

House Committee on Judiciary

Minutes of Meeting
2022 Regular Session
April 20, 2022

I. CALL TO ORDER

Representative Randal L. Gaines, chairman of the House Committee on Judiciary, called the meeting to order at 9:07 a.m. in Room 1, in the state capitol in Baton Rouge, Louisiana.

II. ROLL CALL

MEMBERS PRESENT:

Representative Randal L. Gaines, chairman
Representative Kathy Edmonston
Representative Jason Hughes
Representative Michael T. Johnson
Representative Edmond Jordan
Representative Mandie Landry
Representative Sherman Q. Mack, vice chairman
Representative Joseph A. Marino, III
Representative Nicholas Muscarello, Jr.
Representative Joseph A. Orgeron
Representative Charles Anthony Owen
Representative Thomas A. Pressly
Representative Alan Seabaugh

MEMBERS ABSENT:

None

STAFF MEMBERS PRESENT:

Robert A. Singletary, division director
Gabrielle Lewis, attorney
Zachary Gonzalez, attorney
Diane Merritt, committee administrative assistant

ADDITIONAL ATTENDEES PRESENT:

Michael McCain, clerk

Myrtis Jarrell, sergeant at arms

III. DISCUSSION OF LEGISLATION

House Bill No. 902 by Representative Villio

Representative Villio presented House Bill No. 902, which provides for an official state steam locomotive.

Walt Pierce, president, Louisiana Steam Train Association, P.O. Box 1084, Metairie, LA 70004, (504) 539-4600, testified in support of House Bill No. 902.

Representative Pressly offered a motion to report House Bill No. 902 favorably. Without objection, House Bill No. 902 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Mike Johnson, Landry, Mack, Muscarello, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

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

House Concurrent Resolution No. 66 by Representative Villio

Representative Villio presented House Concurrent Resolution No. 66, which provides for an official state steam locomotive.

Representative Hughes offered a motion to report House Concurrent Resolution No. 66 favorably. Without objection, House Concurrent Resolution No. 66 was reported favorably by a vote of 11 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Mike Johnson, Landry, Mack, Muscarello, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

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

House Bill No. 551 by Representative Illg

Representative Illg presented House Bill No. 551, which provides relative to delivery of alcohol.

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

- (1) Change the proposed law exemption from local permits for Class A, B, and C retailers to an exemption for all third-party delivery companies that have been issued a state permit.

(2) Prohibit delivery more than 20 miles from the place of purchase.

Representative Gaines offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 9 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Mike Johnson, Mack, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

Alton Ashy, Advanced Strategies, Inc., representing GoPuff, 218 Laurel St., Baton Rouge, LA 70801, (225) 936-1700, testified in support of House Bill No. 551.

Ernest Legier, Commissioner, office of alcohol and tobacco control, 7979 Independence Blvd., Baton Rouge, LA 70806, (225) 954-0178, testified for information only on House Bill No. 551.

Representative Hughes offered a motion to report House Bill No. 551 with amendments. Without objection, House Bill No. 551 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Mike Johnson, Landry, Mack, Muscarello, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

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

House Bill No. 199 by Representative Landry

Representative Landry presented House Bill No. 199, which provides for term limits for sheriffs.

Will Harrell, senior policy advisor, VOTE, 4930 Washington Ave., New Orleans, LA 70125, (504) 510-1007, testified in support of House Bill No. 199.

Checo Yancy, representing VOTE, 251 Florida St., Baton Rouge, LA 70802, (225) 270-5245, testified in support of House Bill No. 199.

Sheriff Greg Champagne, St. Charles Parish, 260 Judge E. Dufresne Pkwy., Luling, LA 70070, (985) 783-6237, testified in opposition to House Bill No. 199.

Sheriff Brett Stassi, Iberville Parish, P.O. Box 231, Plaquemine, LA 70765, (225) 776-2320, testified in opposition to House Bill No. 199.

Michael Ranatza, executive director, Louisiana Sheriffs' Association, 1175 Nicholson Dr., Baton Rouge, LA 70802, (225) 343-8402, testified in opposition to House Bill No. 199.

Representative Landry offered a motion to report House Bill No. 199 favorably, to which Representative Mike Johnson objected. The administrative assistant called the roll, and the motion failed to pass by a vote of 2 yeas, 9 nays, and 1 abstention. Representatives Landry and Orgeron

voted yea. Representatives Edmonston, Hughes, Mike Johnson, Mack, Marino, Muscarello, Charles Owen, Pressly, and Seabaugh voted nay. Representative Gaines abstained.

Witness cards submitted by individuals who did not speak are as follows: 6 in support and 48 in opposition. Witness cards are included in the committee records.

Representative Mack in chair.

House Bill No. 110 by Representative Marcelle

Representative Marcelle presented House Bill No. 110, which provides relative to the assignment of domestic violence matters in the Nineteenth Judicial District.

Judge Donald Johnson, 19th Judicial District Court, 300 N. Blvd., Baton Rouge, LA 70802, (225) 389-4734, testified for information only on House Bill No. 110.

Representative Marino offered a motion to report House Bill No. 110 favorably. Without objection, House Bill No. 110 was reported favorably by a vote of 9 yeas and 0 nays. Representatives Edmonston, Hughes, Jordan, Landry, Mack, Marino, Muscarello, Orgeron, and Pressly voted yea.

House Bill No. 223 by Representative Marcelle

Representative Marcelle presented House Bill No. 223, which provides relative to eligibility for the Reentry Court Specialty Program.

Judge William Knight, Ret., 20106 Hwy. 25, Franklinton, LA 70438, (985) 373-8146, testified in support of House Bill No. 223.

Natalie LaBorde, department of corrections, 664 Mayflower St., Baton Rouge, LA 70802, (337) 654-6718, testified for information only on House Bill No. 223.

Judge Glenn Ansardi, Ret., representing Louisiana District Court Judges Association, 400 Royal St., New Orleans, LA 70130, (504) 812-1337, testified for information only on House Bill No. 223.

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

- (1) Make technical changes.
- (2) Repeal a provision of present law (R.S. 13:5401(B)(1)(d)) that prohibits a defendant from participation in a workforce development sentencing program if the defendant is sentenced to a term of incarceration exceeding 10 years.

- (3) Remove references to specific crimes of violence.

Representative Marino offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 9 yeas and 0 nays. Representatives Edmonston, Mike Johnson, Landry, Mack, Marino, Muscarello, Orgeron, Pressly, and Seabaugh voted yea.

Representative Marino offered a motion to report House Bill No. 223 with amendments. Without objection, House Bill No. 223 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Edmonston, Mike Johnson, Landry, Mack, Marino, Muscarello, Orgeron, Pressly, and Seabaugh 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. 648 by Representative Hilferty

Representative Hilferty presented House Bill No. 648, which provides relative to the Crime Victims Reparations Act.

Amanda Tonkovich, chair, Crime Victims Reparations Board, 2525 N. Derbigny St., New Orleans, LA 70117, (206) 618-6317, testified in support of House Bill No. 648.

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

- (1) Restore provisions of present law.
- (2) Add language that states that the Crime Victims Reparations Board may evaluate the totality of the circumstances when determining whether to reduce or deny an award.
- (3) Change the amount of the award from \$10,000 to \$15,000 in the aggregate for all claims arising out of the same crime.
- (4) Make technical changes.

Representative Jordan offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Edmonston, Mike Johnson, Jordan, Landry, Mack, Marino, Muscarello, Orgeron, Pressly, and Seabaugh voted yea.

Gabrille A. Perry, P.O. Box 5471, Covington, LA 70434, (318) 792-3117, testified in support of House Bill No. 648.

Madi Masters, Louisiana Survivors for Reform, 1024 Elysian Fields Ave., New Orleans, LA 70117, (504) 529-5255, testified in support of House Bill No. 648.

Katie Hunter-Lowrey, Louisiana Survivors for Reform, 1024 Elysian Fields Ave., New Orleans, LA 70117, (504) 535-4912, testified in support of House Bill No. 648.

Collin Wade, 324 S. Pierce St., New Orleans, LA 70119, (337) 501-5371, testified in support of House Bill No. 648.

Rose Preston, Crime Survivors NOLA, 2237 Royal St., New Orleans, LA 70117, (504) 261-8328, testified in support of House Bill No. 648.

Representative Mike Johnson offered a motion to report House Bill No. 648 with amendments. Without objection, House Bill No. 648 was reported with amendments by a vote of 7 yeas and 0 nays. Representatives Edmonston, Mike Johnson, Jordan, Landry, Mack, Muscarello, and Orgeron voted yea.

Witness cards submitted by individuals who did not speak are as follows: 10 in support and 2 for information only. Witness cards are included in the committee records.

House Bill No. 255 by Representative Hilferty

Representative Hilferty presented House Bill No. 255, which repeals the termination date of Act 110 of the 2020 Regular Session of the Legislature of Louisiana, relative to the assessment, collection, and distribution of certain court costs and fees in the parish of Orleans.

On behalf of the author, Representative Jordan offered an amendment in the form of a substitute bill to change the termination date from July 1, 2022, to July 1, 2026. Representative Jordan offered a motion to adopt the amendment. Without objection, the amendment was adopted by a vote of 9 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jordan, Landry, Mack, Muscarello, Orgeron, and Charles Owen voted yea.

Judge Glenn Ansardi, Ret., representing Louisiana District Court Judges Association, 400 Royal St., New Orleans, LA 70130, (504) 812-1337, testified for information only on House Bill No. 223.

Representative Hughes offered an amendment to the substitute bill to change the termination date to one year. Representative Hughes offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 9 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jordan, Landry, Mack, Muscarello, Orgeron, and Charles Owen voted yea.

After a lengthy discussion, Representative Hughes offered a motion to voluntarily defer action on House Bill No. 255. Without objection, action on House Bill No. 255 was voluntarily deferred by

a vote of 8 yeas and 0 nays. Representatives Edmonston, Hughes, Jordan, Landry, Mack, Muscarello, Orgeron, and Charles Owen voted yea.

Witness cards submitted by individuals who did not speak are as follows: 11 in opposition. Witness cards are included in the committee records.

(Further action was taken by the committee on House Bill No. 255 at a meeting held on April 28, 2022. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 255.)

House Bill No. 489 by Representative Davis

Representative Davis presented House Bill No. 489, which provides relative to court costs in the Family Court of East Baton Rouge Parish.

Judge Hunter Greene, East Baton Rouge Family Court, 300 N. Blvd., Suite 4301, Baton Rouge, LA 70802, (225) 389-4678, testified for information only on House Bill No. 489.

Representative Muscarello stated that House Bill No. 489 does not have judicial council approval and that Representative Davis added language to the bill to specify that the increase in court costs or fees shall become effective upon approval by the judicial council.

Representative Mack offered a motion to report House Bill No. 489 favorably. Without objection, House Bill No. 489 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Edmonston, Mike Johnson, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, Pressly, 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.

House Bill No. 653 by Representative Davis

Representative Davis presented House Bill No. 653, which provides relative to court costs in the Family Court of East Baton Rouge Parish.

Representative Mack offered a motion to report House Bill No. 653 favorably. Without objection, House Bill No. 653 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Edmonston, Mike Johnson, Jordan, Landry, Mack, Muscarello, Orgeron, Charles Owen, Pressly, and Seabaugh 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. 533 by Representative Cormier

This is a continuation of the discussion on House Bill No. 533 from a meeting held on April 7, 2022. Please check for the prior action to complete the record of discussion and motions on House Bill No. 533.

Representative Cormier presented House Bill No. 533, which provides relative to cases handled by the attorney general.

Loren M. Lampert, executive director, Louisiana District Attorneys Association, 2525 Quail Dr., Baton Rouge, LA 70808, (225) 343-0171, testified in opposition to House Bill No. 533.

Charles J. Ballay, district attorney, 25th Judicial District, parish of Plaquemines, 333 F. Edward Hebert Blvd., Bldg. 201, Belle Chasse, LA 70037, testified in opposition to House Bill No. 533.

Representative Mack offered a motion to involuntarily defer action on House Bill No. 533. Without objection, action on House Bill No. 533 was involuntarily deferred by a vote of 11 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jordan, Landry, Mack, Marino, Muscarello, Orgeron, Charles Owen, and Seabaugh 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.

House Bill No. 743 by Representative Cormier

Representative Cormier presented House Bill No. 743, which requires clerks of court to be licensed to practice law in Louisiana.

Debbie D. Hudnall, executive director, Louisiana Clerks of Court Association, 10202 Jefferson Hwy., Baton Rouge, LA 70809, (225) 293-1160, testified in opposition to House Bill No. 743.

Representative Mack offered a motion to involuntarily defer action on House Bill No. 743. Without objection, action on House Bill No. 743 was involuntarily deferred by a vote of 10 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jordan, Mack, Marino, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 14 in opposition. Witness cards are included in the committee records.

House Bill No. 994 by Representative Bacala

On behalf of the author, Representative Mack offered a motion to voluntarily defer action on House Bill No. 994, which provides relative to reporting requirements for active felony cases in each judicial district. Without objection, action on House Bill No. 994 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jordan, Mack, Marino, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

House Bill No. 5 by Representative Bacala

Representative Bacala presented House Bill No. 5, which provides relative to group insurance expenses for certain clerks of court.

Representative Mack offered a motion to report House Bill No. 5 favorably. Without objection, House Bill No. 5 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jordan, Mack, Marino, Orgeron, Charles Owen, Pressly, 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.

House Bill No. 523 by Representative LaCombe

Representative LaCombe presented House Bill No. 523, which provides relative to private events at brewing facilities.

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

- (1) Change all private events to contracted private events and provide conditions for manufacturers or brewers to host such events.
- (2) Add an effective date upon signature of the governor.

Representative Mack offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jordan, Mack, Marino, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

Representative Edmonston offered a motion to report House Bill No. 523 with amendments. Without objection, House Bill No. 523 was reported with amendments by a vote of 10 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jordan, Mack, Marino, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 9 in support and 1 for information only. Witness cards are included in the committee records.

House Bill No. 313 by Representative Pressly

Representative Pressly presented House Bill No. 313, which provides relative to rights of victims of criminal offenses.

Representative Edmonston offered amendments to:

- (1) Specify that victims of violent crimes have the right to obtain their initial police report.
- (2) Remove the requirement that the forensic medical exam be free.
- (3) Add a cross reference to proposed law R.S. 40:1216.1(G) as provided by Senate Bill No. 147 of the 2022 Regular Session.
- (4) Make proposed law contingent on the enactment of Senate Bill No. 147 of the 2022 Regular Session.

Representative Edmonston offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 10 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Jordan, Mack, Muscarello, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

Morgan Lamandre, Sexual Trauma Awareness and Response, 5615 Corporate Blvd., Suite 200, Baton Rouge, LA 70808, (225) 615-7093, testified in support of House Bill No. 313.

Representative Pressly offered a motion to report House Bill No. 313 with amendments. Without objection, House Bill No. 313 was reported with amendments by a vote of 9 yeas and 0 nays. Representatives Edmonston, Hughes, Mike Johnson, Mack, Muscarello, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 9 in support 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: 10 in support. Copies of these statements are included in the committee records.

House Bill No. 719 by Representative Seabaugh

Representative Seabaugh presented House Bill No. 719, which provides for the salary of certain marshals.

Representative Seabaugh offered amendments to:

- (1) Authorize the marshal of the city court of Shreveport to receive the same fees as are payable to constables of justice of the peace courts, not to exceed 50% of the salary paid to the marshal.
- (2) Provide that the remainder of the fees and commissions collected shall be used to defray the operational and necessary expenses of the office of the marshal.

Representative Seabaugh offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 11 yeas and 0 nays. Representatives Gaines, Edmonston, Mike Johnson, Jordan, Mack, Marino, Muscarello, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

Representative Seabaugh offered a motion to report House Bill No. 719 with amendments. Without objection, House Bill No. 719 was reported with amendments by a vote of 11 yeas and 0 nays. Representatives Gaines, Edmonston, Mike Johnson, Jordan, Mack, Marino, Muscarello, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

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

House Bill No. 461 by Representative Jordan

Representative Jordan presented House Bill No. 461, which provides relative to mayors' courts.

Representative Jordan proposed an amendment to which Representative Mack suggested to defer action for one week so staff can work on the extensive amendments.

Representative Mack offered a motion to voluntarily defer action on House Bill No. 461. Without objection, action on House Bill No. 461 was voluntarily deferred by a vote of 10 yeas and 0 nays. Representatives Gaines, Mike Johnson, Jordan, Mack, Marino, Muscarello, Orgeron, Charles Owen, Pressly, and Seabaugh voted yea.

Witness cards submitted by individuals who did not speak are as follows: 8 in support and 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: 1 in support and 36 in opposition. Copies of these statements are included in the committee records.

(Further action was taken by the committee on House Bill No. 461 at a meeting held on April 28, 2022. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 461.)

Representative Gaines in chair.

House Concurrent Resolution No. 27 by Representative Mike Johnson

Representative Mike Johnson presented House Concurrent Resolution No. 27, which memorializes congress to reject recommendations and support the continued operation of the Alexandria Veterans Affairs Medical Center.

Representative Mike Johnson offered a motion to report House Concurrent Resolution No. 27 favorably. Without objection, House Concurrent Resolution No. 27 was reported favorably by a vote of 10 yeas and 0 nays. Representatives Gaines, Hughes, Mike Johnson, Landry, Mack, Marino, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

House Bill No. 248 by Representative Willard

Representative Willard presented House Bill No. 248, which provides relative to Robert E. Lee Day and Confederate Memorial Day.

Representative Hughes offered a motion to report House Bill No. 248 favorably. Without objection, House Bill No. 248 was reported favorably by a vote of 12 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Mike Johnson, Jordan, Landry, Mack, Marino, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

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

House Bill No. 258 by Representative Landry

Representative Landry offered a motion to voluntarily defer action on House Bill No. 258, which provides relative to the qualifications of jurors. Without objection, action on House Bill No. 258 was voluntarily deferred by a vote of 12 yeas and 0 nays. Representatives Gaines, Edmonston, Hughes, Mike Johnson, Jordan, Landry, Mack, Marino, Muscarello, Orgeron, Charles Owen, and Seabaugh voted yea.

(Further action was taken by the committee on House Bill No. 258 at a meeting held on April 28, 2022. Please check for the subsequent action to complete the record of discussion and motions on House Bill No. 258.)

IV. OTHER BUSINESS

There was no other business.

V. ANNOUNCEMENTS

There were no announcements.

VI. ADJOURNMENT

The meeting was adjourned at 1:01 p.m.

Respectfully submitted,

Chairman Randal L. Gaines
House Committee on Judiciary