Representative Bacala in the chair.

House Bill No. 99 by Representative McMahan

Representative McMahan presented House Bill No. 99, which adds the crime of resisting a police officer with force or violence to the list of crimes of violence.

On behalf of the author, Representative Bacala offered an amendment to remove the citation reference to the present law crime of resisting a police officer in proposed law. 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, Goudeau, Marino, McCormick, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

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. 99.

Representative Villio offered a motion to report House Bill No. 99 with amendments. Without objection, House Bill No. 99 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Bacala, Goudeau, Marino, McCormick, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 6 in support and 5 in opposition. Witness cards are included in the committee records.

House Bill No. 134 by Representative Marino

Representative Marino presented House Bill No. 134, which provides relative to the crime of false statements and false or altered documents.

Representative Marino offered an amendment to require the payment of restitution to be made payable to the Louisiana Unclaimed Property Permanent Trust Fund. 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, Goudeau, Marino, McCormick, McKnight, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Representative Marino offered a motion to report House Bill No. 134 with amendments. Without objection, House Bill No. 134 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Bacala, 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.

IV. ANNOUNCEMENTS

There were no announcements.

V. ADJOURNMENT

The meeting was adjourned at 12:29 p.m.

Respectfully submitted,

Vice Chairman Tony Bacala
House Committee on Administration of Criminal Justice