

House Committee on Administration of Criminal Justice

Minutes of Meeting
2023 Regular Session
April 25, 2023

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 9:01 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 Marcus Anthony Bryant
Representative Kathy Edmonston
Representative Bryan Fontenot
Representative Raymond E. Garofalo, Jr.
Representative Jonathan Goudeau, I
Representative Valarie Hodges
Representative Dodie Horton
Representative Alonzo L. Knox
Representative Vanessa Caston LaFleur
Representative C. Denise Marcelle
Representative Nicholas Muscarello, Jr.
Representative Alan Seabaugh
Representative Debbie Villio

MEMBERS ABSENT:

None

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
Allie Eaves, clerk

III. DISCUSSION OF LEGISLATION**House Bill No. 90 by Representative Stefanski**

Representative Stefanski presented House Bill No. 90, which provides relative to penalties for distribution or possession with intent to distribute fentanyl or carfentanil.

Michael Ranatza, Louisiana Sheriffs' Association, 1175 Nicholson Dr., Baton Rouge, LA 70802, (225) 343-8402, spoke for information only on House Bill No. 90.

Smita Prasad, M.D., Louisiana Society of Addiction Medicine, no address provided, (504) 300-9330, spoke for information only on House Bill No. 90.

Greg Caudill, M.D., Louisiana Society of Addiction Medicine, no address provided, (504) 300-9330, spoke for information only on House Bill No. 90.

Barton Conradi, 343 3rd St., Ste. 301, Baton Rouge, LA 70801, (225) 338-1300, spoke in support of House Bill No. 90.

Terry Landry, Jr., SPLC Action Fund, 201 St. Charles Ave., New Orleans, LA 70170, (504) 376-6291, spoke in opposition to House Bill No. 90.

Meghan Garvey, Louisiana Association of Criminal Defense Lawyers, 504 Lakeland Ave., Baton Rouge, LA 70802, (504) 343-7175, spoke in opposition to House Bill No. 90.

Stephanie L. Willis, ACLU of Louisiana, P.O. Box 56157, New Orleans, LA 70157, (504) 522-0628, spoke in opposition to House Bill No. 90.

Bruce Reilly, Voice of the Experienced, 4930 Washington Ave., New Orleans, LA 70125, (504) 758-9420, spoke in opposition to House Bill No. 90.

Commander Tanner Jenkins, East Baton Rouge Sheriff's Office, 8900 Jimmy Wedell Dr., Baton Rouge, LA 70807, (225) 389-3051, spoke in support of House Bill No. 90.

Representative Horton offered a motion to report House Bill No. 90 favorably, to which Representative Marino objected. The administrative assistant called the roll, and House Bill No. 90 was reported favorably by a vote of 12 yeas and 1 nay. Representatives Bacala, Fontenot, Garofalo, Goudeau, Hodges, Horton, Knox, LaFleur, Marcelle, Muscarello, Seabaugh, and Villio voted yea. Representative Marino voted nay.

Witness cards submitted by individuals who did not speak are as follows: 8 in support and 20 in opposition. Witness cards are included in the committee records.

House Bill No. 75 by Representative Villio

Representative Villio presented House Bill No. 75, which provides relative to penalties for distribution or possession with intent to distribute fentanyl or carfentanil.

Speaker Clay Schexnayder, 6473 Hwy. 44, Ste. 205, Gonzales, LA 70737, (225) 473-6016, spoke in support of House Bill No. 75.

Representative Villio offered amendments to:

- (1) Provide relative to distribution of fentanyl or carfentanil which causes serious bodily injury; and
- (2) Change the citation reference of such action in the present law list of crimes of violence.

Representative Villio offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bryant, Fontenot, Garofalo, Goudeau, Hodges, Horton, Knox, LaFleur, Muscarello, Seabaugh, and Villio voted yea. Representative Marino abstained.

Michael Ranatza, executive director, Louisiana Sheriffs' Association, 1175 Nicholson Dr., Baton Rouge, LA 70802, (225) 343-8402, spoke in support of House Bill No. 75.

Sheriff Sid Gautreaux, East Baton Rouge Parish Sheriff, 8900 Jimmy Wedell Dr., Baton Rouge, LA 70807, (225) 301-3271, spoke in support of House Bill No. 75.

Barton Conradi, 343 3rd St., Ste. 301, Baton Rouge, Louisiana 70801, (225) 338-1300, spoke in support of House Bill No. 75.

Angelle Mixson, Millie Mattered, 10664 Sherrie Ln., Denham Springs, LA 70726, (225) 397-8686, spoke in support of House Bill No. 75.

Pamela Rivas, 2244 Stonehenge Ave., Baton Rouge, LA 70802, (225) 252-2224, spoke in support of House Bill No. 75.

Captain Tanner Jenkins, East Baton Rouge Sheriff's Office, 8900 Jimmy Wedell Dr., Baton Rouge, LA 70807, (225) 389-5051, spoke in support of House Bill No. 75.

Bruce Reilly, Voice of the Experienced, 4930 Washington Ave., New Orleans, LA 70125, (504) 758-9420, spoke in opposition to House Bill No. 75.

Meghan Garvey, Louisiana Association of Criminal Defense Lawyers, 504 Lakeland Ave., Baton Rouge, LA 70802, (504) 343-7175, spoke in opposition to House Bill No. 75.

Stephanie L. Willis, ACLU of Louisiana, P.O. Box 56157, New Orleans, LA 70157, (504) 522-0628, spoke in opposition to House Bill No. 75.

Smita Prasad, M.D., Louisiana Society of Addiction Medicine, no address provided, (859) 327-4236, spoke for information only on House Bill No. 75.

Peter Robins-Brown, Louisiana Progress Action, 650 N. 6th St., Baton Rouge, LA 70802, (504) 256-8196, spoke for information only on House Bill No. 75.

Representative Bacala in the chair.

Greg Caudill, M.D., Louisiana Society of Addiction Medicine, no address provided, (859) 327-4236, spoke for information only on House Bill No. 75.

Representative Marino in the chair.

Representative Bacala offered a motion to report House Bill No. 75 with amendments. Without objection, House Bill No. 75 was reported with amendments by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bryant, Edmonston, Garofalo, Goudeau, Hodges, Horton, Knox, LaFleur, Marcelle, Seabaugh, and Villio voted yea. Representative Marino abstained.

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

House Bill No. 357 by Representative Huval

Representative Huval presented House Bill No. 357, which creates the Acadiana Regional Juvenile Justice District.

M. Bofill Duhe, 16th Judicial District Attorney, 300 Iberia St., Ste. 200, New Iberia, LA 70560, (337) 389-4420, spoke in support of House Bill No. 357.

Chester Cedars, St. Martin Parish President, 301 Port St., St. Martinville, LA 70582, (337) 394-2200, spoke in support of House Bill No. 357.

Meghan Garvey, 2601 Tulane Ave., New Orleans, LA 70119, (504) 343-7175, spoke in support of House Bill No. 357.

Representative Bryant offered a motion to report House Bill No. 357 favorably. Without objection, House Bill No. 357 was reported favorably by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bryant, Edmonston, Garofalo, Goudeau, Horton, LaFleur, Muscarello, and Villio voted yea. Representative Marino abstained.

Witness cards submitted by individuals who did not speak are as follows: 9 in support and 3 in opposition. Witness cards are included in the committee records.

House Bill No. 359 by Representative Gregory Miller

Representative Gregory Miller presented House Bill No. 359, which creates a Juvenile Justice District to include the parishes of Ascension, Assumption, St. Charles, St. James, and St. John the Baptist.

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

- (1) Make technical changes; and
- (2) Provide that the special court costs or fees shall become effective upon approval by the Judicial Council.

Representative Bacala offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 7 yeas, 0 nays, and 1 abstention. Representatives Bacala, Edmonston, Goudeau, Horton, LaFleur, Muscarello, and Villio voted yea. Representative Marino abstained.

Chief Judge Tim Marcel, 29th Judicial District Court, 15045 River Rd., Hahnville, LA 70057, (985) 783-2923, spoke for information only on House Bill No. 359.

Dan Claitor, Louisiana Center for Children's Rights, 7520 Perkins Rd. #170, Baton Rouge, LA 70805, (225) 757-0159, spoke for information only on House Bill No. 359.

Guy Cormier, Police Jury Association of Louisiana, 707 N. 7th St., Baton Rouge, LA 70802, (225) 343-2835, spoke in support of House Bill No. 359.

Representative Bacala offered a motion to report House Bill No. 359 with amendments. Without objection, House Bill No. 359 was reported with amendments by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bryant, Edmonston, Garofalo, Goudeau, Horton, LaFleur, Muscarello, and Villio voted yea. Representative Marino abstained.

Witness cards submitted by individuals who did not speak are as follows: 9 in support and 3 in opposition. Witness cards are included in the committee records.

House Bill No. 416 by Representative Bishop

At the request of the author, Representative Marino offered a motion to voluntarily defer action on House Bill No. 416, which provides relative to threats, attempts, or acts of violence through bomb threats by a minor child. Without objection, action on House Bill No. 416 was voluntarily deferred by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bryant, Edmonston, Garofalo, Goudeau, Horton, LaFleur, Muscarello, and Villio voted yea. Representative Marino abstained.

House Bill No. 24 by Representative Newell

Representative Newell presented House Bill No. 24, which provides for the decriminalization of marijuana possession and distribution.

Chareese "Queen" Haile, Esq., Belle Terre Law Firm, 2900 Westfork Dr., Ste. 401, Baton Rouge, LA 70827, (225) 443-9592, spoke in support of House Bill No. 24.

Kevin Caldwell, Marijuana Policy Project, 1108 Hwy. 484, Natchez, LA 71456, (504) 914-1404, spoke in support of House Bill No. 24.

Dr. Will Hall, Louisiana Baptist Office of Public Policy, 1250 MacArthur Dr., Alexandria, LA 71303, (318) 449-4348, spoke in opposition to House Bill No. 24.

Representative Marcelle offered a motion to report House Bill No. 24 favorably. Representative Garofalo offered a substitute motion to involuntarily defer action on House Bill No. 24, to which Representative Marcelle objected. The administrative assistant called the roll, and action on House Bill No. 24 was involuntarily deferred by a vote of 9 yeas, 4 nays, and 1 abstention. Representatives Bacala, Edmonston, Fontenot, Garofalo, Goudeau, Hodges, Horton, Seabaugh, and Villio voted yea. Representatives Bryant, Knox, LaFleur, and Marcelle voted nay. Representative Marino abstained.

Witness cards submitted by individuals who did not speak are as follows: 21 in support, 19 in opposition, and 1 for information only. Witness cards are included in the committee records.

Representative Bacala in the chair.

House Bill No. 14 by Representative Firment

Representative Firment presented House Bill No. 14, which provides relative to Schedule I of the Uniform Controlled Dangerous Substances Law.

Representative Marino in the chair.

Laura Pate, 551 2nd St., Colfax, LA 71417, (318) 451-1217, spoke in support of House Bill No. 14.

Steven McCain, Grant Parish Sheriff, 205 Cypress St., Colfax, LA 71417, (318) 627-2035, spoke in support of House Bill No. 14.

Councilman Atley Walker, Jr., West Baton Rouge Parish Council, P.O. Box 1135, Brusly, LA 70719, (225) 324-7139, spoke in support of House Bill No. 14.

Keri Villar, 18231 Little Prairie Rd., Prairieville, LA 70769, (225) 910-3086, spoke in support of House Bill No. 14.

Erin Stanchfield, Life House, 10565 Life House St., St. James, LA 70086, (225) 644-3762, spoke in support of House Bill No. 14.

Abigail Brown, 1349 N. Tobey Ave., Gonzales, LA 70797, (337) 240-1924, spoke in support of House Bill No. 14.

Deborah Melvin, 322 Cedar Tree Dr., Thibodaux, LA 70301, (985) 856-1221, spoke in support of House Bill No. 14.

Melissa Vidrine, 2136 Hwy. 93, Sunset, LA 70584, (337) 945-4367, spoke in support of House Bill No. 14.

Dr. Jan Laughinghouse, Capital Area Human Services, 7389 Florida Blvd., Ste. 100A, Baton Rouge, LA 70806, (225) 922-2700, spoke in support of House Bill No. 14.

Todd Tullier, Ascension Parish Sheriff's Office, 828 S. Irma Blvd., Gonzales, LA 70737, (225) 621-8340, spoke for information only on House Bill No. 14.

Mac Haddow, American Kratom Association, 13575 Heathcote Blvd., Gainesville, VA 20155, (571) 294-5978, spoke in opposition to House Bill No. 14.

Peter Robins-Brown, Louisiana Progress Action, 650 N. 6th St., Baton Rouge, LA 70802, (504) 256-8196, spoke in opposition to House Bill No. 14.

Paul Schexnaydre, 10644 Dodger Dr., Denham Springs, LA 70726, (225) 964-2937, spoke in opposition to House Bill No. 14.

Bruce Reilly, Voice of the Experienced, 4930 Washington Ave., New Orleans, LA 70125, (504) 758-9420, spoke in opposition to House Bill No. 14.

Chad M. Rogers, 3137 Calhoun St., New Orleans, LA 70125, (504) 949-6669, spoke in opposition to House Bill No. 14.

Representative Garofalo offered a motion to report House Bill No. 14 favorably, to which Representative Marcelle objected. The administrative assistant called the roll, and House Bill No. 14 was reported favorably by a vote of 8 yeas and 7 nays. Representatives Bacala, Edmonston, Fontenot, Garofalo, Hodges, Horton, Seabaugh, and Villio voted yea. Representatives Marino, Bryant, Goudeau, Knox, LaFleur, Marcelle, and Muscarello voted nay.

Witness cards submitted by individuals who did not speak are as follows: 23 in support, 44 in opposition, and 2 for information only. Witness cards are included in the committee records.

House Bill No. 54 by Representative Schlegel

Representative Schlegel presented House Bill No. 54, which provides relative to the discretion of the district attorney to prosecute a juvenile as an adult for certain offenses.

Douglas Rushton, Jefferson Parish District Attorney's Office, 200 Derbigny St., Gretna, LA 70053, (504) 368-1020, spoke in support of House Bill No. 54.

Representative Bacala offered a motion to report House Bill No. 54 favorably. Without objection, House Bill No. 54 was reported favorably by a vote of 12 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bryant, Edmonston, Fontenot, Garofalo, Goudeau, Horton, Knox, LaFleur, Muscarello, Seabaugh, and Villio voted yea. Representative Marino abstained.

Witness cards submitted by individuals who did not speak are as follows: 10 in support and 14 in opposition. Witness cards are included in the committee records.

House Bill No. 84 by Representative Schlegel

Representative Schlegel presented House Bill No. 84, which provides relative to disposition of juveniles after adjudication of certain felony-grade delinquent acts.

Loren M. Lampert, Louisiana District Attorneys Association, 2525 Quail Dr., Baton Rouge, LA 70808, (225) 343-0171, spoke in support of House Bill No. 84.

Representative Goudeau offered a motion to report House Bill No. 84 favorably, to which Representative Marcelle objected. The administrative assistant called the roll, and House Bill No. 84 was reported favorably by a vote of 11 yeas, 1 nays, and 1 abstention. Representatives Bacala, Bryant, Edmonston, Fontenot, Garofalo, Goudeau, Horton, Knox, LaFleur, Muscarello, and Villio voted yea. Representative Marcelle voted nay. Representative Marino abstained.

Witness cards submitted by individuals who did not speak are as follows: 7 in support and 15 in opposition. Witness cards are included in the committee records.

House Bill No. 160 by Representative Hilferty

Representative Hilferty presented House Bill No. 160, which provides relative to rights of victims of alleged delinquent acts.

On behalf of the author, Representative Marino offered an amendment to restructure language pertaining to the rights of the victim or the designated member of the victim's family in a case involving homicide or injury of a minor. Representative Marino offered a motion to adopt the proposed amendment. Without objection, the amendment was adopted by a vote of 11 yeas, 0 nays, and 1 abstention. Representatives Bacala, Bryant, Edmonston, Garofalo, Goudeau, Horton, Knox, LaFleur, Muscarello, Seabaugh, and Villio voted yea. Representative Marino abstained.

Meghan Garvey, Louisiana Association of Criminal Defense Lawyers, 504 Lakeland Ave., Baton Rouge, LA 70802, (504) 343-7175, spoke in opposition to House Bill No. 160.

Checo Yancy, Voice of the Experienced, 251 Florida St. #201, Baton Rouge, LA (225) 270-5245, spoke in opposition to House Bill No. 160.

Representative Villio offered a motion to report House Bill No. 160 with amendments. Without objection, House Bill No. 160 was reported with amendments by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Bacala, Edmonston, Garofalo, Goudeau, Horton, LaFleur, Muscarello, Seabaugh, and Villio voted yea. Representative Marino abstained.

Witness cards submitted by individuals who did not speak are as follows: 7 in support and 8 in opposition. Witness cards are included in the committee records.

House Concurrent Resolution No. 7 by Representative Charles Owen

On behalf of the author, Representative Marino offered a motion to voluntarily defer action on House Concurrent Resolution No. 7, which memorializes Congress to take necessary actions to halt the

influx of fentanyl from Mexico and China into the United States. Without objection, action on House Concurrent Resolution No. 7 was voluntarily deferred by a vote of 9 yeas, 0 nays, and 1 abstention. Representatives Bacala, Edmonston, Garofalo, Goudeau, Horton, LaFleur, Muscarello, Seabaugh, and Villio voted yea. Representative Marino abstained.

House Bill No. 144 by Representative Thomas

Representative Thomas presented House Bill No. 144, 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. 144.

Sarah Whittington, Justice and Accountability Center, 4035 Washington Ave., New Orleans, LA 70125, (504) 372-4056, spoke in opposition to House Bill No. 144.

Meghan Garvey, Louisiana Association of Criminal Defense Lawyers, 504 Lakeland Ave., Baton Rouge, LA 70802, (504) 343-7175, spoke in opposition to House Bill No. 144.

Representative Garofalo offered a motion to report House Bill No. 144 favorably. Without objection, House Bill No. 144 was reported favorably by a vote of 8 yeas, 0 nays, and 1 abstention. Representatives Bacala, Edmonston, Garofalo, Goudeau, Horton, LaFleur, Muscarello, and Villio voted yea. Representative Marino abstained.

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

House Bill No. 208 by Representative Seabaugh

Representative Seabaugh presented House Bill No. 208, which lowers the age for consideration as a juvenile in the criminal justice system.

Representative Seabaugh offered amendments to:

- (1) Make technical changes; and
- (2) Specify that a child who is 17 years of age at the time of a commission of a crime of violence is subject to the exclusive jurisdiction of the appropriate court exercising criminal jurisdiction.

Representative Seabaugh offered a motion to adopt the proposed amendments. Without objection, the amendments were adopted by a vote of 8 yeas, 0 nays, and 1 abstention. Representatives Bryant,

Edmonston, Fontenot, Garofalo, Goudeau, Horton, Seabaugh, and Villio voted yea. Representative Marino abstained.

Loren M. Lampert, executive director, Louisiana District Attorneys Association, 2525 Quail Dr., Baton Rouge, LA 70808, (225) 343-0171, spoke in support of House Bill No. 208.

Charles Amos, Voice of the Experienced, 4930 Washington Ave., New Orleans, LA 70125, (504) 294-9100, spoke in opposition to House Bill No. 208.

Meghan Garvey, Louisiana Association of Criminal Defense Lawyers, 504 Lakeland Ave., Baton Rouge, LA 70802, (504) 343-7175, spoke in opposition to House Bill No. 208.

Daniel Claitor, Louisiana Center for Children's Rights, 7520 Perkins Rd. #170, Baton Rouge, LA 70808, (225) 757-0159, spoke in opposition to House Bill No. 208.

Courtney Rogers, Agenda for Children, 8300 Earheart Blvd. Ste. 201, New Orleans, LA 70118, (504) 442-4683, spoke in opposition to House Bill No. 208.

Kristen A. Rome, Louisiana Center for Children's Rights, 1100-B Milton St., New Orleans, LA 70122, (504) 382-6690, spoke in opposition to House Bill No. 208.

Representative Seabaugh offered a motion to report House Bill No. 208 with amendments, to which Representative LaFleur objected. The administrative assistant called the roll, and House Bill No. 208 was reported with amendments by a vote of 9 yeas and 3 nays. Representatives Bacala, Edmonston, Fontenot, Garofalo, Goudeau, Hodges, Horton, Seabaugh, and Villio voted yea. Representatives Marino, Bryant, and LaFleur voted nay.

Witness cards submitted by individuals who did not speak are as follows: 4 in support, 26 in opposition, and 2 for information only. Witness cards are included in the committee records.

Statements submitted in accordance with House Rule 14.33 in lieu of appearing before the committee are as follows: 4 in opposition. Copies of these statements are included in the committee records.

IV. ANNOUNCEMENTS

There were no announcements.

V. ADJOURNMENT

The meeting was adjourned at 2:56 p.m.

Respectfully submitted,

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