

House Committee on Administration of Criminal Justice

Minutes of Meeting
2022 Regular Session
April 19, 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 9:36 a.m. in Room 6, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Tony Bacala, vice chairman
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 Nicholas Muscarello, Jr.
Representative Richard James Nelson
Representative Alan Seabaugh
Representative Debbie Villio

MEMBERS ABSENT:

Representative Marcus Anthony Bryant
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

Bella Taylor, clerk
Myrtis Jarrell, sergeant at arms

III. DISCUSSION OF LEGISLATION

House Bill No. 577 by Representative Willard

At the request of the author, Representative Bacala offered a motion to voluntarily defer action on House Bill No. 577, which would provide relative to rulings or holdings of the U.S. Supreme Court or Louisiana Supreme Court regarding criminal procedure. Without objection, action on House Bill No. 577 was voluntarily deferred by a vote of 7 yeas and 0 nays. Representatives Bacala, Fontenot, Garofalo, Goudeau, Muscarello, Nelson, and Villio voted yea.

House Bill No. 40 by Representative Cormier

Representative Cormier presented House Bill No. 40, which provides relative to evidence that is admissible.

Conrad Huber, 14th Judicial District Court district attorney's office, 1717 Woodland Dr., Lake Charles, LA 70605, (504) 906-5747, spoke in opposition to House Bill No. 40.

Representative Villio offered a motion to involuntarily defer action on House Bill No. 40, to which Representative Marcelle objected. The administrative assistant called the roll, and action on House Bill No. 40 was involuntarily deferred by a vote of 8 yeas and 1 nays. Representatives Bacala, Fontenot, Garofalo, Goudeau, Muscarello, Nelson, Seabaugh, and Villio voted yea. Representative Marcelle voted nay.

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.

House Bill No. 544 by Representative Villio

Representative Villio presented House Bill No. 544, which provides relative to diminution of sentence and parole eligibility for fourth or subsequent nonviolent felony offenses.

Ronald Marshall, Voice of the Experienced, no address provided, (504) 547-5704, spoke in opposition to House Bill No. 544.

Natalie LaBorde, Department of Corrections, 504 Mayflower St., Baton Rouge, LA 70802, (225) 342-6740, spoke for information only on House Bill No. 544.

Loren M. Lampert, Louisiana District Attorneys Association, 2525 Quail Dr., Baton Rouge, 70808, (225) 343-0171, spoke in support of House Bill No. 544.

Representative Garofalo offered a motion to report House Bill No. 544 favorably, to which Representative Marcelle objected. The administrative assistant called the roll, and House Bill No. 544 was reported favorably by a vote of 9 yeas and 1 nays. Representatives Bacala, Fontenot, Garofalo, Goudeau, McCormick, Muscarello, Nelson, Seabaugh, and Villio voted yea. Representative Marcelle voted nay.

Witness cards submitted by individuals who did not speak are as follows: 6 in support and 19 in opposition. Witness cards 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 a meeting held on April 12, 2022. Please check for the prior action to complete the record of discussion and motions on House Bill No. 483.

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;
- (2) Delete provisions referring to R.S. 14:95.1; and
- (3) Add language that clarifies that the proposed law waiting period of five years pertaining to eligibility for a concealed handgun permit is not applicable to a person otherwise prohibited from possessing a firearm by state law.

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, Garofalo, Goudeau, Marcelle, McCormick, Muscarello, Seabaugh, and Villio voted yea.

Representative Blake Miguez, 410 N. Broadway St., Erath, LA 70533, (337) 937-8827, spoke in support of House Bill No. 483.

Loren M. Lampert, Louisiana District Attorneys Association, 2525 Quail Dr., Baton Rouge, 70808, (225) 343-0171, spoke for information only on House Bill No. 483.

Representative Garofalo offered a motion to report House Bill No. 483 with amendments. Without objection, House Bill No. 483 was reported with amendments by a vote of 7 yeas and 0 nays. Representatives Bacala, Fontenot, Garofalo, Goudeau, McCormick, Muscarello, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 8 in support. 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: 9 in support. Copies of these statements are included in the committee records.

House Bill No. 209 by Representative Landry

Representative Landry presented House Bill No. 209, which allows governing authorities of certain parishes to adopt certain regulations related to firearms and ammunition.

Jason Williams, Orleans District Attorneys Office, 619 S. White St., New Orleans, LA 70119, (504) 822-2414, spoke in support of House Bill No. 209.

Eugene J. Green, Jr., New Orleans City Council, 4939 St. Roch Ave., New Orleans, LA 70122, (504) 287-3832, spoke in support of House Bill No. 209.

Lawrence Dupree, deputy chief, New Orleans Police Department, 1300 Perdido St., New Orleans, LA 70112, (504) 658-6070, spoke in support of House Bill No. 209.

Chris R. Ross, 920 Poydras St., New Orleans, LA 70112, (504) 352-1492, spoke in support of House Bill No. 209.

Tracy M. Brown, 1442 N. Fonti St., New Orleans, LA 70119, (504) 266-8225, spoke in support of House Bill No. 209.

Janea Jamison, Power Coalition, 4930 Washington Ave., New Orleans, LA 70125, (504) 906-4019, spoke in support of House Bill No. 209.

Laura Devitt, 6318 Carlson Dr., New Orleans, LA 70122, (504) 259-7078, spoke in support of House Bill No. 209.

Donna Dees, 731 St. Charles Ave., New Orleans, LA 70130, (917) 714-9942, spoke in support of House Bill No. 209.

Daniel Zelenka, Louisiana Shooting Association, 11 Carolina Ct., Covington, LA 70433, (504) 421-1323, spoke in opposition to House Bill No. 209.

Matt Herriman, National Rifle Association, 11250 Waples Mill Rd., Fairfax, VA 22030, (704) 447-0670, spoke in opposition to House Bill No. 209.

Louis J. White, Home Defense - Firearm Professionals, 122 Florence Dr., Hammond, LA 70401, (504) 402-6686, spoke in opposition to House Bill No. 209.

Chris Patron, Home Defense - Firearm Professionals, 28578 Roan Ln., Lacombe, LA 70445, (504) 941-1969, spoke in opposition to House Bill No. 209.

Judy Newman, Home Defense - Firearm Professionals, 1705 N. Sibley St., Metairie, LA 70003, (504) 466-4933, spoke in opposition to House Bill No. 209.

Michael Buras, Home Defense - Firearm Professionals, P.O. Box 116, Mount Hermon, LA 70450, (504) 451-8220, spoke in opposition to House Bill No. 209.

Representative Marcelle offered a motion to report House Bill No. 209 favorably. No vote was taken.

Representative Garofalo offered a substitute motion to involuntarily defer action on House Bill No. 209, to which Representative Marcelle objected. The administrative assistant called the roll, and action on House Bill No. 209 was involuntarily deferred by a vote of 9 yeas and 1 nays. Representatives Bacala, Fontenot, Garofalo, Goudeau, McCormick, Muscarello, Nelson, Seabaugh, and Villio voted yea. Representative Marcelle voted nay.

Witness cards submitted by individuals who did not speak are as follows: 13 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: 1 in support and 38 in opposition. Copies of these statements are included in the committee records.

House Bill No. 964 by Representative Pierre

Representative Pierre presented House Bill No. 964, which provides relative to parole violations.

Syrita Steib, Operation Restoration, 1450 Poydras St., Ste. 2260, New Orleans, LA 70112, (504) 684-9222, spoke in support of House Bill No. 964.

Representative Marcelle offered a motion to report House Bill No. 964 favorably, to which Representative Villio objected. The administrative assistant called the roll, and the motion failed to

pass by a vote of 4 yeas and 6 nays. Representatives Marcelle, Marino, Muscarello, and Nelson voted yea. Representatives Bacala, Fontenot, Garofalo, Goudeau, McCormick, and Villio voted nay.

Witness cards submitted by individuals who did not speak are as follows: 17 in support. 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: 5 in support. Copies of these statements are included in the committee records.

House Bill No. 102 by Representative Muscarello

Representative Muscarello presented House Bill No. 102, which provides relative to parole hearings.

Representative Muscarello offered an amendment to provide that the committee on parole shall not consider a parole rehearing of any prisoner serving a sentence for the following offenses until at least four years after the denial of parole:

- (1) Any crime of violence or sex offense, for which the prisoner is serving a life sentence and for which the prisoner is eligible for parole;
- (2) Any crime that is both a crime of violence and a sex offense, for which the prisoner is serving a fixed term of years and for which the prisoner is eligible for parole; and
- (3) Manslaughter, for which the prisoner is eligible for parole.

Muscarello offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 7 yeas and 0 nays. Representatives Bacala, Fontenot, Garofalo, Marino, Muscarello, Nelson, and Villio voted yea.

Gwendolyn Gagliano, no address provided, (985) 974-2016, spoke in support of House Bill No. 102.

Representative Nelson offered an amendment to provide that the provisions shall be given prospective application only. After discussion, Representative Nelson withdrew the amendment.

Andrew Hundley, Louisiana Parole Project, P.O. Box 2029, Baton Rouge, LA 70821, (337) 831-2066, spoke in opposition to House Bill No. 102.

Representative Villio offered a motion to report House Bill No. 102 with amendments, to which Representative Marcelle objected. The administrative assistant called the roll, and House Bill No. 102 was reported with amendments by a vote of 9 yeas and 1 nays. Representatives Bacala,

Fontenot, Garofalo, Marino, McCormick, Muscarello, Nelson, Seabaugh, and Villio voted yea. Representative Marcelle voted nay.

Witness cards submitted by individuals who did not speak are as follows: 6 in support and 22 in opposition. Witness cards are included in the committee records.

House Bill No. 175 by Representative Landry

This is a continuation of the discussion on House Bill No. 175 from a meeting held on April 12, 2022. Please check for the prior action to complete the record of discussion and motions on House Bill No. 175.

Representative Landry presented House Bill No. 175, which provides relative to copayments made by inmates upon receiving medical or dental treatment.

Natalie LaBorde, Department of Corrections, 504 Mayflower St., Baton Rouge, LA 70802, (225) 342-6740, spoke for information only on House Bill No. 175.

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

- (1) Provide that an inmate housed at a state correctional facility shall not be required to make a copayment of an amount greater than two dollars upon receiving medical or dental treatment.
- (2) Provide that an inmate housed at a state correctional facility shall not be charged for prescriptions written and dispensed.
- (3) Provide that an inmate who has two hundred dollars or less in a drawing account shall not be required to make a copayment of any amount upon receiving medical or dental treatment.
- (4) Restore the present law provisions relative to the withdrawal of funds in an inmate's compensation account to satisfy medical or dental copays.

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, Marcelle, Marino, McCormick, Seabaugh, and Villio voted yea.

Representative Marcelle offered a motion to report House Bill No. 175 with amendments, 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 Bacala, Marcelle, Marino, McCormick, and Nelson voted yea. Representatives Fontenot, Garofalo, Goudeau, Seabaugh, and Villio voted nay.

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

House Bill No. 103 by Representative Thomas

Representative Thomas presented House Bill No. 103, which provides relative to reporting requirements for persons convicted of production or manufacturing of methamphetamine.

David Heikamp, 717 Giuffrias Ave., Metairie, LA 70001, (504) 831-2342, spoke in support of House Bill No. 103.

Representative Seabaugh in the chair.

Meghan Garvey, Louisiana Association of Criminal Defense Lawyers, 504 Lakeland Dr., Baton Rouge, LA 70802, (504) 343-7175, spoke in opposition to House Bill No. 103.

Representative Villio offered a motion to report House Bill No. 103 favorably, to which Representative Marino objected. The administrative assistant called the roll, and House Bill No. 103 was reported favorably by a vote of 5 yeas and 4 nays. Representatives Bacala, Fontenot, Goudeau, Seabaugh, and Villio voted yea. Representatives Marino, McCormick, Muscarello, and Nelson voted nay.

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

Representative Bacala in the chair.

House Bill No. 728 by Representative Duplessis

Representative Duplessis presented House Bill No. 728, which provides relative to medical parole.

Ronald Marshall, Voice of the Experienced, no address provided, (504) 547-5709, spoke in support of House Bill No. 728.

Checo Yancy, Voice of the Experienced, 251 Florida St., Ste. 201, Baton Rouge, LA 70802, (225) 270-5245, spoke in support of House Bill No. 728.

Norris Henderson, Voice of the Experienced, 4930 Washington Ave., New Orleans, LA 70125, (504) 453-4819, spoke in support of House Bill No. 728.

Matthew S. Foster, 1100 Poydras St., Ste. 2100, New Orleans, LA 70163, (504) 507-0376, spoke in support of House Bill No. 728 and provided a handout, Exhibit A, which is included in the committee records.

Monica Dhand, 730 Spain St., New Orleans, LA 70117, (215) 512-0639, spoke in support of House Bill No. 728.

Anjali Niyogi, 1118 Marais St., New Orleans, LA 70116, (504) 236-6417, spoke in support of House Bill No. 728.

Alan Haney, Louisiana District Attorneys Association, 800 S. Buchanan St., Lafayette, LA 70502, (337) 262-8638, spoke in opposition to House Bill No. 728.

At the request of the author, Representative Marino offered a motion to voluntarily defer action on House Bill No. 728. Without objection, action on House Bill No. 728 was voluntarily deferred by a vote of 9 yeas and 0 nays. Representatives Bacala, Fontenot, Garofalo, Goudeau, Marino, McCormick, Muscarello, Nelson, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 28 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: 7 in support. Copies of these statements are included in the committee records.

House Bill No. 137 by Representative Marino

This is a continuation of the discussion on House Bill No. 137 from a previous meeting held on April 6, 2022. Please check for the prior action to complete the record of discussion and motions on House Bill No. 137.

Representative Marino presented House Bill No. 137, which provides relative to immunity from prosecution for medical marijuana.

Peter Robins-Brown, Louisiana Progress Action, 650 N. 6th St., Baton Rouge, LA 70802, (504) 256-8196, spoke in support of House Bill No. 137.

Lady Carlson, Together Louisiana, 2019 Government St., Baton Rouge, LA 70806, (318) 880-7373, spoke in support of House Bill No. 137.

Representative Marino offered a motion to report House Bill No. 137 with amendments. Without objection, House Bill No. 137 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Bacala, Fontenot, Garofalo, Goudeau, Marino, McCormick, Muscarello, Nelson, Seabaugh, and Villio voted yea.

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

House Bill No. 282 by Representative Marino

Representative Marino presented House Bill No. 282, which provides relative to the probation of defendants in drug division probation programs or specialty court programs.

Representative Villio offered a motion to report House Bill No. 282 favorably. Without objection, House Bill No. 282 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Bacala, Fontenot, Garofalo, Marino, McCormick, Muscarello, Nelson, Seabaugh, 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.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 10 in support. Copies of these statements are included in the committee records.

House Bill No. 129 by Representative Nelson

Representative Nelson presented House Bill No. 129, which provides relative to an arrested person's failure to honor a written promise to appear.

Representative Nelson offered amendments to:

- (1) Restore present law (R.S. 32:57.1) and provide that:
 - (a) The Department of Public Safety and Corrections shall notify the arrested person by certified mail return receipt requested that his operator's license may be suspended for failure to honor a written promise or payment of a fine within 180 days after the date notice was received.
 - (b) Remove present law which provides that the operator's license of the arrested person cannot be renewed or reissued.

- (c) Provide that upon payment of \$100 to the Department of Public Safety and Corrections, the license of the arrested person shall be released from pending suspension, renewed, or reissued.
 - (d) Provide that if failure to appear is the result of incarceration, the operator's license of an arrested person shall be renewed and reissued without payment for any suspension.
- (2) Remove proposed law (R.S. 32:391) relative to persons who willfully violate a written promise to appear.

Representative Nelson offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 9 yeas and 0 nays. Representatives Bacala, Fontenot, Garofalo, Goudeau, Marino, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

Glenn Ansardi, Louisiana District Judges Association and LCJA, 400 Royal St., New Orleans, LA 70130, (504) 812-1337, spoke for information only on House Bill No. 129.

Alice Glenn, Louisiana Appleseed, 1615 Poydras St., New Orleans, LA 70130, (504) 715-4355, spoke in support of House Bill No. 129.

Ifeyinwa F. Davis, Louisiana Appleseed, 1615 Poydras St., New Orleans, LA 70130, (301) 356-7103, spoke in support of House Bill No. 129.

Alexis Yeboah-Kodie, Justice and Accountability Center of Louisiana, 4035 Washington Ave., Ste. 203, New Orleans, LA 70125, (504) 576-1434, spoke in support of House Bill No. 129.

Representative Nelson offered a motion to report House Bill No. 129 with amendments. Without objection, House Bill No. 129 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Bacala, Fontenot, Garofalo, Goudeau, Marino, McCormick, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 6 in support and 1 in opposition. Witness cards are included in the committee records.

IV. ANNOUNCEMENTS

Representative Bacala announced that House Bill No. 628 by Representative Bryant will be heard at a later meeting.

V. ADJOURNMENT

The meeting was adjourned at 1:35 p.m.

Respectfully submitted,

Vice Chairman Tony Bacala
House Committee on Administration of Criminal Justice