

House Committee on Administration of Criminal Justice

Minutes of Meeting
2022 Regular Session
May 4, 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 9:41 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 Bryan Fontenot
Representative Raymond E. Garofalo, Jr.
Representative Jonathan Goudeau, I
Representative Vanessa Caston LaFleur
Representative C. Denise Marcelle
Representative Danny McCormick
Representative Nicholas Muscarello, Jr.
Representative Richard James Nelson
Representative Alan Seabaugh
Representative Debbie Villio

MEMBERS ABSENT:

Representative Marcus Anthony Bryant
Representative Valarie Hodges

STAFF MEMBERS PRESENT:

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

ADDITIONAL ATTENDEES PRESENT:

Janet Anthony, sergeant at arms

Angela McKnight, sergeant at arms
Michael McCain, clerk
Bella Taylor, clerk

III. DISCUSSION OF LEGISLATION

Senate Bill No. 53 by Senator Foil

Senator Foil presented Senate Bill No. 53, which provides certain exceptions to the crime of illegal carrying of weapons.

Michael Credo, retired U.S. Marshal Eastern District of Louisiana, 18738 Lafitte Brothers Ln., Prairieville, LA 70769, (225) 402-9558, spoke in support of Senate Bill No. 53.

On behalf of the author, Representative Marino offered an amendment to specify that an investigator is a retired U.S. investigator. 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 Marino, Bacala, Fontenot, LaFleur, Marcelle, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

Representative Bacala offered a motion to report Senate Bill No. 53 with amendments. Without objection, Senate Bill No. 53 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Marino, Bacala, Fontenot, Goudeau, LaFleur, Marcelle, McCormick, Muscarello, Nelson, and Seabaugh 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.

Senate Bill No. 360 by Senator Foil

Senator Foil presented Senate Bill No. 360, which provides relative to bond forfeiture.

Steve Adams, Louisiana Bail Underwriters Association, 3043 Old Forge Dr., Baton Rouge, LA 70808, (225) 767-7640, spoke in support of Senate Bill No. 360.

Representative Marino offered a motion to report Senate Bill No. 360 favorably. Without objection, Senate Bill No. 360 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Marino, Bacala, Fontenot, Garofalo, LaFleur, Marcelle, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

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

Senate Bill No. 148 by Senator Mizell

Senator Mizell presented Senate Bill No. 148, which provides for post-conviction relief for victims of human trafficking.

Michelle Johnson, no address provided, (225) 436-5892, spoke in support of Senate Bill No. 148.

Sarah Whittington, Justice and Accountability Center of Louisiana, 4035 Washington Ave., New Orleans, LA 70125, (504) 322-4050, spoke in support of Senate Bill No. 148.

Representative Marcelle offered a motion to report Senate Bill No. 148 favorably. Without objection, Senate Bill No. 148 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Marino, Bacala, Fontenot, Garofalo, Goudeau, LaFleur, Marcelle, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 20 in support. Witness cards are included in the committee records.

Senate Bill No. 182 by Senator Fields

At the request of the author, Representative Marino offered a motion to voluntarily defer action on Senate Bill No. 182, which would provide relative to revocation of P.O.S.T. certification. Without objection, action on Senate Bill No. 182 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Marino, Bacala, Fontenot, Garofalo, Goudeau, LaFleur, Marcelle, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

Senate Bill No. 400 by Senator Fields

At the request of the author, Representative Marino offered a motion to voluntarily defer action on Senate Bill No. 400, which would provide for the administration of the Department of Public Safety and Corrections and public safety services. Without objection, action on Senate Bill No. 400 was voluntarily deferred by a vote of 11 yeas and 0 nays. Representatives Marino, Bacala, Fontenot, Garofalo, Goudeau, LaFleur, Marcelle, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

Senate Bill No. 206 by Senator Jackson

Senator Jackson presented Senate Bill No. 206, which requires the Louisiana Public Defender Board to annually enter into a contract with the University of Louisiana Monroe to provide certain statewide training.

On behalf of the author, Representative Marcelle offered an amendment to require any contracts formed pursuant to proposed law to use existing funds appropriated by the legislature.

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

Remy Voisin Starns, Louisiana Public Defender Board, 301 Main St., Ste. 700, Baton Rouge, LA 70825, (225) 219-9305, spoke for information only on Senate Bill No. 206.

Representative Marcelle offered a motion to report Senate Bill No. 206 with amendments. Without objection, Senate Bill No. 206 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Marino, Bacala, Fontenot, Garofalo, LaFleur, Marcelle, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

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

Senate Bill No. 335 by Senator Jackson

At the request of the author, Representative Marino offered a motion to voluntarily defer action on Senate Bill No. 335, which would provide for a juvenile in a correctional facility to serve additional time when he commits an assault or battery on an employee of the facility or another juvenile in the facility or a simple or aggravated escape. Without objection, action on Senate Bill No. 335 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Marino, Bacala, Fontenot, Garofalo, LaFleur, Marcelle, McCormick, Muscarello, Nelson, and Seabaugh voted yea.

Senate Bill No. 136 by Senator Connick

Senator Connick presented Senate Bill No. 136, which provides relative to protections for emergency room personnel, emergency services personnel, and healthcare professionals.

Tracey Moffatt, Ochsner Health, 1001 Julia St. 9C, New Orleans, LA 70113, (504) 842-8303, spoke in support of Senate Bill No. 136.

Dr. Dean Hickman, Ochsner Health, 1514 Jefferson Hwy., New Orleans, LA 70121, (504) 421-0041, spoke in support of Senate Bill No. 136.

Gene Sausse, 119 Estes St., Metairie, LA 70001, (504) 723-8868, spoke in support of Senate Bill No. 136.

Tim Burke, Acadian Ambulance, 5749 Susitna Dr., Ste. B, Harahan, LA 70123, (504) 374-2801, spoke in support of Senate Bill No. 136.

Representative Bacala in the chair.

Barksdale Hortenstine, Jr., Louisiana Association of Criminal Defense Lawyers, 2601 Tulane Ave., Ste. 700, New Orleans, LA 70119, (504) 247-6671, spoke in opposition to Senate Bill No. 136.

Darren Allemand, Jefferson Parish District Attorney's Office, 200 Derbigny St., Gretna, LA 70053, (504) 368-1020, spoke in support of Senate Bill No. 136.

Representative Villio offered a motion to report Senate Bill No. 136 favorably. Without objection, Senate Bill No. 136 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Bacala, Fontenot, Garofalo, LaFleur, McCormick, Muscarello, Nelson, Seabaugh, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 16 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: 2 in opposition. Copies of these statements are included in the committee records.

Senate Bill No. 66 by Senator Connick

Senator Connick presented Senate Bill No. 66, which enhances penalties for violation of a protective order when committed while in possession of a firearm.

Darren Allemand, Jefferson Parish District Attorney's Office, 200 Derbigny St., Gretna, LA 70053, (504) 368-1020, spoke in support of Senate Bill No. 66.

Representative Villio offered a motion to report Senate Bill No. 66 favorably. Without objection, Senate Bill No. 66 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Bacala, Fontenot, Garofalo, Goudeau, LaFleur, McCormick, Muscarello, Nelson, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 5 in support and 3 in opposition. Witness cards are included in the committee records.

Senate Bill No. 320 by Senator Henry

On behalf of the author, Randy Haynie, 1465 Ted Dunham Ave., Baton Rouge, LA 70802, (225) 235-4049, presented Senate Bill No. 320, which suspends certain requirements regarding the landbased casino contract.

Samir Moward, Caesars Entertainment, Harrah's New Orleans, 8 Canal St., New Orleans, LA 70130, (504) 533-6000, spoke in support of Senate Bill No. 320.

Representative Villio offered a motion to report Senate Bill No. 320 favorably. Without objection, Senate Bill No. 320 was reported favorably by a vote of 8 yeas and 0 nays. Representatives LaFleur, Bacala, Fontenot, Goudeau, McCormick, Muscarello, Nelson, and Villio voted yea.

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

House Bill No. 730 by Representative Duplessis

Representative Duplessis presented House Bill No. 730, which provides relative to parole eligibility for certain persons.

Will Harrell, Voice of the Experienced, 4930 Washington Ave., New Orleans, LA 70125, (504) 510-1007, spoke in support of House Bill No. 730.

Ivy Mathis, Voice of the Experienced, 4930 Washington Ave., New Orleans, LA 70125, (504) 510-1007, spoke in support of House Bill No. 730.

Dr. Rebecca Meriwether, Together Louisiana, 7744 Belfast St., New Orleans, LA 70125, (504) 223-4333, spoke in support of House Bill No. 730.

Darrell Miles, Together New Orleans and The First 72 Plus, 3808 General Pershing St., New Orleans, LA 70125, (504) 266-9099, spoke in support of House Bill No. 730.

Checo Yancy, Voice of the Experienced, 251 Florida St. # 201, Baton Rouge, LA 70801, (225) 270-5245, spoke in support of House Bill No. 730.

Maureen Shanahan, Voice of the Experienced, 3324 Octavia St., New Orleans, LA 70125, (310) 804-2107, spoke in support of House Bill No. 730.

Katie Hunter-Lowrey, Louisiana Survivors for Reform, 1024 Elysian Fields Ave., New Orleans, LA 70117, (504) 535-4912, spoke in support of House Bill No. 730.

Sister Bernadette Barrett, Delta Interfaith, 106 Ingram St., Lake Providence, LA 71254, (318) 351-0316, spoke in support of House Bill No. 730.

Pres Kalsacoff, 840 Pauline St., New Orleans, LA 70117, (504) 669-5613, spoke in support of House Bill No. 730.

Charles G. Hargon, 5148 Mimosa St., Baton Rouge, LA 70808, (225) 278-3300, spoke in support of House Bill No. 730.

Dominique Johnson, Daughters Beyond Incarceration, no address provided, (504) 906-0351, spoke in support of House Bill No. 730.

Ronald Marshall, Voice of the Experienced, 4930 Washington Ave., New Orleans, LA 70119, (504) 547-5704, spoke in support of House Bill No. 730.

Juanita Turner, Delta Interfaith, 161 Edgewood Dr., Lake Providence, LA 71254, (318) 559-0128, spoke in support of House Bill No. 730.

Representative Marino in the chair.

David Treppendahl, Together Louisiana, 12285 LA Hwy 965, St. Francisville, LA 70775, (225) 235-9213, spoke in support of House Bill No. 730.

Ardic Fields, Parole Project, 128 S. 11th St., Baton Rouge, LA 70802, (337) 552-4574, spoke in support of House Bill No. 730.

Kiana Calloway, 2808 Keithway Dr., Harvey, LA 70058, (504) 256-5003, spoke in support of House Bill No. 730.

Marjorie Taylor Beaufort, no address provided, Monroe, LA, spoke in support of House Bill No. 730.

Lady Carlson, TCA, 2019 Government St., Baton Rouge, LA 70806, (318) 880-7373, spoke in support of House Bill No. 730.

Betty DiMarco, Together Louisiana, 8221 Birch St., New Orleans, LA 70118, (504) 861-8261, spoke in support of House Bill No. 730.

Jacob Johnson, Calcasieu District Attorney's Office, 901 Lakeshore Dr., Lake Charles, LA 70601, (337) 437-3108, spoke in opposition to House Bill No. 730.

Robert S. Tew, 4th JDC district attorney, 400 St. John St., Monroe, LA 71201, (318) 388-4720, spoke in opposition to House Bill No. 730.

Representative Marcelle offered a motion to report House Bill No. 730 favorably, to which Representative Bacala objected. Representative Bacala offered a substitute motion to involuntarily defer action on House Bill No. 730, to which Representative Marcelle objected. The administrative assistant called the roll, and action on House Bill No. 730 was involuntarily deferred by a vote of 7 yeas and 5 nays. Representatives Bacala, Fontenot, Garofalo, Goudeau, Muscarello, Seabaugh, and Villio voted yea. Representatives Marino, LaFleur, Marcelle, McCormick, and Nelson voted nay.

Witness cards submitted by individuals who did not speak are as follows: 33 in support, 5 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: 4 in support. Copies of these statements are included in the committee records.

Senate Bill No. 449 by Senator Luneau

Senator Luneau presented Senate Bill No. 449, which authorizes the Natchitoches Parish Council to call a referendum election to allow video draw poker gaming in Natchitoches Parish.

Representative Villio offered a motion to report Senate Bill No. 449 favorably. Without objection, Senate Bill No. 449 was reported favorably by a vote of 8 yeas and 0 nays. Representatives Marino, Bacala, Goudeau, LaFleur, Marcelle, McCormick, Nelson, and Villio voted yea.

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

Senate Bill No. 161 by Senator Talbot

Senator Talbot presented Senate Bill No. 161, which increases penalty for the crime of carjacking.

On behalf of the author, Representative Muscarello offered an amendment to change the term of imprisonment from eight years to ten years. Representative Muscarello 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 8 yeas and 1 nays. Representatives Bacala, Garofalo, Goudeau, LaFleur, McCormick, Muscarello, Seabaugh, and Villio voted yea. Representative Marino voted nay.

Representative Villio offered a motion to report Senate Bill No. 161 with amendments. Without objection, Senate Bill No. 161 was reported with amendments by a vote of 8 yeas and 0 nays. Representatives Marino, Bacala, Garofalo, Goudeau, LaFleur, McCormick, Muscarello, and Villio voted yea.

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: 1 in support. Copies of these statements are included in the committee records.

Senate Bill No. 70 by Senator Talbot

Senator Talbot presented Senate Bill No. 70, which creates the crime of theft of a catalytic converter or engine control module and provides for dealer registration.

Representative Goudeau offered a motion to report Senate Bill No. 70 favorably, to which Representative Marino objected. The administrative assistant called the roll, and Senate Bill No. 70 was reported favorably by a vote of 8 yeas and 1 nays. Representatives Bacala, Garofalo, Goudeau, LaFleur, McCormick, Muscarello, Nelson, and Villio voted yea. Representative Marino voted nay.

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.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 1 in support and 2 in opposition. Copies of these statements are included in the committee records.

Senate Bill No. 36 by Senator Henry

On behalf of the author, Representative Marino presented Senate Bill No. 36, which provides relative to penalties for the crime of simple assault.

Representative Villio offered a motion to report Senate Bill No. 36 favorably. Without objection, Senate Bill No. 36 was reported favorably by a vote of 8 yeas and 0 nays. Representatives Marino, Bacala, Garofalo, LaFleur, McCormick, Muscarello, Nelson, and Villio voted yea.

Witness cards submitted by individuals who did not speak are as follows: 6 in support and 4 in opposition. Witness cards are included in the committee records.

House Bill No. 813 by Representative McCormick

Representative McCormick presented House Bill No. 813, which enacts the Abolition of Abortion in Louisiana Act of 2022.

Brian Gunter, First Baptist Church of Livingston, 17219 Schoolhouse Rd., Livingston, LA 70754, (318) 312-9861, spoke in support of House Bill No. 813.

Bradley Pierce, Foundation to Abolish Abortion, P.O. Box 402, Liberty Hill, TX 78642, (512) 598-1092, spoke in support of House Bill No. 813.

Dr. Will Hall, Louisiana Baptist Office of Public Policy, 1250 MacArthur Dr., Alexandria, LA 71309, (318) 449-4348, spoke in support of House Bill No. 813.

Zach Lautenschlager, Action for Life, 2297 N. 2600 E., Layton, UT 84040, (970) 573-1628, spoke in support of House Bill No. 813.

Tobie Thibodeaux, 201 Settlers Trace Blvd., Lafayette, LA 70508, (318) 453-6464, spoke in support of House Bill No. 813.

Brandi Melissa, P.O. Box 101, Baton Rouge, LA 70821, (225) 715-1739, spoke in support of House Bill No. 813.

Susan Raborn, 1323 Chippenham Dr., Baton Rouge, LA 70808, (225) 978-1490, spoke in support of House Bill No. 813.

Chris O'Baugh, Declaring Truth Ministry, 7406 Claremont Dr., Marrero, LA 70072, (504) 210-9873, spoke in support of House Bill No. 813.

Susan Hyland, 11116 Norway Pine Dr., Greenwell Springs, LA 70739, (907) 254-1213, spoke in support of House Bill No. 813.

Ellie Schilling, 909 Poydras St., New Orleans, LA 70112, (504) 680-6050, spoke in opposition to House Bill No. 813.

Sarah Omojola, 3014 Dauphine St., New Orleans, LA 70117, (504) 905-7967, spoke in opposition to House Bill No. 813.

Gwyneth O'Neil, 909 Poydras St., New Orleans, LA 70112, (504) 680-6050, spoke in opposition to House Bill No. 813.

Melissa Flournoy, Louisiana Progress Action, 650 N. 6th St., Baton Rouge, LA 70802, (225) 936-7200, spoke in opposition to House Bill No. 813.

Representative Garofalo offered a motion to report House Bill No. 813 favorably, to which Representative LaFleur objected. The administrative assistant called the roll, and House Bill No. 813 was reported favorably by a vote of 7 yeas and 2 nays. Representatives Bacala, Fontenot, Garofalo, Goudeau, McCormick, Muscarello, and Seabaugh voted yea. Representatives Marino and LaFleur voted nay.

Witness cards submitted by individuals who did not speak are as follows: 79 in support, 15 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: 4 in support. Copies of these statements are included in the committee records.

House Bill No. 672 by Representative Jordan

At the request of the author, Representative Marino offered a motion to voluntarily defer action on House Bill No. 672, which would eliminate asset forfeiture. Without objection, action on House Bill No. 672 was voluntarily deferred by a vote of 8 yeas and 0 nays. Representatives Marino, Bacala, Fontenot, Garofalo, Goudeau, LaFleur, McCormick, and Muscarello voted yea.

House Bill No. 839 by Representative Jordan

At the request of the author, Representative Marino offered a motion to voluntarily defer action on House Bill No. 839, which would provide relative to the insanity defense. Without objection, action on House Bill No. 839 was voluntarily deferred by a vote of 8 yeas and 0 nays. Representatives Marino, Bacala, Fontenot, Garofalo, Goudeau, LaFleur, McCormick, and Muscarello voted yea.

House Bill No. 431 by Representative Jordan

Representative Jordan presented House Bill No. 431, which provides relative to DNA database cross-referencing.

On behalf of the author, Representative Marino offered an amendment to prohibit the use of DNA obtained by a criminal justice agency from the victim of a sexually-oriented criminal offense from being used for the purpose of investigating the victim of the sexually-oriented offense if that victim is charged with or suspected of committing any criminal offense. 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 Marino, Bacala, Fontenot, Garofalo, Goudeau, LaFleur, Muscarello, Nelson, and Seabaugh voted yea.

Morgan Lamandre, Sexual Trauma Awareness and Response, 5615 Corporate Blvd., Ste. 200, Baton Rouge, LA 70808, (225) 615-7093, spoke in support of House Bill No. 431.

Representative Marino offered a motion to report House Bill No. 431 with amendments, to which Representative Bacala objected. The administrative assistant called the roll, and House Bill No. 431 was reported with amendments by a vote of 6 yeas and 4 nays. Representatives Marino, Fontenot, Goudeau, LaFleur, Muscarello, and Nelson voted yea. Representatives Bacala, Garofalo, Seabaugh, and Villio voted nay.

Witness cards submitted by individuals who did not speak are as follows: 15 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: 2 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 2:34 p.m.

Respectfully submitted,

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