

## House Committee on Administration of Criminal Justice

Minutes of Meeting  
2022 Regular Session  
April 27, 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 9:11 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 Nicholas Muscarello, Jr.  
Representative Richard James Nelson  
Representative Alan Seabaugh  
Representative Debbie Villio

#### MEMBERS ABSENT:

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

### III. DISCUSSION OF LEGISLATION

#### **House Bill No. 321 by Representative Boyd**

At the request of the author, Representative Bacala offered a motion to voluntarily defer action on House Bill No. 321, which would provide relative to parole for certain persons. Without objection, action on House Bill No. 321 was voluntarily deferred by a vote of 9 yeas and 0 nays. Representatives Bacala, Fontenot, Garofalo, Goudeau, Marino, McCormick, Muscarello, Seabaugh, and Villio voted yea.

#### **House Bill No. 517 by Representative Selders**

At the request of the author, Representative Bacala offered a motion to voluntarily defer action on House Bill No. 517, which would create and provide for the Medical Advisory Council within the Department of Public Safety and Corrections. Without objection, action on House Bill No. 517 was voluntarily deferred by a vote of 9 yeas and 0 nays. Representatives Bacala, Fontenot, Garofalo, Goudeau, Marino, McCormick, Muscarello, Seabaugh, and Villio voted yea.

#### **House Bill No. 626 by Representative Adams**

At the request of the author, Representative Bacala offered a motion to voluntarily defer action on House Bill No. 626, which would create the crime of aggravated distribution of a controlled dangerous substance. Without objection, action on House Bill No. 626 was voluntarily deferred by a vote of 9 yeas and 0 nays. Representatives Bacala, Fontenot, Garofalo, Goudeau, Marino, McCormick, Muscarello, Seabaugh, and Villio voted yea.

#### **House Bill No. 734 by Representative Fontenot**

At the request of the author, Representative Bacala offered a motion to voluntarily defer action on House Bill No. 734, which would provide relative to sentencing provisions for crimes of violence. Without objection, action on House Bill No. 734 was voluntarily deferred by a vote of 9 yeas and 0 nays. Representatives Bacala, Fontenot, Garofalo, Goudeau, Marino, McCormick, Muscarello, Seabaugh, and Villio voted yea.

#### **House Bill No. 908 by Representative Freiberg**

Representative Freiberg presented House Bill No. 908, which provides relative to information contained in pre-parole reports.

Jill Pasquarella, Louisiana Parole Project, 251 Florida St., Ste. 400, Baton Rouge, LA 70801, (504) 400-5255, spoke in support of House Bill No. 908.

Robert Lancaster, LSU Parole and Reentry Clinic, LSU Law Center, 1 E. Campus Dr., Baton Rouge, LA 70803, (225) 578-8262, spoke for information only on House Bill No. 908.

At the request of the author, Representative Bacala offered a motion to voluntarily defer action on House Bill No. 908. Without objection, action on House Bill No. 908 was voluntarily deferred by a vote of 9 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Garofalo, Marino, McCormick, Muscarello, Seabaugh, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 27 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: 2 in support. Copies of these statements are included in the committee records.

#### **House Bill No. 844 by Representative Adams**

Representative Adams presented House Bill No. 844, which provides relative to penalties for distribution or possession with intent to distribute heroin and fentanyl and carfentanil.

E. Barton Conradi, 343 Third St., Baton Rouge, LA 70801, (225) 338-1300, spoke in support of House Bill No. 844 and provided handouts, Exhibits A and B, which are included in the committee records.

Representative Bacala offered an amendment to provide that any sentence imposed for distribution or possession with intent to distribute heroin and fentanyl and carfentanil shall be served without the benefit of parole, probation, or suspension of sentence. Representative Bacala offered a motion to adopt the proposed amendment, to which Representative Marino objected. The administrative assistant called the roll, and the amendment was adopted by a vote of 7 yeas and 4 nays. Representatives Bacala, Bryant, Fontenot, Garofalo, Goudeau, Seabaugh, and Villio voted yea. Representatives Marcelle, Marino, McCormick, and Muscarello voted nay.

Pamela Rivas, 2244 Stonehenge Ave., Baton Rouge, LA 70820, (225) 252-2224, spoke in support of House Bill No. 844.

Robert R.V. Broussard, II, 7552 Cemetery Hwy., Saint Martinville, LA 70582, (337) 654-9557, spoke in support of House Bill No. 844.

Adinas Perkins, 1946 S. Ringer Ave., Gonzales, LA 70737, (678) 873-9088, spoke in opposition to House Bill No. 844.

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. 844.

Sarah Whittington, Justice and Accountability Center, 4035 Washington Ave., New Orleans, LA 70125, (504) 322-4050, spoke in opposition to House Bill No. 844.

Representative Villio offered a motion to report House Bill No. 844 with amendments, to which Representative Bryant objected. The administrative assistant called the roll, and House Bill No. 844 was reported with amendments by a vote of 7 yeas and 5 nays. Representatives Bacala, Fontenot, Garofalo, Goudeau, Muscarello, Seabaugh, and Villio voted yea. Representatives Bryant, Marcelle, Marino, McCormick, and Nelson voted nay.

Witness cards submitted by individuals who did not speak are as follows: 1 in support and 24 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.

### **House Bill No. 926 by Representative Adams**

Representative Adams presented House Bill No. 926, which provides relative to publication of arrests for certain offenses involving heroin, fentanyl, or carfentanil.

E. Barton Conradi, 343 Third St., Baton Rouge, LA 70801, (225) 338-1300, spoke in support of House Bill No. 926.

Sarah Whittington, Justice and Accountability Center, 4035 Washington Ave., New Orleans, LA 70125, (504) 322-4050, spoke in opposition to House Bill No. 926.

Tammy Jones, Voters Organized, 251 Florida Blvd., Baton Rouge, LA 70802, (225) 442-0792, spoke in opposition to House Bill No. 926.

Representative Villio offered a motion to report House Bill No. 926 favorably, to which Representative McCormick objected. The administrative assistant called the roll, and House Bill No. 926 was reported favorably by a vote of 7 yeas and 2 nays. Representatives Bacala, Bryant, Fontenot, Garofalo, Goudeau, Seabaugh, and Villio voted yea. Representatives McCormick and Nelson voted nay.

Witness cards submitted by individuals who did not speak are as follows: 2 in support and 19 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: 5 in opposition. Copies of these statements are included in the committee records.

### **House Bill No. 601 by Representative Hughes**

At the request of the author, Representative Bacala offered a motion to voluntarily defer action on House Bill No. 601, which would provide relative to immunity for certain actions involving drug-related overdoses. Without objection, action on House Bill No. 601 was voluntarily deferred by a vote of 8 yeas and 0 nays. Representatives Bacala, Bryant, Garofalo, Goudeau, McCormick, Nelson, Seabaugh, and Villio voted yea.

### **House Bill No. 1027 by Representative Landry**

Representative Landry presented House Bill No. 1027, which provides relative to criminal and civil liability of certain pregnancy outcomes.

Dr. Radha Rama, Lift Louisiana, 914 Joliet St., New Orleans, LA 70115, (504) 756-5297, spoke in support of House Bill No. 1027.

Dr. Nina Breakstone, 3952 Constance St., New Orleans, LA 70115, (404) 434-7249, spoke in support of House Bill No. 1027.

Susan Raborn, 1323 Chippenham Dr., Baton Rouge, LA 70808, (225) 978-1490, spoke in opposition to House Bill No. 1027.

Representative Seabaugh offered an amendment to provide relative to when a person can be held civilly liable or criminally prosecuted for certain pregnancy outcomes. Representative Seabaugh 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, Garofalo, Marino, McCormick, Nelson, Seabaugh, and Villio voted yea.

Representative Bryant offered a motion to report House Bill No. 1027 with amendments, to which Representative Seabaugh objected. The administrative assistant called the roll, and the motion failed to pass by a vote of 4 yeas and 6 nays. Representatives Bacala, Bryant, Marino, and Nelson voted yea. Representatives Fontenot, Garofalo, Goudeau, McCormick, Seabaugh, and Villio voted nay.

Witness cards submitted by individuals who did not speak are as follows: 27 in support. Witness cards are included in the committee records.

**House Bill No. 894 by Representative Jordan**

At the request of the author, Representative Bacala offered a motion to voluntarily defer action on House Bill No. 894, which would provide relative to criminal forfeiture. Without objection, action on House Bill No. 894 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Garofalo, Goudeau, Marino, McCormick, Nelson, Seabaugh, and Villio voted yea.

**House Bill No. 676 by Representative Jordan**

At the request of the author, Representative Bacala offered a motion to voluntarily defer action on House Bill No. 676, which would provide relative to sentencing for habitual offenders. Without objection, action on House Bill No. 676 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Garofalo, Goudeau, Marino, McCormick, Nelson, Seabaugh, and Villio voted yea.

**House Bill No. 628 by Representative Bryant**

Representative Bryant presented House Bill No. 628, which provides relative to parole eligibility.

Darren Allemand, Jefferson Parish district attorney's office, 200 Derbigny St., Gretna, LA 70053, (504) 368-1020, spoke in support of House Bill No. 628.

Brandi Melissa, P.O. Box 1171, Baton Rouge, LA 70821, (225) 721-1359, spoke in support of House Bill No. 628.

Will Harrell, Voice of the Experienced, 4930 Washington Ave., New Orleans, LA 70125, (504) 510-1007, spoke in opposition to House Bill No. 628.

Representative Bryant offered a motion to report House Bill No. 628 favorably. Without objection, House Bill No. 628 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Garofalo, Goudeau, Marcelle, Marino, McCormick, Seabaugh, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 9 in support and 22 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 opposition. Copies of these statements are included in the committee records.

**House Bill No. 820 by Representative Villio**

Representative Villio presented House Bill No. 820, which provides relative to civil forfeiture.

Representative Villio offered amendments to:

- (1) Make technical changes;
- (2) Provide that the seizure and forfeiture provisions of proposed law shall not affect a mortgage, lien, or security interest held by a federally-insured financial institution; and
- (3) Specify that notice of pending forfeiture or disposition shall be provided by the district attorney in accordance with the requirements of present law.

Representative Villio 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, Bryant, Fontenot, Garofalo, Goudeau, Marcelle, Marino, McCormick, and Villio voted yea.

Sergeant Todd Rivere, Jefferson Parish sheriff's office, 725 Maple Ave., Harvey, LA 70058, (504) 364-5389, spoke in support of House Bill No. 820.

*Representative Seabaugh in the chair.*

Representative Marcelle offered an amendment to remove the crime of theft from the list of offenses that subject facilitating property, proceeds, and commingled funds to seizure and forfeiture. Representative Marcelle offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 8 yeas and 0 nays. Representatives Bryant, Garofalo, Marcelle, Marino, McCormick, Muscarello, Seabaugh, and Villio voted yea.

Representative Marino offered an amendment to provide that all property, proceeds, and commingled funds shall be subject to seizure and forfeiture upon final conviction. After discussion, Representative Marino withdrew the amendment.

Representative Villio offered a motion to report House Bill No. 820 with amendments. Without objection, House Bill No. 820 was reported with amendments by a vote of 7 yeas and 0 nays. Representatives Bacala, Garofalo, Marino, McCormick, Muscarello, Seabaugh, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 5 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: 2 in opposition. Copies of these statements are included in the committee records.

*Representative Bacala in the chair.*

**House Bill No. 769 by Representative Wright**

***This is a continuation of the discussion on House Bill No. 769 from a meeting held on April 13, 2022. Please check for the prior action to complete the record of discussion and motions on House Bill No. 769.***

Representative Wright presented House Bill No. 769, which provides relative to ignition interlock devices and maintenance services.

Mary-Patricia Wray, Mothers Against Drunk Driving and CIIM, 2360 Tulane Dr., Baton Rouge, LA 70808, (225) 395-9961, spoke in support of House Bill No. 769.

Representative Muscarello offered amendments to:

- (1) Remove proposed law relative to a first offense of operating a vehicle while intoxicated that requires the driver's license of the offender to be suspended for two years;
- (2) Remove the requirement for an ignition interlock device to be installed on a vehicle of a first offender during the first twelve-month period of suspension of his driver's license;
- (3) Restore the present law 90-day suspension of license if the person submitted to the test and the test results show a blood alcohol level of 0.08 percent or above by weight; and
- (4) Add that the Act shall be cited and referred to as "The Bowling, Coss, and Dufrene Drunk Driving Prevention Act".

Representative Muscarello 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, Bryant, Fontenot, Garofalo, Marcelle, Muscarello, and Villio voted yea.

Paula Zachary, Mothers Against Drunk Driving, 29955 West St., Apt. B7, Albany, LA 70711, (985) 363-0097, spoke in support of House Bill No. 769.



Hallye Braud, Louisiana Association of Criminal Defense Lawyers, 9270 Siegen Ln., #103, Baton Rouge, LA 70810, (225) 953-8330, spoke in opposition to House Bill No. 769.

Jarrett Ambeau, Louisiana Association of Criminal Defense Lawyers, 8133 Willow Grove Blvd., Baton Rouge, LA 70810, (225) 330-7009, spoke in opposition to House Bill No. 769.

Checo Yancy, Voice of the Experienced, 251 Florida St., #201, Baton Rouge, LA 70801, (225) 270-5245, spoke in opposition to House Bill No. 769.

Representative Muscarello offered a motion to report House Bill No. 769 with amendments. Without objection, House Bill No. 769 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Garofalo, Goudeau, Marcelle, McCormick, Muscarello, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 3 in support, 7 in opposition, and 1 for information only. Witness cards are included in the committee records.

#### **House Bill No. 569 by Representative Emerson**

Representative Emerson presented House Bill No. 569, which provides for the forfeiture of property.

Raheem J. Williams, The Pelican Institute for Public Policy, 6805 Veterans Blvd., Apt. 56, Metairie, LA 70003, (904) 343-1597, spoke in support of House Bill No. 569.

*Representative Seabaugh in the chair.*

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

- (1) Provide for the method of final forfeiture proceeding, including criminal, civil, and administrative, including whether the property owner defaulted in forfeiture litigation; and
- (2) Provide that the commander of a multijurisdictional task force may appoint one agency and one district attorney's office to report its seizures and forfeitures.

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 Bryant, Fontenot, Garofalo, Goudeau, Marcelle, McCormick, Seabaugh, and Villio voted yea.

Alan Haney, 15<sup>th</sup> Judicial District Court district attorney, 800 S. Buchanan St., Lafayette, LA 70501, (337) 262-8638, spoke in opposition to House Bill No. 569.

Sarah Tirrell, Louisiana District Attorneys Association, 2525 Quail Dr., Baton Rouge, LA 70808, (225) 343-0171, spoke for information only on House Bill No. 569.

Loren M. Lampert, Louisiana District Attorneys Association, 2525 Quail Dr., Baton Rouge, LA 70808, (225) 343-0171, spoke in opposition to House Bill No. 569.

*Representative Bacala in the chair.*

Representative Marcelle offered a motion to report House Bill No. 569 favorably. After further discussion, Representative Emerson requested that her bill be voluntarily deferred. No vote was taken on Representative Marcelle's motion.

At the request of the author, Representative Bacala offered a motion to voluntarily defer action on House Bill No. 569. Without objection, action on House Bill No. 569 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Garofalo, Goudeau, Marcelle, McCormick, Muscarello, Seabaugh, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 15 in support and 4 in opposition. Witness cards are included in the committee records.

***Further action was taken by the committee on House Bill No. 569 at a meeting held on May 3, 2022. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 569.***

#### **House Bill No. 728 by Representative Duplessis**

At the request of the author, Representative Bacala offered a motion to voluntarily defer action on House Bill No. 728, which would provide relative to medical parole. Without objection, action on House Bill No. 728 was voluntarily deferred by a vote of 9 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Garofalo, Marcelle, McCormick, Muscarello, Seabaugh, and Villio voted yea.

#### **House Bill No. 746 by Representative Duplessis**

Representative Duplessis presented House Bill No. 746, which provides relative to solitary confinement in juvenile facilities.

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

- (1) Make technical changes;
- (2) Change the maximum number of hours a juvenile can remain in solitary confinement from four to eight; and

- (3) Delete language that refers to purposes and reasons for detention, detention standards, licensing, and fees for local juvenile detention facilities.

Representative Bacala offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Garofalo, Marcelle, Marino, McCormick, Muscarello, Seabaugh, and Villio voted yea.

Rachel Gassert, Louisiana Center for Children's Rights, 1100-B Milton St., New Orleans, LA 70122, (504) 323-5117, spoke in support of House Bill No. 746.

Reginald Parquet, Tulane School of Social Work, 137 Elk Pl., New Orleans, LA 70112, (504) 431-9396, spoke in support of House Bill No. 746.

Lacey Abernathy, P.O. Box 434, Lydia, LA 70569, (337) 256-6446, spoke in support of House Bill No. 746.

Robin Simmons, Louisiana Center for Children's Rights, 9124 Watchwood Dr., Haughton, LA 71037, (318) 464-0908, spoke in support of House Bill No. 746.

Lakita Leonard, Louisiana Juvenile Justice Public Defenders, 8333 Veterans Memorial Blvd., Baton Rouge, LA 70807, (225) 205-8190, spoke in support of House Bill No. 746.

Allison Zimmer, Louisiana Center for Children's Rights, 1100-B Milton St., New Orleans, LA 70122, (201) 618-1735, spoke in support of House Bill No. 746.

Monica Stevens, Tulane University, 131 S. Robertson St., New Orleans, LA 70112, (504) 662-8340, spoke in support of House Bill No. 746.

Will Harrell, Voice of the Experienced, 4930 Washington Ave., New Orleans, LA 70125, (504) 510-1007, spoke in opposition to House Bill No. 746.

D'Angelo Davis, 2121 Elysian Fields Ave., New Orleans, LA 70117, (504) 344-7256, spoke in support of House Bill No. 746.

Ronald Marshall, Voice of the Experienced, 4930 Washington Ave., New Orleans, LA 70125, (504) 847-5709, spoke in support of House Bill No. 746.

Therrin Dew, 1642 Andry St., New Orleans, LA 70117, (504) 220-0484, spoke in support of House Bill No. 746.

William A. Sommers, Office of Juvenile Justice, 7919 Independence Blvd., Baton Rouge, LA 70806, (225) 287-7900, spoke for information only on House Bill No. 746.

Deron Patin, Office of Juvenile Justice, 7919 Independence Blvd., Baton Rouge, LA 70806, (225) 287-7900, spoke for information only on House Bill No. 746.

Joseph Dominick, Louisiana Juvenile Detention Association, 28528 Hwy. 190, Covington, LA 70433, (985) 249-2902, spoke for information only on House Bill No. 746.

Representative Marcelle offered a motion to report House Bill No. 746 with amendments. Without objection, House Bill No. 746 was reported with amendments by a vote of 12 yeas and 0 nays. Representatives Bacala, Bryant, Fontenot, Garofalo, Goudeau, Marcelle, Marino, McCormick, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 67 in support, 4 in opposition, 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: 22 in support. Copies of these statements are included in the committee records.

#### **IV. ANNOUNCEMENTS**

There were no announcements.

#### **V. ADJOURNMENT**

The meeting was adjourned at 3:07 p.m.

Respectfully submitted,

Vice Chairman Tony Bacala  
House Committee on Administration of Criminal Justice